

**‘THE EU POLICY GAME’- ‘DISCERNABLE MULTILEVEL INTERACTIONS
CYCLE’; CASE OF THE EU BIODIVERSITY POLICY IN THE UK**

by
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*Hayatımın en değerlileri,
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&
Bitaneçiđim Gürol Gür'e*

ABSTRACT

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European Union (EU) has entered into a rapid and dynamic integration process especially after mid 1980s and this situation has brought many questions in mind regarding the changes of Union’s functioning, policy making and implementation processes. Whilst this dissertation is closely connected to these questions, main discussion point is finding an answer to the question of in which kind of framework European Union policy making, implementation and post implementation processes function today. The main attempt in the dissertation is to look at the EU from a new perspective. In this direction, in the Union, policy making, implementation and post-implementation processes are functioning in some sort of a system that all the member states are (the UK in our example) in contact with all related actors out of the central government bodies in order to ensure integration in every EU policy areas (our example is biodiversity policy). In conclusion, this new situation is defined in the dissertation as ‘discernible multilevel interactions cycle’. That’s to say, today, in the EU policy making, implementation and post implementation processes, different actors play active role in various levels with different methods and this circumstances happen in a cyclical mode in that a result of one process feeds the other process and this goes on in a chain.

ÖZET

‘AVRUPA BİRLİĞİ POLİTİKA OYUNU’- ‘GÖRÜLEBİLİR ÇOKLU ETKİLEŞİM DÖNGÜSÜ’: İNGİLTERE’DE AVRUPA BİRLİĞİ BİYOLOJİK ÇEŞİTLİLİK POLİTİKASI

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Anahtar Kelimeler: Çoklu Yönetişim, Görülebilir Çoklu Etkileşim Döngüsü, Avrupa Birliği, Biyolojik Çeşitlilik, İngiltere

Avrupa Birliği özellikle 1980’lerin ortasından itibaren hızlı ve dinamik bir bütünleşme süreci içerisine girmiş ve bu durum birliğin nasıl işlediği, karar alma ve uygulama sistemlerinin nasıl değiştiği sorularını da beraberinde getirmiştir. Bu tezde ele aldığımız konu da bu sorularla birebir bağlantılı olmakla birlikte, asıl tartıştığı konu şu an Avrupa Birliği’nde karar alma, uygulama ve uygulama sonrası sistemlerin hangi çerçeve içerisinde işlediği ile alakalıdır. Tezde göze çarpan en önemli çaba Avrupa Birliği’ne yeni bir pencereden bakmaya çalışmak olmuştur. Bu doğrultuda, Avrupa Birliği’nde karar alma, uygulama ve uygulama sonrası süreçlerin, bugün, bir sistem içerisinde işlediği farkedilmektedir. Avrupa Birliği üyesi her devlet (örneğinizde İngiltere), Birliğin her alanda (örneğinizde Çevresel Çeşitliliğin Korunması) entegrasyonun sağlanması konusunda merkezi devlet organlarının dışında her türlü oyuncuyla ciddi bir etkileşim halindedir. Sonuç olarak bu durum tezimizde ‘Görülebilir Çok Düzeyli Etkileşim Döngüsü’ yaklaşımıyla ifade edilir. Kısaca açıklamak gerekirse, bugün Avrupa Birliği politika yapım, uygulama ve uygulama sonrası süreçlerinde, farklı düzeylerle farklı aktörler değişik yöntemlerle etkin olabilmekte ve bu durum döngüsel şekilde işleyerek, bir sürecin sonucu diğer bir süreci besleyebilmektedir.

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List of Abbreviations

| | |
|---------|--|
| BAPs | Biodiversity Action Plans |
| BTF | Biodiversity Task Force |
| CBD | Convention on Biological Diversity |
| CFP | Common Fisheries Policy |
| COREPER | Committee of Permanent Representatives |
| DG | Directorate-General (of the European Commission) |
| DoE | Department of the Environment (UK) |
| EAPs | Environmental Action Plans |
| EC | European Community |
| ECJ | European Court of Justice |
| ECSC | European Coal and Steel Community |
| EEA | European Environment Agency |
| EP | European Parliament |
| ERT | European Round Table of Industrialists |
| EU | European Union |
| LI | Liberal Intergovernmentalism |
| LINK | Wildlife and Countryside Link |
| NGO | Non-governmental Organizations |
| QMV | Qualified Majority Voting |
| RSNC | Royal Society for Nature Conservation |
| RSPB | Royal Society for Protection of Birds |
| SEA | Single European Act |
| SPAs | Specifically Protected Areas |
| SSSIs | Sites of special scientific interest |
| UK | United Kingdom |
| WWF | World Wide Fund for Nature |

INTRODUCTION

This dissertation attempts to reveal current policy making and implementation trend in the EU by studying one of the policy areas in the EU, namely the biodiversity conservation in one of the Member States of the EU, the United Kingdom (UK). The main arguments of the study get inspiration from the multilevel governance approach. These arguments focus on the ‘governance trend’ in the EU and the ‘multilevelness’ of the policy processes. Moreover, they stress the evident existence of ‘policy cycle’ such that all related actors (stakeholders) willingly collaborate, cooperate, and coordinate with each other continuously at various levels. They all have a consciousness of the importance of this interaction to promote their joint purposes further. In this context, the main arguments of this dissertation are:

1. Multilevel governance approach is a suitable starting point to understand how the EU is functioning today and it brings new discussion arena on the roles of stakeholders in EU policy game, different from the approaches of macro European integration theories, such as liberal intergovernmentalism.

2. Member States have a consciousness that they have entered a ‘club’ that has certain obligations to be a member, so they are aware of the fact that, at least in the 1st Pillar (Community issues), there is a necessity to work in cooperation, coordination, and collaboration with all related actors.

3. The increasing trend of governance in world politics can not be ignored and the EU policy cycle demonstrates the existence of this trend openly. In this cycle, although there are power asymmetries between the related stakeholders, central governments ‘inevitably’ adopt themselves to this trend under the pressure of the membership consciousness and world dynamics, in some sort of a ‘learning process’.

4. Whilst the central governments have learned to take all stakeholders into account related to the policies of the EU, on the other hand, subnational entities have also learned to exploit all suitable channels to reach their aims, and this learning processes can not be turned back.

5. More significant than all, this study does not aim to create a new theory or approach, but intends to display ongoing philosophy behind the policy process of the EU.

In addition to these, the concept of ‘discernible multilevel interactions cycle’ is central to the entirety of the dissertation because it is an attempt to demonstrate this newly emerging picture. The aim of using this sort of a concept is not to shape new kind of theory, but indicating the existing situation that all Member States are in everyday. In one policy area, there are many actors working on this policy and they are all aware of their existence. These actors may have differing degrees of power and purposes. However, they all come to the same point to work together to reach their own aims. In the light of these assertions, our main hypothesis aims to test the impact of Multilevel Governance in the UK, an EU member country with a centralized administrative tradition, to assess to what extent discernible multilevel interactions cycle is valid. Towards this end, the environmental policy area has been selected.

Today, in the EU, not only EU institutions and Member State governments are playing the policy game, but all related non-governmental organizations and sub-governmental actors are contributing to the game. Their actions have influence on each other and therefore not in a linear process, but in a cyclical process one action of one actor have impact on other process and actors. This means that pre-decision making process affects decision making processes and related actors in these processes affect some other actors. Moreover, implementation process affects the post implementation processes due to the feedbacks that come from implementations. At these stages again same or different actors play roles and they interact with each other. After post implementation process, new feedbacks appear and these shape the decisions taken and Member States may take new decisions and continue to implement. All these interactions happen in a cyclical mode and all stakeholders have to some degrees influence on each other at some levels. Therefore, the terms of multilevelness and cyclical actions are used for our study.

Furthermore, there is interaction between all stakeholders due to inevitable demand coming from each of them. All central governments and EU institutions have learned to work in collaboration, cooperation and coordination because there is no way to decide on the policies and take all responsibilities alone. These key actors have experienced the efficiency of working together on the policy processes. Therefore, we used the term ‘discernible’ to define the general picture of the policy processes in the

EU due to the fact that the increasing inclusion of the related actors to the policy processes and their influence on the formation of the decisions and implementation can be seen easily. The creation of new policies and their implementations display only one picture: although the influences of the stakeholders on the policy processes differ according to their competencies, EU, today, is completely the picture of multilevel and multi-actor based interactions cycle that can be observed easily. In the dissertation we will try to testify our hypotheses on ‘discernible multilevel interactions cycle’ and determine whether it exists or not.

In addition to these attempts, in the first chapter of this study, the origins of multilevel governance in the EU Studies will be analyzed with brief historical background. In order to understand the multilevel governance as an approach inspiring our vision in this dissertation, liberal intergovernmentalism will be revisited to demonstrate how multilevel governance established itself. It can be asserted that no single theory can explain EU governance at all levels of analysis. Trying to devalue the broad “macro” theories or approaches of EU integration, such as liberal intergovernmentalism, to shape this study becomes such a naïve initiative. However, the idea that these theories are so powerful theoretical tools for explaining the major “history-making” decisions, but they lose their explanatory power on “policy setting” or “policy shaping and implementing” areas, can not be ignored.

In addition, the three main arguments of Hooghe and Marks shaping the multilevel governance approach will strongly reinforce our framework of the theoretical background. One of these arguments is that, decision making competencies are shared by actors at different levels rather than monopolized by national governments. Second, collective decision making among states involves significant loss of control for individual governments. Third, political arenas are interconnected rather than nested. While national arenas remain important for the formation of national government priorities, the multilevel government model rejects the view that subnational actors are nested exclusively within them. The significant and new contribution of the multilevel governance, different from liberal intergovernmentalism, can be seen within its emphasis on the crucial role of the connections between the supranational-national-subnational actors on policy-making and implementation stages. In the end, it is realized that, the multilevel governance is more than an approach, but an established philosophy.

In the third chapter, as the part of environmental policy of the EU, the biodiversity policy will be discussed to test some of our arguments in the EU policy making and

implementation laboratories. The aim of choosing this policy area is so clear that in today's highly developing industrial world, the business and environmental sector relations are so problematic due to their efforts to co-exist in the developmental process. Therefore, since economic and environmental clash of interests is so deep and there can no more important subject in the world than stopping loss of biodiversity in relation with the importance of "Life on Earth", this study will focus on this policy area of the EU. Moreover, this study will stress the increasing number of actors playing the biodiversity policy game. In this respect, first of all, a brief history of the policy will be mentioned by focusing on EU's growing attention to this policy area. In continuation, current picture of the process and main dynamics of this policy will be discussed including the 6th Environmental Action Plan, Biodiversity Strategy, Biodiversity Action Plans, LIFE Nature financial support for these strategies and plans, and as an important part of EU legislation on this issue, the Birds and Habitats Directives. These dynamics are indeed the main steps to explore which actors play which roles in this policy area of the EU. Environmental strategies and action plans are the maps of the environmental projects or policy areas that give directions to member states to aim and reach the environmental goals of the EU. Therefore, 6th Environmental Action Plan is the latest map for the current member states to digest and take the suitable steps to implement the biodiversity policy in their countries. In this direction, Biodiversity Strategy is the specific strategy area of the EU Environmental policy that is closer to the member states' implementation departments. Biodiversity Action Plans of the Member States, therefore, originates from these Strategies. In this chain of policy making and implementation, all stakeholders join the process directly or indirectly to reach the determined goals in a 'discernible multilevel interactions cycle'.

Consistently, in the fourth chapter, the UK was chosen as a case state for the projections of multilevel interactions, decision making processes, and developments regarding the EU Biodiversity policy. This study will try to demonstrate how multilevel governance approach affects the power of the central government to control the policy-making and implementing arena. Although the huge amount of study on the unchanged dominant status of the central governments in this country that is originating from its centralist background, our aim is to reveal the changing environment in policy-making and implementation levels. At this juncture, 'British political tradition' will be revisited and changing dynamics of this tradition will be mentioned by referring to the effects of the local government/non-state actors and the EU Institutions. In addition, one other

reason to choose the UK as a case state is that it is commonly associated with the role of an environmental ‘Euro-skeptic’. The UK’s opposition to Commission drafts and positions of “greener member states” have led to dramatic stand-offs, problematic negotiations, and the perception that this state is a ‘laggard’. In the light of these, the aim is to stress the importance of multilevel governance as a theoretical framework and its impact on the changing nature of the UK policy making and implementation, having to take account of all national stakeholders as well as the supranational bodies. Therefore, all these discussions will help us to reveal the intricacies of UK’s adaptation to EU Biodiversity policy and the implementation style she has chosen. Our analysis will start from internal and external dynamics that this member of the EU has. First, the Westminster and Whitehall relations, changing role of local governments, and British devolution will be revisited. Secondly, the EU membership and the alignment of this country with EU environmental governance system will be focused on. Following part will integrate the biodiversity policy process into the British political life, and so display how connections direct us to see ‘discernible multilevel interactions cycle’ in this policy area.

Our attention in these analyses will focus on the changing relationship between central-sub-state/local, central-non-state, and central-supra-state actors in decision making and implementation processes. This analysis will contribute to the study in the direction that, while multilevel governance has its own limitations as an organizing perspective for understanding the changing nature of the British state, it captures elements of change and directs our attention to new ways in which the state seeks to exercise control in this new context of multilevel interactions cycle.

Above all, this dissertation is the picture of theoretical and normative study based on ‘discernable multilevel interactions cycle’ of EU policy processes. In the entirety of the study, the new way of understanding and attempt to demonstrate this will be witnessed. The main aim is to look at EU from the perspective of general picture of ‘discernible multilevel interactions cycle’ and display one alternative way of seeing EU formation.

CHAPTER ONE

THEORETICAL FRAMEWORK: MULTILEVEL GOVERNANCE APPROACH *'an inspiration for the general framework'*

I.1. The Origins of Multilevel Governance: EU Studies (brief historical background)

The EU policy process does not simply occur at the EU level but it penetrates in complex ways into national political and legal systems. Thus, in recent years, the term 'multilevel governance' has become commonplace in EU studies to capture the peculiar character of EU multilevel interactions cycle. Although not accepted as a theory, the main arguments of the multilevel governance approach have been discussed in European studies related to its validity to explain the complex web of interconnectedness between the European, national, and sub national levels of decision making. Moreover, multilevel governance is used to display the drift of institutional changes in the European Union which are the turning points in the integration process. With these changes, multilevel governance shows how competencies are diffused between the interdependent institutions and how these institutions are forced to work together automatically in the policy making process with the effect of formal and informal checks and balances.

In looking at the historical background of the creation of this approach, we are directed to the mid to late 1980s when the 'new wave' of thinking emerged with the deepening of the integration process; as a result of governments' collective willingness to complete the internal market, as in the Single European Act (SEA) (1987). The Member States have recognized that achieving a single market would require greater majority voting (Shackleton 2002:98).

In this context, the SEA brought new attention to regional policy, setting up a new Title V on Economic and Social Cohesion and arguing that the need to ‘clarify and rationalize’ the use of structural funds which were seen as a side-payment to poorer Member States (such as Greece, Portugal and Spain). For the anticipated consequences of the internal market programme, the national governments agreed to double allocations of structural funding to assist the development of disadvantaged regions (McCormick 2002:126). Further reforms related to the regional policy and the main principles of new reforms were shaped similarly: first of all, funds were formed under objectives (like Objective 1-2-3 Programmes, EQUAL, INTERREG, LEADER, URBAN Programmes etc). Secondly, the Commission (as one of the supranational institutions of the EU), Member States, and regional authorities (and/or local) began to work in ‘partnership’¹ in order to plan, implement and monitor use of the Funds. Finally, ‘additionality’ of Community contributions was observed.²

In addition, more changes related to the regional policy were constructed by the Maastricht Treaty, under which Committee of Regions³ were established. This treaty enabled the regions, which have autonomous governments with a ministerial structure, to represent their states in the Council of Ministers. Therefore, as M. Keating indicated, Maastricht was the high point of the ‘Europe of the Regions’ movement in which regions sought recognition as a ‘third level’ of European government (Keating 2002: 214). In summary, this historically established framework, the core of the new wave of thinking after the mid 1980s, led scholars especially, G. Marks and L. Hooghe to work on multilevel governance approach. This framework of multilevel governance inspires our vision in order to shape this study in line with the ‘discernable multilevel interactions cycle’ argument to look at the ‘European Union game’.

¹ For further information see European Commission Employment and Social Affairs, ‘The 1988 Reform of the Structural Funds. New Way of Working, from http://ec.europa.eu/employment_social/esf/en/overview/chapter2.htm

² For further information see European Parliament Fact Sheets, ‘Economic and Social Cohesion’, 10/08/2000, from http://www.europarl.eu.int/factsheets/4_4_1_en.htm

³ For further information see European Union Committee of the Regions official web site from <http://www.cor.eu.int>, (23 October, 2006)

I.2. Understanding Multilevel Governance

As indicated before, multilevel governance approach is the main inspiration of the whole of this dissertation due to its wide perspective stressing on the significance of the existence of multilevel, multi-actor based interactions in the European Union policy making and implementation processes. In this line, it can be argued that although this approach is not fully fledged theory like European integration theories, it still fills the empty areas that they couldn't do before. In the dissertation, multilevel governance approach will be discussed after giving the main arguments of liberal intergovernmentalism because it will be truly important to see the contributions of liberal intergovernmentalism to European studies and then realize where multilevel governance approach is settled itself. Another reason that necessitates explaining liberal intergovernmentalism at this point is also the common points that this theory and multilevel governance approach have regarding the acceptance of increasing numbers of actors and multilevel interactions in European politics.

I.2.1. Main Arguments of Liberal Intergovernmentalism

Liberal intergovernmentalism is one of the most important political theories that explains European integration process and created by Andrew Moravcsik. This theory can be seen some sort of a reaction against rigid intergovernmentalists that they established intergovernmentalism on realist arguments, mainly state centricism, state interests, sovereignty, zero-sum game and so on. In line of these, intergovernmentalism argued that European Coal and Steel Community could only be thought in the Cold War atmosphere, this formation could only be thought as cooperation, not as integration, this European cooperation could only be subservient of nation state, and finally this cooperation established due to the similar interests of nation states.

In addition to these, Moravcsik has provided more moderate kind of intergovernmental vision to explain European integration in 'Preferences and Power in the European Community' (1993). His arguments was formed around the liberal intergovernmentalist arguments that 'initially presented as a framework for synthesizing

theories into a coherent account of large EU decisions taken under unanimity, though it can be applied to other types of decisions as well' (Dinan 2000:280). The theory emerged on the idea of negotiated policy coordination between Member States of the EU to manage economic interdependence in an intergovernmentalist environment.

In analyzing Moravscik's work, the influence of Putnam's theory of 'two-level games' (1988) is clearly perceived. Putnam argues that the first game is played within domestic realm by explaining how states shape their policy preferences (or national interests). The second game, on the international realm, includes the striking of interstate bargains. As Rosamond (2000:136) put it:

Putnam's core point is that national executives play games in two arenas more or less simultaneously. At the domestic level, power-seeking/enhancing office holders aim to build coalitions of support among domestic groups. At the international level, the same actors seek to bargain in ways that enhance their positions domestically by meeting the demands of key domestic constituents.

While the effects of Putnam's theory show us the arenas in which the nation states engage in a co-operation in the context of LI, we can also divide the main components of the theory into three. The first argument clearly emerges from the intergovernmentalist vision that assumes *rational state behavior*, which means [that] the actions of states are thought to be based on their own ideas on what are judged to be the most appropriate means of achieving their goals. As Moravscik demonstrates, 'European integration can best be explained as a series of rational choices made by national leaders' (1998:18).

The second argument is a liberal theory of *national preference formation* that draws on a domestic politics approach. The main proposition is that the state goals can be shaped by domestic pressures and interactions that come from the constraints and opportunities deriving from economic interdependence. The leading societal factors can provoke an international demand for co-operation. As Moravscik has stated: 'the vital interest behind General de Gaulle's opposition to British membership in the EU...was not the pursuit of French *grandeur* but was the price of French wheat' (Moravscik 1998:7).

At this point, the domestic political process should be analyzed in detail. Moravscik demonstrates that 'state behavior reflects the rational actions of governments constrained at home by domestic societal pressures and abroad by their strategic environment' (1993:474). Therefore, the 'two level games' turns to the multi-

dimensional actors arena in which the preferences of national governments are shaped by domestic societal forces, ‘the identity of important societal groups, the nature of their interests, and their relative influence on domestic policy’ (1993:483) and also the outside environment of international arena, that includes the EU as well.

As a third argument, one other intergovernmentalist interpretation of ‘inter-state relations’ can be mentioned which emphasizes the key role of governments in determining the relations between states and sees the outcome of negotiations between governments as essentially being determined by their *relative bargaining powers* and the advantages that accrue to them by striking agreements (Nugent 2003: 482).

Under the light of these components of the LI theory, the two important stages on which the decision making process in the EU is shaped by Member States and that each of which is grounded in one of the classic integration theories. (Hix 1999:15) In the first stage, there is a ‘*demand*’ for European integration from domestic economic and social stakeholders. They have economic interests and compete for these interests to be defended by national governments in EU decision making. More clearly, the domestic interests should be channeled by the national government to be promoted in the EU.

In the second stage, supply for the European integration emerges from intergovernmental bargains such as Treaty reforms and budgetary agreements. At this point, in opposition to the classic realist theory of IR, Moravscik argues these bargains can result in positive-sum outcomes due to the fact that the state preferences are driven by economic rather than geopolitical interests. Furthermore, state preferences are not fixed with the effect of different groups can win the domestic political contest (Hix 1999:15).

In addition to these inter state bargaining arguments; Moravscik also does not forget to mention the effects of supranational actors on the European integration process. LI elaborates the idea that international (European) institutions are established to develop the efficiency of interstate bargaining. The agreements are usually reached on a lowest common denominator basis, with clear limits placed on the transfer of sovereignty to supranational agents. (Cini 2003:103) This argument can be elaborated in the wordings of Moravscik that ‘to secure the substantive bargains they had made...governments delegated and pooled sovereignty in international institutions for the express purpose of committing one another to co-operate’ (Moravscik 1998:3-4). Therefore, supranational institutions are established not just for the sake of interests of

nation states, but also in favor of a healthier environment in which the bargaining can take place and agreements for the integration are developed.

Consistent with all these, Moravscik (1999) uses to five key episodes in the construction of the EU in order to implement his theory to the European integration process: The negotiation of the Treaties of Rome (1955-8), the consolidation of the common market and the Common Agricultural Policy (CAP)(1958-83), the setting up of the first experiment in monetary co-operation and of the European Monetary System (EMS)(1969-83), the negotiation of the Single European Act (SEA)(1984-8), and the negotiation of the Treaty on European Union (TEU)(1988-1991).

On the basis of these case studies, Moravscik (1999) concludes in the following arguments: preferences of national governments, not the preferences of supranational organizations shape the major agreements in favor of Europe. Second, the balance of economic interests, rather than the balance of political interests of national governments leads to these national preferences. Third, the relative bargaining power of the states affects negotiation results and the delegation of decision-making authority to supranational institutions points to the willingness of governments to guarantee that the commitments of all parties to the agreement would be carried through rather than the federalist ideology or a belief in the inherent efficiency of international organizations (George and Bache 2001:14).

In conclusion, Moravscik's liberal intergovernmentalist theory presents a serious challenge for competing models that seek to explain the European integration process (Rosamond 2000:145). His work should be seen as a strongly useful instrument for organizing data and constructing empirical studies. However, because liberal intergovernmentalism advances such a clear and, in important respects, almost uncompromising framework, and because it is seen by many as just not fitting the facts in an era of multiple international actors and complex interdependence between states, it has inevitably been exposed to criticism (Nugent 2003:483).

I.2.2. Main Arguments of Multilevel Governance

As mentioned before, this chapter presents liberal intergovernmentalism in summary to prepare ground for understanding multilevel governance approach by

touching upon their main arguments and displays how multilevel governance has established itself. Moreover, some critics of liberal intergovernmentalism are provided due to the fact that critics of liberal intergovernmentalism can help to understand main dynamics of multilevel governance approach.

In this line of thinking, four criticisms are particularly worth noting. First, Moravcsik is too selective with his empirical references when seeking to demonstrate the validity of his framework in the EU context (Nugent 2003:483). More particularly, his theory can be applied on the majority of 'history-making' decisions (Peterson 1995). However, it is not so possible to explain the way in which the EU works in matters of day-to-day politics.

Second, LI focuses too much on the formal and final stages of decision-making and generally ignores the informal integration as well as the constraints that such integration imposes on the formal decision-makers. Third, the 'black box' of the state is not analyzed in details and it disaggregates the different parts of government. The 'state' may be broken down into its component parts while related to the policy making process in any organization, community, and formation. In addition, it is argued that the 'two-level game' metaphor does not display the reality of EU politics today-and that the EU is now much more of a multilevel than a two-level polity (Cini 2003:106). In connection with these, the theory doesn't take the constraints faced by key policy makers seriously. That is to say, the effects of supranational institutions such as the Commission and the ECJ, and transnational actors such as the firms and interest groups in the European integration process are not fully taken into account. Pollack's analysis (1997) demonstrates how, although supranational institutions are inclined to work within the boundaries set by member-state preferences, they also have opportunity to exploit the differences between these preferences in order to promote their own independent agendas. To make this argument more concrete, Cowles analyzes on the role of non-state 'transnational' actors by focusing on the inability of liberal intergovernmentalist theory to explore the roles of the key non-state actors in the 1992 process. According to Cowles, the single market programme was not solely the product of conventional statecraft. Nor were Member States' actions are estimated merely on the basis of domestic interest group interaction, as mentioned by a recent version of liberal intergovernmentalism. Cowles asserts that "indeed, the story of the ERT [European Round Table of Industrialists] points to the fact that non-state actors-- and in particular,

multinational enterprises-- also play two-level games in EC policy-making” (1995:521-2).

I.2.2.1. Multilevel Governance and “Discernible Multilevel Interaction Cycle” Analysis

The evolution from the European Coal and Steel Community (ECSC) of the 1950s into the EU of today can be seen as a multi-faceted process. While the EU has sometimes witnessed history-making decisions taken by policy-makers, there were also day-to-day politics issues on the agenda. While on the one hand some issues were high politics issues, sometimes they were low-politics issues also. However, there was a time that the European integration process has changed its face without any possibility to return back to old days: the mid-1980s. After the Single European Act opened the single market, discussions on the distributional impacts of integration began again. This time the debate was clearly done in the language of relative wealth and poverty. With the effect of the single market aim, the EU policy process has turned the distributional policy-making that is the allocation of resources to different groups, sectors, regions, and countries, whether intentionally or not. (Wallace 2000:31) For example, the policy makers began to utilize the term ‘cohesion’ (a commitment to interest in economic and social divergence, and the needs of the more backward regions and social groups). Also, the ‘structural funds’ as the main spending mechanism includes programmes and projects for, on the other hand, regional and local authorities. Therefore, this point in time has led to the opening of direct contacts between the European and the infra-national levels of government, and the politics that developed around them that resulted in the term ‘multilevel governance’ to characterize this new policy mode (2000:31).

I.2.2.2. Ongoing Trend: Governance

In the last thirty years, the idea of the capacity of the state to control or direct society and the extent to which the institutions of central government retain monopoly on political power has become clearly discussed. The next step has been the question of ‘What is government?’ According to Kooiman, ‘governing was basically regarded as

one-way traffic from those governing to those governed'(2000:142). Therefore 'governance' should include the idea of some sort of switch from this one-way traffic to explain the transformation of the nature of the way of central governments do their jobs. Among the efforts to explain this transformation in the world politics, the EU studies had also its place due to the same trend that the policy makers began to implement. Governance by and within the Union is developing towards a model of political organization which cannot be adequately described anymore by the concept of the externally and internally sovereign state (Jachtenfuchs 1997:39). Endogenous and exogenous dynamics lead to a new kind of European political system: this is characterized by the fusion between instruments, procedures, and networks from several levels of public policies (Wessels 1992). This fusion was the clearly apparent phenomenon and unavoidably began to be accepted among the EU with the consciousness of the 'drift of authority away from government, hence the term 'governance without government' (Rosenau and Czemprei 1992).

In fact, the term in general emerged from the inclination to the idea of 'centreless society' in today's more interaction based society. The main assertion related to the concept of governance is the recognition that there is not one but many centers of power which tie a whole variety of actors each other, be they at the local, regional, national, or supranational level (Richards and Smith 2002:14).

However, the appearance of this sort of trend to accept the existence of multi-actor based society has to include some reasons to explain why central governments come to the acceptance point of this situation, what are the challenges to their institutional strengths. Pierre (2000:1) claims that the 'external' factors such as the deregulation of financial markets and subsequently increased volatility of international capital that has left the state without much of its traditional capacity to govern the economy. Subnational governments have become more stubborn against the state; cities and regions-frequently with the effect of attempts related to the ethnic and cultural identification-are placing themselves in the international arena, searching for bypassing central state institutions and interests. (Le Gales 2002). On the other hand, new public management (NPM)-deregulation, contracting-out, agencification, privatization have been seen as 'internal' factors that created the unintended consequences of the appearance of quasi-autonomous relationships in order to mimic market style relationship has increased the level of fragmentation and created a complex bureaucratic topography (Bache and Flinders 2004:36).

The argument is that an outcome of all these changes has been decreasing the power of the central government or ,as it is seen in the European Union, ‘the gradual shift from a Weberian form of modern government towards the institutionalization of post-Weberian governance’(Wiener 1998:319).

From these arguments, the discourses of rigid intergovernmentalists on state sovereignty and zero-sum game notions have left its place to the clear signs of the ongoing trend in world politics on the way to ‘governance’. This trend also points to the nature of the policy processes that contain a variety of actors playing different games in arenas on various times. According to Rhodes (1997:15), ‘Governance refers to self-organizing, inter-organizational networks characterized by interdependence, resource exchange, rules of the game and significant autonomy from the state’. This networks system leads to the decisions which are not produced by a ‘one-way traffic’, such as a democratically elected legislative assembly and government, but instead ‘arise from the interaction of a plethora of public and private, collective and individual actors’ (Christiansen and Piattoni 2003: 6).

This character of ‘governance’ is very crucial because today’s policy making processes can not be understood by looking at the one screen, but can be realized by looking at an ever-increasing variety of terrains and actors involved in the making of public policy under the light of the argument of the ‘discernible multilevel interaction cycle’. In this focus on the term to multilevel interactions on decision making, it can be also asserted that governance is apart from what governments do. Here also systems of rules operate as the purposive activities of any collectivity that sustain mechanisms designed to insure its safety, prosperity, coherence, stability, and continuance’ (Rosenau 1992; 2000:171).

Clearly, the increased participation of non-governmental actors in the EU game makes us to realize the increasingly ‘complex state-society relationship in which actors are prominent in policy-making and the state’s primary role is policy co-ordination rather that direct policy control’ (Bache and Flinders 2004:35). In these complex state-society relationships, Brussels has become an ‘open city’ for all kinds of intermediary groups. For example, the number of officially declared interest groups has increased from around 200 (1960) to some 2,200 (1995); differentiated and fragmented forms of involvement led over the 1980s to approximately 10,000 lobbyists working in Brussels in 1990 (Andersen and Eliassen 1991; Commission 1992b; Kohler-Koch 1992); and

meetings organized by the Commission assemble- again in a very rough approximation- 30,000 participants per year (Wessels and Rometsch 1996).

To sum up, the 'governance without government' ideal can be seen as a kind of trend in the world politics, in particularly the EU. The state coordinates between the rules, roles, games away from the grasping the decision making power by accepting the challenges that it is exposed to in the changing world environment.

I.2.2.3. 'Multilevelness' in the EU Policy Processes

If the roles of the nation states are changing in the EU system, then the questions of who are the new players in the game and what are the institutional challenges to the gatekeeping capacity of national executives in the EU system wait for an answer. The reality of the EU's growing competence in a wide range of policy domains above the nation state is standing there. In addition, the issue of activation of both the sub-regional and sub-local level in recent years in some policy domains is indisputable. Because, it becomes increasingly common for sub-national actors and supra-national actors to communicate directly without working through the national level while we are mentioning about the multilevel interactions of different actors in the EU policy making and implementation processes. Then, in order to explore the changing nature of EU, firstly the roles of the formal players of this system should be analyzed and then other actors should be placed inside the informal networks of interaction.

As one of the most crucial institutions of the EU, the European Commission is seen as an effective bureaucracy of the Union, composed of officials organized into directorates-generals. In general terms, the Commission's role is as an advisory body and executor on policy matters. Due to its broadness and huge capacity of expertise within the EU, the Commission has an extremely considerable affect on the whole range of decisions made within Europe. The Commission is the creator of most EU policy proposals, and, for many, the key agent in the whole of the decision-making process.

In principle, the Council of Ministers and European Council are seen as the main decision-making bodies of the EU. The Council of Ministers, composed of ministers of European governments for key policy areas, decides on the one hand, related to EU policy in areas under first pillar through Qualified Majority Voting (QMV), on the other

hand through unanimity in the second and third pillar issues. However, due to these councils relatively infrequent meetings, the Committee of Permanent Representatives (COREPER) makes the majority of decisions via the national officials there. Moreover, the Council mostly comes to ‘common positions’, which have frequently to be reconciled with amendments to legislation proposed by MEPs in a ‘conciliation procedure’ with the emergence of joint decision-making procedure (Wallace 2000a:19). Additionally, the European Council, a summit meeting of the leaders of the EU Member States, generally makes decisions affecting the overall direction and future of the EU.

Another actor in the EU system, the European Parliament (EP), while a consultative body in decision making process, has now extended its role to one where in a wide variety of areas it is involved in joint decision-making with the Council of Ministers. With each of the treaty reforms, the EP has gained new powers and turned into ‘a force to be reckoned with’ (Wallace 2000a:21).

Finally, the other crucial institution of the EU is the European Court of Justice (ECJ), a critical player for the EU legislation by interpreting and ruling on EU legislation. The most crucial motivating factor of the role of ECJ in the EU is that the ECJ has been setting up the supremacy of EU law over national law, and thus has a significant influence on the process of implementation of the EU policies.

While these institutions portray the formal institutional structure of the arena that the actors are playing their roles on the way of decision making and implementation processes, apart from this, other actors behind the scenes help us to explore the real nature of the ‘European Union game’. They are of all kinds interest groups and sub-governmental actors. The Single European Act had opened the way for the increasing influence of these interest groups, and they began to mobilize in the arena of the Community policy issues by reaching Brussels directly (Marks and McAdam 1996). Due to the fact that agenda setting is a crucial issue in the EU, most of the European institutions have inevitable demands over this agenda. Although the Commission has the major role in initiation process, it has to take into account of all other stakeholders’ needs to combine the demands. Therefore, the Commission has to be responsive to these formal and informal actors of the system.

To sum up, the EU is a non-hierarchical negotiation system in which decisions are to be shaped by extensive consultation, combining the demands of private and public actors even before draft proposals are presented, and yet more discussions across the policy making organs of the Union, and between Europe-level actors and member state

representatives in the actual decision-making process. The effects of informal network of influence in the EU system have not ended with decision making process. This influence is also seen also at the implementation of policies. According to the Commission report, some 3,000 interest groups and lobbies employing about 10,000 people were based in Brussels in 1992. Among these are the 500 'Euro-groups' which aggregate interests at the European level (McLaughlin and Greenwood 1995) and some 150 offices in Brussels, representing regional and local authorities (Hooghe and Marks 2001:15). Fourth chapter's case study relates to the emergence and development of biodiversity policy issue in the UK. The entirety of interest groups have inevitable effects not only on decision making processes, but also on continuing watch the process of implementation to guarantee the outcomes reached within domestic policy processes involving actors not just at the national level, but also the regional and local level as well as participation (or at least compliance) from the private sector.

I.2.2.4. Result: 'European Union Multilevel Interactions Game'- 'Multilevel Governance is more than an Approach, an Established Philosophy'

This game is represents something more of the European integration process that the all theories, approaches, explanations, and concepts mention. As a deductive point of view or looking at the EU game from the 'outside', it seems some sort of an accumulation of procedures, systems, rules, actors, and so on. It is a kind of arena where different interests are driven. However, in its essence, the EU is, in simplest terms, a picture of an image of 'multilevel interactions cycle'. This study does not aim to identify the most important players in decision making and implementation, which processes are shaped in which ways, or what kind of dynamics leads the EU's continuation. Our effort is to display the ongoing nature of the EU by focusing on the 'governance' phenomenon with its multilevel framework of interaction. As was mentioned earlier, the multilevel governance strongly inspires to reach this aim. However, our effort is not to create new kind of approach or theory, but to display the EU's pluralist philosophy.

In this context, characterizing the EU as just a different state form is extremely difficult. The reality is that the EU does not replace the nation state, but creates suitable

environment for the development of new forms of political conflict, dependence, and interdependence. States need the EU to provide markets, political security, and transnational response to international and global problems (Richards and Smith 2002:163). The EU can therefore be seen as some sort of inter-feeding system of states of the Europe where Member States exist with each other and because of each other. That is to say, this conscious formation of Member States exists to demand regulations that affect all spheres of life of all Member States. Thus, the Member States, consciously, permitted to increase ‘the scope and depth of policy making at the EU-level. For example, the EU has almost completed the internal market and has absorbed the institutional reforms of the Single European Act (1986), which established QMV in the Council of Ministers, and increased the power of the EP. The Maastricht Treaty (1993) further expanded EU competencies and the scope of QMV in the Council, provided the EP with a veto on certain types of legislation’ (Marks et al. 1996: 343).

Step-by-step, the Member States are aligned with the Community with their own willingness under the influence of ‘governance’ trend and multilevel stakeholders. For example, the difficulty of the controlling the Commission, the problems with agreeing to restrain the process of integration, the unique informational base of the Commission, the regulatory powers of the Commission and the European Court of Justice, and the unintended consequences of institutional change all make it difficult for national governments to control the EU (Richards and Smith 2002:151). From this argument, it is understood that central governments began to be away from the ‘gatekeeping role’ on the EU levels of policy making: and, secondly, that engagement at the European level resulted in an opportunity to strengthen a phenomenon of regionalization. As Wallace mentioned, one way of understanding the policy process of the EU is as the junction-box that is as a concentrated point of intersection, interaction, and filtering, between country-based institutions and processes, and the wider international context (2000:32).

Social science theories generally do not satisfy everyone. Whatever phenomena they try to explain and whatever forms they take, they are almost invariably are criticized for being deficient in many aspects. Commonly identified deficiencies include focusing on only part of the phenomena under examination, being too general in scope and/or formulation, excessively time-bound, and insufficiently empirically grounded (Nugent 2003: 486). However, multilevel governance can have a suitable framework and inspiration to show us the entirety of the picture: the ‘discernable multilevel interactions cycle’.

As applied to the EU, this kind of ‘governance perspective ‘is that character of politics and government at the European and national levels turned into a system of multilevel, non-hierarchical, deliberative and apolitical governance, via a complex web of public/private networks and quasi-autonomous executive agencies (Hix, 1998:54). In addition, rather than thinking about the extent to which Europe has become ‘integrated’, it is helpful to explore, as the multilevel governance approach examines, how the centre of authority have shifted over the past half-century in the EU.

In order to understand the philosophy behind the multilevel governance approach, we should examine the main arguments of it. According to the creators of the approach, the multilevel governance version of the EU is a ‘set of overarching, multilevel policy networks [where]...the structure of political control is variable, not constant across policy space’ (Marks, Hooghe, and Blank 1996:41).

Following the scheme advanced by Marks, Hooghe and Blank (1996), three main characteristics that shape the heart of the multilevel governance model of the EU can be mentioned. One is that decision-making competences are exercised by, not only national governments but also institutions and actors at other levels. The most important of these levels is the EU level, where supranational actors-of which the most important are the Commission, the EP, and the ECJ-, are identified as exercising an independent influence on policy processes and policy outcomes. In many Member States, subnational levels are also seen as important, with regional and local authorities able to engage in policy activities that are not (wholly) controllable by national governments. Although multilevel governance has such a hierarchical multilevel policy processes, our perspective has no such kind of hierarchy due to fact that there can be power-asymmetries between the stakeholders. Moreover, our aim is to show the discernable and extremely clear interaction in the EU policy processes between all tiers of influence rather than proving which institutions are most powerful than others.

Secondly, collective decision-making by states at the EU level is thought as involving a significant loss of national sovereignty, and therefore a significant loss of control by national governments. The intergovernmental view that states retain the ultimate decision-making power is rejected, largely on the grounds that ‘lowest common denominator outcomes are available only on a subset of EU decisions, mainly those concerning the scope of integration’ (Marks *et al.*, 1996:346).

It is important to pay attention, not simply to the process through which major institutional change takes place in the EU, but also to the ‘day-to-day’ functioning of the

EU as a polity (Cram 1996:53) . As Peterson also mentions no single theory can explain EU governance at all levels of analysis. Broad ‘macro’ approaches to the issue of integration are particularly useful for explaining the major ‘history-making’ decisions of the EU. When it comes to explaining ‘policy setting’ or ‘policy shaping’ decisions, ‘macro-theories tend to loose their explanatory power’ (Peterson 1995:84).

Thirdly, political arenas are viewed as interconnected rather than nested. So, rather than national political activity being limited to the national arena and national inputs into EU decision-making being channeled via state-level actors, a variety of channels and interconnections between different level of government –supranational, national, subnational- are seen as both existing and important. Therefore, states are seen an integral and powerful part of the EU and although some says, “the decision-making process evolving in the Community gives a key role to governments—national government at the moment, and . . . subnational government increasingly in selected arenas” (Sbragia 1992:289). According to multilevel governance, states no longer provide the sole interface between supranational and subnational arenas, and they share, rather than monopolize, control over many activities that take place in their respective territories (Marks *et al.* 1996:347).

At this point, the argument of decreasing the control power of central governments over many issue areas in the EU refers to some crucial institutional changes in the EU as well as its formal interactions. While Marks, Hooghe, and Blank agree on the central role of the Council of Ministers in the EU decision-making, they also mention a number of constraints on the ability of individual governments to control the outcomes of such collective decision-making. The use of qualified majority voting (QMV) in the Council was an obvious constraint: any individual government might be outvoted. The Luxembourg Compromise did allow a government to exercise a veto if it felt that its vital national interests were threatened, but the prevailing culture in the Council worked against frequent use of this option, making it a rather blunt instrument for maintaining national sovereignty. So, while it was true that governments might be able to attain desired objectives by pooling their sovereignty that was not the same as arguing that their control of the process remained intact. Therefore, the ‘gatekeeper’ role of national executives is increasingly challenged via these institutional changes (Hooghe 1996; Bache 1999; Bache and Bristow 2003). So in summary, the institutional check and balance system does not permit one formal institutional actor of the EU to

play the game itself with the pressure coming from the necessity to interact, consult, negotiate on policy process.

Another reason why advocates of multilevel governance believed governments had difficulty in controlling supranational institutions was because the state itself was not a unified actor. This is the second reason why we see the EU as a picture of ‘discernable multilevel interaction cycle’. Moravscik had accepted this in his liberal intergovernmentalist position so far as defining the national interest was concerned. He saw a domestic pluralist process taking place. Marks, Hooghe and Blank move further and assert that sections of the government and non-state actors would form alliances with their counterparts in other Member States, which might influence national governments’ negotiating positions on EU matters. These alliances would not be under control of the core institutions of the national government, such as the Foreign Office or the Prime Minister’s Office.

For example, local and regional governments have opened independent offices in Brussels; subnational governments, across the EU and beyond, have formed a formal and informal networks; in regions designated for cohesion funding by the EU subnational officials assist design and implement economic development plans near national and Commission officials; and subnational governments are represented in highly visible, though stick primarily symbolic, assemblies-most notably, the new Committee of the Regions founded with the Maastricht Treaty (Hooghe and Marks 1996:73).

In order to concretize these examples and demonstrate how really the broad EU system based on the multilevel interactions cycle functions, some principal channels of subnational representation can be mentioned. These are the Committee of Regions, the Council of Ministers, the Commission, regional offices, and transnational associations. (ibid: 74)

As it is written under article 146 of the Maastricht Treaty, a member state can be represented by regional ministers with full negotiating powers in the Council of Ministers.⁴ Therefore, subnational authorities began to exploit different ways to engage in European decision making for. In this direction, most Member States have begun to take territorially diverse interests into account. In the UK delegation in Brussels, Welsh

⁴ Article 146 reads; “The Council shall consist of a representative of each member state at ministerial level, authorized to commit the government of that member state.”

and Scottish administrations are represented indirectly through appointment in functional areas of special concern to them (ibid: 77).

In addition, regarding another channel for the representation of subnational authorities, the 1988 reform of the structural funds stipulates that the Commission, national authorities, regional or local committees and social actors should work in close, equal, and ongoing ‘partnership’.⁵ For example, in the UK, structural programming has enhanced expectations among subnational actors concerning their role in regional development and has precipitated a variety of new subnational partnerships (ibid: 82). That is to say, the partnership comes to the core philosophy in the EU beyond the wordings of reform programmes or agreements. This again gives us clues for the overall picture of the interaction system that the EU has been established.

Consistently, as mentioned earlier, in recent years, subnational governments have opened independent offices in Brussels which lobby, gather information, and network with other regional actors and with EU political actors. For example, in the UK, where subnational government is relatively weak, local authorities, regional quangos, regional enterprise organizations, national local authority organizations and even universities fund 17 offices representing an individual city, individual local authorities, regional groupings of local authorities, and a national local authority organizations, alongside offices representing the North of England, North Ireland, Scotland and Welsh (ibid: 83).

Regarding transnational associations, an important factor influencing the effectiveness of such associations as lobbyists is their capacity to recruit widely. The European Commission is eager to exchange information and collaborate with regional associations, but has been reluctant to deal with those that are narrowly based (ibid: 88)

I.3.Conclusions

After all these arguments on multilevel governance approach, the argument that multilevel governance raised new and important questions about the role, power, and

⁵ The original wording in the regulations spoke of “component authorities designated by the member states at national, regional, local or other level” as the third partner, but it was obvious that regional and local authorities were targeted. The formulation was strengthened in favor of regional and local authorities in the 1993 regulations.

authority of nation-states (Bache 2005:5) can not be ignored to see the complete picture of the EU from this study's point of view. It is true that, the White Paper on European Governance (COM (2001) 428 final) has also sought to address wider issues of reforming decision-making procedures in the EU, in particular with a view to addressing the issue of democratic accountability of European governance. Moreover, links between EU policy-makers and interest groups here became part of a wider agenda of structuring the access of 'civil society' to the decision-making centre in Brussels. (Christiansen and Piattoni 2003:4). However, beyond these legal based instruments that strengthen the ideal of 'governance' in the EU, the more important issue is that understanding how the EU game should be seen as a 'discernable multilevel interactions cycle' in which all the actors and the levels of policy processes are connected to each other is a sort of negotiation. Although the decisions can be taken by formal institutions, some governments are more powerful than others, and there are some rules and regulations in the system. More than the reasons and results, there is a kind of checks and balances in a cycle that is affecting each other continuously.

In addition, this system is shaped by the Member States with their own consciousness. All of them know the consequences of being a member of the EU such as transferring some of their own decision making competences to political institutions with the aim of joint exercise of sovereignty in the EU, i.e. governing agents, have lost their exclusive privilege of authoritative allocation (Kohler-Koch and Knodt 1997: 3f.). Therefore, the consequence is seen in fact as a policy making process characterized by- amongst other things- conflicts of a distributional nature, resource dependencies and various 'nested games' (Rosamond 2000:106).

It should also be noted that the EU political game is not simply about matters of high politics such as the pooling or retention of national currencies or the development of a common European foreign policy& defense identity. Much (perhaps most) of what goes on in the EU game is about day-to-day technical, regulatory policy-making (ibid:107). As Richardson puts it (1996b:5): "Low politics this may be...but it is probably the nine tenths of the EU 'policy iceberg' that is below the water line. There is an increasing amount of political activity at this level within the EU and some means has to be found of analyzing and conceptualizing it." Therefore, under the light of these arguments, the following part of the study will mention EU biodiversity policy as an example of the unseen iceberg but in fact a crucial part of the EU multilevel interaction

cycle. Today's EU politics differs from the Gaullist modes of decision-making in the 1960s (Wallace, 1996b).

CHAPTER TWO

EU BIODIVERSITY POLICY

II.1. The Emergence of the Biodiversity Policy

All organisms live with each other in some sort of harmony in nature. In this situation, the balance of environment and the continuity of the planet are ensured. However, the involvement of human beings into this equilibrium is creating a kind of irreversible damage. At this point, studying biodiversity is becoming so critical for the sake of all living organisms.

It is true that, biodiversity conservation does not attract too much attention for social scientists. This is may be related, at least to some degree, to the idea that studying biodiversity needs also study on some technical matters, engaging in some calculations such as the determining the under-danger ecological or site specific organisms and observing them in some periods, or finding scientific reasons for the dangers in analytical manners and so on.

By taking into account this kind of expertise needed to reach all the details for the policy under consideration, in this chapter, the appearance of this policy in the EU and main components of the policy and the general functioning of the biodiversity policy in the EU with all its participants will be analyzed.

II.1.1. Brief History of EU Biodiversity Policy

Nearly 50 years before, environment was not in the policy concerns mentioned in the founding treaties of the EU. There were some provisions in these treaties related to human health and safety; however, they were not completely shaping environmental

policy. As time passed, however, the environmental consciousness has spread out all EU with the increasing greening environment in Europe. The 1987 Single European Act (SEA)⁶ has formed some sort of junction point for EU Environmental Policy, and, after this time, this policy arena gained formal recognition as part of the Community's legal framework. Therefore, as one of the most dynamic, all-encompassing and effective areas of competence, environmental policy is today seen one of the most important parts of EU law. Especially after the Cardiff Summit in June 1998, environmental policy became most fundamental and extended areas of the EU's policies with renewed goals for environmental policy integration.

In line with the reality of growing significance of environmental policy in the EU, another important point is that the biodiversity conservation issue has begun more politicized than the in past due to the increasing economic significance of biodiversity resources that has created specifically economic benefits for member states and the EU in general. With these concerns, research by the European Environment Agency (EEA) has demonstrated [that], against this kind of political attention, there is clearly seen biodiversity loss that the EU started to press the Commission for more effective action (EEA, 1995a; EEA, 1999).

In addition, sectoral problems emerging out from interactions of different sectors such as agriculture, transport, regional policy, are creating many problems for biodiversity. Because of this reason, biodiversity policy has been tied to the sectoral policy integration attempts that gained attention after 1998, the Cardiff meeting. Not only are these threats to biodiversity at European level, but also some global problems such as climate change issue, greenhouse gas emissions etc are affecting the biodiversity and all ecosystems in the EU. Therefore, both the issue of biodiversity's increasing politicization and the growing importance of international obligations for the Community⁷ make the study of EU biodiversity policy more significant than before.

⁶ For further information see, Single European Act (SEA), OJ L 169 of 29.06.1987 from http://eur-lex.europa.eu/en/treaties/treaties_other.htm

⁷ "With over one-third of current Union environmental policy originating from obligations arising out of international agreements, this influence is part of a wider trend". For further information see Susan Baker, 'The Dynamics of European Union Biodiversity Policy: Interactive Functional and Institutional Logics'. *Environmental Politics* 12 (3):25, 2003

II.1.2. Progress in the Biodiversity Policy Area

Then, the question of which steps that the EU has taken for the problems related to biodiversity comes to mind. In this direction, the first step can be seen as with the Wild Birds Directive, that will be analyzed in detail in the following parts, in the 1970's in Community biodiversity and nature protection legislation. The aim of this directive is the protection of all of wild birds in Europe. Therefore, it identifies 194 endangered species and sub-species and forms special conservation measures for them.

Another measure is taken with the 1992 Habitats Directive that aims to enlarge the area of species under threat covering approximately 450 animals and 500 plants. This Directive also has the goal of shaping the network of Natura 2000 including sites of highest nature value. This network offers protection in the selected areas and asserts that member states have to arrange protection measures to ensure the conservation of biodiversity at these sites.

Biodiversity Strategy, in 1998, brings new motivation for the member states including Biodiversity Action Plans that were adopted under this strategy in 2001 with the aim of protection and conservation of natural resources, agriculture, fisheries, economic and development in line with general biodiversity conservation aims. In addition these two directives, the Sixth Community Environment Action Programme 2001-12 also direct its attention to biodiversity and nature as one of the EU priorities.

In consistency with these steps taken by the Community, in 2001, the European Council reached an agreement to halt biodiversity loss in the EU by 2010 and to conserve the stability of habitats and natural systems. In 2002, this aim extended to global scale and 130 world leaders including the EU, agreed on to extremely decrease the loss of biodiversity globally before 2010.

Moreover, the EU not only takes legal measure on European level, but also its aims from global obligations as well. Regarding this, the UN Convention on Biological Diversity (CBD), signed in 1992, called for so many measures, including the integration of biodiversity conservation into sectoral and cross-sectoral policies and the development of national strategies (Article 6); the establishment of monitoring mechanisms (Article 7); in-situ conservation (Article 8); and the conservation and sustainable use of biodiversity resources (Article 11) (EEA 1997: 9–11). As part of this Convention (ratified in 1993), the EU began to push the member states to take measures

related to biodiversity and effectively implementing them. In fact, EU Biodiversity Strategy and Action Plans have come into being with the effect of this Convention. The member states began to form Action plans combining CBD obligations and EU Directives in a complementary way, as it will be witnessed in the following parts.

In fact, the EU tries to combine obligations coming from international agreements signed on biodiversity issue with its own rules and regulations. Moreover, it also promotes some sort of synergy between them. Some examples of these international conventions and agreements include the Convention on Migratory Species (Bonn Convention), the Convention on the Conservation of European Wildlife and Habitats (Berne Convention), the Convention on International Trade in Endangered Species (CITES). Moreover, there are also some other significant regional conventions related to some other issues in environmental policy and have implications on biodiversity such as related to marine environment: OSPAR, HELCOM, Barcelona Convention.

II.1.3. Integrating biodiversity concerns into EU law

While all these measures taken for the improvement of biodiversity priorities are in the EU in line with EU's own directives, rules, and obligations and with international ones, there is also one more question waiting for answer: how biodiversity concerns have been effectively integrated into EU law and policy.

At the EU level, biodiversity priorities under the aim of halting the loss of biodiversity before 2010 are aligned with the EU Sustainable Development Strategy and the Lisbon Strategy in a comprehensive environmental and sectoral policy framework. Moreover, Common Agricultural Policy (CAP) reforms aims to decrease the negative effects of intensification and of abandonment of high-nature-value farmland and forests by taking into account EU Biodiversity policy priorities. For example, the IRENA project (2002) aimed to set 35 indicators, including agriculture and environment priorities, at the same time and reached this aim. These indicators are shaped to change data on interaction between people working on agriculture and state of the environment in order to support decisions taken for better policy making.

Regarding Common Fisheries Policy (CFP), a significant amount of development has been achieved to integrate its policies with the aims of biodiversity protection. With

the reform made in 2002, multi-annual improvement plans take the place of short-term decision making style. Therefore, this new way of development in fisheries policy has aimed to encourage more environment-friendly fishing methods by fixing the ratio of the fishing fleets according to fish stocks.

In addition, the Environmental Impact Assessment Directive aimed to find potential influences of major regional and territorial transformations such as focusing on alternatives and new measures to impede and decrease negative effects. At this assessment process, early-interference becomes so critical for the decision-making process. Regarding biodiversity policy, these assessments are also so preventive and valuable for the pre-screening of the sites before shaping decisions or taking measures.

II.1.4. New Legal Instruments for biodiversity conservation

One of these instruments is the Environmental Liability Directive that brings ‘polluter pays’ principle to EU’s environmental policy agenda by paying attention to the damage occurs protected sites under the 1992 Habitats and 1979 Bird Directives. Another one is the Water Framework Directive that shapes the framework for conservation of water resources to decrease pollution, encouraging sustainable use of water, conserving the aqua habitat, and observing ecosystems under water, and so on. In addition, the Aarhus Convention can be seen as one of the most significant instruments amongst others due to its stress on the importance of accessibility to environmental information and the necessity of public participation to environmental decision-making and implementation processes and availability of access to justice regarding environmental issues.

Finally, the seven environmental thematic strategies still in use in the Community has seven priority areas such as marine environment, soil, sustainable use of pesticides, air pollution, urban environment, the sustainable use and management of natural resources, as well as waste prevention and recycling. In all these areas of policy, the Commission tries to bring long-term ecosystem consciousness.

II.2. Current Process and Dynamics of EU Biodiversity Policy

II.2.1. Biodiversity Concern in the 5th and 6th Environmental Action Plans

As touched upon before, the first phase of EU biodiversity policy encountered with the Fifth Environmental Action Programme (Fifth EAP), Towards Sustainability (CEC, 1992). It mainly interested in protection, conservation, and use of biodiversity as part of a wider environmental strategy with the goal of the promotion of sustainable development. The general target of biodiversity policy was to guarantee ‘no further deterioration of ecosystems and habitats necessary to maintain diversity of species and within species’ (CEC, 1998a: 5).⁸

In addition, the five policy aims of the Action Plan regarding biodiversity conservation can be summarized as firstly, maintenance or restoration of natural habitats and species of wild fauna and flora at a favorable conservation status; second, promotion of sustainable land management practices in and around habitats of importance; third, creation of the Natura 2000 European network of protected sites; fourth, maintenance of strict control over the abuse of, and trade in, wild species; and finally, protection of forests (CEC, 1992: 48).

After the 5th EAP, the following Action Plan (Sixth EAP), adopted under the co-decision procedure by Council and Parliament in 2002, as the EU's ten-years (2002-2012) policy programme, encounters the second phase of the establishment of EU biodiversity policy by making the biodiversity issue as one of four priority areas for EU-level action over the next ten years (CEC, 2001b). The time that this environmental action plan emerged is the term that decisions, monitoring and implementation processes began to flourish and became more concrete. From this time on, the biodiversity issue started to attract more attention in the EU. In addition, the Sixth EAP aims to integrate environmental concerns into different policy sectors, such as in response to Agenda 2000. The Community’s biodiversity considerations in environmental policy framework turn to the potential impacts of Eastern enlargement regarding CAP (CEC, 2000). Many projects and plans of Agenda 2000, such as infrastructure development, agricultural modernization, and industrial restructuring

⁸ For further information see Susan Baker, ‘The Dynamics of European Union Biodiversity Policy: Interactive, Functional, and Institutional logics’, *Environmental Politics*, 12(3):23-41, 2003

influence biodiversity. With these aims, the Environment for Europe Process is creating a Work Programme on biological and landscape diversity in forest ecosystems in East and Central Europe (CEC, 1998a: 68–70). Moreover, there are also environmental objectives in the TACIS and the Phare programmes, the latter particularly targeted at in situ protection and the implementation of the Birds and Habitats Directives in Candidate Countries (Baker 2003: 33).

In addition, the 6th EAP aiming environmental objectives between the terms of 2002-2012, issued main areas of action that the Community and so member states should take measures to achieve. These areas of action were climate change, nature and biodiversity, environment and health, and finally sustainable use of natural resources and waste management.

Regarding nature and biodiversity, 6th EAP aims to prevent the dangers to the existence of species and their habitats and in this direction suggests to complete the Natura 2000 network, shape new biodiversity action plans related to different sectors, more care to protect landscapes, attention to the conservation of aquatic ecosystems, implement new action plans to avert the effects of industrial accidents and form new strategies for soil protection. In consistency with these targets that the 6th EAP aims to reach, the use of natural resources in sustainable manners and waste management also become such significant areas of the EU related to the biodiversity. In these areas of policy, recycling is encouraged and waste management was seen priority for the prevention of biodiversity and nature.

When the difference between two EAPs is examined, the clearest similarity between their approaches is their environmental plans and coerciveness. In contrast to previous EAPs, the 6th EAP does not include quantifiable goals and deadlines. This can be the result of failure of the previous ones that although these calculations and timetables existed, results were unsuccessful. Therefore, the 6th EAP offered seven thematic strategies with three year assessment periods.

II.2.2. Biodiversity Strategy and Biodiversity Action Plans

As mentioned before, the EU Biodiversity Strategy, the core of the Biodiversity policy, was formed in February 1998 by the Commission to resist the existing and

possible threats to the biodiversity and therefore all organisms in the nature. The overall purpose can be seen as “to anticipate, prevent and attack the causes of significant reduction or loss of biodiversity at the source. This purpose should help both to reverse present trends in biodiversity reduction or losses and to place species and ecosystems, which includes agro-ecosystems, at a satisfactory conservation status, both within and beyond the territory of the Union” (COM(2001) 162 final). In addition, it aims to continue the use of old initiatives, and with the Council warning, it also begins to use of existing legal and financial instruments⁹. The main difference point this approach and the previous is the aim to bring together these initiatives into more consistent strategic policy framework. (Baker 2003: 32).

The Community Biodiversity Strategy offers a decisive framework for action, by forming four major themes¹⁰ and determining sectoral and horizontal targets. In consistency with these, the Biodiversity Strategy intends particularly to combine biodiversity considerations with related sectoral policies, especially with sustainable use of natural resources and their protection, agriculture, fisheries, regional policies and spatial planning, forests, energy and transport, tourism, development and economic co-operation.

After the adoption of this Strategy, the Commission implemented its most significant priority coming from the CBD obligations.¹¹ The following step from the Strategy can be seen as the formation and implementation of Biodiversity Action Plans and of other measures influencing the policy areas concerned. These sectoral plans

⁹ For further information see Cardiff European Council, Presidency Conclusions, 15-16 June 1998, from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/54315.pdf, 20 November, 2006)

¹⁰ “The Strategy builds around four themes: (1) Conservation and sustainable use of biological diversity; (2) Sharing of benefits arising out of the utilisation of genetic resources; (3) Research, identification, monitoring and exchange of information; (4) Education, training and awareness” for further information see Communication from the Commission to the Council and the European Parliament, ‘Biodiversity Action Plans in the areas of Conservation of Natural Resources, Agriculture, Fisheries, and Development and Economic Co-operation’, COM(2001) 162 final

¹¹ Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity. OJ L 309 ; 13.12.93

determine precise and concrete initiatives and actions to reach the purposes mentioned by the strategy.

Moreover, “Biodiversity Action Plans in the areas of Conservation of Natural Resources, Agriculture, Fisheries, and Development and Economic Cooperation”(COM (2001)162final) set outs the way to determine appropriate indicators for monitoring and evaluating performance in the implementation of actions and measures envisaged and their effectiveness.

The development of the Action Plans belongs to the Commission services working in different policy areas and as the Biodiversity Strategy mentions the Commission services should work in co-operation with each other, those overseeing biodiversity policy, and the European Environment Agency and Member State experts. As seen, the Biodiversity Strategy envisages multi-party interaction for the development and implementation of Action Plans; in this direction, all the stakeholders in charge with this issue work in collaboration. In addition, Aarhus Convention¹² steers the NGOs and other participants towards working in cooperation and coordination in the drafting process from its very early stages.

In addition, the structure of these sectoral Action Plans are not same in all policy sectors but some sort of framework for each sector seems to be based on specific instruments and procedures which apply to these sectoral policies. Moreover, these action plans overlap due to the fact that all policy sectors have implications on each other. At this point, multi actor and multi dimensional co-operation and coordination become inevitable for the success to reach biodiversity targets.

In broader policy context, as examined before, Biodiversity Strategy and its Action plans must be thought inside the realm of EU commitment to reach its sustainable development targets and aim of integrating environmental considerations into other sectors and policy areas in relation with articles 2, 3 and 6 of the EC Treaty. In addition, Biodiversity Action Plans must also be seen as the part of furthering Agenda 2000 initiative.

¹² For further information see, Aarhus Convention, UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, from <http://www.unece.org/env/pp/>, 5 September, 2006

II.2.2.1. Implementation of Biodiversity Action Plans (BAPs)- Importance of indicators and monitoring

As mentioned, the drafting process of BAPs includes many stakeholders relevant to different policy sectors. On the implementation stage, the situation does not change because these stakeholders appear also as the implementors of these policies, rules, and plans. Moreover, the implementation of the BAPs must point to some crosscutting issues in order to realize the influences on the ground. These include some sort of methods to connect monitoring of the implementation of the Action Plans and evaluating their development by identifying a set of indicators to estimate their performance. At this stage, combining all relevant information, making it as a basis for reporting and then preparing all these reachable to the public scrutiny becomes so significant for the future of the Action Plans. In the end, the implementation stage necessitates the research activities and these are provided through related Community programmes.

The significance of indicators can not be denied due to the fact that ex and post implementation processes give clear results for the health of plans. With this aim, the Commission establishes concrete co-operation and co-ordination channels to assess before and after processes by intensifying indicators. The Biodiversity Strategy mentions that, “each Action Plan should as a general rule set out clear tasks, targets and mechanisms to assess their performance and to evaluate progress in the implementation of the strategy”. In addition, indicators are also crucial because they shape the basis for the implementors to establish connection between which species and ecosystems are affected by which policy sectors.

According to Commission Communication adopted in 2001(COM (2001)162final), there is a two-level approach to determine on indicators that evaluate the performance of Biodiversity Strategy and BAPs. One is the indicators for particular policy instruments and initiatives. These need to be determined to connect the trends in the status of species and ecosystems with specific Community actions and their implementation at Member State level. Second are headline indicators that need to be used to evaluate the entire performance and influence of the EU’s Biodiversity Strategy and its Action Plans.

At the implementation stage, as it was stressed upon before, three-COs are so important between relevant policy areas. These are connection, co-operation and, co-ordination. Biodiversity Strategy in general and BAPs in particular need so close three-COs between all relevant Commission services and other stakeholders. Especially, an 'inter-service group' provides the links for these interactions regarding Biodiversity issue. Moreover, many Community funds under special programmes are used in the service of these Biodiversity Strategy and Action Plans. And as the final stage, the performance and success of the implementation processes depend especially to the measures that are taken by the member states. That's why the alignment between the Community Strategies and Member states' measures shapes the most significant part of the comprehensive success of the policy in general.

In connection with this general purpose for the achievement of the Biodiversity Strategy and BAPs, the Commission suggests the formation of a Biodiversity Expert Committee with an order to distribute information and ensure the communication of steps taken by the EU and member states. Moreover, although their role is not more than being an observer, all other stakeholders such as NGOs, industry and other interest associations and civil society are encouraged to take their seat in the in meetings of this Committee (COM (2001)162final) . This can also be seen as the sign of Community's point of view to the biodiversity policy by seeing all the supporting activities as a part of the general multi-level picture.

This multi-level activity scheme does not end with these kinds of plans, aims, committees etc. Regarding the necessity for information based on indicators and monitoring, the EEA points out the significance of shaping a consistent and collaborative European biodiversity monitoring mechanism to provide information relevant to the 2010 target and the evaluation of progress after using these mechanisms.¹³ According to the Agency, four 'lines of action' should be carried out. The first one is the coordination of existing international monitoring mechanisms by shaping some sort of network. EEA and ECNC plays such a critical role at this issue, and they coordinate the European biodiversity monitoring and indicator framework (EBMI-F) established with the 'Environment for Europe' process of Council. These Agencies establish some sort of platform to achieve European co-operation on

¹³ For further information please see European Environmental Agency (EEA) Briefing, 'Halting the Loss of Biodiversity in Europe', No 1/2004, from http://reports.eea.europa.eu/briefing_2004_1/en/EEA_Briefing_BDIV_EN.pdf

biodiversity monitoring programme. They stress the need for long-term establishment of information networks on monitoring mechanisms by providing data flows and methodologies at the international level, and so increase the collaboration between different regional and national monitoring practices.

Secondly, not only international collaboration is crucial but also European level interaction regarding data flow result from indicators and monitoring plays important role for the success on biodiversity policy. As the EEA indicates, today still not so much attention is paid to reporting on the processes of implementation in member states. Although the necessary reporting is not completely done, member states just trying to fulfill their obligations coming from Community directives such as Birds and Habitats Directives, or from international conventions they are tied to like CBD. In order to see the degree of success related to the 2010 targets ('Halting the loss of Biodiversity before 2010') and trends in biodiversity conservation policy related to the relevant pressures and human activities, EEA mentions the necessity of a wide range of data and information that should be taken from member states.

Thirdly, the coordination of national monitoring mechanisms is also crucial to realize the progress that the member states are achieving. With this aim in mind, the EEA brings together its member states, other participating states and interested international stakeholders by co-operating with them under the European Environment Information and Observation Network (Eionet) and the international working group on biodiversity indicators and monitoring (IWG-BioMIN). These networks provide a dataflow of current effective information on nature, biodiversity, and related activities and pressures that can be utilized at European level to support action and monitor progress to the 2010 target and beyond.

Finally, all information gathered by the EEA has to be validated and relevant policy information at European level that public and policy makers can benefit from it. Moreover, all people in need of this information can easily see where the development is being made and where more steps must be taken. In addition, this information has to broaden the public's and policy makers' horizon and push some other actors to improve their situation in accordance with the progress and failure regarding the target of halting biodiversity loss by 2010.

In conclusion, after the 1998 Biodiversity Strategy and Action Plans, some progress has been obtained on biodiversity conservation aims (Baker 2003: 34). Now, it is known that biodiversity management is processed via strategic action plans

(Biodiversity Strategy and BAPs). First, biodiversity management is now addressed through strategic plans (the Biodiversity Strategy; the BAPs). Second, between different sectors, EU and all other stakeholders realized the significance of close connection, cooperation, and coordination and that is supported at the Council level (the Cardiff Process). Third, there are administrative bodies within the Commission (integration correspondents; special environmental units within DGs; a CBD team within the Environment DG); and some other organizations working in collaboration to reach biodiversity conservation targets. Moreover, not only at European or member state level, but also at international level, all stakeholders are tied to obligations coming from the Rio Earth Summit (in particular those relating to climate change). In addition, there are attempts to strengthen the biodiversity conservation policy by integrating biodiversity priorities into different policy initiatives (for example in relation to reform of the CAP). Finally, the feedback of the implementations of the strategies and BAPs becoming an important part of the development of the biodiversity protection and nature conservation policies. Community, member states, and some agencies are gathering data flows to see how much development is recorded and whether further improvement is need or not.

It should be also noted that the EU has also changed its way of doing or pushing member states to implement Biodiversity Strategy and BAPs to increase the success of the targets. This is because the first stages of the implementation process for biodiversity strategies and action plans were gripping for the Community. Because as many mention, the Biodiversity Strategy was seen as top-down approach to the biodiversity policy that the EU is insisted on the fulfillment of the CBD obligations. For example, the Natura 2000 programme is the key element of Community biodiversity strategy. However, although the completion of Natura 2000 network was scheduled by 2004, many member states couldn't achieve this target because they couldn't provide the Commission with the lists and accompanying data that is required in order to propose a definitive Natura 2000 site list (CEC, 1997:69; EEA, 1995b:114; CEC, 1995b:57). Therefore, this failure motivated the Commission to start 'horizontal' actions against member states in relation to the notification of habitat sites under the Habitats Directive (CEC, 1998b:70). The Commission has since accepted that 'considerable efforts are still required for their establishment and implementation' (CEC, 1999:8). This new horizontal action style can be seen as the necessity to work in collaboration with all stakeholders relevant to policy. Therefore, environmental NGOs

have also been forced into litigation at member state level in order to ensure more effective implementation (Baker 2003: 35).

II.2.3. LIFE -Support Community Strategies

All these efforts are achieved with some financial instruments that the LIFE is one of the most crucial one amongst others. The EU finances projects with this financial support instrument for approximately ten years to ensure environmental protection in the member states (Regulation, 1973/92/EEC). Regarding biodiversity related issues, LIFE Nature, as one of three branches of the LIFE support instrument, has been allocated to especially the fulfillment of core directives of biodiversity conservation namely Birds and Habitats Directives that will be mentioned in the following parts. As summary, it assists the projects related to the establishment and sustainability of Natura 2000 network of special areas of conservation. LIFE Nature supports mainly the biodiversity related projects including management plans that focusing on the measures to conserve the habitats and species under risk that is mentioned in the article 6 of the Habitats Directive.¹⁴

II.2.4. EU Biodiversity Related Legislation- Birds and Habitats Directives

Birds and Habitats Directives shape the core of the legislation related to the EU Biodiversity policy. The aim of observing these two directives give us some inspiration regarding how the EU functions on biodiversity issue, how relevant legislation is formed, how they are implemented, and how is the general understanding in the EU for one specific policy.

In this direction, in many ways, it is clearly seen that both of the biodiversity directives emerge with similar factors. Regarding the stakeholders, it can be claimed

¹⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, and European Commission Life Focus, *Integrated management of Natura 2000 sites: the contribution of LIFE-nature projects*, p.2, from http://ec.europa.eu/environment/life/infoproducts/managingnatura_highres.pdf

that for both of them, the same sort of key actors play a vital role in initiating the political process. For example, European Commission officials, Members of the Parliament (MEPs) (that is, they were the chair or vice-chair of the parliamentary committee on the environment), and the campaign officers of several national and international environmental groups and public opinion were seen as key entrepreneurs in promoting and progressing the Directives (Fairbrass and Jordan 2003:98). In consistency with this, in order to see the role of these two directives on biodiversity policy, we should analyze the directives more in detail.

Birds Directive

As briefly summarized earlier, the Wild Birds Directive¹⁵ is the oldest component of biodiversity conservation legislation in the EU. It pre-dates the Community's ratification of the CBD and was originally aimed at more specific goals. Further, it was introduced prior to the adoption of the principle of biodiversity conservation as a component of EU environmental policy (Baker 2003:30).

The preparation process of the Birds Directive and its implementation has included many participants from wide range of area related to the biodiversity. In 1971, questions were discussed in the European Parliament requiring for EU legislation on nature conservation. Therefore, the First Action Programme (1973) has referred to the biodiversity issues by suggesting the necessity of formal endorsement by member states of the several proposals from the Commission. Moreover, in December 1974, the Commission has warned member states on their obligations coming from certain international agreements (Wils 1994:219). Another motivation on the member states was may be public anxiety on the annual slaughter of migratory birds in Southern Europe and Northern Africa (Haigh 1997). The adherents of biodiversity protection also included some interest groups, including national and international animal protection organizations. For example, they started their struggle on biodiversity protection with the slogan of 'Save the Migratory Birds' and they not only tried to coordinate with other interest organizations and work in themselves, they also made their attempts more concrete in autumn 1974, by presenting a petition to the European Parliament. This step

¹⁵ Council Directive 79/409/EEC on the conservation of wild birds

was successful due to the fact that it led the emergence of a Resolution in February 1975 calling for action (Haigh 1997). In addition, the Commission was not moving to shape the Directive and realized the importance of working in connection, cooperation and coordination with all relevant stakeholders. In this way, taking consultation from nature conservation groups becomes so crucial and making many studies with them before the emergence and adoption of the Birds Directive in the early 1970s (Fairbrass and Jordan 2003:98).

While the preparation process was on multi-actor and coordinative environment, the Directive had brought a wide range of framework for the conservation and protection of the wild bird species in the EU in which there are many components. Firstly, the Directive includes some sort of requirements related to habitats conservation and in consistency with this aim; it mentions the necessity of designating SPAs (Specifically Protected Areas) for migratory and other kinds of bird species under threat. Secondly, it points out to some prohibitions on the activities related to the birds' habitat such as intentional destruction of nests and the taking of eggs. Moreover, it brings bans on commerce related activities such as trading in live or dead birds. Another component of the framework the limitations of hunting the number of species and of the hunting periods For example, hunting seasons should not encounter with the periods of greatest vulnerability such as return from migration, reproduction and the raising of chicks. The rules of hunting also mention the specific methods that these species can be hunted (for example, non-selective hunting methods). As it is understood, these are the main points that the member states can not ignore regarding formation of their own biodiversity protection rules related to birds species under threat.

After these basic points that shape the Directive's framework, the implementation process also forms an important part of the general biodiversity conservation process. As witnessed in the implementation of most EU policies, the Birds Directive, almost a decade after it was adopted, had so many problems. The European Parliament Committee on the Environment, Public Health and Consumer Protection Report (1988) has pointed to the deficiencies in most EU member states. In consistency with this dissatisfaction, therefore, some legal actions are brought in national and EU-level courts by the Commission. In general, these court cases focused on some specific issues: for example, it could be on member states' failure to determine an adequate number of protected sites. Moreover, it can be related to the derogations that the member states issued through erroneous procedures. In addition, the cases can be open due to the lack

of conformity between the member states' legislation and the Directive. In these cases, not only EU institutions realized the deficiencies on implementation of the Birds Directive, but also these formal channels had come closer and work in coordination with some other stakeholders and were in consultation with each other. For example, in 1983 the Commission had resorted to the infringement proceedings against all EU member states due to these failures on implementation of the Birds Directive. More importantly, in many of these cases, the infringement proceedings resulted from information provided by environmental groups to the Commission (Fairbrass and Jordan 2003:100).

Habitats Directive

The Habitats Directive¹⁶ forms an important part of Acquis Communautaire related to biodiversity legislation and so binding in all member states, although some derogations under some strict rules are permitted to some of them. Complementing the Birds Directive, it focuses on the habitats of all species under threat and aims to protect them.

When observing the origins of the Habitats Directive, some commentators (Haigh 2000) go back to the 3rd EAP, and some to the 4th EAP in which the decisions were taken by member state governments. At this point, it should be noted that although many of the factors motivated the emergence of the Birds Directive were also the same for the Habitats Directive, the difference was the time that the latter was on the agenda. This time approximately encounters with the late 1980s in that the Community's consideration on environmental issues has strongly begun to change. In this regard, in the beginning of 1990s, environmental interest groups have begun to transform themselves into more powerful in the meaning of effectiveness. Their capability of influencing and utilizing the channels relevant to DG Environment in the Commission provided them power and motivation. In learning process of this increasing environmental consciousness, these organizations have begun to encourage the public to press on the direction of environmental legislation. Moreover, in the early 1990s, most

¹⁶ Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna

world widely effective nature conservation groups such as Greenpeace, Friends of the Earth and the World Wide Fund for Nature (WWF) had settled in the Brussels by opening European liaison offices. In addition to these international organizations, some national environmental groups that have no financial capacity as those international ones were seen in collaboration and coordination with international or European groupings based in Brussels. For example, the Royal Society for Protection of Birds (RSPB) began to work through and with BirdLife International to utilize the newly emerging EU political opportunities for environmental groups. (Dixon 1998:224; Sharp 1998:40)

In addition to this environmental activism in the end of 1980s and the beginning of 1990s, the Habitats Directive has come into being with more consciousness. Moreover, in this Directive too, the same key stakeholders played significant roles as it is witnessed in the Birds Directive. For example, the same environmental interest organizations at the national and European level participated the drafting of the Directive. Even, the same people were involved in both of the process such as some of the MEPs and environmental group officers. As seen in the Birds Directive, public scrutiny was so critical for the Habitats Directive. The time that the Habitats Directive was tabled encounters the era that the environmental concerns were highly under consideration by the EU due to the greener movement in the Europe. The 1989 European Parliamentary elections demonstrate to what extent the green vote reactivated the political momentum and it motivated the activities of environmental groups. For example, the Royal Society for the Protection of Birds (RSPB), an environmental organization, has put pressure on the EU by strongly affecting members of the public to write campaign letters to policy makers (WWF/RSPB joint campaigner 2000).

Habitats Directive required member states to take some measures and by this way conserve and protect the existing natural habitats and wild species of interest to the Community. At this point, it should be remembered that the 1998 Biodiversity Strategy would mention the need of aligning the all sectors into the environmentally friend activities that taking into account of the future of the nature. Moreover, it would advise the member states to shape Action Plans that keeping in mind of the biodiversity protection concerns of the EU. In this line of thinking, the EU mentions the legal actions that can be taken against member states by taking into consideration of Habitats Directive. According to this mentality, if a member state does not meet the obligations

established in the Habitats Directive, it can be taken to the European Court of Justice and given fines for non-compliance.

In addition to all these, the Habitats Directive is so critical for the nature conservation due to its motivation to establish a wide range of protection framework for a variety of animals and plants, and for a selection of habitat types. This Community-wide network of protected habitats, Natura 2000 was initiated by June 1998 with the aim of covering SPAs designated under the 1979 Birds Directive and areas proposed by Member States under the Habitats Directive. This ecological network targeted the 'biogeographical' and 'ecological' regions by dividing the EU territories into the combination of specifically protected sites (CEC 1998a: 12–13).

Moreover, the important area of Natura 2000 can be seen as that these sites appropriated by Member States have to be shaped with scientific criteria and data. That is to say, all sites in the network must conform to the safeguards set out.¹⁷ For example, the pre-assessment of some plans and projects related to these sites is needed to be done. Are these projects and plans damaging the balance of the site under consideration? Or do these projects and plans have so critical interest and there is no possibility to find any other solution? At this point it is looked at the chance that these plans and programmes are providing some measures to compensate habitats in the event of damage. Then these plans and projects can be approved.

It is worth mentioning that after the objectives of Natura 2000 were put forth, many stakeholders began answer these questions in order to warn the decision makers to take true decisions by considering the biodiversity priorities on these plans and projects. Moreover, all the non-state interest groups and organizations relevant to biodiversity conservation have consciousness. They assist the Community on incorrect transposition of the Habitats Directive into national law as well. For example, in 1999, in at least five member states (including Austria, Belgium, Ireland, Spain and the UK), there were some deficiencies regarding transpositions which led to legal proceedings (Europe Environment 1999). Moreover, significant delays in reporting of candidate protected areas to the Commission have pushed the Community to take legal action against member states. In 1998, the Commission announced legal action against nine member states for failure to comply with the Habitats Directives (ENDS Daily 1998): Greece,

¹⁷ For further information see European Commission Environment DG official web site: <http://ec.europa.eu/environment/nature/home.htm>

Italy, Luxembourg, the Netherlands, Portugal, Ireland, Denmark, Germany and Spain had failed to report under the Habitats Directive (Fairbrass and Jordan, 2003:100-1).

II.3. Conclusions- 'Multilevel Interactions Cycle' Analysis

The EU Biodiversity policy establishes the multi-faceted interactions that include many participants who direct the policy. These interactions are intensifying especially after the Single European Act and becoming concrete steps to shape EU Biodiversity policy. All the stakeholders, formal and informal ones namely the Commission, Council, ECJ, and other EU institutions relevant to environmental issues and the quasi-governmental organizations, local administrations, non-state environmental interest organizations are beginning to play key role to the environmental legislation from the draft stage to the final stages, post implementation processes.

In consistency with these, the European integration is not only pushing the environmental stakeholders to work in coordination, the necessity of working in collaboration is also emerging as a fact. As ECNC mentions, regarding the biodiversity policy, the stakeholder participation is so critical for the success of the nature protection and this collaboration results in a synergy with other (regional or pan-European) initiatives. In this line of thinking, the ECNC suggests some sort of a consortium of NGOs in the EU Biodiversity Expert Group in order to reactivate the participation of particularly the relevant NGOs and the research community for the success of the implementation process in the member states. As mentioned before, the biodiversity policy is based on especially technical matters and the EU responsables consider of the expert groups. In this line, as one of the expert groups on biodiversity, the ECNC provides expertise to the Community related to the ECNC core areas of work so as to assist the implementation process and if/when desired work in coordination with the European Parliament and with the Presidencies. Generally speaking, the main aims of the ECNC can be seen as to follow up the EC Biodiversity Strategy targets and observe Biodiversity Action Plans related to the biodiversity conservation policies.

Moreover, while the EU institutions desire consultation from the expert groups on biodiversity, the non-state and informal personal relationships also play a key role for the success of working in collaboration to reach biodiversity targets. Personal relations

can be clearly seen between EU-level policy makers (that is, officials DG Environment and individuals within the European Parliament's Committee on the Environment, Public Health and Consumer Protection) and environmental pressure group employees. This personal cooperation is extremely important to the policy-making process when measured in terms of the policy outcomes (WWF/RSPB joint campaigner 2000, BirdLife International 2000) due to the fact that policy process in general take so long and while the issues and legislation changes over time the existence of these relationships benefit for the success. That is to say, some policy makers (policy entrepreneurs) in the Commission and the Parliament were more active than others and took leading roles in advancing the biodiversity measures. They play vital role in providing the political impetus for the directives. (Fairbrass and Jordan 2003:102). Therefore, establishing good communication with such individuals assists the environmental organizations and groups to reach true channels in order to affect the environmental legislation. Moreover, it is seen that the EU institutions are in favor of working with other non-state actors in informal ways. For example, the Commission would often prefer not to put their ideas in writing when communicating with environmental groups, but tended to make and receive telephone calls (WWF/RSPB joint campaigner 2000).

In addition, the environmental organizations use all relevant information to reach their aims. In this direction, most interest groups related to environmental issues know who has a beneficial background in the EU. That is to say, some Commission staff had a non-state organization employment background, and although the extent to which the personal beliefs of the Commission staff could be put into effect was obstructed by whatever might be the official Commission policy line, these groups exploit this information and was in contact with such a staff. Therefore, these nature conservation groups utilize the pro-nature conservation backgrounds that are shaping the official standpoint of the Commission in fact.

For example, the Commission has openly supported one Brussels-based environment group (BirdLife International 2000) on a number of issues (for example over the issue of hunting and designating protected sites) to such an extent that the group's inventory of bird species now has official status within the Commission as a guide to protected sites (Fairbrass and Jordan 2003:102). Another example is the environmental groups clearly influence the Commission: one NGO campaigner was seconded to the DG Environment for six months during a significant period relating to

the initiation process of the Habitats Directive in the early 1990s. The same person was a member of the Commission's (DG Environment) Working Group on the Habitats Directive and was seen in the position that sufficiently important for Commission officials during working group meetings.

In addition to these, non-governmental groups have really clear consciousness to select suitable individuals to connect. This is because these kinds of relationships necessitate so much time and effort. Therefore, these NGOs devote all their effort to find true channels, in especially the Commission and the EP, and intensify on them to reach the successful results on biodiversity issue. One campaigner employed jointly by the WWF and the RSPB to lobby on the Habitats Directive mentions that: "we really focused in...on those where we had political connections, established connections, and where we thought the action was going on...we knew about what was happening in DG XIV [i.e. that there was hostility to the Habitats Directive] but we just didn't think we had a locus there to do anything about it... and DG XI people basically saying 'they are not going to change their minds'...so that was a battle we decided not to fight (WWF/RSPB joint campaigner 2000).

Also, the policy phases (in a cycle) are so critical for the entirety of biodiversity targets. That's to say not only the policy initiation, but also the implementation and after that the reports shape the whole policy. Therefore, as it was mentioned before, the policy making and implementation should be thought as a discernible multilevel interactions cycle and in this cycle all stakeholders play their own role to reach true results. As stressed, especially after the mid 1980s, the importances of the necessity of carrying on this cycle become critical. Not only the EU institutions, but also the other actors in the EU policy game have experienced the 'learning process' and realized the significance of working in cooperation, coordination and connection. As one campaigner stressed:

It was very important to try to get in on the process at the very beginning-if you can find out that it is going on-since directives are very difficult to undo. DGXI was the main target. Once the Habitats Directive had been agreed, then the main focus of activity returned to the national level because of transposition and implementation. The Commission is currently being targeted because of its key role in the Natura 2000 sites moderation process. It is likely that focus will shift back again once the member states have to undertake the reporting part of the process (Marine Conservation Society 2000).

To sum up, EU biodiversity is such a policy area that displays the EU policy game played on the multilevel interactions cycle of all related

stakeholders. These stakeholders are all the crucial part of this game, and they learn the necessity of collaboration, coordination, and cooperation in one policy area to reach their aims.

CHAPTER THREE

ADAPTATION OF THE UK TO EU BIODIVERSITY POLICY

III.1. Internal and External Dynamics

The EU Biodiversity policy is seen one amongst the other Community policies that demonstrates how EU functioning is established on the ‘discernible multilevel interactions cycle’. It has displayed that the Community’s today policy making and implementation processes have been built on the connection, coordination and cooperation amongst many relevant actors in order to reach successful policy outcomes. This is not a theory but what exactly has been seen from our point of view. The general picture indicates the existence of such a network of collaboration between all related stakeholders in one policy area. However, the EU is not a government or some other kind of state structure. It is composed of member states showing willingness to work together with all their parts. That is to say, the member states are also composed of many branches in themselves like an atomic structure and all these branches also support the centre to push and motivate more multi-actor working style. In order to see this synergy amongst the state branches, we have chosen the UK¹⁸ to analyze how such a unitary state is engaging in European affairs with all its parts, despite its ‘suspicious and awkward’ point of view regarding being a member of the EU.

The UK has a centralist political tradition as it’s well known and the aim of this part will be to demonstrate how this centralism trend has begun to shift on the way of governance, so to more pluralist tradition. According to our hypothesis, today, EU policy processes have been established on the ground of ‘discernible multilevel

¹⁸ In this study, the UK and Britain will be used interchangeably.

interactions cycle' and the UK, as one of the most foremost 'Euroskeptic', has begun to adapt itself to this newly emerging cycle.

It can be easily claimed that the UK political tradition could be defined as intergovernmentalist in the past. The sovereignty of the British state was above everything else. The UK saw the central government as the key player in the EU policy game and even ignored the other rising powers of supranational bodies in the EU and some other stakeholders such as local governments, subnational governments, and non-state organizations. Its point of view regarding the EU was so 'Euroskeptic' because it saw the EU as a kind of economic cooperation in the past. This sort of economic interest seeking style of political tradition was established especially with the political styles of Conservatist Governments. The UK saw the EU policy game as the 'zero-sum' game by favoring only the central government. As liberal intergovernmentalists argue, the cost and benefit analyses were so critical for the favor of the central state. Consistent with these, British state acknowledged that the entrance into the EU was only the result of the calculations of the central government by taking into account of only cost and benefit analysis. At the time of membership, cost and benefit analysis directed the UK to enter into the EU in order to benefit from this organization's economic advantages. It analyzed the membership on 'high-politics and low-politics' dilemma. It understood that at the low politics issues, especially regarding Community pillar, Britain could cooperate, but at high politics issues, state sovereignty should be conserved by refusing the cooperation.

However, this sort of intergovernmentalism has been replaced with newly emerging arena of state behaviors. After the emergence of Single European Act, all Member State behaviors have transformed to differing extents. The UK has begun to take the significance of supranational bodies into consideration more than before due to institutional arrangements favoring supranational bodies, especially European Parliament. The UK Westminster and Whitehall has begun to adapt itself to *Acquis Communitaire* more than before.

In addition, the newly emerging discussion arena that has been created by multilevel governance approach has enlightened the EU studies and opened a channel for us to observe British politics after the EU membership of this country. This approach has envisaged that, especially from the Single European Act onwards, the state behaviors have transformed due to the necessity to adapt themselves to European politics. It has reflected the philosophy of pluralism in policy processes in the EU and

Member States. That's to say, from this time on, the policy processes would include many stakeholders related to the policy arena. For example, if it is biodiversity policy, there would be environment branches of the EU institutions, central governments, subnational governments, and non-state actors in the policy game. This means, today, the UK, like other Member States, has experienced the learning process of adaptation to the EU and it has, rather slowly, transformed its policy making, implementation and after-implementation styles on the way of 'multilevel interactions cycle'. British state has begun to change its political tradition by making some institutional, constitutional and political arrangements. The UK has shifted from the strictly centralist political style to more moderate 'governance' style taking all relevant stakeholders into the policy game and paying attention to their values adding to the success of these policies.

With these arguments, in this chapter, first we have to analyze the state's political nature by referring Westminster, Whitehall, Centre-Local relations and Devolution issue. Later it will be witnessed that something has been changing in the UK and it is entering into new phase with the external pressure of the EU. The degree of transformation is not our issue, but we try to show this transformation by touching upon the functioning of the state regarding biodiversity policy. The next steps will be based on Britain's policy making and implementation with the EU's on biodiversity issue. Finally, the entire picture of changing environment in the British politics will be placed into multilevel interactions cycle argument.

III.1.1. Understanding the UK Politics

III.1.1.1. Westminster and Whitehall

The image seen in the political style of the Britain in post-war Europe can be defined as the domination of Westminster (ministers) and Whitehall (civil servants) in a centralized authority. They were both shaping the core executive and therefore in this period they were most powerful players of the 'policy making and implementation game'. It can be argued that the general picture of British political life was based on 'centralized top-down structure'. Although this picture begins to change after the mid-1980s, will be mentioned in the next parts, there is a need to observe this centralized

top-down structure more in detail to clearly demonstrate to what extent the policy style has changed.

In the Westminster model, the constitutional position is that ministers decide, whilst officials advise and ministers then answer to Parliament (Richards and Smith 2002: 200). The general opinion in this system is that officials are apolitical and they do not reflect their own personal and political judgments to this advice. However, when it is closely analyzed it is seen that ministers and officials work in collaboration and dependent each other on policy outcomes. The reality demonstrates that due to that fact that the resources of ministers and officials are different, they have to exchange this information and work in cooperation.¹⁹ Moreover, these officials have ministerial coverage due to the fact that while ministers involve in specific policy decisions, officials involve in making decisions within a constitutionally informed framework (Richards and Smith 2002:201).

In this kind of symbiotic relationship, the general presumption defines Westminster model as 'club of government' (Marquand 1991; Dunleavy 1999; Judge 1999). This means the Westminster system of government is favorable for both officials and ministers accept to work in an environment that officials advise and ministers decide. This sort of relationship comes from the idea that being a good official passes through knowing the ministers' mind. They have to work as a one brain to be successful on policy making process and this in turn shapes the centralized and top-down sentiments in the state. Both of them gain from this centralized top-down game in that officials become more expert in terms of policy making and bureaucratic process, loyalty and the ability to protect ministers, and ministers on the other hand brought the political authority for officials to act (Richards and Smith 2002: 202).

However, it will be seen that this symbiotic interactive relationship based on consultation and negotiation amongst ministers and officials in the Westminster model begins to change since mid-1970s, and ministers have become more proactive by increasingly willing to utilize the advice from outside Whitehall sources. Civil servants have increasingly taken on a managerial role and emphasis in Whitehall has drifted from policy expertise to more influential policy implementation.

It is clear that Britain remains still centralized political system but the impact of governance become so clear on the structure, organization and culture of government

¹⁹ For further information see D., Richards and M.J. Smith, *Governance and Public Policy in the United Kingdom*, Oxford: Oxford University Press, 2002, p.201, table 9.1

machine in the last two decades. Our stress is not on stability of power structures, but on the additional actors on the policy play. It is known that before 1997, the state system was even more centralized as it was established on the cooperation of Westminster and Whitehall. The other branches of the central government were not on stake. For example, local government had no constitutional autonomy, and what it had been given by custom and practice was taken back by conservative governments. Moreover, local government finances were always under control of central government, and its functions were reduced by reforms that created a variety of new quasi-autonomous agencies, while some other functions were privatized. (George and Bache 2001:183). However, today this central role of the Westminster and Whitehall are circumscribed by all other stakeholders and politics is begun to be played out over many different terrains involving a wide array of disparate actors (Marks et al. 1995; Smith 1999; Jessop 2002; Pierre and Peters 2000). At this point, in order to see governance trend in UK political system more clearly, we should also look at the changing roles of subnational authorities in this state.

III.1.1.2. Local Government

The 1979-1997 periods of UK politics under successive Conservative governments demonstrates that intervention was some sort of inevitable reality. Although this intervention or control is too elusive to be proved, the general attitude of conservative governments in this period was the inclination to weaken and bypass elected local authorities and empower consumers. As Michael Loughlin (1996:417) indicates the general point of view in these periods was to reject local authorities 'roles as being the institutions of governance, but seeing them as the agencies for delivering centrally-determined policies'.

However, after 1997 period, many things have changed so clearly that the government supported the idea of empowering partnerships that in fact establishes the new framework of governance system in the UK from this time on. As it is seen, after the election of New Labor in 1997 and the newly aimed platform of constitutional reform has brought new political and institutional agendas in front of the policy makers. The changes in the roles of local government may have far-reaching and unpredictable

consequences for relations between subnational and central government institutions and the EU. (Pearce and Martin 2003:62).

In this direction, the Labor Party's general election manifesto, *New Labor-Because Britain Deserves Better*, indicated the necessity of better relations between central and local government. This manifesto says that: "Local decision-making should be less constrained by central government, and also more accountable to local people...[councils] should work in partnership with local people, local business and local voluntary organizations. They will have the powers necessary to develop these partnerships." (p.34) at this point it should be realized that the extent to which the power of decision making is given to local authorities still under discussion. However, point is that, this initiation was the sign of a trend in understanding centre-local relations in the UK. There is discernible willingness to work in collaboration with all branches of the state under partnership. The sharp difference between the understanding of pre-1997 governments and after that is the inclination towards working with subnational authorities.

It is widely accepted that many of the issues encountering local communities require a more coordinated cross-cutting response by UK central and local government, which may necessitate increased decentralization of administrative responsibilities and devolution. After 1997, it is realized that new initiatives and change programs were shaped by central government to join-in the local authorities to revitalize local democratic processes and improve local services. Ministers began to search for a fundamental change in the culture of local government, willing that it will provide more citizen-centered services and stronger community leadership (Department of the Environment, Transport and the Regions [DETR] (Pearce and Martin 2003:66).

In addition, many councils have begun to play different roles in the trend of governance that they are granted new action zones, pilot initiatives, and pathfinder experiments designed to promote greater partnership between local service providers, the private and community sectors. As it was mentioned, the Westminster and Whitehall have found themselves in this new arena that they are now trying to implement this plethora of new domestic initiatives and programs in collaboration with local authorities. Since 1997, these actors have realized the importance of European arena for exerting influence or gaining any room for maneuvering on policy making and implementation realm (Pearce and Martin 2003:66).

At sub-national level in the UK, in the last two decades saw a definite shift from local government to local governance in which elected local authorities have become one other player amongst all ‘governing’ bodies. This is clear in Blair’s wordings that (1998:10): ‘There are all sorts of players on the local pitch jostling for position where previously the local council was the main game in town’. Therefore, while the amount of power shifted from centre to local is not our issue here; more important is that the governance trend begins to settle in the political consciousness of the UK. Moreover, it is acknowledged that governing Britain today: ‘is a more complex and challenging task that ever before. Collective interests are defined and pursued at four different institutional levels: the local authority, the regions, the state and the EU (Pierre and Stoker 2000: 29).

III.1.1.3. Devolution

While the policy arena begins to transform such a way, it should be realized that the devolution issue is the fact contributing in different manners to the UK political life. Devolution can be defined as the transfer of power from central government to subordinate regional bodies, without (unlike federalism) leading to shared sovereignty (Heywood 1997:404). This means passing powers or duties down from a higher authority to a lower one. In UK this devolution debate starts in the late 1960s with the revival of Scottish and Welsh nationalism (Heywood 1997:131). While Scotland and Wales (to a lesser extent) had traditionally retained a degree of administrative devolution, it was 1997 before a political devolution accompanied this (George and Bache 2001:183).

The increasing governance wave absorbed the relations between the centre and the devolved assemblies as well. In this direction, the creation of the Scottish Parliament, assemblies in Wales and Northern Ireland, the Greater London Authority, and unelected assemblies in each of the eight English regions represents a rapidly changing nature of internal constitutional arrangements in the UK. These devolved structures with ‘denationalization of statehood’ and the ‘territorialization of political power’, to varying degrees, brought new channels to them by suggesting new opportunities for more direct communication with the EU (Pierce and Martin 2003:64).

According to Pierce and Martin: ‘the outcome may be a fundamental shift in central-local roles and relations, with major consequences for subnational government involvement in the growing range of EU policies that interface with domestic priorities at the subnational level’ (2003:64).

Again our intention is not to calculate the degree of power relations in this system, but major aim is that to demonstrate the transforming picture of centre-local relations. Moreover, it is the reality that there is an asymmetric nature of devolution in that, for example, the Scottish Executive has much greater powers than its Welsh counterpart, whereas elected English regional assemblies have far less autonomy than that of the Scottish Parliament and Welsh Assembly (Pearce and Martin 2003:64). Therefore, all these stakeholders of the centre experiences new form of multilevel interactions cycle in that all of them begin to learn integrating their policies and motivating new institutional interactions and processes to reach the desired outcomes in favor of all participants.

In addition, in this new system of multilevel interactions cycle, the learning process also affects the devolved administrations to see the opportunity of EU more clearly. That’s to say all the English regions begin to be part of EU process by opening offices in Brussels, usually funded by a range of regional stakeholders. Increasingly, these offices are seen not just as listening posts and information on gatherers but as active lobbyists for their regions in the EU institutions and as participants in debates about European strategy in the regions (Pearce and Martin 2003:65).

While the density of interactions of subnational governments by bypassing the centre is newly emerging issue, indeed this issue is so open to conflict between central government and the newly devolved bodies about their respective relationships with Brussels. In line with this, the *Memorandum of Understanding* between the UK government, Scottish ministers, and the Welsh Assembly can be seen as one of the attempts to stress on the responsibilities and powers of the different institutions and the need for coordination their interaction with the EU (HM Government 1999a; Scott 2000). Moreover, in England same kinds of concerns are on table promoting regional protocols or concordats to help clarify the roles and responsibilities of the key partners. (Pearce and Martin 2003:65). Therefore, there is not a point of separation between the centre and subnational governments on the engagement of subnational governments into the European agenda, but there is clear support from the centre to clarify the shape and degree of partnerships in order to see the certain roles of devolved administrations. From that point, it can be argued that working in partnerships and in collaboration is the

trend that all stakeholders support and in deed creating the picture of what this study tries to demonstrate: ‘discernible multilevel interactions cycle’.

After all these arguments, it is now more clear that the new devolved bodies will have a distinct and specific role to play as ‘third-level’ sub-state governments in policy arenas. The overall scope for action will be constrained by the fact that within the EU political system the devolved administrations would engage as ‘regional’ actors in a system of governance where the *locus* of legislative power lies at the EU level (Carter 2003: 2). However, from this time on, they are in the European Union game and part of the European puzzle.

In summary, the UK policy making and implementation style is evolving towards the multilevel interactions game in that the UK has to motivate close relations with the subnational authorities in order to affect the formulation of the UK’s policy position. This can also be defined as a ‘symbiotic relationship’ in that the subnational governments also supporting the close interaction, cooperation and coordination with the centre and other local authorities. It is known that pre-devolution UK was based on the centralized top-down policy making and implementation position of the Whitehall at the heart of UK Government (Bulmer and Burch 1998). However, post-devolution environment made the central system more take into account of the devolved levels as well (S Bulmer, M Burch, C Carter, P Hogwood and A Scott 2002).

III.1.2. The EU Membership and the Alignment with the EU Environmental Governance system

Twenty years ago political institutions and political leaders were much more self-reliant, and it was assumed-for good reasons-that the state governed Britain. Today, the role of the government in the process of governance is much more contingent. Local, regional and national political elites alike seek to forge coalitions with private businesses, voluntary associations and other societal actors to mobilize resources across the public-private border in order to enhance their chances of guiding society towards politically defined goals (Pierre and Stoker 2000:29).

As touched on in previous parts, the centralized top-down approach of British policy making and implementation style begins to change approximately after mid 1980s. Slowly, the most clearly realized attitude in British political life is that the policy arena starts to become more crowded and the process of interactions, cooperation and coordination begins to shape political life in wide variety of areas. The Westminster and

Whitehall begins to become one amongst the all stakeholders related to different policy arena. This clearly signs the shift from government to governance in the UK and this shift happens in an unchangeable manner. Therefore, the British political life begins to enter into new phase of 'inevitable and unchangeable governance wave' with all other member states in Europe.

Of course, the membership to EU has motivated strongly this new process in the UK. As it is seen, the UK political life has experienced some institutional shifts in itself. Moreover, the effects of Europeanization begin to make the Britain to feel more as part of the Europe. That is to say the UK after the membership to the EU, especially after mid-1980s, realized that the EU way is irreversible in that it has to align its policies with the EU. Because, as it was stressed on before, the membership is not an obligation for all European states. These member states are consciously willing to be its part and therefore, after this process they begin to learn the necessities that being a member of a Community brings many obligations. These are felt especially in institutional way of doings and also in policy arena. After demonstrating the changing nature of British political life, at this point, with an example of biodiversity policy, we have to point out how is policy shift is experienced in the UK in order to make more concrete the general picture of the functioning of the EU in line with the 'discernible multilevel interactions cycle' argument.

As known commonly, Britain is seen as an 'awkward partner' in relation to European affairs. This definition expresses many arguments in itself. However, it is enough for us to mention that Britain was seen one of the important political players in Europe and it was away from the Community from the beginning its establishment. It was always, and still, the Eurosceptic against the Community policies. Therefore, its political culture was a bit different from the continental Europe. It had some special priorities, external and internal, regarding its distance from the Continental Europe. However, the EU process also covered it and after the membership in 1973, it again becomes the major player in the process of integration. Before membership, in post-war Britain, the problem of economic decline, and the attempts of successive governments to halt decline and to modernize the economy were major issues. In this line of thinking, According to George and Bache, the membership of the EC was thought as part of the process of modernization. That is to say, membership was seen as a tool to reach economic targets, not as a valuable end in itself (2001: 181).

While Britain was some sort of skeptic for the membership, post-membership process was also an 'awkward process' for the country. For some time, it insisted on its own policy making and implementation style. However, then, in the learning process of the membership, it began to combine old traditions with new styles in the EU. Regarding environmental policy, it experienced some tensions with the continental Europe due to the Britain's own traditions.

The entry into the Community in 1973 encountered with the 1st EAP that insisted on member states to harmonize regulation policy on the one hand, and minimize the interference with free trade and competition on the other. At this point, the tensions began to arouse on the styles of Britain and the continental Europe. While the Britain preferred voluntary regulation style, continental system was using standard setting legislation style. In this direction, the Britain continued its own tradition till the mid-1980s by implementing the environmental rules under its own law with some kind of administrative changes. However, as Carter and Lowe indicate, 'gathering pace of European environmental policy making increased the pressures for the integration of British policy into a European framework' (Carter and Lowe 1998:30).

It is not difficult to argue that the British policy priorities had to be consistent with its economic and industrial targets pragmatically, so it supported the existing regulatory tradition in the country regarding Environmental policies of EU until the period that the country has learned the necessities have to be fulfilled to be really part of the Union. In this learning process, Britain realized that the European policies and its own legal framework, based on the superiority of Community law on the national laws, began to have strong influence British political life. Therefore, as it is stressed previously, the British political tradition has shifted from strong government to governance, and also its policies has shifted from voluntary regulations style to more standardized legal framework of the EU. That's to say, 'the UK government has also been obliged to crystallize and formalize national policy' (Lowe and Ward 1998).

In addition that shifts in environmental policy, more concrete transformation were experienced regarding environmental administration in the UK after the membership. As it was stressed before, the effect of empowerment of subnational governments were seen in environmental policy sphere. Especially, the centralization and decentralization were experienced simultaneously in that private sector organizations, agencies and central government departments gained more power and this has led to third level of regional environmental administration and government.

In addition to the appearance of subnational environmental structures as significant stakeholders in environmental issues in Britain, the state's entry into the EC has also contributed to the roles of the environmental NGOs as another party regarding the multilevel environmental interactions cycle. This newly created arena for environmental groups has opened up the channels to reach the EU directly in order to put pressure on the UK. As an example, pressure groups can have the new instrument of judicial review: they can appeal to the ECJ to require the British Government to implement EC Directives. Moreover, British pressure groups have made more use of EC institutions than their counterparts in other member countries (Carter and Lowe 1998:30).

Therefore, the mid- 1980s was the turning point both for the central government and also for other stakeholders related to environmental policy. From this time on, the Europeanization of environmental policy of Britain has demonstrated the fact that Community environmental legislation superseded the national environmental legislations and so affected the national rules and procedures fundamentally regarding environmental issues. Moreover, subnational governments and environmental NGOs have begun to be seen as a 'watchdogs' of the implementation processes of the Community environmental directives in the member states. These non-state actors began to bypass the central government in the way of reaching the EU environmental agenda. Furthermore centre began to lose its controlling power over flow of information regarding environmental issues and domination on policy processes. This newly emerging situation motivated the governance process in which the mutual interests are established.

Consistent with these, the 1980s newly increasing party politicization has also affected the governance process and pushed the parties to take into consideration of greener policies. In this direction, although as McCormick (1991) asserts, 'Britain has the oldest, strongest, best-organized and most widely supported environmental lobby in the world' (p.34), the lobby activities contributed to the party politicization of the environment in 1980s. The major politicians necessitate replying the environmental concerns and campaigns coming from environmental groups and the increasing degree of critical media coverage of environmental issues. In the end, this sort of consciousness of politicians benefited to more open societies in which the public opinion, media, interest groups and all other stakeholder regarding environmental policy work in cooperation, coordination and interaction in a multilevel policy processes.

In summary, since the 1980s, British environmental policy has entered into a 'slow but profound change', which has gradually pushed for a much more 'Europeanized' system of control. The Europeanization of national environmental policy has pressed on the UK to harmonize its approach with continental axioms of control (Jordan, Wurzel, Zito, Brückner 2003:183).

From the EU side, the EU's environmental policies can be seen as typically the outcome of the conflict and compromise between all stakeholders, state and non-state actors situated at the local, national, regional, and international levels. This sort of complex, conflicting, and evolving dispersion of authority and competences is one of the most intriguing features of EU environmental governance. (Fairbrass and Jordan 2004:148). Some scholars have analyzed this kind of interactions network by utilizing the concept of multilevel governance (Sbragia 1998; Weale et al.2000; Jordan 2002a). However, our discussion point is not to see the EU Environmental policy, particularly biodiversity issue, from the concepts' point of view, but to try to demonstrate the general way of understanding how Community policies are shaped and implemented in member states.

At this point, the UK becomes the crucial case to see this discernible multilevel interactions cycle arguments due to its extremely centralist unitary state structure and the subservient positions of all other the state branches and non-state actors to it. Our intention is to focus on changing institutional and policy shifts in this country on the way of EU with the motivation of governance trend.

In the end, Britain has traditionally approached European negotiations with great skepticism (Wallace 1995). In addition, in many policy areas, the central government has seen itself 'away' from and at odds with continental Europe (Wallace 1997). Therefore, changes in traditions have happened slowly but profoundly. Golub (1995) exemplifies that the British judiciary, encouraged by an ambivalent public, has retarded legal integration by refusing to make references to the ECJ. Moreover, it can be argued that the UK government has been get used to work in favor of the single market and its attendant measures (Moravcsik 1998:324-5), so it would readily accept or promote those EU policies that would move further market liberalization. However, on the other hand, it would resist those policies that do not directly assist in achieving these objectives or are themselves, potentially, a constraint on economic development, such as environmental regulation (Moravcsik 1998:319; Jordan 2002b). When we thought of the EU's regulatory and standardized nature of environmental policy, the conflict or

some problems that the UK would experience at the beginning, while adopting itself to the Community, was inevitable. This is completely related to what Lowi presents in his typology in that 'redistributive policies typically involve a relatively open competition for (newly distributed) resources (Lowi 1964), whereas regulatory policies tend to be more narrowly drawn and conflictual in nature'.

However, as witnessed in the following parts, the 1980s 'Dirty Man of Europe' will align itself to the EU's environmental standards while Europeanizing its policy arena in general. Such a centralist state will have to acknowledge the existence of some other actors in the EU game and realize its circumscribing control power over the environmental policy making, implementation and post-implementation processes.

III.2. Implementation of UK Biodiversity Policy

In our example, UK biodiversity policy points out mainly to aims that the state fulfills the obligations arising out of the requirements of the EU due to its membership and at the same time Convention on Biological Diversity due to its signatory position in the Rio Summit in 1992 apart from the Union. Therefore, the implementation of biodiversity requirements emerges both from the EU and UN, and this situation is not contradictory but complementary. In fact, the biodiversity policy starts when the Birds Directive was adopted in 1979, and later on the Rio Summit is the critical turning point with its pressure on all signatories to take biological concerns carefully. Then Habitats Directive in 1992 motivates and opens up a channel for EU member states to behave on certain biodiversity strategy by directing them to shape biodiversity action plans.

III.2.1. Key Priorities of the UK Biodiversity Conservation Policy

At this point, it can be argued that biodiversity conservation has some key priorities in the UK such as auditing, shaping priorities, putting objectives and targets, establishing biodiversity action plans, and monitoring and review of all implementation processes. When analyzing the UK biodiversity policy in its official web site, the UK

government has accomplish the auditing based on existing biodiversity data and place it to the wider international context. Moreover, through the scientific data- that is so crucial for the better implementation that mentioned before- the state defines its priorities by designating species and habitats under threat in order to reach biodiversity conservation aim.

On the designation of these species and habitats, the main objectives and targets are established to see the final point against which progress can be measured. In this direction, the main framework for working on these priorities, objectives and targets the biodiversity action plans are arranged. Again, through scientific tools, a list of threats to the species and habitats, a statement of the objectives and specific actions to be implemented are written down. For example, between 1995 and 1999, a total of 391 Species and 45 Habitats have been shaped and this list has been published by the government as a road map. These were the species and habitats designated under UK biodiversity priorities. Moreover, a 'Lead Partner' (for Species Action Plans) or a statutory 'Lead Agency' (for Habitat Action Plans) has been found to catalyze plan implementation and reporting. The RSPB has been assigned with this role that will be mentioned how it engaged in the biodiversity conservation efforts of the UK.

The final process for the biodiversity policy in the UK includes the monitoring and review phase in that current data on the progress in targets, actions and the distribution of resources are observed to see how much development is gone through in the general biodiversity conservation framework. This progress is watched by policy reviews, such as the UK Biodiversity Group has completed its first review of progress on biodiversity action plans in 1999. This was summarized in 'Sustaining the variety of life: 5 years of the UK Biodiversity Action Plan' which was published in March 2001. The second review was completed in 2002 and the results of these reviews are found at the UK BAP website.

III.2.2. Fertile Land to See 'Multilevel Interactions Cycle'

The part of this study regarding all these attempts is not to demonstrate the degree of success that these phases foreseen, but to indicate how the biodiversity conservation has become a policy arena in which wide variety of actors at different levels collaborate

to reach the biodiversity aims. Therefore, the EU biodiversity policy in relation to the UK is a suitable case study exploring multilevel interactions cycle, for several reasons. First of all, the nature of the biodiversity policy gives motivation to see this complex multi-actor based system of interaction because biodiversity issue is a kind of policy arena in that all relevant stakeholders have to work in connection, cooperation and coordination to reach targeted results. This is the arena in which the problems and solutions affect so many other policy areas due to its priority of people' daily lives. Second is the situation that EU policy makers encounter with necessity of the picture of multilevel interactions by pulling all relevant stakeholders to take action on European arena. Thirdly, this European arena becomes the opportunity for the UK nature conservation groups to reactivate its policies in different political environment away from the national levels. As mentioned before, the biodiversity policy deserves technical and scientific know-how, so European Union institutions, especially the Commission, require data from these conservation groups. Such a need becomes some sort of motivation for the environmental NGOs in the UK to work directly with the EU institutions. These kinds of interaction and cooperation can be seen as favorable for both sides in that the Commission may expect to gain political support coming from the alliances with pro-biodiversity protection groups in order to counteract the opposition from counter-groups (that is, hunters and gun clubs) and hostile member state governments. On the other hand, the environmental groups find fertile lands to work actively on the way of their aims. The marginalization of environmental groups and the domination of the agricultural policy community in the UK also prove to be a decisive factor in inducing alliance building (Fairbrass and Jordan 2003:96).

III.2.3. UK Biodiversity Action Plan (BAP)

Under the light of these biodiversity priorities of the UK, when we turn back to the initiation of UK Biodiversity Action Plan, it is seen that, in 1992, the CBD, the outcome of Rio Summit, was signed by the UK Government in that the signatories stayed under the commitment of 'developing national strategies, plans or programmes for the conservation and sustainable use of biological diversity' (Article 6A). In order to reach that end, the Government published its own strategy in 1994 - Biodiversity: The

UK Action Plan (DoE, 1994). According to English Nature, this plan was revolutionary due to the fact that it was combining new and existing conservation initiatives with the emphasis on a ‘partnership’ approach²⁰.

After this process, the Biodiversity Steering Group report, published in 1995, shaped the general framework of UK biodiversity priorities, objectives and targets, and action plans. It was some sort of road map for the UK including species and habitats under danger, the formation of the action plans and the selection of lead partner and lead agency roles to coordinate the implementation of each plan.

III.2.4. Biodiversity Policy Process

The UK Biodiversity Action Plans are the main tools for the biodiversity policy in this country. However, as discussed above, the Birds and Habitats Directives were the most crucial legislative tools of the Community to push member states into a position that all the member states fulfill their commitments related to biodiversity conservation issue. That is to say, the UK BAPs have to be in line with the Birds and Habitats Directive. When we look at the process which the Birds and Habitats Directives has come to the UK’s policy agenda, it is seen that the Birds Directive was proposed in December 1976 but not finally adopted until April 1979 (Haigh 1997:Chp. 9.2-5). The long delay came into being because of the opposition from member states with pro-hunting lobbies. However, the UK government, represented by the Department of the Environment ²¹ (DOE), approves the proposal ‘with little hesitation’ (Haigh and Lanigan 1995:22). Because as it was touched upon before, this period was the UK’s adaptation to the Community and so using existing policies in mixture with the new

²⁰ For further information see, English Nature, Biodiversity Action Plans. ‘From Rio-the background’, from <http://www.english-nature.org.uk/Baps/rio.htm>

²¹ Prior to 1997 the UK ministry responsible for environmental matters was the Department of the Environment (DOE). His was renamed the Department for the Environment, Transport and the Regions (DETR) in 1997 after the election of a Labour government. Subsequently, following the general election of 2001, central government departments have been reorganized. The Department for Environment, Food and Rural Affairs (DEFRA) is now responsible for environmental issues.

initiatives. The UK has thought that Birds Directive has not included the initiatives which the UK couldn't use its own national strategy and tools.

On the other hand, after a decade, in September 1988, the Commission proposed the Habitats Directive. The political agreement has been reached nearly after 3 years, in December 1991. During negotiations, certain states, including the UK, were more careful related to the obligations that the Directive would bring to member states due to their 'rancour' emerged with the cases opened up by the ECJ with regard to the Birds Directive.²² (Fairbrass and Jordan, 2003:100)

In consistency with this issue, as early as 1983, the Commission had begun to reply to the increasing complaints about the implementation deficiencies coming from nature conservation groups. In the end, the Commission has initiated infringement proceedings against every single member state. As a reminder, EU level legal action²³ has focused on three main issues: non-designation of candidate SPAs, derogations, and the transposition of the Directive to national laws. In line with these, Commission has taken some legal actions against member states. For example, regarding the UK's

²² ECJ rulings during the 1990s led to a more intrusive and demanding biodiversity policy than many of the EU member state governments would have liked

²³ "Article 226 of the Treaty permits the Commission to take action against a Member State that is not complying with its obligations. If the Commission considers that there may be an infringement of EU law that warrants the opening of an infringement procedure, it addresses a "Letter of Formal Notice" (first written warning) to the Member State concerned, requesting it to submit its observations by a specified date, usually two months. In the light of the reply or absence of a reply from the Member State concerned, the Commission may decide to address a "Reasoned Opinion" (final written warning) to the Member State. This clearly and definitively sets out the reasons why it considers there to have been an infringement of EU law and calls upon the Member State to comply within a specified period, usually two months. If the Member State fails to comply with the Reasoned Opinion, the Commission may decide to bring the case before the Court of Justice. Article 228 of the Treaty gives the Commission power to act against a Member State that does not comply with a previous judgement of the European Court of Justice. The article also allows the Commission to ask the Court to impose a financial penalty on the Member State concerned" for further information see European Commission, "Commission takes legal action against six member states over Wild Birds and Habitats Directives", <http://europa.eu.int>, IP/02/1923, Brussels, 19 December 2002

situation related to the cases, in 1989, the ECJ ruled in the case CEC v. Federal Republic of Germany with the UK intervening a.k.a. *Leybucht Dykes* (C-57/89). Mainly, the ECJ's considerations in this case was to elevate ecological considerations over economic ones during the designation and development of protected sites (Ball 1997:217). Another case was the *Lappel Bank* case in that employing the principles supported the above case, the ECJ ruled against the UK Government in July 1996. This case was brought against the UK Government by RSPB and the ECJ ruled that the government's way of doing was incorrect that it separated an area of land from a SPA to permit the construction of a nearby port. At this point, the Court supported a much more maximal interpretation of EU law than the UK had expected. Crucially, these cases have come to the EU's agenda with the information coming from the environmental, such as RSPB, which had consciously adopted a 'watchdog' role (RSPB 2000).

The outcome of such cases on the UK government was that it had entered into a learning process, pushing the state to take biodiversity considerations into account and to approach new directives more warily. After these cases and with the learning process, the UK Government has understood that the form of a biodiversity policy is entirely different (namely, unexpected and undesirable) from what the government has assumed. That is to say, biodiversity has unintended consequences which the government couldn't predict beforehand. According to Sharp (1998), the decisions taken by the Court on *Leybucht Dykes* clearly shocked DoE officials and moreover, the *Lappel Bank* ruling was similarly unwelcome. Therefore, the unintended consequences of these cases were realized clearly by the UK in the learning process of a country on the way of its adaptation to the EU. From this time on, the DoE have begun to pay more attention to the policy process and implementation of Habitats Directive.

Of course, the experiences learned from the ruling of these cases had motivated the UK to approach the biodiversity concerns faithfully, but the incorrect implementations continued after the adaptation of the Habitats Directive as well. In 2004, the Commission has taken legal action against eight Member States, including the UK, with the aim of protecting and conserving biodiversity in Europe.²⁴ In the part that is related to UK, it is seen that;

²⁴ "The Member States in question are Luxembourg, Belgium, Italy, Austria, Spain, Ireland, Greece and the United Kingdom. These Member States have, in different ways, not ensured sufficient protection of wild birds, habitats and species protected under the EU's Habitats and Wild Birds Directives. Belgium, Luxembourg and Italy are requested

the Commission gives a final written warning to the UK due to its incorrect and deficient implementation of the priorities mentioned in Habitats and Birds Directive. According to these Directives, there is clearly defined prohibition of trading in protected sites, but the implementation of the UK is not clear enough related to this ban. More in detail, the UK's legislation only contains those species concerned whose natural range covers Great Britain. Moreover, certain game birds are not still completely enclosed by the provision on the ban on trade. In line with this warning, the UK authorities committed to the adoption of new legislation, but the Commission has not yet seen this.²⁵

As shown, the environmental groups, private bodies, national organizations and bodies and the Community institutions are playing their roles to a varying degree. Here, the main concern is not mention the positive outcomes reached by these all stakeholders. However, the aim is to indicate who are in the game of EU biodiversity policy in coordination and cooperation with each other. As observed, the Community institutions intervene the implementation and post-implementation processes completely with the help of member states. However, although member states are the key players in the policy process in general, they were not the single actors in the process. In line with this, biodiversity policy process was a process that brought national (UK) based environmental NGOs into direct contact with EU policy-makers and Brussels-based environmental NGOs. This direct relationship with EU institutions, especially with Commission and the Parliament, has been seen some sort of long term investment for these environmental groups saw. These groups have established one-to-one communication with individuals in these institutions by spending great deal of time and effort. The senior staff of one UK-based environmental group demonstrates the emphasis of the similarity between the 'relationship and credibility building' and 'putting bricks into an edifice' (RSPB 2000). Namely, these non-governmental groups investigate all possible opportunities for them to reach their targets. In addition, the same person continued saying that his group searched for a long-term benefit, and he

to comply with earlier Court rulings. Failure to do so could result in substantial fines being imposed on these Member States. Spain, Ireland, Austria and Greece are to be referred to the Court of Justice for a number of breaches of the two Directives" for further information see European Commission, "Wild Birds and Habitats Directives: Commission takes legal action against eight Member States", <http://europa.eu.int>, IP/04/128, Brussels, 29 Jan. 2004

²⁵ For further information see European Commission, "Wild Birds and Habitats Directives: Commission takes legal action against eight Member States", IP/04/128, Brussels, 29 Jan. 2004

added that the all these attempts have borne fruit, that is to say, the interaction between these environmental groups and EU level policy makers has improved over time.

In addition, some of the UK-based environmental groups have set up the 'edifice' so strongly in that they have strong linkages with the European Parliament as well as the Commission. For example, both the RSPB and WWF-UK have hired permanent parliamentary liaison officers. Moreover, WWF-UK tends to be in close contact with the British MEPS and especially those with nature conservation sites (that is, protected sites under the Birds and Habitats Directives) in their term of office.²⁶

Moreover, Britain is a special case due to the fact that functions that are performed primarily by government agencies in most countries are fulfilled by private bodies in Britain (Lowe and Goyder 1983). These include the National Trust, independent from government and based on charity, which purchase amenity land and historic buildings to present them for public use; and the Royal Society for Nature Conservation (RSNC), registered charity, the Royal Society for the Protection of Birds (RSPB) which buys land to conserve as nature reserves. The RSNC helps English Nature, government agency, on the management of the sites of special scientific interest (SSSIs) which are areas of protected wildlife habitat. RSPB and National Trust are also the most prominent of the insider groups, emphasize their own direct practical contributions to conservation rather than a lobbying role (Carter and Lowe 1998:27).

Consistent with these, as it was mentioned before, the UK government chooses the RSBP as leading partner for the biodiversity project. In line with this role, it campaigns and collaborates on policy process with government in order to put pressure on the UK to reach its biodiversity commitments coming from the CBD. Moreover, this kind of interaction has not been established just between the government and RSPB, but also it cooperate with other organizations in partnerships in order to improve invertebrate protection and in this network of coordination with partnerships, it has established 'Action for Invertebrates', with Butterfly Conservation, English Nature and Bug Life.²⁷ Moreover, the RSPB's role in halting the loss of biodiversity in the UK can

²⁶ For further information visit official web site of World Wide Fund from <http://www.wwf.org.uk/core/index.asp>

²⁷ For further information see RSPB, "Conserving Biodiversity – the UK BAP", from <http://www.rspb.org/biodiversity/index.asp>

not be denied. According to them, ‘they will continue to work with and encourage Government to achieve this ambitious target in partnership with other organizations in BirdLife International to achieve this target at a European level’.²⁸

Another important role is taken by the English Nature in the biodiversity conservation process and the implementation phase. In their targets, the designation and management of SSSIs and the protection of priority species through the Species Recovery Programme plays crucial role. With National Nature Reserves, they present public an opportunity to have a say in England at first hand. They work for deepening of public awareness and appreciation of the countryside by supporting the management of BAP targets.²⁹

Moreover, it is seen that, the biodiversity policy arena motivates environmental groups to work in collaboration. For example, the LINK (Wildlife and Countryside Link) is this kind of network in which the environmental voluntary organizations in the UK come together on their common aims namely, the conservation and enjoyment of the natural and historic environment. Their Biodiversity Task Force (BTF) plans to be another ‘watchdog’ of the biodiversity policy in the UK by influencing and monitoring the development of the UK Biodiversity Partnership and to guarantee the UK Biodiversity Action Plan (BAP) is fully delivered as a key strategic mechanism for UK conservation.³⁰ In line with these aims, BTF tries to make its actions more concrete with some kind of initiations. For example, in January-March 2006, the LINK members have prepared a leaflet/poster to increase the awareness of the *2010 target to halt biodiversity loss* by focusing mostly on the key decision-makers. This leaflet summarized what the *2010 target to halt biodiversity* means, and which kinds of steps can be taken to reach this aim over the next four years. Moreover, they not only let it go at that initiative, but

²⁸ For further information see RSPB, “Halting UK biodiversity loss by 2010”, from <http://www.rspb.org.uk/biodiversity/countdown/index.asp>

²⁹ For further information, English Nature, “Biodiversity Action Plans. English Nature’s Role”, from http://www.english-nature.org.uk/Baps/en_role.htm

³⁰ For further information see Wildlife and Countryside, “Biodiversity Working Group (former Task Force)”, from <http://www.wcl.org.uk/work%20areas/biodiversity.htm>

also in early March, LINK representatives has visited the Biodiversity Minister, Jim Knight MP, to explain the aims of 2010 leaflet.³¹

The attempts are not limited to such examples witnessed at national policy arena. There are also reactions coming from the international environmental organizations to put pressure on incorrect decisions regarding biodiversity concerns taken by the UK government. For example, in 2004, the environmental organisation Friends of the Earth has protested the government on its decision to honor a controversial road which has destroyed one of the UK's top wildlife sites with the Prime Minister's "Better Public Building Award". The summary of the conflict aroused from the A650 Bingley Relief Road in West Yorkshire that was opened in December 2003 following several years of objections by environmentalists and local people. Related to this problem, Friends of the Earth Transport spokesperson Tony Bosworth mentions that the incredible attitude of the government by giving an award for design of this road by ignoring the disaster that this road had created in Britain's top wildlife sites. According to same spokesperson: 'Its destruction of Bingley South Bog, a recognized Site of Special Scientific Interest, goes directly against Government policy to protect SSSIs and the road itself hasn't even provided the transport solution it promised - all it has done is move congestion to elsewhere in the area, exactly what opponents of the road predicted'.³²

Nevertheless, the national governments are not always in the position that ignoring the considerations of environmental groups and they are supporting the projects related to biodiversity concerns of the EU. As expressed before, LIFE Nature is one of the most pivotal financial instruments of the EU environment support instruments. In line with the aims of this support mechanism, member states build some projects on habitats and species under threat and so under EU importance by forming some management plans for some pilot areas. While doing these, they also pay attention to the linkages between biodiversity and other sectors such as agriculture, tourism,

³¹ For further information see Wildlife and Countryside, *ibid.*

³² For further information see Friends of Earth, "Prime Minister Gives Award to road that destroyed UK Top Wildlife Site", Oct 29, 2004, from http://www.foe.co.uk/resource/press_releases/prime_minister_gives_award_28102004.html

forestry, water management that impacts on the Natura 2000 network of ecologically essential areas.

Thus, in 1999, the UK government agencies under partnership principle runs a project related to the conservation of river habitats in that responsibilities of government on water quality and protection of fresh-water habitats aim to establish, first, project objectives. As regards, they set up strategies for seven rivers in Scotland, Wales and England, designated as pSCI, with a total length of 872 km. In the boundaries of this study, the essential points, need to mention, are related to the coordination and collaboration that the responsibilities establish.

The management plans in this project zoomed in Natura 2000 targets and inaugurating partnerships among statutory authorities, fisheries interests and land owners in a 'multilevel interactions cycle' in order to depict the main risks to the sites and species and to constitute an action programme. In line with these, the River Conservation Strategy was developed with many studies on scientific data gathered from experts, including government and non-governmental agencies. Some tools for monitoring and indicators on these habitats and species under danger and one of the main outcomes of the project were the publication "Developing River Conservation Strategies: Model Guidance for Special Areas of Conservation". This publication was significant in the meaning that it was promoting the ways on how to engage stakeholders and organize an appropriate consultation process regarding the management plans.³³

In conclusion, all plans, programmes, and projects taking biodiversity priorities into consideration stress on the style of working by indicating the significance of cooperation between all related actors. As it is seen, there is some sort of 'check and balance' mechanism between the international arenas, EU institutions, central governments and subnational and non-governmental actors. This can be seen some sort of 'informal agreement' that all stakeholders are signed between themselves. Because, they all know that the issues related to the all parts of the life, these are the Community issues in the EU for example, need to work together and this consciousness push the member states and all non-governmental organizations to work in collaboration in a policy process cycle.

³³ For further information see European Commission Life Focus, *ibid*, p.17, from http://ec.europa.eu/environment/life/infoproducts/managingnatura_highres.pdf

III.3. Conclusions

All these arguments on the policy process of biodiversity in the UK demonstrates that the policy network in general, including decision making, policy implementation, and aftermath of the implementation regarding legal observation on the appropriateness of policy implementation in member states, necessitates multi-actor activity. Moreover, this activity is in a cyclical mode in that previous process is affecting the following one. That's to say in the cycle, feedbacks of the processes are impacting one another and also all actors work in cooperation and coordination due to the necessity of working together. Furthermore, this policy process establishes on the willingness and so consciousness of the member states.

Thus, Britain can be defined as one of these member states that contributes to the multilevel and multi-actor based interactions cycle related to biodiversity policy. Some defines it as multi-level governance, but whatever its name the EU policy processes reminding us some sort of definite picture of multilevel interactions cycle and the EU plays fundamental role in promoting this development. The essentiality of the EU in this game comes from its nature in that member states agree on the obligations emerge from the responsibility of being a member of this kind of structure. The degree of power grasped by the EU institutions, central governments or some other actors in the 'game' can be discussed by analyzing the outcomes of the policies in that the policies are shaped by the side which holds the most critical competencies. However, regarding the aim of this study, the essential thing to indicate was to demonstrate what sort of network is constituted on what motivations. The EU biodiversity conservation issue is such a policy that all related players have to be in the game by influencing the policy process with differing degrees but the in the end the picture is multilevel interactions cycle. Moreover, member states are among the most crucial actors, in our example the UK, and they also stimulating the development of this process. It is seen that the UK is in itself a multilevel polity, although the central state is the most dominant actor in this multilevelness, but it is/has to in connection with other actors in subnational arena. They are all playing in the domestic, national, EU level, and international arena. They all realize the necessity of this.

Consistently, the UK is at so critical point that it has to establish this cooperation among all relevant actors. As known, multilevel policy-making and implementation emerge at the time actors from wide variety of levels are interdependent in executing their targets and have to coordinate their policies. According to Scharpf (2000), this coordination can be established only with reciprocal adaptation, competition, hierarchical steering or negotiation. It is a negotiation process in that UK government has to agree to some degree with other actors. If not, the main requirement of the membership is not met by the government, and so it is encounter with opposition in changing degrees. The check and balance is so clear in the EU structure/system in that some governing functions are shifting from the centre to the negotiating networks encompassing governments (national, subnational, and local) as well as private actors (firms, interest groups etc.) as well as representatives of civil society (such as non-governmental organizations [NGOs]).(Börzel and Risse, 2001:5).³⁴

After especially mid-1980s, with the effects of increasing environmental awareness in the EU, the UK tended to focus on environmental issues different from the past. This awareness also came from the digestion of the membership and being adapted to the EU rules and regulations more than past. For example, English regionalism increased rapidly due to the fact that the regions have learned to profit by the EU resources to develop themselves. In this learning environment, the UK government has understood the need to work with these strengthening regions. Some constitutional changes have done to respond the needs of these regions. Devolution process has been initiated. The Labor Government has tested this devolution programme and become closer to multilevel and multi-actor interactions cycle.

In addition, for example Regional Development Agencies and consultative Regional Chambers were established in the English regions. Although this sort of

³⁴ In comparative policy analysis, scholars talk increasingly about the “cooperative state,” the “negotiating state,” the “cooperative administration,” or “policy networks”. For further information on this discussion see See, e.g. Benz, Arthur, et al., eds. 1992. *Horizontale Politikverflechtung. Zur Theorie von Verhandlungssystemen* (Frankfurt/Main, New York: Campus); Voigt, Rüdiger, ed. 1995. *Der kooperative Staat* (Baden-Baden: Nomos); Czada, Roland, and Manfred G. Schmidt. 1993. *Verhandlungsdemokratie, Interessenvermittlung, Regierbarkeit, Festschrift für Gerhard Lehmbruch zum 65. Geburtstag* (Opladen: Westdeutscher Verlag); Börzel, Tanja A. 1998. Organizing Babylon - On the Different Conceptions of Policy Networks. *Public Administration* 76 (2): 253-273.

institutional attempts were not fully satisfied English regionalists, but these initiations were seen as a 'critical momentum' for the regional governance and as Burch and Gomez mentioned 'provided a new platform from which regional players could engage with a far wider range of European issues, such as enlargement, transport and environmental policy' (Burch and Gomez, 2004: 12). The subnational actors of the biodiversity policy game have learned to play on new ground by using the partnership opportunities and began to put pressure on government. It is so clear that many environmental groups have been working in the arena of negotiation with other subnational actors, government and the EU.

As Bache highlights, the major contribution of the EU partnership requirement that motivate more subnational participation, was, 'over time, it broke down barriers to inter-agency working for many in British local government, who came to see it more as an opportunity than a threat.'(Bache 2005:10). The overall picture at all levels, subnational, supranational and governmental, has gained in this game. While British polity has entered into new and unreturnable process of being on the core of interactions network of policy processes, on the other hand, the English subnational actors have indisputably been empowered in the past two decades. (Bache 2005:12). EU has motivated all actors by promoting them to work on different policy arenas with different actors. That's to say the cycles of the policies are interlinked on cross-sectors and the actors have also realized the cause and effects between the different policy areas, so began to work in intersecting policy areas. These brought the idea that in fact there is no one policy area that is apart from the others and has only one policy cycle in it. Environmental policy has effect on different policy sectors and also there are many other policy sectors that have impacts on environment. That's to say, this reciprocity brings the intersecting of policy areas. Moreover, inside the environmental policy, biodiversity conservation is such a policy area that affects many policy spheres and wide variety of actors. They are all in all and have to work in intersecting zones. This can not be ignored and brings shift from government to governance and 'shifting style of politics towards consensualism' (Bache 2005:13). In the future, this 'governance' trend will continue and this process can not turn into 'government' again due to rapidly increasing amounts of actors entering into the play. For example, the increase in role and numbers of quangos (quasi-autonomous non-governmental organizations) in Britain is mentioned under the post-1997 Labor government (HC 209, 1999).

Moreover, the relationship between these actors in policy processes can be seen like a symbiotic interaction that the all parts are benefiting from the cooperation done with one another. For example, one of the essential features of policy-making of biodiversity conservation issue around the two biodiversity directives can be seen as the symbiotic relationship between EU institutions, especially the Commission and the EP, and the environmental groups. In that situation, witnessed that these institutions were in need of expertise and political support from environmental groups in the face of opposition from some counter-lobby groups and some member states with pro-hunting traditions.(Fairbrass and Jordan 2003:104). On the other hand, these environmental groups were presenting these expertise and political support for the sake of reaching their own targets on biodiversity issue.

Moreover, the close personal relations between the individuals in institutions and environmental groups was essential because on the one hand the institutions are gathering necessary information in short time regarding policies, on the other hand the NGOs benefited from the political opportunities emerging from the EU-level institutional necessities, so far as their resources would allow. For example, the RSBP, as one of the foremost British environmental group, can find opportunity to work at all levels, national, subnational, EU level, simultaneously to exploit all existing channels to reach its aims and so maximize its success. Regarding the Biodiversity issue, it can be exactly argued that, the RSPB seems to reach its aims and have impact on biodiversity strategies of the central government. One campaigner from the WWF-UK explains that:

we do, very frequently, consciously consider on what we do...every time we stick a complaint onto Europe about a particular site or about transposition, we know that we want the Commission to put pressure on the UK government, and the way we use that main sort of action, we made sure that we nursed our relationship with the Commission on that because we knew that they were concerned themselves...but they weren't in a position, without the information, to do anything about it...so that's why we made sure they had copies of every single site that we believed qualified and why

In summary, this symbiotic relationship based on multilevel and multi-actor interactions in that all parts contribute and influence the process at different times and different points. All parties are aware of this fact and in this acceptance; they learn to work in collaboration with consciousness. The governance trend impacted on all these actors and out of the Community institutions and central governments, the play arena is extended and including new player day-by-day in a more mature way. That's to say, the newly added partners of the policy processes in the biodiversity policy is increasing

everyday and the relationship between the policy levels are getting more mature than past. This multilevel interactions cycle, therefore, covering all components of the puzzle and resulting in, in our example it is a biodiversity policy, a policy process.

GENERAL CONCLUSIONS

This dissertation has attempted to glance at the EU policy processes from the window of ‘discernible multilevel interactions cycle’ with a deductionist style of studying. The hypothesis was that especially after the Single European Market formation, ‘governance trend’ in the EU has led all related actors to enter into policy processes with the effect of learning processes developed as time passes and this newly emerging political style has opened these stakeholders new channels to influence the direction of the decisions taken and implementations of these decisions in the EU. In addition, the appearance of this argument of ‘discernible multilevel interactions cycle’ has been based on the arguments of multilevel governance approach. In addition, liberal intergovernmentalism was revisited due to the fact that liberal intergovernmentalism has discussed the importance of domestic politics and supranational institutions, however it also paid attention only history making decisions, not daily functioning of EU. Today, general policy game in the EU is based on daily functioning of the EU and this picture is that EU, today, is functioning on the interactions cycle including multilevels and actors, and this network can be seen easily, so discernible situation.

While this dissertation attempting to verify the existence of this network, multilevel governance approach has been so crucial inspiration that demonstrates the existence of forgotten actors in the play out of EU institutions and central governments of Member States. They were sub-state actors entering into EU policy game after especially the mid-1980s and becoming effective in policy processes. Consistent with these, multilevel governance approach has constructed itself by stressing on the changing structure of decision making competencies that has begun to be shared by actors at different levels rather than monopolized by national governments, significant loss of control for individual governments on newly emerging collective decision making processes, and finally the significance of sub-state actors and supranational bodies in addition to national governments.

Consistently, our stress on multilevel governance approach is to demonstrate the general picture of EU policy processes based on ‘discernible multilevel interactions cycle’. In addition to the arguments of multilevel governance approach, the dissertation testified that today EU is functioning on the network of interactions amongst central

governments, EU bodies including institutions, working groups, agencies and sub-state actors, non-state actors and so on. In the dissertation, one policy area has been chosen, namely biodiversity conservation, with the aim of demonstrating this interactions network as we called 'cycle'. It is cycle because policy process is not a linear situation that is ending at some point. There are always some feedbacks influencing other processes in one policy area. For example, pre-decision making affects decision making and it is affecting implementation. The process does not end here and post-implementation processes affects member states to change their decisions and continue to implement. This interactions cycle is verified in the biodiversity policy process but we clearly witnessed its functioning in our case study of the UK.

The UK, after membership, has begun to transform its policy making and implementation style with some institutional and constitutional changes. This pressure of transformation has come from the adaptation to the EU policy processes. The Westminster and Whitehall relations have changed and local government arrangements have come to the agenda. Moreover, devolution has been so significant due to the constitutional shifts in the UK by taking into account of the English regions. The devolution of significant powers to the Scottish Parliament and, to a lesser extent, the Wales and Northern Ireland Assemblies might be seen as signaling a shift in power and influence away from central government toward the subnational level. Regions, after all, are increasingly seen as the optimal level at which institutional networks and institutional thickness may be developed - small enough to allow for face-to-face contact upon which trust and cooperation are built, but large enough to permit economies of scale and scope (Amin and Thrift 1994).

Furthermore, by combining these with the biodiversity conservation policy, it has been realized that the UK has experienced the values of NGOs. This has also appeared with some sort of a pressure coming from international and domestic political arenas. After we analyzed this rather slowly changing nature of British politics, our hypotheses on the existence of 'discernible multilevel interactions cycle' has been tested. The outcome that we reached is that rather than focusing on the factors that are pushing integration further as grand European integration theories has mentioned, there is a necessity to gaze at the EU and to ask 'how it seems to function'. The answer to this question will display the picture of 'multilevel interactions cycle' that can be clearly observable.

The biodiversity policy has been chosen due to its own complex nature of interactions between different interest groups, namely business associations, industrial, agricultural and environmental interest group activities on environmental policies. It could be fertile land to realize how these groups are interconnected each other and also to EU institutions and central governments. Whether these interactions have effects on policy processes in the EU is searched for. The learning process that especially has offered opportunities to these actors to play the policy game in the EU has demonstrated. Moreover, their effectiveness has seen in all parts of the policy process of biodiversity conservation issue. All stakeholders have been working in coordination, collaboration and cooperation to differing degrees to reach their own targets.

After this sort of a general outlook to the existence of ‘discernible multilevel interactions cycle’ in the biodiversity policy arena, in our case study of the adaptation of the UK to the EU, it is realized that the activities of all related stakeholders in the biodiversity policy process has played the same game. The UK’s newly and slowly changing political behavior has been analyzed and its own learning process has been discussed. The outcome is again the similar that the UK, after the membership, has begun to shift its centralist tendency and learned to digest the existence of the non-state actors and the EU institutions in the policy game. The membership has some obligations on the country’s decision making and implementation behavior and in this learning process, it accepted to exist together with all related actors.

This acceptance in fact verifies our hypothesis that the ‘governance trend’ in the EU has affected all policy making and implementation styles in the Member States, and stakeholders in EU policy game has understood that they are all existing ‘because of’ and ‘for’ each other. This trend can not be irreversible and it continues by absorbing new actors to the game. This picture is so the ‘discernible multilevel interactions cycle’ and explains the EU policy processes so the nature of the EU.

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