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**INTERESNE SKUPINE IN OBLIKOVANJE POLITIK V EU IN ZDA**  
**INTEREST GROUPS AND POLICY MAKING IN EU AND US**

**MAGISTRSKO DELO**

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## INTERESNE SKUPINE IN OBLIKOVANJE POLITIK V EU IN ZDA

### POVZETEK

Magistrska naloga obravnava učinek različnega institucionalnega okolja na vpliv in moč interesnih skupin pri oblikovanju javnih politik. Naloga ponuja primerjavo med dvema strukturnima formama, in sicer na nacionalni ravni preučujem Združene države Amerike ter na nadnacionalni ravni Evropsko unijo. V splošnem se interesne skupine dojema kot racionalne entitete, ki želijo maksimirati svoje cilje v okviru ustavnosti in zakonitosti, torej znotraj strukture, ki to omogoča. Interesne skupine pridobijo na pomembnosti v sistemih, ki jim omogočajo dostop, vstop in neovirano porazdelitev virov. Na ta način se v demokratičnem sistemu vpliv interesnih skupin primerno odraža v rezultatih javnih politik.

Ko postanejo interesne skupine "aktivne preko svojih meja", oslabijo moč države v procesu transnacionalne vladavine in lahko postanejo neodvisen vir integracije. Oblikovalci javnih politik ali predstavniki ameriškega kongresa ali predstavniki Evropskega parlamenta, državnih zakonodajalcev, uradniki javnih agencij ali celo člani Vrhovnega sodišča so pod vplivom velikega neznatnega obsega vplivanja s strani lobijev. Zaradi tega analiza strukturnih razlik med Evropsko unijo in Združenimi državami Amerike zagotavlja vzvod za razumevanje njihovega vpliva na politične izide in zakaj lahko Evropska unija proizvede javne politike, ki jih Združene države Amerike ne morejo ter obratno. V nalogi so še posebej raziskane večnivojske strukture vladavine Evropske unije in Združenih držav Amerike ter vpliv vladnih struktur na obnašanje lobistov glede javnih politik. Naloga ponuja bolj specifično študijo primera, ko preučuje številne okoljske interesne skupine v Evropski uniji in Združenih državah Amerike, ter raziskuje, kako skupine sodelujejo, kaj vodi njihovo ravnanje, številčnost konvencionalnih in nekonvencionalnih metod, ki jih le-te uporabljajo in kako vplivajo na oblikovanje javnih politik.

**Ključne besede:** interesne skupine, spremembe javnih politik, teorija prekinjenega ravnovesja, institucije Evropske unije in Združenih držav Amerike, okoljske politike

## INTEREST GROUPS AND POLICY MAKING IN EU AND US

### ABSTRACT

The purpose of this thesis is to analyze the effect of different institutional setting on the influence and power of interest groups in the policy-making. I offer a comparison between two structural forms, at the national level I examine the United States and at the supranational level I examine the European Union. In general, Interest groups are viewed as rational entities that attempt to maximize their goals within the incentive structures defined by constitutional and statutory directives. They gain import in systems that allow them access, entry, and unconstrained resource distribution. Thus, it follows that the relative influence of interest groups in a democratic system matters for policy outcomes.

Furthermore, as groups become 'activists beyond borders' they both weaken the power of states in the process of transnational governance and may become an independent source of integration. Policymakers, whether Members of US Congress or the EU Parliament, state legislators, public agency bureaucrats, or even Supreme Court justices, are affected to a largely unknown extent by lobbying pressure. Therefore, an analysis of the structural differences between the European Union and the United States should provide us leverage in understanding their influence on policy outcomes and why the EU may produce public policies that the US does not. I particularly explore the US and EU multi-level governance structures and the impact of government structures on advocacy behaviors. I offer a more specific case study that examines several EU and US environmental interest groups and investigates how these groups collaborate, what drives their behavior, a variety of conventional and unconventional methods these groups use, and how they influence on the public policymaking.

**Keywords:** interest groups, policy change, Punctuated Equilibrium, EU and US governmental structures, Environmental policy.

**SITEMAP:**

<b>1.</b>	<b>INTRODUCTION</b>	<b>8</b>
<b>1.1.</b>	<b>Research Question</b>	<b>11</b>
<b>1.2.</b>	<b>Defining the Interest groups Concept</b>	<b>12</b>
1.2.1.	Interest Groups categories	
1.2.1.1.	Economic interests	15
1.2.1.2.	Public interests	20
<b>2.</b>	<b>THEORETICAL APPROACH</b>	
<b>2.1.</b>	<b>Punctuated Equilibrium Theory</b>	<b>25</b>
<b>2.2.</b>	<b>Policy Venue – Access and Entry Points</b>	<b>28</b>
<b>2.3.</b>	<b>Policy Image</b>	<b>33</b>
2.3.1.	Framing an issue	35
2.3.2.	The salience of an issue	37
2.3.3.	Location of the Status quo	39
2.3.4.	Conflict	41
<b>2.4.</b>	<b>Image-Venue Interaction and Punctuated Equilibria</b>	<b>42</b>
<b>3.</b>	<b>A COMPARISON OF POLICY VENUES EU/US</b>	
<b>3.1.</b>	<b>Lobbying EU institutions: venues of influence</b>	<b>46</b>
3.1.1.	Venues in the European Commission	46
3.1.2.	Venues in the European Parliament	52
3.1.3.	Venues in the Council	56
3.1.4.	Venues in the EU Court of Justice	61
<b>3.2.</b>	<b>Lobbying US institutions: venues of influence</b>	
3.2.1.	Federalism and separation of powers	65
3.2.2.	Venues in the US Legislative branch	67
3.2.3.	Venues in the US Executive branch	72
3.2.4.	Venues in the US Judiciary branch	76

<b>4.</b>	<b>EVIDENCE: INTEREST GROUPS IMPACT ON ENVIRONMENTAL POLICY IN EU</b>	
<b>4.1.</b>	Interest Group Access and Environmental Policy Making in the EU	83
<b>4.2.</b>	The Changing Mobilization Patterns of Environmental Groups and Business/Private Sector Groups	88
<b>5.</b>	<b>EVIDENCE: INTEREST GROUPS IMPACT ON ENVIRONMENTAL POLICY IN US</b>	
<b>5.1.</b>	Interest Group Access and Environmental Policy Making in the US	94
<b>5.2.</b>	The Changing Mobilization Patterns of Environmental Groups and Business/Private Sector Groups	98
<b>6.</b>	<b>COMPARATIVE DISCUSSION</b>	<b>103</b>
<b>7.</b>	<b>LITERATURE</b>	<b>109</b>
<b>8.</b>	<b>SUMMARY IN SLOVENIAN LANGUAGE</b>	<b>129</b>

#### INDEX TABLES:

<b>Table 3.1:</b>	The path of interest groups influence in the EU	<b>64</b>
<b>Table 3.2:</b>	The path of interest groups influence in the US	<b>82</b>

## 1. INTRODUCTION

Interest groups along with political parties are the two dominant forms of nongovernmental organizations that affect policy-making in democratic societies. Together, their activities help to formulate two models of interest aggregation; interest group systems, where minority interests interact, compete, and affect policy-making; and political party systems, where majority interests are represented through the winning of competitive elections.

These groups play an important role in democratic politics. They are the primary organizations that exist to serve, publicize, and work on behalf of citizens who share the interests of that group. They may work to encourage further government activity, they may mobilize to protest against or to counter new state activities, or they often become involved in lobbying and active in the policy process. Group mobilization often has the goal of generating new public policy initiatives, a process that can have subsequent feedback effects.

In Europe, the general presumption is that the EU institutions welcome and indeed need input from civil society organisations. This is mainly explained by insufficient staffing in the Commission and to a lesser extent, in the Parliament.

The European Commission believes that “lobbying is a legitimate part of the democratic system, regardless of whether it is carried out by individual citizens or companies, civil society organisations and other interest groups or firms working on behalf of third parties (public affairs professionals, think-tanks and lawyers (European Commission 2005. European Transparency Initiative – a Green Paper 52006DC0194).

The same can be said of Washington. “Although federal and state legislators are technically representatives of geographical areas, they spend a great deal of their time with lobbyists, and at times are responding to interest groups rather than to their constituents, to the degree that legislation drafted by lobbyists is sometimes introduced” (Milbrath 1963).

Furthermore, unlike party systems, where all units of the system are said to operate according to the logic of party competition, interest groups develop a division of labor that is loosely coupled and segmented in subsystems made up of various sets of governmental and nongovernmental actors. As structural features of subsystems change, the influence and power of interest groups change. Conversely, systems that allow for strong programmatic-based parties are systems where interest group influence may be constrained. For this research, several features are relevant: the range of entry points and the degree of multilevel governance; the nature of the network that characterizes the relationship between interest groups and policy-makers; the structure of the representative process, and how interest groups generally exhibit a preference for state bureaucracies as a venue for informing themselves about and influencing public policy.

Also, from the extant literature in both the US and the EU there is strong evidence that group growth and government growth go hand in hand. As governments grow and become active in new policy areas, more groups become mobilized. Of major importance in modern societies are Supply-side forces<sup>1</sup>, these are forces that pushed groups to organize and become active in the policy debate. Although supply-side forces are critical determinants of interest group mobilization activity, the concentration on these forces has led scholars to overlook the importance of the external force of government, which also influences the behavior of interests.

In addition, Mahoney (2004), demonstrates that there is a great deal of variation in group formation and activity across policy areas with the largest number of group's active in the areas of enterprise, the environment, social affairs and agriculture. High levels of group activity in a policy area correspond to government activity in an area as indicated by the resources allocated by the institutions to each policy area (Mahoney 2004, 461).

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<sup>1</sup> The political actors of the governance system originally hold full control of valuable resource which they exchange for influence resources possessed by the interest groups, as public support or expert knowledge.



This research is organized in the following way: At the beginning of the research paper, I introduce the theoretical and conceptual framework, which serves as the foundation for the thesis. The theoretical framework used in this research is the *Punctuated Equilibrium Theory* framework, which aims to explain both policy stability and radical policy change. This theoretical approach is not limited to the authority of certain institutions or the actions of various policy advocates; it examines the context of the policy process in an effort to understand why policies often change slowly and incrementally for years until there is a sudden shift to a dramatically different policy system. The authors, Baumgartner and Jones (1993) developed the punctuated equilibrium theory to examine policy-making in the American political system, but a number of scholars in Europe and elsewhere have found the approach applicable to parliamentary systems as well (Baumgartner and Jones 1993).

At the second phase of the research, I use a structured qualitative approach where what I observe has been predetermined by theory. This help to ensure the quality of the comparative application and simplify the analytical work. I analyze in a comparative fashion, the structural components of the EU and the US as these features affect the behavior of interest groups. This includes, but is not necessarily restricted to: the EU, the European Commission, the European Parliament, and the Council of Ministers, and relevant substructures; for the US, the Congress, the President and executive branch, the bureaucracy, the federal structure, and again sub-governments.

I focus on two major points of convergence: first, the impact of governmental structures on the locus of advocacy, particularly explored in the of the U.S. and EU multi-level governance structures. I examine how different institutional arrangements—that is, variation in the nature of political venues—affect the course of public policy. Second, I discuss the impact of government structures on advocacy behaviors, showing how groups in both systems adjust their lobbying strategies to their political context.

At the third phase, after the theoretical and conceptual application, I offer a more specific case study that examines interest group activities in EU and US in the field of the environmental policy. This case study involves several EU and US environmental

interest groups and investigates how these groups collaborate, what drives their behavior, the conventional and unconventional methods these groups use, and how they influence public policymaking.

### 1.1. RESEARCH QUESTION

The core question of this research is: Do interest groups have greater influence on public policy in the European Union or the United States?

In general, measuring the effects of influence on policy-making is very difficult. For this research, I assume that variation in governmental structures drives the advocacy decisions and the policy outcomes. Each of the governmental forces in EU and US highlight the importance that institutional structures have on the activities of organized interests. As the multilevel system grants many points of access, diverse institutional venues within the EU and the US level well provide advantages to certain actors over others. Thus, the rules that are surrounding the policymaking process and the institutional settings must be taken in to the consideration for further exam.

From a different perspective that centers on EU decision-making processes, it is not clear who wields influence. It is subject to debate whether European integration enhances the influence of state institutions or that of (specific) interest organizations on public policy. Several authors draw on Robert Putnam's (1988) notion of two-level-games in order to assess the influence of interest groups in the institutional setting of the EU.

Also, US lobbying studies are divided about how to tackle the question of interest. They present a basic definition of influence, which is for interest groups to achieve the fulfillment of their interests—the end results (see Berry 1979, 183). As Schier formulates: "Influence is the ability of a group to produce a desired outcome in government—whether that outcome involves stasis or change" (Schier 2000, 158).

Theoretically, the study of interaction between the institutions and interest groups is not new in Political Science. Political scientists view institutions as instruments of stability and consistency in a chaotic world. More recent interpretations view institutions as mechanisms to solve problems of collective action (North 1990). In either case, institutions are viewed as mechanisms that constrain behavior by inducing people to act in certain ways. If the political actors that create the institutions wish to change the behavior of interest groups, they change the rules of the game they are playing.

## **1.2. DEFINING THE INTEREST GROUPS CONCEPT**

The concept 'interest group' refers to an organized body of individuals who try to operate within the confines of the political system and interact with institutional actors and non-institutional actors in their efforts to influence the policy outcome. These groups are important actors in most political systems. Interest groups provide means to channel 'citizens' concerns to policy makers and administrators.

Pross (1992) for instance prefers the term 'pressure groups' which he defines as "organizations whose members act together to influence public policy in order to promote their common interest". For its own purpose a pressure group's primary goal is to persuade government to accept its policy proposal by presenting logical, well-prepared arguments, by arousing the public, and through other activities that embarrass the government or deprive it of information (Pross 1992, 3).

In this context, Interest group politics concerns the political behavior of aggregated individuals or organizations. Political interest refers to attempts of these organizations to push public policy in one direction or another on the behalf of constituencies or a general political idea. Unlike political parties, interest groups do not seek public office but pursue their goals through informal interactions with politicians and bureaucrats. This, however, does not rule out that important facets of state-group relations in US or in EU politics are heavily institutionalized.

For example, “Decision-making in the EU, at least in the most traditional areas of policy-making, is a dynamic process which demands that actors from different institutions and interest groups collaborate and compete to secure the outcomes they desire[...] Institutional actors do not have a monopoly on decision-making. Actors from private and public interest groups can be influential in shaping decision, either through formal consultation or by acting as sources of information, expertise and mediation between other (often institutional) actors (Christiansen and Piattoni 2003, 22).

Furthermore, we cannot assume that what an interest group does in the political arena is simply the expression of the interests of its members. Every political organization has an external political strategy and an internal recruitment strategy. Thus, the exact combination of methods used by interest groups to exert influence will vary from one political system to another. Indeed, the institutions on which interest groups focus their attention are one indicator of where power lies in a particular political system. For example, in the United States, interest groups pay particular attention to influencing Congress, sometimes producing “iron triangles”<sup>2</sup> comprised of interest groups, congressional subcommittees, and bureaucratic agencies. In the EU, after the Amsterdam Treaty (1997, entered into force 1999) and increase power of the European Parliament interest groups generally places a greater emphasis on influencing ministers and civil servants.

Furthermore, interests groups attempt to influence policy by supplying public officials with things they want: They provide information. This may include policy information to allow a legislator to take a position on an issue or technical information needed to implement a policy. They also provide public support and money. Interest groups in the US can establish political action committees to finance political campaigns. They also can lobby Congress to reduce or increase the appropriations for government agencies, and they facilitate and encourage the participation of their members in the political process. However, governmental attention and related policy output inevitably lead to

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<sup>2</sup> Iron Triangle refers to closed relationship between industry lobbying groups, government regulatory agencies, and Congressional committees and subcommittees that is assumed to dominate federal policymaking.

more mobilization by organized interests—both by those who could benefit from the direction in which policy-making is currently going and by those whose interests are threatened by new policy proposals (Truman 1951).

Today, in most advanced democracies, the number of interest groups is very large, which indicates that their political mobilisation capacity is considerable. These groups can be categorized in a variety of ways. They can be seen in terms of their organisational degree (peak associations vs. membership associations), their structure (traditional associations vs. spontaneous, unconventional initiatives and movements), their legal forms, or their motivational character (Truman 1971).

Also, much of the literature builds the categories according to the kind of interests that groups pursue. Generally, public and private interests are distinguished. According to this classification, public interest groups seek benefits serving the society as a whole, for example better consumer protection, improved environmental protection or lower taxes, while private interest groups seek to achieve goals for their immediate members only. In addition, numerous terms are used in everyday language to describe these organisations: interest groups, pressure groups, lobbies, promotion groups and so on. Each of these terms refers to a particular aspect of interest representation.

Further, Fligstein and Stone-Sweet (2002) demonstrate how a co-evolution system has been at play throughout the history of the EU. They argue that group formation is driven by government activity both in the courts and by the legislature and at the same time group formation drives more government activity in legislation.

EU interest group activity exploded in the 1990s, as a result of the gradual transfer of regulatory functions from member states to the EU institutions. In parallel with this increasing functional supply, institutional demand for EU interest group activity was facilitated by the openness of the European Commission and European Parliament (Com 93/C1666/04) and the funding of EU groups by the European Commission. In 2002, the Commission registry of civil society organizations CONECCS (Consultation, the European Commission, and Civil Society) listed 885 EU level groups with

approximately 80 per cent stemming from business and 20 per cent representing diffuse or public interests.

Also, According to Guéguen (2002), there are over 1000 EU trade associations; around 750 NGOs (which represent consumers, ecologists, religions, families, Third World aid and so on), European representative bodies from around 500 major companies, about 150 regional offices, 130 specialist law firms working on European law (the large majority of which are of British or American origin) and an unspecified number of consultants, many of whom specialise in regulation and community finance programme monitoring (Guéguen, D. 2002, 50-51).

The same can be said of Washington where the number of interest groups expanded steadily; growing by one measure from 10,300 in 1968 to 20,600 in 1988, and today has become an accepted part of the political system, with around 35,000 groups active in different policy areas (US Senate, public record data). Interest groups thrive in the US partially as a direct result of the constitutional right to freedom of association, which guarantees that individuals may coalesce in organizations to promote their self-interest.

To understand when groups mobilize and succeed in their advocacy we have to consider the political opportunity structure within which they are operating– the number of access points, the openness of those access points, the design of the political institutions, and the state of the political climate.

### **1.2.1. INTEREST GROUPS CATEGORIES**

#### **1.2.1.1 Economic interests**

Organized interests have become increasingly important in the context of the multi-level governance arrangements in which private actors are included in policy networks. Business engagement with public institutions is more visible, and private interests are an integral part of the governance process at all levels from the local to the global. They

act as a bridge between the different levels of governance and provide expertise for possible policy solutions. Focused on managing social and environmental opportunities and risks, private interest groups aligned to values-based policy frameworks. Increasingly, therefore, companies' reputations and license to operate require them to demonstrate consistency in performance on issues like human rights, environmental impacts and corporate governance (MacGillivray, Raynard and Zadek 2005).

In general, business interests have an *a priori* preference for the absence of regulation because, according to a classic definition, the essential characteristic of regulation is the limitation of the exercise of property rights (Hosli et al. 2004). Hence one of the positions most often taken by lobbyists is a preference for auto-regulation of a given economic sector. Auto-regulation comes in various guises such as codes of conduct, reporting obligations or autonomous, self binding rule-setting without public interference.

Furthermore, private groups are better endowed with resources than public groups. Private groups of different types show distinctly different patterns of control over the most important material resources. Taken as a group, corporations, trade, and professional associations are very well endowed compared to others. Labor unions have substantial resources of certain kinds, and they play a major role in electoral politics as reflected in their large average campaign contributions. Businesses are more likely to have a better access in a higher institutional level, than other types of groups. The evidence is clear that businesses groups in general enjoy much greater access and cooperation at the government level, more than twice the level of the citizens groups. Their instrumental forms of action which involve the recruitment of members, the mobilization of public support for the movement, and the advertising of the movement's causes differ from the patterns of public groups. As the theoretical literature on social movements suggests, each of these dimensions can serve different functions within the political process and requires different political credentials for a group (Leech and others 2007).

Thus, private interests use a variety of tactics in pursuit of their political goals. Interests, such as professional associations, with relatively narrow concerns usually work directly

through already established access networks, utilizing hearings and personal contacts. These groups often have to use pressure from constituencies to have an impact on the legislature (Mahood 1990). Less powerful, but nonetheless well organized, are professionals in the public sector. For instance, such groups in US are restricted from partisan activities by state and federal laws. However, they testify before Congress on issues affecting their programs, and they organize their members to speak with representatives from their own states or districts.

Trade associations fight regulations that would reduce their profits and seek preferential tax treatment as well as government subsidies and contracts. Although they are the least visible lobbies, their successes are measured in amendments won, regulations rewritten, and exceptions made. Trade associations are also the type of advocate most commonly active in coalitions. Thus coalitions can signal to policy-makers where the bulk of support lies. Coalitions can also indicate that advocates have worked out differences among themselves before approaching government officials and thus their final position is one that can be supported by the majority of the legislature and the public (Heclo 1978; Hula 1995, 1999). A coalition can thus garner more political supporting for a policy position by indicating a large set of interests already supporting the position.

Looking further at the nature and structure of private interests group, there is evidence that the structure to a large extent depend on the political system in which they are engaging. For example, Corporatist systems common to Germanic countries provide the associations with status as official interlocutors. The Austrian model with its compulsory membership of economic chambers has been the model of economic management in which associations have featured most strongly. In American society, on the other hand, associations are just one part of a dialogue between business and government. Greenwood (1998) argues that the EU, with its fragmented institutional set-up and dispersion of power, lacks the capacity to support and license an association system. Consequently, EU associations do not form part of an overall system of governance (Greenwood and Aspinwall 1998, 21).



The literature stresses that within the EU, economic interests are particularly privileged (amongst others Mazey and Richardson 1992, 2006; Aspinwall and Greenwood 1998; Bouwen 2006). Their strong presence shows that they possess a greater organizational potential. They are financially stronger, employ more staff and possess more access points to the Commission than to the European Parliament. Also, most US scholars agree that business plays a central role in American politics. Major corporations carry the prestige of being important players in the U.S. economy. Because elected officials are held accountable for the nation's economic performance, they often fear anti-business policies will harm that performance (Aspinwall and Greenwood 1998).

Furthermore, tracing the development of government activity and group formation in the US over the post-World War II period, Baumgartner and Jones (1993) found that the number of associations grew substantially over the post-war period and in particular that the diversity of such organisations increased as well. The US political system generated a greater range of interest groups, a much broader constellation of forces than only trade- and business-related groups as had dominated in the 1940s and 1950s (see Baumgartner and Johnes 1993). Through the social movements of the 1960s and the 'interest group explosion' that followed, a much wider range of interests were mobilized into the political system. These effects, of course, were strongly related to changes in the political system itself—the period during which the group system grew most substantially is the same as when government itself grew the most quickly, and a decline in the pace of growth of government after the late 1970s in the US is also reflected in a reduction in the growth rate of the group system.

At the same time, in the early 1990s, EU institutions were faced with an unprecedented boom in economic lobbying. Consequently, the Commission was faced with the problem of how to balance its informational needs and consultation requirements against a manageable number of interests. One of the Commission's informal solutions was to create restricted entry industrial forums, such as the Bangemann telecommunications and pharmaceutical forums. Coen (2002) explains that the success of these forums and a desire to have access to them, resulted in firms attempting to build their European

credentials via the creation of ad hoc business alliances. Between 1985 and 1997, over 35.000 firms chose to develop direct European lobbying capabilities, according to Coen. However, they soon had to recognise that the number of seats at the policy table was limited. Hence, large firms actively joined their European trade federations and industrial groupings like the European Round Table (Coen 2002, 255-292).

Today, according the European Commission registry database there are approximately 950 business interest associations, more than 1300 EU level groups of all types and around 300 transnational firms with government relations offices in Belgium. Research suggests that the most effective European groups in terms of attracting members tend to be those in business sectors characterized by a relatively high degree of concentration with only a limited number of potential members (Greenwood, J. and Aspinwall M. 1998, 21). Business remain the dominant force, making up approximately 72% of the groups (trade, business and professional) holding a committee position. However, combining trade and business associations shows business to be overrepresented by 10 percentage points. Thus the distribution of group types offers some insight into the biases of the committee system (Guéguen 2002, 50-53).

Furthermore, if the elite theorists are correct, the American power elite, is dominated by leaders of the biggest banks, insurance companies, and multinational corporations. Elitists' views may or may not be exaggerated, but business is certainly well organized for political action. Most large firms, such as AT&T and Ford, now have offices in Washington that monitor legislative activity. Schlozman and Tierney (1986) report that 70 percent of all interest group organizations have a Washington presence represent business (Schlozman and Tierney 1986). Businesses PACs also have increased more dramatically than any other category of PACs over the last several decades. Two umbrella organizations, the National Association of Manufacturers (NAM) and the Chamber of Commerce, include most corporations and businesses and speak for them when general business interests are at stake.

In US, the Labor has more affiliated members than any other interest group. The American labor movement reached its peak in 1956, when 33 percent of the

nonagricultural workforce belonged to a union; since then, the percentage has declined to about 16 percent. This number has grown rapidly since the beginning of the union movement. Today there are a total of 15.4 million union members, “11 million of whom belong to unions affiliated with the AFL-CIO.” About thirteen million workers are members of unions belonging to the AFL-CIO-itself a union of unions. Several million others are members of non-AFL-CIO unions, such as the National Education Association, which represents schoolteachers (Union Facts 2009. Access through: <http://www.aflcio.org/aboutus/faq/>).

However, business interests are not the only important actor on the lobbying stage. The rise of civil society organizations in particular, and the influence they have exerted on public policy in recent years, has raised questions about their accountability.

#### 1.2.1.2 **Public interests**

Public interest groups include many groups and institutions that are entirely or largely independent of government and that have primarily humanitarian or cooperative rather than commercial objectives, they are groups that pursue activities to promote the interests of the society, protect the environment, provide basic social services and represent citizen and community organizations or informal groups, often on an unpaid and ad hoc basis.

Public groups usually rely on moral persuasion, often coupled with the mobilization of their membership; they may provide information not available elsewhere, but they usually lack the status of political insiders, access to big campaign contributions, and sophisticated public relations organizations. These groups devote a large part of their efforts to activities that might generate public attention and support for their cause. Lobbyists also commit considerable effort to conventional political methods: meetings with government officials, participation in government commissions, and contact with parliament. Sometimes, they use unconventional patterns of action, such as protests

and demonstrations that attempt to disrupt the political balance and generate attention, but these patterns are infrequently used.

In comparison with the private interest groups, public interest groups seeking to influence public policy, representing the environment, consumers and social interests, are in less advantageous position. Their resources and ability to sustain action throughout the policy process cannot match the capacity of business and industry interests (Lipsky 1968; McAdam 1996). As a challenging political movement aligned against major social forces such as business interests (and often labor unions), public interests, have less potential to achieve policy change through conventional political channels, such as lobbying or voting. For example, environmentalists in EU were, at least up to the early 1990s, relatively successful at setting the Commission's environmental agenda, but they were much weaker in their ability to stay with an issue all the way through to the detailed drafting of policy. The reason for this was their lack of resources (European Parliament Working paper 2003; AFCEC 104 EN).

Taking into consideration the overall patterns of action, different groups gravitate toward distinct modes of activity. A group's environmental identity has a strong influence on its choice of political tactics. Groups that hold a challenging ideology or have created an identity as a challenging group, such as Greenpeace or Friends of the Earth, are more likely to resort to protest. In contrast, groups with a more traditional conservationist or with values that do not challenge the dominant economic paradigm are more likely to find themselves working within conventional political channels. In other words, the total mix of activities comes from different groups emphasizing different modes of activity that are compatible with their environmental identity (Dalton 2003).

Public groups also may join a coalition because it perceives collaboration as offering the best chance of securing political goals. Joining a coalition to influence public policy outcomes provides groups with an exclusive opportunity to influence the direction and contents of the coalition's campaign and the wider policy debate on the issue (Hula, 1995, 244-245). Also commonly engage in networking activities, working with national and international environmental groups as well as other domestic interest groups is a

frequent activity among these groups. By their very nature as challenging groups, public interest groups must seek out allies in pursuit of policy influence. This collaboration maximizes the opportunities available to interest groups to influence policy outcomes.

Within the event-induced attention to the problem, pro-change groups will mobilize in a number of ways, including membership drives and appeals for donations based on the need to react to the event and the failed policies that allowed it to happen. Groups will urge their members to write letters to business and political leaders, join boycotts, and participate in other forms of mass protest. While out-of-power groups can and often do take advantage of focusing events to advance their policy preferences. If an event threatens to reduce the power of advantaged groups to control the agenda, these groups are likely to respond defensively to focusing events. They may argue that an event is not as important as claimed by opposing groups, that existing policy is able to deal with any problems, or that, if new policy is needed, the policy proposed by the contending groups would be ineffective or counterproductive. Because of this, there is a great diversity of the public groups and their national backgrounds. They differ in their organizational forms and styles, in policy styles, perceptions of the relative importance of various issues, and in the magnitude of their expectations (Birkland 1998).

The differences of public interests between the US and the EU are stark: In the US citizen groups and foundations are much more likely to attain none of their goals, while trade/ business associations and corporations are much more likely to attain some level of success. In the EU citizen groups and foundations are more likely to attain some level of success, but so are trade/business associations and hired consultants (Mahoney 2007).

Tracing the group evolution, in the EU the internationalization of NGOs began in the 1980 and was hastened by the founding of the European Commission Humanitarian Office (ECHO) as well as the transfer of important financial means from the World Bank and the International Monetary Fund towards humanitarian NGOs (EP Working paper, 2003; AFCCO 104 EN).

Drawing on a data set of 700 civil society groups, Mahoney (2004) illustrated how the creation of Commission consultative committees fostered institutional opportunities and lobbying activity for societal interest groups. The huge increase in late 1980's and early 1990 of the number of public interest groups organized themselves at EU level to influence consumer, environment, development, human and civil rights, and other social policy issues. Perhaps more striking are groups which have been formed in recent times in order to respond to the environmental agenda and to seek to influence the way in which it evolves in future.

The first specifically European organisation, the European Environmental Bureau (EEB) was established in 1974, with 25 member environmental movement organisations representing all Member States. In subsequent years, the relationship between the EEB and the Commission was often close and the EEB even derived much of its core funding from the Directorate-general (DG) Environment. The EEB's web site in November 2002 claimed 141 environmental citizens organisations based in all EU Member States and most accession countries, as well as a few neighbouring countries.

In the US, the first public interest groups were spawned by the civil rights, women's rights, and environmental movements of the 1960s. For instance, the growth of the environmental movement in the late 1960s and early 1970s is arguably a textbook example of a Schattschneider (1986) mobilization as outlined by Baumgartner and Jones (1993). The conflict expands as opponents of the status quo work to raise awareness and mobilize supporters from the ranks of the uninvolved. A number of focusing events occurred during this time period that drew attention to the need for environmental regulations, and raised the profile of environmental groups generally as legitimate participants in the policy process. In this issue area, a policy image centered on resource extraction had prevailed for decades and each had established powerful and entrenched interests in Congress.

Though experiencing modest declines during the 1970s, public support for environmental issues remained higher than in the mid-60s and further increased over the course of the 1980s (Dunlap 1991). The rapid emergence and growth of a popularly

supported national environmental movement with a large organizational infrastructure and increasingly diverse tactical repertoire is thought to have spurred the development of a federal environmental regulatory framework, institutionalizing environmental issues on the American political landscape.

However, in pursuit of their goals, public interests rely on a set of methods that span the entire repertoire of available activities, and the proliferation of public interest groups, both in the EU and US level, make the interest-group system as a whole more influent and representative.

## **2. THEORETICAL APPROACH**

### **2.1. Punctuated Equilibrium Theory**

Baumgartner and Jones (1993) brought the theory of Punctuated equilibrium to the study of policy change as a way to resolve the dispute between incrementalists and their critics. They wanted to explain the positive-feedback processes (things that can create rapid self-reinforcing changes, destabilizing and explosive growth for example) as well as negative-feedback processes (also called self-correcting, or homeostatic processes, leading to steady equilibrium-type behaviors).

They provided a model that explains the existence of long periods of stability with occasional, but infrequent, dramatic change. This theoretical approach is not limited to the authority of certain institutions or the actions of various policy advocates; it examines the context of the policy process in an effort to understand why policies often change slowly and incrementally for years until there is a sudden shift to a dramatically different policy system.

Punctuated-equilibrium theory seeks to explain a simple observation: political processes are generally characterized by stability and incrementalism, but occasionally they produce large-scale departures from the past. Stasis, rather than crisis, typically characterizes most policy areas, but crises do occur. Large-scale changes in public policies are constantly occurring in one policy area or another and policymaking as public understandings of existing problems change (see Baumgartner and Jones, 1993). Important governmental programs are sometimes altered dramatically, even if most of the time they continue as they did in the previous year. While both stability and change are important elements of the policy process, most policy models have been designed to explain, or at least have been most successful at explaining, either the stability or the change. Punctuated-equilibrium theory encompasses both.



Baumgartner and Jones (1993) found that dramatic policy changes were generally associated with heightened governmental attention to an issue, or increased attention within a policymaking venue that had previously not been involved. This theory includes periods of equilibrium or near stasis, when an issue is captured by a subsystem, and periods of disequilibrium, when an issue is forced onto the macropolitical agenda. Authors have found that subsystem politics is the politics of equilibrium—the politics of the policy monopoly, incrementalism, a widely accepted supportive image, and negative feedback, which maintains stability in the system. Macropolitics is the politics of punctuation—the politics of large-scale change, competing policy images, political manipulation, and positive feedback. When an issue area is on the macropolitical agenda, small changes in the objective circumstances can cause large changes in policy, and the system is undergoing a positive feedback process. Positive feedback exacerbates impulses for change; it overcomes inertia and produces explosions or implosions from former states (Baumgartner and Jones 1991, 1993; Jones, Baumgartner, and Talbert 1993; Jones 1994; Talbert, Jones, and Baumgartner 1995; Jones, Baumgartner and True 1996).

Perhaps the single most apparent element in the P-E approach is that the processes that allow dramatic change are expected to result from the rapid interactions of positive-feedback processes. By their very nature, such processes cannot easily be predicted since they are highly sensitive to the interactions among variables, not simply additive combinations of them. If it is true that most policies most of the time will be relatively stable, policy advocates know that there is a constant threat of more dramatic change. This may be seen as either a danger or an opportunity.

Furthermore, the theory of punctuated equilibrium is based in part on a “bottom-up” process in which policy change may occur in isolated subsystems, may spill over into other, related subsystems, or may be affected by exogenous shocks (Jones, Baumgartner and True 1996, 1998).

From a decision making perspective, the forces that might cause a change in the decision design may be external to the decision maker. Such influences may include changing levels of public attention, striking and compelling new information, or turnover in the composition of the decision making body. When changing external circumstances force out the old decision design, the result is often not a modest adjustment but a major change in choice. Decision makers have limited resources they cannot deal with the full range of ideas or policy problems available to them; they ignore most and promote relatively few to the top of their agenda and change occurs when this concentration of attention (and resources) shifts towards a different policy image or new way of understanding an existing problem (Cairney 2010).

Also, Policy punctuations can occur as a result of a massive social movement or as a result of a small but coordinated lobbying movement of a determined political coalition. Therefore, social movements often help to spur political change, but they are not necessary to produce change; oftentimes legislators and political insiders will see an opening for new policy and will toward a new political equilibrium, following each other without the motivation or direction of a corresponding social movement (Baumgartner and Jones 1991; Jones, Baumgartner and True 1996).

The discontinuities in the policy process generate great changes on both sides: sometimes policies are greatly expanded, other times they are abandoned or cut back sharply. Relatively rare in this process is moderate adjustment to changing realities. Rather than make continual adjustments at all levels of scale, we see that the system has an extreme status-quo bias (reflected in the high central peak). This is because, the system often ignores new developments, sticking to a status quo policy until there is some often belated recognition that action is required; at this point large changes are common (see Jones and Baumgartner 2005, Jones et al. 2003).

For more than a decade now, Punctuated Equilibrium scholars have studied this conditions under which policy subsystems form, change, and break up. The theory has proven equally adept at explaining the real-world observations that over time, periods of

incremental change are the norm but that when conditions are right we can see dramatic changes. Since, Baumgartner and Jones have developed punctuated equilibrium as an analysis of the pluralistic and open American political system, a number of scholars in Europe and elsewhere have found the approach applicable to parliamentary systems.

Some designs, like the United States, are explicitly designed to be less than fully responsive. The framers of the US Constitution did not want the system to react to every small social movement-concurrent majorities, overlapping electoral mandates, and shared control of government by independently elected or appointed institutions were all seen as mechanisms to ensure that the system responded only to public pressures and feelings above some threshold. Parliamentary systems, in sharp contrast, are designed with a different logic. They are supposed to reflect voter demands, at least those reflected in parliamentary majorities. Thus we can expect that different types of governmental structures should be related with different levels of institutional friction. If structural designs matter, there should be differences in the levels of friction apparent in these two types of systems.

In addition, the Environmental policy, which I include in my further research, generally fits in the mold proposed by Baumgartner and Jones, and other punctuated equilibrium theorists.

## **2.2. Policy Venue- Access and entry Points**

Policy venues are the institutional locations where authoritative decisions are made concerning a given issue. Policy making authority is not automatically assigned to particular venues. On the contrary, how an issue gets assigned to a particular arena of policymaking is just as much a puzzle as how an issue comes to be associated with one set of images rather than another. Just as images may change over time, so may venues. Further, just as an issue may at time have multiple images, so may it fall within the jurisdictions of several venues (Baumgartner and Jones 1993, 32).

Each institutional venue has its own language, set of participants, and limitations, leading to evolving sets of strategies among those who would try to affect the agenda-setting process. Public policy is often carried out in several venues, each presenting a different package of costs, and benefits to groups. Interest groups are capable of making rational calculation concerning the allocations of lobbying recourses, as between the possible lobbying targets, deciding which public institution to lobby (Coen 1997; 1998; Benett 1997; 1999) or deciding which individual legislator to bribe (Snyder 1991).

In all, Interest groups strategically use their resources to influence policy in multiple venues. They spend a lot of time in venue shopping, looking for institutional access where they can have strategic advantage for their interests. Advocates must seriously consider the venues in which they argue their positions because often there is some flexibility in which institutional unit may be targeted, and because some venues may be more hospitable than others.

Each level of government, each decision-making body, each bureaucratic jurisdiction, each Parliamentary commission, each institutional setting harbors its own bias—none reflects perfectly the mix of opinions that may obtain in the broader political system. These facts create incentives for advocates to push issues toward the venue with the greatest receptivity to their own point of view. These dynamics are made clear by the studies of Bouwen and McCown (2007) that show clearly that advocates move from venue to venue in response to systematic factors, and by that of Broscheid and Coen (2007) who show that different institutional venues create different political opportunity structures, thus affecting the nature of the lobbying environment they face.

The degree of multilevel governance of a political system also influences the advocacy strategies of lobbyists. Centralized systems see the focus of advocacy in the capital, with interest groups spending their time, money and other resources targeted at central policymaking institutions. The more multi-level or federated a system, the more layers of governance exists for lobbyists to target. This may be used to their advantage if

lobbyists can venue shop for a level that presents a more amicable environment in which to press their case. However, such structures can also present difficulties for advocates that need to communicate their concerns and ideas to a larger range of policymakers in different geographic locations and who likely have different policy preferences than their counterparts at other levels of governance. Of course, different policy areas may be differentially affected by these processes.

In the context of the multi-level governance, different types of organized interests can be expected to coincide with different types of multi-level governance. As the general purpose governance arrangement with a limited number of non-overlapping jurisdictional boundaries at a limited number of level, multi level governance is likely to be associated with more institutionalized types of organized interests, where collective actors share resources and are set up on a more permanent basis (Hooghe and Marks 2003).

Furthermore, multi-level governance stresses the fact there is no a single actor capable of providing unique and universal answers to social problems. In this system shared governance occurs between different levels of government and between different actors that exert influence on environmental policies such as lobby groups or semi-governmental organizations. According Jordan (1998) this has resulted in what is now “far-reaching multi-level governance systems in which policymaking powers are shared between supranational, national and sub-national actors” (Jordan 1998, 1).

The following quote from Bache and Flinders perhaps comes closest to capturing the continued relevance of the concept: “While multi-level governance remains a contested concept, its broad appeal reflects a shared concern with increased complexity, proliferating jurisdictions, the rise of non-state actors, and the related challenges to state power” (Bache and Flinders 2004, 4-5).

The development of multi-level governance structures in Europe has produced entirely new strata of institutions and multiplied the venues groups can target. This multi-level

structure has led EU scholars to consider the role of “venue-shopping” and alerts US group scholars to re-consider the concept and potentially broaden its application to different levels of government in the US. Of course the opportunities and constraints of multi-level governance in the European context differ in important ways from the US system of federalism combined with separation of powers. Diverse institutional venues within the EU may well provide advantages to certain actors over others. On the other hand, just as in the US, increasing the scope of the political system also increases the diversity of the interests present. For example, industrial or sectoral interests that dominate within smaller, even national, venues may not dominate in the larger scale of the EU.

Taken as a whole, the EU is highly accessible to advocacy groups because its multilevel nature provides for easy access, and because of its needs for political participation. Each of the political institutions in any political system has different relationships with organized interests, depending upon functions and properties. Several authors suggests, that the variety of EU institutional structures offers various access points at different levels in the policy-making process that can be targeted by the different types of interests in a varying degree. Several authors have found that while some institutions provide more access to diffuse interests, others interact more with specific interests (Beyers 2004; Eising 2007).

According to some scholars, the EU began to develop a significant venue or arena for public policy making. First, bureaucracies have a tendency to construct stable and manageable relationships with interest groups in each policy domain as a means of securing some kind of ‘negotiated order’ or stable environment. Secondly, interest groups generally exhibit a preference for state bureaucracies as a venue for informing themselves about and influencing public policy. Thirdly, interest groups will seek to exploit new opportunity structures or venues as a means of maximising their capacity to shape public policy to their own advantage (Richardson and Jordan 1979).

On the other side, Federalism is a type of governance which is concerned with power sharing among a limited number of governments operating at just a few levels. The

main thrust of federalism in the context of the national state is the relationship between central government and a tier of non-overlapping sub-national governments. In other words, in federal systems, organized interests tend to reflect different levels of territorial governance in their own organizational structures. Regional structures are generally drawn in line with federal states. According Baumgartner, Jones, and McLeod (2000) where multiple venues occur as a consequence of institutional design, such as in federal systems, one would expect the dynamics of punctuated equilibrium to emerge.

The main value of the concept of multi-level governance is that it allows for an understanding of complexity at and between levels. In this sense, the vertical notion of multi-level governance, including but also seemingly “above” and “below” the nation state, goes alongside the horizontal notion of complex governance to address relationships between state and non-state actors, and new forms of public-private partnerships. This goes beyond a linear approach to the study of international organisations on the national polity and on specific thematic areas such as social policy (Stubbs 2005).

Concerning the distribution of powers, two dimensions have to be considered: vertical and horizontal fragmentation. In a vertically decentralized institutional environment, interest groups benefit from a plurality of access points across several layers of government. In federalist systems decision-making powers are constitutionally divided between a central governing authority and constituent political units. Thus, interest groups cannot only approach the central government but also subordinate decision-making bodies in order to influence the policy outcome. Horizontally fragmented decision-making systems equally increase the access points of interest groups: In a horizontally decentralized institutional environment, a plurality of actors participates in horizontally decentralized institutional environment; a plurality of actors participates in the decision-making process at the same level of government. Consultation and negotiation among a wide variety of actors is the constituent principle of policy-making. The institutional context of vertically and horizontally decentralized states thus enables interest groups to access the policy-making process at several levels of government. By

contrast, a vertically and horizontally centralized government provides only very few access points on one single level of government.

Future research in both the US and the EU on the process of venue-shopping, by which advocates seek out and engage with levels of governance that are more favorable to their cause, may be one avenue simultaneously to study advocacy at different layers of governance.

### **2.3. Policy Image**

The term policy image means how the policy is understood and discussed. Because a single policy or program may have many implications, or may affect different groups of people in different ways, different people can hold different images of the same policy. Policies will differ in the degree to which a single image is well accepted by all. In some cases, there is virtually no disagreement about the social or political implications of a given policy, while in other cases there may be considerable conflict over the proper way to describe or understand it. Often, proponents of a policy focus on one set of images, while opponents refer more often to another set of images (Baumgartner and Jones 1993, 26).

Such images are, in effect, information-grist for the policymaking process. The factual content of any policy or program can have many different aspects, and it can affect different people in different ways. When a single image is widely accepted and generally supportive of the policy, it is usually associated with a successful policy monopoly. When there is disagreement over the proper way to describe or understand a policy, proponents may focus on one set of images while their opponents refer to a different set of images (Baumgartner and Jones 1991, 1993: 25–28, 59–82).

Setting the agenda involves not only getting issues onto an agenda but also being able to determine the way those issues are defined and the solutions that are considered to



be suitable. Policymakers obviously have incentives to portray issue in different ways, depending on what they might gain from different understandings, but no single policymaker is often in a position to determine alone what understanding will come to dominate (Baumgartner and Jones, 1993, 28). In this direction, agenda setting require advocates to expand interest in a particular issue or policy. Some advocates know the issue better; they are able to portray the issue in simplified, favorable terms, and to link the private problems to public causes in the order to demand government attention. When the image of the issue changes from private to a public problem, the issues raise high on the government agenda.

According to the characteristics of the policy issue at hand, interest groups influence is assumed to vary across issues. For example, whether an issue is new or has been previously addressed and whether an issue is highly salient or non-salient have dramatic effects on groups' abilities to affect legislation and a bill's likelihood of passage. It is always true that advocates are more likely to be successful if the issue is perceived as a new one that has not been on the congressional agenda previously (Mahoney 2007, 2008).

A primary characteristic that describes how the nature of an issue affects the strategic context is whether a bill represents a new issue or a previously existing issue. Congressional scholars have noted that the presence of new issues can dramatically affect the inner workings of Congress and how it deals with legislation (see Smith, S. 1989). Smith notes that the presence of new issues is one of several factors that contributed to significant changes in the decision making process of Congress in the last 25 years (Smith S. 1989, 6-7). Further, bills that died in previous Congresses can receive special consideration if they are reintroduced in later Congresses. Advocates working in systems which allow for a great number of official policy proposals have the opportunity to portrait the issue and to advocate pro-actively for their preferred policy alternatives. Systems in which the number of policy proposals is restricted make it more difficult for advocates to create preferable policy image.

Furthermore, advocates should be less likely to succeed in their lobbying goals the larger the scope of the issue they are active on, that is, issues having far reaching policy

implications (Browne 1990). Since large scope issues involve a larger number of vested interests and large portions of the general public, policymakers dealing with a large scope issue would not be well-advised to follow the lead of a single special interest. Also, groups that are well endowed are able to put more resources into each issue, engage in more tactics, and devote more man power to the topic; considering this, they should be more likely to succeed in their lobbying activities (McCarthy & Zald 1978).

Also, knowledge of the relevant issues is of extreme importance, for portraying the issue. McGrath (2006) commented that a lobbyist should as much as possible listen to (and watch) the politician with whom he/she is speaking, not only in order to understand the exact position of the interlocutor, but also to see if the point they are making gets across. This is what de Lange and Linders (2006) termed “the art of reading the signs” that they deemed vital for successful communication.

*There are four important dimensions of the issue:*

### **2.3.1. Framing an issue**

Issue framing is an important variable in policy change. Most, if not all, policies are simplified or 'framed' by issue advocates, politicians, or other interested parties. Frames can be proposed, abandoned, reinforced, or redefined by any actor, but only a few frames will become widely recognized by the general public.

Lobbyists are framers. They spend much of their time attempting to convince others that their issue should be seen in a particular light. Their attempts to reframe the issue are attempts to change the nature of the argument, and frame the issue in a way that is consistent with lobbyists' values and goals. The way an issue is defined or framed will clearly influence how people assess various solutions.

Many groups are able to expand the conflict by reframing an issue in such a way as to mobilize previously apathetic members of the electorate; they are able to draw increased attention to their perspective. Sometimes, this initiates a system of positive

feedback that feeds upon itself and draws attention from other actors and issue areas until, ultimately, the resource advantage of the subsystem is overcome and a new equilibrium forms inclusive of the widened array of interests. Scholars have found that Members of Congress, in particular, are often sensitive to the mobilization of the electorate around an issue and may reprioritize their preference structure to allow the consideration of previously excluded voices (Mahoney 2007; Chong and Druckman 2007). The difficulty for challengers lies in generating enough public concern to give congressional members outside the subsystem sufficient incentives to expend their political capital on the issue.

Furthermore, the framing of an issue should not be confused with its content. Framing is the process of creating the context within which the balancing of arguments (i.e. content) takes place, for instance if it is more important to look at environmental considerations on a given issue (Chong & Druckman 2007). If a frame is successful in convincing, for example, that environmental considerations are more important, then a second level of communication takes place into deciding the specific environmental principles that should be followed.

In attempting to identify the characteristics of strong frames, Chong and Druckman (2007) commented that these often “rest on symbols (...) and may be effective in shaping opinions through heuristics rather than direct information about the substance of a policy” (p.111). Therefore, it seems that an important role of a given frame is to ‘cover’ the communication aspect under conditions of low elaboration. Ideally however, they should attract the recipient’s attention into showing the relevance of the issue and in a second level they must be supplemented by strong arguments that persuade the audience using the central route of persuasion.

Further, Chong and Druckman (2007) suggested that in order to have an effective framing effect, the information conveyed must be stored in memory in such a way that it becomes readily available for retrieval and use. A possible way to achieve such an outcome is by increasing exposure to the frame—indicating that the process may be

long-term in nature. Regarding the specific communication that should be used when framing an issue, communication must be not only based on reason and credibility, but must also appeal to emotions and be closely tied to a politician's interest, convincing him/her that a substantial percentage of voters also hold the same idea (McGrath 2007).

Therefore, issue framing is a critical part of policy advocacy because frames can promote wider understanding and greater political force in the general public than a full discussion of complex policy details. Whichever frame gains currency among constituent groups will influence the level of political support for environmental policies. However, despite the potential power of issue frames, entrepreneurial politicians can try to redefine complex policy issues or discredit competing frames in an attempt to bolster political support for a specific position.

### **2.3.2. *The Salience of an issue***

Salience is the importance of issues to interest groups. Policy issues raise a varying amount of attention. Some issues are only of interest to a highly specialized and well-circumscribed sector. However, other policy issues may raise an enormous amount of attention among interest groups and even among the public. If policy issues are not very salient, interest groups trying to influence policy-making should find it rather easy to do so since they do not have many competitors who could push the decision-makers into another direction (Mahoney 2007, 2008). However, if policy issues are highly salient and many interest groups are actively trying to shift the policy outcome towards their ideal point, interest groups should find it difficult to exert influence since policy-makers cannot listen to one single advocate.

Many scholars have noted the importance of issue salience to the legislative strategic context (see Kollman 1998; Hansen 1991; Maltzman 1995; Price 1978; Baumgartner and Jones 1993; Berry 1977; Schattschneider 1960). Kollman notes, "The salience of policy issues to constituents, an often-overlooked characteristic of public opinion, lies at

the center of interest group politics” (Kollman 1998, 9). One could view this element of the strategic context as “level of conflict” or as “issue salience.” for these purposes they have the same effect on interest group strategies. Members faced with an issue that is prevalent in the public eye are likely to take constituency preferences into strong consideration when taking action on such bills. In general, interest groups will have an easier time exerting influence over legislation when the issue at hand is perceived as *less salient* (Berry 1977).

This is true because, for example, members of Congress tend to have stronger preferences and more restrictions on their behavior (both from constituents and party leadership) when issues are highly salient. For a group to effectively influence the progress of a piece of legislation, they are more likely to have a real affect if the issue is less-salient to begin with.

Also, highly salient issues were hypothesized to exhibit a similar pattern—the more salient, the less successful individual advocates should be in their lobbying (Mahoney, 2007). The expectation was that the more salient the issue to the public, as indicated by news coverage, the more likely it is that advocates will engage in outside lobbying on the topic. Since advocates can engage in outside lobbying tactics that are aimed at the media, their activity can increase the coverage of the issue in the news and the salience of the issue to the public. However it cannot be guaranteed; advocates can attempt to promote attention to their cause but the media and public may not be interested. Hence, contrary to hypothesis, the result was that the salience does not have a robust effect on interest group influence. Also the data on salience is ambiguous, as the salience of the issue increases in the U.S. the likelihood of lobbying success also increases. However this does not hold for the EU case. In the EU: the more salient an issue became the less likely an advocate would attain lobbying success (see Mahoney 2007).

Also, Congressional scholars have noted that the presence of new issues can dramatically affect the inner workings of Congress and how it deals with legislation (see Smith, S. 1989; Baumgartner and Jones 1993; Sinclair 2000, 15-16). When an issue is perceived as highly important, supporting groups are more likely to engage in

strategies, whereas opposition groups may find more success with less popular issues. Supporting groups will be advantaged because the more conflict and awareness that surrounds an issue, the more likely Congress is to take it up (Schattschneide 1960). Therefore, highly salient issues and “major legislation” are more advantageous for supporting groups than opposition groups (Berry 1977; Kollman 1998).

Highly salient issues are also expected to lead to coalition formation since these types of issues require that advocates demonstrate a broad base of support. In addition, issues that are the object of a great deal of public attention may require advocates to engage in more costly tactics such as issue advertisements or publicity raising events, and thus pooling resources may be even more attractive on such costly issues (Schattschneider 1960).

### **2.3.3. *Location of the Status quo***

The existence of a status quo has important implications for the study of interest group influence. The status quo is already the result of earlier rounds of policy-making thus constituting a compromise among different stakeholders. Thus, if a status quo already exists, interest groups who are located closer to this status quo should find it easier to influence the policy-making process than interest groups located further away from the status quo.

Changing policy from the status quo involves justifying a *shift* in the allocation of resources, moving it from a status quo position to a new position. One side proposes change; another attempts to protect the status quo. Groups that favor the status quo are likely to want to keep an issue from gaining much attention; whereas groups that favor change are likely to gain advantage from increased attention to their issue. Modern lobbying frequently finds need to mobilize the public and such mobilization often results in some types of outside strategies (Kollman 1998, 3).

Status quo-oriented groups (such as business interests) also seek to *prevent* the promotion of issues that they find detrimental to their interests. Groups and advocacy

coalitions that have traditionally struggled to gain a hearing or see their preferences translated into policy must overcome the sometimes aggressive blocking action of their political opponents (Bachrach and Baratz 1962; Gaventa 1980). Because they are sudden, dramatic and often harmful, focusing events give pro-change groups significant advantages in overcoming these barriers.

Furthermore, the likelihood of a proposal surviving the policy process affects how lobbyists engage the issue. In systems where policy change is unlikely, where bills often die due to institutional rules, lobbyists opposed to a proposal can easily protect the status quo. In systems where policy proposals tend (eventually) to be enacted, lobbyists opposed to a proposal must work to modify a dossier at the margins.

Groups wishing to affect the rules under which a bill is considered necessarily need a relationship with the party leadership that makes decisions over such rules. Opposition groups may be more likely to find success at killing a bill by talking with leaders and lobbying for rules that advantage their position than supporting groups (Kollman 1998, 3). Of course, supporting groups can also use such strategies to their advantage, however opposition groups may be more likely to engage such tactics and may be more successful with them since arguing for no-change is easier than arguing for change.

However, the nature of political response to a policy issue changes only rarely, but when it does it can lead to a shift in policy direction (Baumgartner and Jones 1996). These arguments are usually countered by opponents who benefit from the status quo understanding of the issue. Each side may argue that the other side has oversimplified the case, but none will want to do without their own sound-bites and favorite examples if these can make headway among those who are less expert on the history and complexities of the issue. Through this process of informational richness, and mutual checks and balances, we can understand the extreme status-quo bias associated with most issues in Washington, but also how things occasionally shift dramatically.

#### 2.3.4. **Conflict**

Highly conflictual issues, with opposing camps battling it out, present a very different lobbying environment than issues in which only one perspective is promoting its policymaking vision unopposed (see Salisbury, 1987). Civil society organisations are less likely to be successful in their lobbying goals if they are engaged on a highly conflictual issue than if they are active on an issue where they are up against no opposition.

One group will attempt to define the conflict in such a way as to expand it from its original small scope, intensity and visibility. At the same time, another group will attempt to define the same conflict in very different terms. The product of these two opposing goals and efforts will create the dynamics of the agenda building process, which is resolved when either one group is successful in expanding the conflict to a significant portion of the population and, correspondingly, to some ultimate decision-making forum or the other group is successful in burying it.

Highly conflictual issues may more likely lead to coalition formation because conflict gives groups an incentive to band together to face a common threat (Gais and Walker 1991; Hojnacki 1997; Whitford 2003). These coalitions can affect the level of public attention policy and legislative issues receive (Loomis 1986, 267). The ability of coalitions to influence issues in this way might similarly encourage collaboration.

However, when a group is able to expand the conflict by reframing an issue in such a way as to mobilize previously apathetic members of the electorate, they are able to draw increased attention to their perspective. Sometimes, this initiates a system of positive feedback that feeds upon itself and draws attention from other actors and issue areas until, ultimately, the resource advantage of the subsystem is overcome and a new equilibrium forms inclusive of the widened array of interests.



## **2.4. Image-Venue Interaction and Punctuated Equilibria**

Policy-making is characterized by the interaction between institutional structures and policy images. Each institutional venue is home to a different image of the same question, and Images may be accepted or rejected depending on the institutional arena in which they are raised. Some images may be well accepted in one venue, but considered inappropriate when raised in another institutional arena. Different Issues may be assigned to one venue rather than another because of how they are framed, and different venues may reinforce different ways of considering the issue. Initial venue assignments, while not necessarily permanent, can have long-lasting policy consequences as they give special advantage to those with greater access in that forum and to those ideas most easily accepted within it. Similarly, issues initially assigned to one venue are not guaranteed to be 'owned' by that institution, perpetually and monopolistically (see Baumgartner and Jones 1998).

Policy change can be brought about if policy opponents manage to fashion new 'policy images', i.e. new perceptions or frames of the issues at stake, and are able to exploit successfully the multiple venues that generally are present in a policy domain (Pralle 2003; True et al. 1999). To bring about policy change, issues first have to be redefined or new dimensions have to be added to a prevailing policy image. "Subsequently, the advocates of policy change have to search actively for venues where chances for getting support for their newly fashioned policy image are the highest" (True 1999). If advocates succeed in getting support for a new policy image in venues or arenas at a higher administrative level, this may induce significant policy change. When a new policy image attracts supporters, and becomes widely accepted, this generally marks the beginning of another lengthy period of policy stability. The policy image becomes institutionalized, and a new policy monopoly is created.

On the other hand, policy makers attempt both to manipulate the dominant understanding of the issue with which they deal and to influence the institutions that

exert jurisdiction over them. Just as changes in how issues are understood can lead to changes in issue assignment, institutional reorganizations and jurisdictional changes can produce changes in policy, as the same issue is considered by a different group of policymakers with different views than in the previous venue (see King 1991). Political actors are capable of strategic action by employing a dual strategy as follows: On the one hand they try to control the prevailing image of the policy problem through the use of rhetoric, symbols and policy analysis. On the other hand, they try to alter the roster of participants who are involved in the issue by seeking out the most favourable venue for consideration of these issues (Baumgartner and Jones 1991, 1045).

This interaction between the changing images and venue may produce a self-reinforcing system characterized by a positive feedback. Such system can produce long periods of no change or dramatic reversals in outcomes in relatively short periods of time. In other words, as Baumgartner and Jones (1993) suggest, there may be a snowball effect, as image and venue changes continue to reinforce each other over time. Where one changes, change in the other becomes more likely, where one is stable, stability in the other is reinforced.

According to the PE-framework, the multiple venues which are characteristic for most modern policy domains, offer opportunities for venue shopping. Policy opponents may actively search for venues more receptive to their policy image than venues where the 'old' image is prevalent (Baumgartner and Jones 2002; Pralle 2003; Richardson 2000). In the PE-framework, it is exactly the combination of the underlying structure of a policy issue, and the multiple venues present within a policy domain which offer opportunities for policy change. When a new policy image attracts supporters, and becomes institutionalized, this marks the beginning of another period of stability. Thus, venue assignments play a key role both in establishing the structures that create the policy equilibria for most issues most of the time, and in facilitating occasional dramatic changes when the structures fall apart or are replaced by others. Venues are not only a cause of change; they are more often in fact a cause of stability and frustration to those who are left out.

Baumgartner and Jones (1993) explained “bursts” of change and policy punctuations as arising from the interactions of images and institutions. When an agreed-upon image becomes contested, a policy monopoly is usually under attack, and the likelihood grows of a new mobilization (a wave of either criticism or enthusiasm) advancing the issue onto the macropolitical agenda (Baumgartner and Jones 1993). Those excluded from monopolies have an interest in challenging or reshaping the dominant way of defining policy problems, to allow new entrants into the policy network and/ or widen the debate to ensure a more sympathetic audience. This may come from within, for example by ensuring that new ideas or evidence force a shift in government attention to a new policy image of the same problem. If these new ideas are accepted, the very structure of the decision-making process changes to accommodate new interests and experts (and perhaps exclude the actors previously favoured by governmental decision makers). Or, if this new image is stifled by policy monopolies, then groups may pursue ‘aggressive venue-shopping’ to seek influential audiences elsewhere.

The degree to which problems are tightly link to images is related to the degree to which a single arena of policymaking exerts monopolistic control over the policy. Conversely, where venues change, the terms of the debate may be altered still further. Where venues ate tightly controlled, on the other hand, changes in image are less likely; where changes in image are ruled out, the odds of effecting changes in venue are correspondingly lower. So image and venue can combine to produce rapid change, or they may interact to reinforce the current assignment of authority. Both stability and rapid change in policy outcomes can come from the same process (see Baumgartner and Jones 1998).

Perhaps one of the important facts, however, is the degree of support an organization or its cause already enjoys among policymakers. Policymakers and organized interests may frequently work in tandem to advocate policy goals that they both share. Because organized interests outside of government often have more staff time available, the ability to do research and publicize things, and the luxury of working on just one or a few issues at a time, they may work with allied government officials rather than only trying to convince them to support some policy option.

However, making policy can be difficult, even at the national level. Many exogenous factors intervene – including new ideas or ‘frames’ (Schön and Rein 1994); the structure of institutions; the arrival of new interests in a policy area’ and the sheer numbers of interests to be accommodated. Each level of action-whether societal or governmental-possesses only a limited capacity to deal with the problems it confronts. Higher levels of decision making depends on the inputs from below (from both public and private actors) to define problems and formulate responses to them, as well as on the implementation activities of actors "below" in putting these into practice. Lower levels of decision making cannot or depend solely on their own to deal with problems that surpass their abilities to internalize the relevant dimensions of the problem or to mobilize the resources needed to deal with them.

These mechanisms of issue expansion and policy development are broadly similar in different democratic political systems, even though they may play out differently as they are channeled through different decision-making institutions (Pralle 2006).

### **3. A COMPARISON OF POLICY VENUES: EU AND US**

#### **3.1. LOBBYING EU INSTITUTIONS: VENUES OF INFLUENCE**

The EU has a complex government structure made up of bodies known collectively as the EU institutions. The Parliament, the Commission and the Council are responsible for making EU laws, managing EU projects, distributing funds and deciding the future direction of the EU. The powers and responsibilities of these institutions are laid down in the Treaties, which are the foundation of everything the EU does and set down the rules and procedures that the EU institutions must follow. Thus, the European Union (EU) is not a federation like the United States. Nor is it simply an organisation for co-operation between governments, like the United Nations. It is, in fact, unique international organization, that operates through a hybrid system of supranationalism and intergovernmentalism, organisation in which, decisions are made through negotiation between the member states.

In all, the delegation of powers to the European Commission, the European Parliament, and the European Council, made these institutions important to the representation of interests. Taken as a whole, the institutional structure of the European Union reflects a multilevel nature of governance which is highly accessible to advocacy groups.

##### **3.1.1. Venues in the European Commission**

The European Commission is considered the most supranational institution in the EU decision- making process. As agenda-setter and the official 'guardian' of the Treaties, the Commission has the formal right to initiate legislation and is thus responsible for the drafting of legislative proposals, overseeing the implementation of its laws and policies and is charged with ensuring that they are respected. Legally, the Commission is subject to the jurisdiction of the European Court of Justice, but the court almost always sides with the Commission because it shares its vested (EC, Article 213 TEC).

Once the Commission proposal is drafted it has to be approved by a simple majority of the College of Commissioners. It means that Commissioners have to build alliances within the College in order to make the proposal approved. The Commissioners are chosen by the governments, confirmed by the European Parliament and appointed by the European Council. They decide behind closed doors and, if necessary, by simple majority. Their voting record is not published. Thus, all EU legislation has to be proposed by a body that is neither elected by a parliament nor accountable to the public. Since the Commission is notoriously understaffed (Marks and McAdam 1999, 105) it is highly dependent on external information in order to elaborate policy proposals (Balme 2002, 54; Saurugger 2002; 2003, 29).

Once the Commission has made a proposal, the Council and the European Parliament may amend it. The majority requirement in the Council depends, however, on the vote of the Commission. If the Council agrees with the Commission, it can adopt the act by qualified majority; if it does not, unanimity is required (EC, Article 250–252 TEC). Thus, the Commission interferes with the legislative process even after it has made a proposal. Under the co-decision procedure (EC, Article 251 TEC) any amendment would also require the assent of the European Parliament, which shares the Commission's vested interest in European centralisation. In any case, the Commission will not submit a draft legislative act that it expects to be altered against its wishes. Thus, it cannot come as a surprise that EU legislation is a one-way street in the direction of ever more centralisation.

In addition, under the Council's direction, the Commission represents the EU in trade negotiations and agreements with third countries and international organisations. As the European Union's executive body, the Commission is also responsible for managing and implementing the EU budget. Most of the actual spending is done by national and local authorities, but the Commission is responsible for supervising it-under the watchful eye of the Court of Auditors. Both institutions aim to ensure good financial management. Only when satisfied with the Court of Auditors' annual report does the European Parliament grant the Commission discharge for implementing the budget (European Commission, Directorate-General for Communication 2007).

The European Commission has a legal monopoly over policy initiation and plays a crucial role in policy formulation. As a result, the Commission becomes a central venue for interest groups activities. The policy formulation stage is of crucial importance to interest groups in order to influence the final policy output. Numerous empirical studies have demonstrated that it is the most important point of contact for interest groups in these phases of the policy-cycle (Meynaud and Sidjanski 1971; Mazey and Richardson 1993; Coen 1997, 1998; Balme and Chabanet 2002).

An important point of access to the policy-making process is membership of one of the Commission's formal Consultative Committees. These committees provide interests with opportunities for early input into the policy-making process, a strong advantage since 'the proposal drafting stage in the Commission is an opportune time for interest groups to try to modify the shape and content of the contemplated legislation' (Dinan, 1999, 225). During the proposal drafting phase, the Commission refers to Consultative Committees for expertise and broad interest input, making considerable effort to engage non-governmental interests in the policymaking process. Christiansen (1996/2001) notes that this has been in part to increase its control; the Commission has circumvented 'potential obstruction of national governments by involving a wide range of non-governmental groups and interests in deliberation about new policy initiatives' (Christiansen 1996; 2001, 99; see also Keating and Hooghe 1996/2001). Accordingly, a former Secretary General of the European Commission commented that "for interest groups in particular, the proposal stage often offers the most fertile opportunities for exerting influence" (Thomson and Hosli 2006, 15).

Given that expert knowledge is the critical resource for the Commission's legislative work, interest groups trying to influence legislative proposals, have to provide expertise of good quality (Bouwen 2002, 26). Thus, on one side the Commission needs input from interest groups in form of external expertise, on the other side organized interests provide a predictable range of policy benefits to the Commission. These are: a source of support for drafting legislation; a means of 'testing out' proposals among stakeholders, as well as providing information about the implementation of measures, and their

impact. These can be summarized as the function of acquiring information, ideas, intelligence, specialist knowledge and input.

Furthermore, the European Commission offers the greatest access to lobby groups via its Directorates General (DGs). Each DG can establish expert groups whenever they see a need. Participants in these groups can either be appointed as representatives of a public authority or civil society group, or in a personal capacity. If a lobbyist knows about an expert group at an early stage, they can try to be invited on as a member. As Daniel Guéguen suggests lobbyists should lobby for the creation of a new expert group. This will put them in a good position to 'control the agenda' of the new expert group. This is a widely utilised lobbying strategy and therefore it should come as no surprise that there are many examples of expert groups with an unbalanced composition in terms of interests' representation (Guéguen 2007).

Interests groups lobby the Cabinet as well. The role of the Cabinet is to guarantee that the political ideas of the Commissioners are reflected in the policy proposals. When the proposal is at the College of the Commissioners to be approved, advocacy groups strongly exert pressures to the political level of the Commission. At the same time, the Commissioners' Cabinet exploits interest groups to influence Member States.

The Commission also determines the nature of interest representation in the policy-making process in a much more direct manner by selecting in what policy areas public debate will be fostered and which interests will participate in the formal forums of debate. This power is conducted through the Consultative Committee system-a major component of the legislative development process. Mazey and Richardson (1996/2001) allude to a recursive process regarding the committee system; supply-and demand-side forces lead to increased activity at the supranational level. This trajectory is precisely in line with the Commission's goals. 'The more the Commission stresses openness and consultation, the more new groups will come to Brussels. The more groups there are in Brussels, the more groups will want to come to Brussels' (Mazey and Richardson 1996/2001, 228). The Consultative Committee emerges as a useful tool with which the



Commission guides policy-making and a critical instrument through which interests can have their voices heard.

Successful lobbying of the European Commission entails establishing an organizational capability to co-ordinate potential ad-hoc political alliances and to develop and reinforce existing political channels at the national level and European level. To achieve good access for *direct lobbying* of the European Commission interest groups must to develop a broad political profile across a number of issues and to participate in the creation of collective political strategies. Thus, the Commission supports interest groups because bureaucrats and lobbyists have common aims. Both are interested in political centralisation that helps them to escape the attention of voters. On the other side interest groups seek to attain political outcomes that democracy alone would not bring about (Vaubel 2009).

The Commission argues that it has always been an institution open to outside input. 'The Commission believes this process to be fundamental to the development of its policies. It is in the Commission's own interest to maintain open access ' . . . since interest groups can provide the services with technical information and constructive advice' (Commission 1992, p 1). The need for a more balanced institutionalisation of interest group intermediation is reflected in the Commission's encouragement of NGOs. In 1997 it adopted a communication promoting the role of voluntary organisations and foundations in Europe (Luxembourg, Office for Official Publications of the European Communities, 1997; ISBN 92-828-1613-3).

Thus, the Commission has acted rationally as a 'purposeful opportunist' (Klein and O'Higgins 1985; Cram 1994) in expanding its policy domains and creating new ones. In particular, it has recognised the utility of interest groups as sources of (a) information (b) support and (c) legitimacy in its key policy making roles. Finally, like all 'state' bureaucracies, it has recognised that institutionalising consultation with interests is a classic form of risk reduction. By seating the appropriate stakeholders at the appropriate seats, bureaucrats both reduce likely resistance to their policy proposals at other venues and avoid the blame for subsequent policy failures or fiascos (Henderson 1977).

Also, there are incentives for the EC to pursue a system of privilege for certain preferred partner organizations. All public administrations need to seek solutions to input overload, and like to find ways to simplify their consultative lives. They prefer to engage with those who keep to the rules of the game, rather than aggressive outsiders who create conflict beyond the confines of bureaucratic capacity to deal with it (Greenwood 2007).

In addition, Coen points out that access to the Commission is very much biased towards business and professional organizations (i.e. specific interests), which in 2003 represented 76 percent of EU interest groups compared to 20 percent of public interests (Coen 2007, 335). However, these statistics are only part of the picture, as business groups have a comparative advantage in terms of organizational capacity, financial resources, expertise and information. This insider status and resource advantage of business has led many to call EU interest politics an *elite pluralist* environment (Coen 1997, 1998; Bouwen 2002; Mazey and Richardson 2006).

However, the regulatory agency style of Brussels policy-making has produced the emergence of an elite trust-based relationship between insider interests groups and EU officials. Within this credibility game the Commission makes much of its attempts to build long-running relationships with interests, based on *consistency* for information exchanges, wide *consultations* and *conciliatory actions* (Coen 1997, 1998; Bouwen 2002; Mazey and Richardson 2006).

In addition, more recently, the Commission has created a Website devoted to its relations with interest groups reflecting its 'wish to create a single site reserved for the working tools that enable officials to promote the participation of socio-economic circles and the representatives of civil society in the legislative process' (see European Commission web site, access through: <http://ec.europa.eu/old-address-ec.htm#top>).

### 3.1.2 Venues in the European Parliament

The European Parliament is, according to the Constitutional treaty, the institution that together with the Council exercises legislative and budgetary functions and elects the president of the Commission (Art I- 20). The importance of the European Parliament has developed through time from a consultative role, on commission's proposals, to the present situation when it is an important part of the legislative body. Until The Single European Act (1957), the only power of the Parliament was to delay the decisions and not to block or change them. The adoption of The Single European Act was the first step in increasing the Parliament's powers and strengthening its political role as a legislative body in itself.

The role of EP changed with the adoption of the Maastricht and Amsterdam Treaties. The Maastricht Treaty (1992) established the co-decision I procedure in which the EP was granted the veto power over legislation. If the EP rejects the proposed legislation, it cannot be adopted. In order to avoid rejection, a Conciliation Committee is convened if the Council cannot accept all the EP's second-reading amendments (Kasak 2004, 242). The Amsterdam Treaty (1997, entered into force 1999) increased the role of the EP by adoption of the co-decision II procedure. The co-decision II gave equal legislative powers to the Council and the EP relegating the Commission to a more traditional bureaucratic role in policy making (Garret and Tsebelis 2000, 32). In other words, with the Maastricht Treaty the relations between the Council, the Commission and the Parliament became formal and the EP role changes from legislative influence to legislative power (Earnshaw and Judge 1995, 109).

The parliament's committees are its most important bodies. All legislative proposals and other legislative documents must be considered in the committees, and the bulk of the legislative process under all legislative procedures takes place in the committee sessions. Thus, committees carry out the EP's detailed policy work and are responsible for its formal input into legislative procedure (see Collins 1998).

The Parliament has three main roles: The first role of the Parliament is to pass the European laws. In general, it is the European Commission that proposes new legislation, but it is the Council and Parliament that pass the laws. If Council and Parliament cannot agree on a piece of proposed legislation, it is put before a conciliation committee, composed of equal numbers of Council and Parliament representatives. Once this committee has reached an agreement, the text is sent once again to Parliament and the Council so that they can finally adopt it as law. Thus, the Parliament shares its legislative powers increasingly with the European Council. It is the Council's task to amend and decide on legislation by reaching a decision that is acceptable to all or, at least, to a majority (Westlake 1995, 87).

The second role of the Parliament is to exercise democratic supervision over the other EU institutions. It has the power to approve or reject the nomination of commissioners, and it has the right to censure the Commission as a whole. When a new Commission takes office, its members are nominated by the EU member state governments but they cannot be appointed without Parliament's approval. Parliament interviews each of them individually, including the prospective Commission President, and then votes on whether to approve the Commission as a whole.

Furthermore, the EP is the only institution that has the sole right to dismiss the Commission. Throughout its term of office, the Commission remains politically accountable to the Parliament, which can pass a 'motion of censure' calling for the Commission's mass resignation. More generally, the Parliament exercises control by regularly examining reports sent to it by the Commission (the annual general report, reports on the implementation of the budget, etc). It also monitors the work of the Council and can exercise further democratic control by examining petitions from citizens and setting up committees of inquiry.

Finally, the Parliament provides one arm of the Union's bicameral budgetary authority, the other arm being the Council. As such, the EP has the right to decide with the Council how the Union budget should be distributed and spend. Parliament's Committee

on Budgetary Control (COCOBU) monitors how the budget is spent, and each year Parliament decides whether to approve the Commission's handling of the budget for the previous financial year (Shackleton 1998). In other words the Parliament holds the power of the purse. In all, the political system of the EU is seen more and more as a two-chamber parliamentary system in which the Council represents the states and the EP represents the citizens (Hix 2005, 72).

As Kohler-Koch suggests, 'reflecting the new role of the EP as an important institution in the European decision-making process, the Parliamentarians are becoming a decisive target group for lobbyists, and lobbyists have to cope with the institutional structure, the procedures, and the policy style within the Parliament' (Kohler-Koch, 1997: 10). Indeed, her research suggests that interest groups and the Parliament can sometimes be effective 'advocacy coalitions' in the EU policy process, albeit sometimes coalitions of the weak. As she argues, changes in the Parliament's role, and in its relationship with groups, seem to be shifting the EP in the direction of a US Congress-type legislature.

Like the Commission, the EP needs the knowledge and expertise of interest groups in order to play an active role in the institutional and political system of the EU. Hix (2005, 228) asserts that MEPs need interest groups in order to prepare their positions and proposals for the Commission. The EP has a competence to amend Commission's proposals, and "amendments are partially initiated in contacts with Commission officials, and partially by external pressure or in co-operation with interest groups. Interest groups constitute a source of information for the Parliament in the same way that they do for the Commission, enabling it to maintain a certain degree of independence from the other European institutions' (Diekmann 1998, 290; Michalowitz 2002, 46) the interest groups not only supply information but also make Parliament less dependent on the other institutions.

Furthermore, the fact that the MEPs (members of the EP) are nationally elected suggests that there is a very close relationship between a MEP and national interest groups. The close relationship between the MEPs and the national interest groups represents an excellent opportunity for national interest to influence the European agenda setting. Besides the relationship based on nationality, Hix (2005) for instance,

identifies an ideological relationship between the MEPs and the interest groups. The MEPs on the right are more concerned with issues of groups representing industry, trade and commerce or agriculture, while groups on the left are concerned with issues of groups representing trade union, environmental and human rights (Hix 2005, 228–229). The MEPs also can have a great degree of independence from the party group they are in, and this feature makes them open to lobby from different national interest groups. This openness can be used as a great channel of representation and influence for national interest groups in dealing with the EU institutions.

The most significant lobbying targets in the EP are the standing committees. All legislative proposals and other documents must be considered in the committees, so they are the right venue for lobbyists seeking to influence the legislation. The key actors in the legislative work are the draft person, the rapporteur and the advocacy groups usually lobby both. Typically, the public hearings of the EP's committees attract the relevant stakeholders, all interested in pressing their views. The committee's formal operating procedures are such that at the proposal stage, lobbying is not confined to legislators that have similar preference to their own (friends). Although, if we assume that the 'open amendment' phase is more comparable to the plenary proposal stage, then we find that the assumption that only legislative friends are lobbied holds across both venues (see Crombez 2002).

The main interest groups that will try to lobby the EP are the weak organized groups concerned with issues of low-politics (Kohler-Koch 1997, 7). Scholars argue that the main strategy of these groups consists in lobbying the Commission and the Council as the final targets *via* the Parliament. This had considerable impact on the institutional balance and its internal dynamics: the Commission and the EP are no longer permanent allies representing the European interest but are increasingly often becoming rivals competing for legitimacy. Relations between the EP and "weaker" civic interest groups have the characteristics of what many EU scholars call 'advocacy coalitions' (Greenwood, J. 2002; De Fouloy C.D. 2001).

In addition, Mazey has produced data showing that there are probably some 70,000 individual contacts per year between the Members of the European Parliament and interest groups (Mazey and Richardson 2001, 230). European associations (1.71) do have a higher degree of access to the Parliament than national associations (1.69) and the latter have a higher degree of access than individual firms (0.80) and consultants (0.00). Consultants have substantially lower degree of access than individual firms (Guilford 1954, 154; Swanborn 1993, 31).

In all, over time seems that the interests have learned to target the European Parliament over propositions for amendments to Commission directives. Conversely, like the European Commission officials, the European Parliament officials have established an informational lobbying arrangement based on direct, technical rich and well time contact.

### **3.1.3 Venues in the European Council**

In stark contrast to the Commission, the Council is the most intergovernmental institution in the EU legislative procedure. As the Union's supreme decision-maker, it is the forum for reconciling the distinctive purposes and powers of the Member States. The Council comprises the ministers of each Member State, thus the influence of national interests prevails. It is therefore crucial for the Member States to identify their national or domestic interest. The Council with the EP only acts on a proposal from the Commission, and the Commission normally has responsibility for ensuring that EU legislation, once adopted, is correctly applied.

Increasingly, the Council shares its legislative powers with the European Parliament. It is the Council's task to amend and decide on legislation by reaching a decision that is acceptable to all or, at least, to a majority (Westlake 1995, 87). Four main legislative procedures can be identified: 1) the consultation procedure, 2) the assent procedure, 3) the cooperation procedure and 4) the co-decision procedure. Following the formal

submission of a proposal to the Council by the Commission, the proposed measure goes via the Council and Committee of Permanent Representatives (COREPER) to one of the Council Working Groups, where expert examination takes place. Most of the detailed negotiation on proposals is carried out at this level, though important and controversial issues are left to COREPER and the Council to decide. The EC may alter its proposal at any time before the Council has acted on it, and also may submit an amended proposal to facilitate agreement in the Council, or to take account of developments since the original proposal was submitted.

Thus, the Council can influence the final shape of the legislative proposal to varying degrees, depending on the procedure being used. When it comes to decision-making in the Council, the proposal has already been technically elaborated and the demand for expert knowledge from private interests is therefore substantially reduced. To comment on or amend a proposal, a different kind of information is required than that required for the actual drafting by the Commission. At this stage of the decision-making process, the Council is more interested in information that can facilitate the bargaining process among the Member States.

Furthermore, the EC Treaty provides that the Council may give the Commission powers to implement rules which the Council lays down. The so called 'Comitology Decision' sets out procedural models which the Council can adopt to govern the exercise of implementing powers by the Commission. Each requires the Commission to submit a draft of its proposals to a Committee consisting of representatives of Member States and chaired by a representative of the Commission. In the case of the Advisory Committee the Commission is required only to take the 'utmost account' of the opinion (commonly called the *avis*), but in the case of the Management Committee and Regulatory Committee the Committee has power to delay the adoption of the measure so as to enable the Council to intervene if it does not agree with what is proposed by the Commission.



The Council also has a role to Co-ordinate the policies of the member states. This co-ordination is carried out by the economics and finance ministers, who collectively form the Economic and Financial Affairs (ECOFIN) Council. Another responsibility for the Council is to develop the EU's Common Foreign and Security Policy (CFSP) and to co-ordinate co-operation between the national courts and police forces in criminal matters. Many issues are dealt with by the Justice and Home Affairs Council, and the main aim of the council is to create a single 'area of freedom, security and justice' within the EU's frames.

The Council, which comprises the ministers of each Member State and is the main decision-making body of the EU, is the least accessible of the main EU institutions in terms of lobbying. At the highest levels, the ministerial and the COREPER level; the interest groups have no access. If they wish to have influence on Council decisions they have to lobby national governments so that they change the bargaining positions at the Council (Michalowitz 2002, 48). But according to Mazey and Richardson, 'occasionally, interest groups may secure representation on Council working groups when there are appropriate circumstances which suit a national government' (Mazey and Richardson 2001; Greenwood 2003, 41). Thus, in case interest groups do gain access to the Council, they have to present information that can facilitate the bargaining process among the Member States.

There are three main channels of indirect lobbying of the Council:

First, interest groups usually lobby Council by their national member associations i.e. those national officials who are members of the so-called Permanent Representations based in Brussels. These officials participate in the Council working groups, of which there are approximately 200 and prepare the ground for meetings of the Committee of Permanent Representatives (COREPER) and the ministerial Councils. As the national representatives (i.e. the ambassadors and deputy ambassadors to the EU) in COREPER play a key role in the Council process (some 80% of legislative proposals are adopted at CoR level), national groups make sure that they lobby 'their' national officials, who (the interest groups hope), will then ensure that their views are

represented in the CoR meetings. Interests at this position pass the message to their membership and encourage them to contact their national MEPs, who in turn can exert pressure on the Permanent National Representatives in the Council.

A second indirect means of lobbying Council is for interest groups to lobby members of the many Council working groups. Rather like COREPER, this form of 'issue processing' presents opportunities for detailed, technical arguments to be presented and for national representatives to be won over. As Hayes (1997) argues 'the working groups are a sort of boiler-house of European integration. Composed of national officials 'congregating in their thousands every working day in Brussels, they are performing the vital and frequently time-consuming technical groundwork for what will eventually become a piece of European legislation or policy . . .' (Hayes-Renshaw and Wallace 1997, 98). Here the cooperation with national governments becomes significant. National experts appointed by their governments sit in numerous committees and groups. Lobbyists therefore seek to maintain good contacts with them.

Formally, the ESC (European Securities Committee) and the CoR must consider and give an opinion on draft legislation before the EP and the Council of the EU can adopt it. However, Hayes draws attention to the informal consultations among the officials of the Council, its advisers, and the Commission, which take place before the proposal is made public. The working groups start examining the draft without waiting for reactions from the committees, or the Parliament, for that matter. Such departure from the formal procedure means lobbyists make contact with Council officials before the Council officially deals with the position of other EU institutions (see Hayes, 1997). Having access to reliable sources of information (e.g. a member of the working group) about changes being made to the draft legislation is of major importance given that the groups work behind closed doors. This allows for rapid reaction, if the changes are going in the wrong direction for the particular interest group. In addition, the influence of the country holding the presidency is particularly significant to lobbyists.

The third and most obvious means of influencing the Council is directly via national governments. Several authors see national governments as, in fact, the main opportunity structure for interest groups, not just as a means of influencing the Council but as the key opportunity structure through which groups can influence the EU policy process as a whole. For example, Greenwood describes the 'national route' as the tried and tested ground for many organised interests 'The national level'. . . is where established policy networks operate which can equally well be used for the purposes of EU representation as they can for the governance of domestic affairs' (Greenwood 1997, 32).

Clearly, the importance of national governments as an opportunity structure varies according to the policy issue, type of interest group, time, and the nature of the national government itself. Aspinwall and Greenwood argue that the extension of qualified majority voting in the Council is bound to erode still further the traditional ties between interest groups and national governments and force interests to develop strategies independent of 'their' governments (Aspinwall and Greenwood 1998, 22). Even when an interest group and an national government are on the same side (often not a reasonable assumption), the group cannot rely on a national government to be able to deliver under QMV (Mazey and Richardson 1997, 212). Moreover, as cross-sectoral trade-offs between members states are not uncommon in last minute bargaining, national governments may choose to 'dump' and interest group in favour of some other policy goal. In all, the member states in the Council function as a transmission belt for interest group preferences dominant on the domestic level. However, even an intergovernmental theorist would argue that, in theory, the Council of Ministers should be the main European level opportunity structure to be targeted by interest groups; yet, it is the least directly accessible of all EU institutions. In addition, Coen points out that access to the Council, as in the Parliament are biased towards business organizations. According to the results, national associations (1.91) and individual firms (1.46) have clearly the highest degree of access to the Council of Ministers (Coen 2007, 335).

### 3.1.4 Venues in the European Court of Justice

The European Court of Justice (ECJ) is the court that implements EU law and is the final arbiter on all legal questions submitted to it under the EU and Community Treaties. It consists of 27 judges, one from each Member State, assisted by eight advocates general who provide in each case a non-binding written opinion to assist the Court. In areas that are covered by EU law, the ECJ is the highest court in all of the member states. Its judgments can affect not only nations but also individuals and it serves as the judicial arbiter between member states, institutions and individuals in cases relating to EU law. Its rulings cannot be appealed and it outranks national Supreme Courts on EU matters.

The Court's general duty is to ensure that in the interpretation and application of the Treaties the law is observed. Its jurisdiction has two main strands: the first relating to actions initiated directly before the Court, either challenging the legality of the acts of Community institutions or alleging a breach of a Treaty obligation by a Member State; the second involving references from the courts of Member States for preliminary rulings on the interpretation of the Treaties and on the validity and interpretation of acts of the institutions.

The Court of first instance was introduced in 1986 to relieve the increasing workload of the ECJ. The CFI exercises at first instance the jurisdiction of the Court in relation to actions for review of the legality of acts of the institutions, or for their failure to act, actions for compensation for non contractual liability, staff cases, and those cases where jurisdiction is conferred under a contract concluded on behalf of the Community. The CFI is now also competent to give preliminary rulings on questions referred from national courts, but only in certain specific areas of the law laid down in its statute. The Court of Auditors is responsible for examining the Communities' accounts and is required to provide the European Parliament and the Council with a statement of assurance as to reliability. It is also charged with assisting the European Parliament and

the Council in their implementation of the budget. It prepares an annual report, covering each financial year, which is published together with the replies of the institutions.

Internally, both the EP and the Council reduce the number of participants in drafting legislative proposals. Given their interdependence, different preference intensities, repeated interactions in the lawmaking process, and their ability to conclude and enforce informal commitments, EU legislators find it profitable to cooperate through different package deals.

The ECJ's attractiveness as a venue relates to its position in the EU's institutional hierarchy. Since the ECJ had acquired for itself a major role in the EU policy process it was inevitable that interest groups would pay it a lot of attention and allocate resources to influencing Court rulings. As the EU judiciary, the European Court of Justice (ECJ) monitors compliance with and interprets EU law. The preliminary rulings procedure offers interest organizations a channel to have questions of European law referred to the ECJ whose interpretations might invalidate domestic laws. However, in practice, to take a case to the European Court usually demands that a body of EU law already exists. And even where this is the case, the outcome of such action is uncertain, the financial costs heavy, and the duration of the case generally lengthy, which means that this avenue is not available to all citizens and interest groups, and will only be worthwhile when the stakes are felt to be especially high. Therefore, litigation strategies appear to be a rarer phenomenon than legislative lobbying by interest groups (see Bouwen and McCown 2007).

However, in practice, the ECJ has emerged as a perfect example of the working of the 'venue shopping' theory of Baumgartner and Jones. When groups fail to gain satisfaction at the national level, the Commission, EP or Council of Minister, they have the option—albeit a costly one—of bringing cases before the Court, or of persuading the Commission to bring a case before the Court (see Baumgartner and Jones 1991).

This venue is not available for all interest groups. Women's and environmental groups (and also trade unions) have been adept in securing favourable ECJ decisions.

Cichowski argues that the ECJ has played an important role in the creation of supranational norms which fuel the integration process, often in opposition to the preferences of member states. Private litigants (individuals and interest groups) have played an integral role in this process (Cichowski 1998). These interest groups are, of course, not exclusively environmental groups, but include business groups who, for example, seek to prevent 'tough' national environmental laws from being used to undermine the principles of free and unrestricted trade enshrined in the SEA. At a more general level, Stone Sweet and Brunell (1998, 72) have portrayed the Court as a 'supplying' institution—supplying integrative decisions in response to the demands of transnational actors such as businesses and individuals . . . who need European rules and those who are advantaged by European law and practices compared with national law and practices.

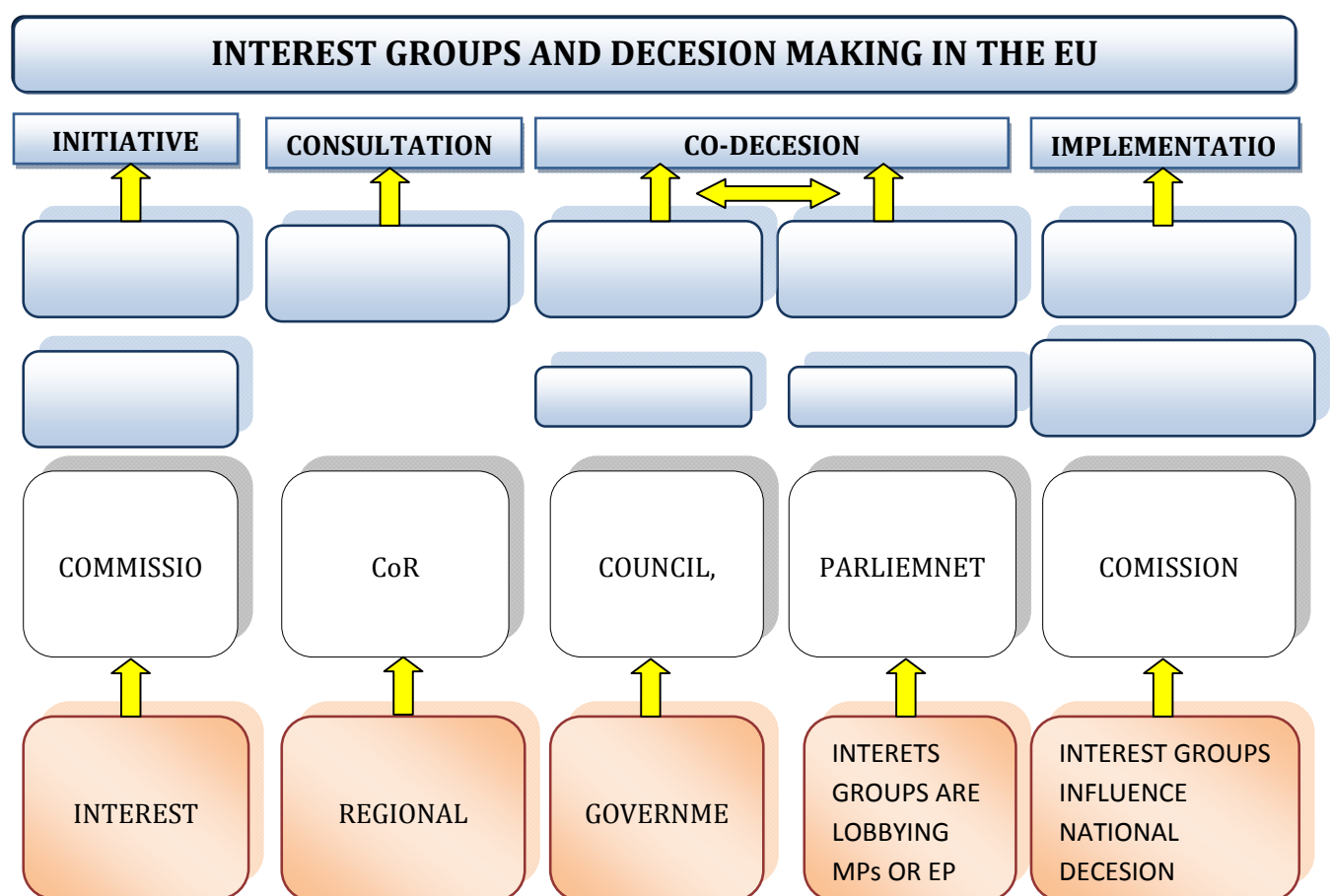
Furthermore, the European Court of Justice for example is not the ideal venue for a pan-EU environmental NGO pressing for policy change through litigation. An aggrieved NGO cannot go directly to the ECJ, nor can it file anything akin to an amicus brief. It must take an offending party to court in the member state which upholds EU law, or if the government is the offender, request the European Commission to take action before the ECJ. Institutional rules dictate what opportunities are available to advocates to take legal action. In the EU, if activists want to utilize the legal route, they must do so at a lower level of governance (Bouwen and McCowen 2007).

In all, the delegation of powers to the European Commission, the European Parliament, and the European Council reflect a multilevel governance structure that opens many access points for the interest groups. Each institution has different problems and different strategic motivations in constructing the relationship with the interest groups.

Actors seeking to participate in European policy process have to take into consideration the multi-level character of this process. They have to choose between 'routes' of influence: 'At its most simple level, the 'national route' refers to the use of national contacts and national governments to influence the EU decision-making, whereas the 'European route' involves seeking to exert influence by representation direct to the

European institutions themselves'(Greenwood 2003, 32). If they choose the 'European route' they have to take into account that the fundamental relationship between them and European institutions is one of exchange: EU institutions seek information, interest groups seek influence. If they want to influence, they have to provide information.

TABLE 3.1: THE PATH OF INTEREST GROUPS INFLUENCE IN THE EU



### **3.2. LOBBYING US INSTITUTIONS: VENUES OF INFLUENCE**

#### **3.2.1 Federalism and Separation of Powers**

The United States, under its Constitution, is a federal, representative, democratic republic, an indivisible union of 50 sovereign States. It contains the local, state, and national levels a government which is: “federal” because power is shared among three levels; “democratic” because the people govern themselves and have the means to control the government; and “republic” because the people choose elected delegates by free and secret ballot.

The Constitution contains provisions in separate articles for the three branches of Government-legislative, executive, and judicial. There is a significant difference in the grants of authority to these branches, each of which is also given an independent base of political power. The First Article, dealing with legislative power, vests in Congress “All legislative Powers herein granted”; the Second Article vests “The executive Power” in the President; and the Third Article states that “The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”

In this system of "separation of powers" each branch operates independently of the others, at the same time, the Constitution sets up “auxiliary precautions,” as James Madison called them in the Federalist Papers, that allow each branch to check and balance the others.

Based on the US institutional design, Baumgartner and Jones (1993) developed the idea of venue shopping, arguing that a peculiarity of US institutional design is that single institutions rarely have monopolistic control over given policy issues. Through separation of powers and federalism, we see “separated institutions sharing power” (Neustadt 1964, 42) or even more than this a series of shared and overlapping jurisdictions where states, localities, and various federal agencies often vie for control or have control over different parts of a given issue. Policy actors seek to push their issues



to one or another institutional venue depending on their estimate of their likely success; many policy changes have been related to shifts in institutional control or the emergence of a new institutional player rather than to an established institutional player shifting its position.

Building on Baumgartner and Jones (1993, Chapter 11) scholars have drawn a distinction between horizontal and vertical arrays of venues. Vertical means viewing venues as levels up and down the federal system. Private interests unable to gain access to Congress, for example, may choose to appeal to state legislatures instead. By contrast, the horizontal array looks across branches of government within a given level (for example, groups failing to convince state legislators may turn instead to state regulators), or across sub units within a given branch of government.

Also in each level of government, institutional venues differ according to the extent to which their memberships are constituted through elections. Elected officials presumably are more sensitive to majoritarian principles and pressures, while appointed officials may be freer to base decisions on professional criteria, the broad public interest, or even their own personal desires. In addition, the relative weakness of US political parties, which stems, in part, from the separation of powers between the executive and legislative branches further, enhances interest group influence (Baumgartner and Jones 1993, Chapter 11).

Lastly, the degree of multi-level governance of a political system also influences the advocacy strategies of lobbyists. The more multi-level or federated a system, the more layers of governance exist for lobbyists to target. However, such structures can also present difficulties for advocates that need to communicate their concerns and ideas to a larger range of policy-makers in different geographic locations and who likely have different policy preferences than their counterparts at other levels of governance (Hooghe and Marks 2003). In short, federal systems present lobbyists with more complicated terrains to navigate and create opportunities as well as hurdles since there are not only more layers to cover but also different requirements at each tier.

Venue shopping, intergovernmental lobbying and the dynamics of federalism are staples of US policy studies. A great number of important questions are related to the question of levels of governance, but all are associated with a simple observation: Different policy institutions, or levels of government, may be differentially congenial to different interests. Government officials from those institutions often work as allies of private interest groups who share the same goals. Similarly, different arguments find greater acceptance among different groups-framing differs by venue.

As a result of this institutional design, today the American federal government policymaking takes place in wide variety of settings ranging from fairly open and public systems involving a large number of actors to relatively closed system with few participants. Both the formal structure and the informal traditions of American politics provide fertile ground for interest groups activity.

### **3.2.2 Venues in the US legislative branch**

The US Congress as the legislative (lawmaking) and oversight (Government policy review) body of the National Government, consists of two chambers—the Senate and the House of Representatives. Each State, under the Constitution, is entitled to two Senators; each serving a six-year term, and at least one Representative, serving a two-year term, additional House seats are apportioned on the basis of State population.

Article I of the Constitution gives Congress many exclusive powers: to declare war, to maintain armed forces, to impose taxes and duties, to borrow money and pay debts, to spend money, to regulate the money supply, to regulate interstate commerce and foreign trade, to regulate immigration and naturalization, to establish courts lower than the Supreme Court, to establish post offices and roads, and to protect patents and copyrights. Congress also has the power to remove from office the president, vice president, Supreme Court justices, and other judges, through a procedure called

impeachment. The House has the power to impeach, or indict, an official, and the Senate has the power to hold a trial and convict or exonerate him or her.

In addition, the Constitution gives each chamber exclusive powers. All tax bills must originate in the House. The Senate alone approves treaties and ambassadors to foreign countries. The Senate alone also confirms the president's nominations for Supreme Court justices and lower court judges and top executive branch positions. When no presidential candidate receives a majority of Electoral College votes, the House elects the president, with each state delegation getting one vote. Both chambers of Congress have extensive investigative powers, and may compel the production of evidence or testimony toward whatever end they deem necessary.

Article I of the Constitution also enumerates the powers of Congress and the specific areas in which it may legislate. Congress is empowered to enact laws deemed "necessary and proper" for the execution of the powers given to any part of the government under the Constitution. The proposal in Congress may be introduced in as a bill, a joint resolution, a concurrent resolution or a simple resolution. Each bill introduced by the Congress, goes through several stages in each house. The first stage involves consideration by a committee. Committees are permitted to hold hearings and collect evidence when considering bills. They may also amend the bill, but the full house holds the power to accept or reject committee amendments.

After passage by both houses, a bill is submitted to the President. The President may choose to sign the bill, thereby making it law, may also choose to veto the bill, returning it to Congress with his objections and may choose to take no action, neither signing nor vetoing the bill. In such a case, the bill only becomes law if each house of Congress votes to override the veto with a two-thirds majority. The bicameral design of the US Congress is consistent with the basic principle of checks and balances.

The Constitution does not offer enough explicit clarification as to the circumstances in which the president's power ends and Congress's begins in many different areas of policy. Instead, this is determined through the ongoing practice of politics (Meernik and Ignagni 1997; Moe and Howell 1999).

The United State Congress remains a vital point of access for interest groups activity. The Congressional mandates, groups and bureaucracies themselves are political actors with interests, providing the genesis for much of the law they eventually implement. Congressional committees dominate the subsystem agendas, they link the subsystem actors in the policy arena and they largely determine which policies will be considered. Thus there is a major competing process in which policy is made back-and-forth among Congress, agencies, and other interested parties.

Looking at the Congress as an institutional venue, interest groups consider the position of both chambers in their lobbying strategy (see Segal, 1997). Members of Congress often introduce legislation at the behest of lobbyists. Lobbyists advocate the passage (or rejection) of bills affecting the interest of a particular group. In many cases, the lobbyists write legislation and submit it to a member for introduction (Kammer 2005).

This critical legislative work takes place in the committees. Interest groups and lobbyists address legislators in several different ways. Hearings are one instrument of interest groups who send their representatives to testify in front of Committees. Very often, before such hearings begin, dialogues between lobbyists and committee members take place in preparation of the testimony. Interests are involved in the process of devising and discussing planned legislation and legislature depends on the expertise of those groups that will be affected by future laws (Thaysen 1984, 293).

Thus Congressional hearings provide a unique venue in which ones finds individual members of Congress, interest groups, specific policies and specific pieces of legislation. Many legislative hearings are left open for several weeks so that groups who could not attend the hearing have the opportunity to submit evidence into the record of the hearing. Thus, hearings involve a diverse set of groups-those that are highly organized and perhaps even invited to provide testimony and those that cannot afford to attend a hearing but submit a letter of support, opposition, or evidence for an issue or bill (see Victor 2002).

Through hearings, groups offer technical knowledge that legislator's lack and they educate lawmakers on the issues they care about. Much evidence supports the idea

that groups provide various types of important information to legislators. Interest groups are seen as purveyors of information for members of Congress (Caldeira & Wright 1998; Hall & Wayman 1990; Hansen 1991; Kingdon 1989; Milbrath 1963). Wright (1996) shows that groups provide specialized and strategic information to legislators that help them decide how constituents might react to certain policies. Interest groups may also strategically provide information in an attempt to change members' derived preferences over legislation (Caldeira and Wright 1998). Information about the content of a bill, how to vote on it, how it might affect a member's district, who it affects, and so forth is invaluable to legislators and both supporting and opposition interest groups are often happy to provide it (Milbrath 1963; Salisbury 1984).

All these informal contacts with congressional staff provide groups an opportunity to testify at hearings and to mobilize their members when a crucial vote is near. Through this process, they learn which actors are most powerful and what strategies will gain their support. Some groups try to lure members of the legislature into adopting their point of view with certain incentives, such as well salaried advising positions, or providing high compensations for politician's speeches and participation in discussions. This approach is more important where groups frequently have to rely on individual members of Congress.

Many scholars argue that congressional hearings also stimulate subsequent interest group mobilization in the state capitals. That is, even controlling for state legislative activities, actions in Congress caused groups to mobilize in those same issue areas in the fifty states. Clearly, federal government activities send strong cues to interested constituencies. In response to increased levels of federal activities, affected interests mobilize to fight off the new federal incursions, move to encourage the activity, or attempt to modify the proposals before they are completed. In any case, we see that state action also affects group mobilization, not only the reverse.

Also, not all groups participate in influencing legislation by testifying or submitting evidence before Congress. Interest groups have influenced Congress when members alter the path or content of a piece of legislation based on some information, action, or

threatened action from interest groups. This might come in the form of a change of wording, a passage from a subcommittee, not passing from a standing committee, or persuasive remarks from a member that has an effect on the status of the bill (Victor 2002).

In addition, important public policy decisions are made by regulatory agencies such as the Federal Communications Commission (FCC). Lobbyists or interest-group lawyers, particularly those representing corporations and trade associations, use the same tactics with agencies as they do with Congress. This involves initial drafting, hearings and submission of comments, and the issuance of final rules. Interest groups are involved in all stages: they testify before administrative hearings, submit comments or file briefs, and draft the regulations their clients are required to operate under.

Furthermore, Congressional scholars have often placed the fundamental desire for re-election at the heart of legislative behavior models (e.g. Mayhew 1974; Arnold 1990) and the logic extends to elected executives. Sensitive to constituent pressures, elected officials have an incentive to pay particular attention to groups able to mobilize large numbers of voters. Interest groups can influence the process of nomination of candidates, but because of lack of party coherence the groups concentrate on trying to influence individual party members rather than party organizations. But instead of formalizing within the party organizations, they put efforts into maintaining an impartial image (see Brinkmann 1992). Also groups with deep roots in the same community as an elected official may provide access to the types of local networks politicians need to expand re-election coalitions, and in return receive benefits such as public financing and grants that are the lifeblood of many organizations (see Walker 1983; Salamon 1995).

Most of this policy making in the subsystem level is consists of routine matters, and this kind of policy doesn't reflect a high degree of controversy. Committees foster repeated interactions, reputation-building, and long-term relationships between the interest groups and members of the relevant committee, thereby increasing the likelihood that a high contribution, high legislative effort equilibrium will exist. The structure of the

modern committee system of Congress is consistent with supporting this type of equilibrium.

In addition, Congressional lobbyists are legally required to be registered in a central database, and are employed by political organisations, corporations, state governments, foreign governments, and numerous other groups. In 2005, there were almost 35,000 registered Congressional lobbyists, representing a doubling since 2000. Some of the most prominent lobbyists were ex-members of Congress; others were family members of sitting members (see Kammer 2005).

Despite the criticism that lobbyists play too direct a role, advocacy organizations often compete in multiple policymaking venues such as Congressional committees, administrative agencies, and courts; success in one venue does not guarantee influence on policy outcomes. Each venue offers different rules of interaction and different decision-makers.

### **3.2.3 Venues in the US Executive branch**

The executive branch of the United States government consists of the president, the vice president and 15 Cabinet-level executive departments.

Article II of the Constitution vests the “executive power” in the President. As Chief Executive, an office held under the Constitution, the President presides over the Cabinet and has responsibility for the management of the executive branch. The Constitution also vests the President with the power to make treaties, and to appoint ambassadors, US officers, and judges of Federal courts, with the advice and consent of the Senate. According to Dahl (1957) the president's responsibility for making nominations to the Court is the most important factor contributing to this reality. This role gives the chief executives an invisible hand over the development of legal and public policy long after their terms have ended (Krehbiel 2007). The President also holds the position of Commander in Chief of the Armed Forces and is essentially the leader of the

country. As such, he must deliver a State of the Union address to Congress once each year; may recommend legislation to Congress; and may convene Congress. While the President can order the United States military into action to respond to emergencies and threats to the security of the nation, only the Congress has the authority to officially "declare war." Ultimately, it is the Congress' power of the purse that allows it to cut off funding to presidentially order military ventures of which it does not approve.

Taking consider that the President has enumerated powers that allow him to directly influence legislation, there are two types of vetoes available to the President. One, the regular veto, is a "qualified negative veto," which is limited by the ability of Congress to muster the necessary two-thirds vote of each House for constitutional override. The other type of veto is not explicitly designated in the U.S. Constitution but is traditionally called a "pocket veto." This veto is actually an "absolute veto" that cannot be overridden. It becomes effective when the President fails to sign a bill after Congress has adjourned and is unable to override the veto. Also, The Line Item Veto Act of 1996 gave the President the authority to cancel certain new spending or entitlement projects, as well as the authority to cancel certain types of limited, targeted tax breaks.

This President's veto authority is one of the significant tools in legislative dealings with Congress. It is not only effective in directly preventing the passage of legislation undesirable to the President, but also as a threat, thereby bringing about changes in the content of legislation long before the bill is ever presented to the President.

Also, there are two ways that presidents can enact initiatives without congressional approval. Presidents may issue a proclamation, often ceremonial in nature, such as naming a day in honor of someone or something that has contributed to American society. A president may also issue an executive order, which has the full effect of law and is directed to federal agencies that are charged with carrying out the order. In all, because of the constitutional ambiguity associated with presidential power, the president's authority is less dependent on the goodwill of the other branches. Even more, presidents possess a formidable array of tools that allow them to take unilateral action.



As the interest groups consider the position of both Congressional chambers in their lobbying strategy; they also consider the position of the President and the staff in the executive branch. Thus, many day-to-day decisions made by bureaucrats, by Departments of State and regulatory commissions, are target for different interest groups strategies and activities.

In selecting department heads, presidents often seek individuals who fit the style and image of their departments and who will be acceptable to the interest groups with which their departments work most closely. Therefore, interest groups which are concerned that their views are represented at this level, and those who have expert knowledge on certain issues are trying to maintain close contacts with the department officials and effectively become part of a group who are consulted on policy issues.

The literature on bureaucratic politics reveals that, for bureaucrats to establish autonomy or to push through their policy plans, they need political support. They are able to obtain this political support from networks of interest groups. According to the interest group literature, interest groups try to exert influence by offering certain expertise and information to ensure their access to the decision-making process. In some cases, interest groups may have to offer resources that bureaucrats fully rely on, rendering them very influential. Thus, bureaucracy-interest group interactions serve a mutual benefit. That is, in such interactions, 'give' and 'take' are perfectly in balance (see Hansen 1991; Shaiko 1998).

Many scholars also argue that levels of lobbying will increase as government activity increases. Presidential actions are expected to affect the mobilization of lobbyists as well. Studies of presidential State of the Union addresses, for example, indicate that presidents are able to set the public agenda, in the short run, in a limited number of policy areas, as well as in the long run for foreign policy issues (Cohen 1995; Hill 1998). These annual calls to Congress to act on various proposals or policy areas should therefore exert an impact on lobbying activity. In addition, presidents often call on representatives of interest groups to serve on advisory commissions that provide legitimacy for presidential policy positions (Chin and Lindquist 2004) and organized

interests with close ties to the administration are called on to help and provide support for those positions by lobbying Congress and otherwise mobilizing around the issue (Peterson 1990).

Presidential attention in policy domains where Congress has clear and widely understood autonomy has no effect on lobbying actions beyond that of hearings themselves. Presidential actions in those domains traditionally reserved for greater executive branch authority, on the other hand, depress congressional lobbying because they divert lobbying energy away from Congress and toward the executive (Chin and Lindquist, 2004). According these scholars, the substantive impact of model including presidential actions in the model on congressional mobilization of lobbying is that congressional actions have stronger impact on mobilizing lobbyists but only in those areas where Congress dominates. Where the president is an important player, his actions actually decrease congressional lobbying.

Furthermore, Interest groups in their activity also consider the position of the President as a component of the strategic context of an issue when they are determining which strategic approaches to follow. A presidential veto, or the anticipation of a veto, can have a significant impact on groups' lobbying activity and strategies. Groups that both favor and expect a veto sometimes put forth little effort trying to defeat bills on the final floor votes. Instead, they simply let the bill pass in a form they know the president will veto, thereby saving their resources to lobby against any override attempt by either or both chambers. So, if a group expects a veto on a bill, or the President has credibly threatened a veto, groups may not engage in any lobbying strategy. However, bills that arrive at the veto override stage are likely to see intense lobbying efforts (Wright 1996, 46). Thus, if a group perceives no veto threat on a bill, they are more likely to be able to exert influence over the bill than if there is a veto threat present.

However, much of the interest groups effort is expended in influencing executive decisions, because the bureaucracy often possesses considerable discretion in implementing legislation. This is especially true of the independent regulatory agencies

(e.g. the Federal Communications Commission and the Securities and Exchange Commission). Such agencies are especially open to the influence of those they regulate because of their continuing relationship with those they oversee.

In addition, since its inception, the Obama Administration has focused on ethics and the potential influence of lobbyists on executive branch personnel. One of President Barack Obama's first actions was to issue ethics and lobbying guidelines for executive branch employees. These guidelines laid the foundation for formal lobbying restrictions issued in July 2009.

### **3.2.4 Venues in the US Judiciary branch**

The judicial branch is headed by the US Supreme Court, which is the only court specifically created by the Constitution. In addition, Congress has established 13 federal courts of appeals and 95 federal district courts. The president has the authority to appoint federal judges as vacancies occur, including justices of the Supreme Court. Under the Constitution, Justices on the Supreme Court hold office "during good Behaviour," in effect receiving lifetime appointments. Such job security in the federal government is conferred solely on judges and, by constitutional design, is intended to insure the independence of the federal judiciary, including the Supreme Court, from the President and Congress. A President has no power to remove a Justice or judge from office. A Supreme Court Justice may be removed by Congress, but only through the process of impeachment by the House and conviction by the Senate.

The Constitution provides that in all cases affecting ambassadors to the United States, other public ministers and consuls, and those in which a State is party, the Supreme Court has original jurisdiction. The 11th amendment, moreover, precludes citizens of one State from suing another State. Additionally, the Constitution provides that Congress may regulate the appellate jurisdiction of the Court. Congress has authorized the Supreme Court, among other things, to review judgments of lower Federal courts and the highest courts of the States. Also, Article VI of the Constitution provides that the

Constitution and the laws of the United States made “in Pursuance thereof ” shall be the supreme law of the land. Thus, when the Supreme Court decides a case, particularly on constitutional grounds, it becomes guidance for all the lower courts and legislators when a similar question arises. Under its power of judicial review, the Court can declare laws unconstitutional, thus making them null and void.

Furthermore, each federal judicial district has one US attorney and one or more assistant US attorneys. They are responsible for prosecuting defendants in criminal cases in the federal district courts and for defending the United States when it issued in a federal trial court and they have the authority to determine which civil cases to try to settle out of court and which ones to take to trial. The 95 district courts, created by Congress, are the trial courts in the Federal judicial system. It is in these courts that most Federal cases are first tried and decided. Most decisions taken in these courts are usually final but they can be reviewed by the Courts of Appeal. The Supreme Court is the final court of appeal. It can hear cases from the inferior federal courts and from state courts when a federal issue is involved.

The ability of the Supreme Court to scrutinize all aspects of government is known as judicial review. This power is based on the Supreme Court’s ability to act as the interpreter and arbiter of the Constitution. Neither the president nor Congress has the right to do this. The Supreme Court is the only body that has the right to interpret what the Constitution means and it is this right that gives it the power to scrutinize all aspects of government. Ironically this power is not laid down in the Constitution. The Constitution does state that the Supreme Court is the most supreme judicial body in America but it is vague as to how this role should be put into practice.

However, the power of the Supreme Court is great but ultimately it is only a court of law. The Supreme Court does not have the power to initiate its own cases. Cases can only come to it from a lower court. Therefore, a justice cannot select a law or policy with which he/she disagrees and bring it to court for a ruling. Once a decision has been made, the Supreme Court does not have the ability to enforce its rulings. This can only be done by the Executive and Legislative branches of government.

In theory, the Supreme Court seems quite independent but the Constitution's separation of governmental powers has produced a Court that, institutionally, is hardly independent. Aside from its institutional respect and legitimacy, the Court is essentially powerless in ensuring compliance with its decisions without cooperation from the other branches (see e.g. Segal and Spaeth 2002). In this perception, the power of the Supreme Court does fit in with the concept of checks and balances to all aspects of government.

However, in the aspect of the interest representation, the strong Judiciary branch in the American system enhances the power of interest groups. Although interest groups are probably better known for their attempts to influence legislative and executive branch decisions, they also pursue their policy goals in the courts. Primarily, groups have been thought to lobby through grassroots and legislative efforts; their behavior in the judiciary has received less attention, largely because it has traditionally not been the venue of choice for groups (Scheppelle and Walker 1991). But interest group participation in litigation has been increasing, as has scholarly attention to it (O'Connor and Epstein 1981, 1982; Koshner 1998).

Thus, groups have found the judicial branch to be more receptive to their efforts than either of the other two branches of government. Interest groups that do not have the economic resources to mount an intensive lobbying effort in Congress or a state legislature may find it much easier to hire a lawyer and find some constitutional or statutory provision upon which to base a court case. Also, they may turn to the courts because they find the judicial branch more sympathetic to their policy goals than the other two branches (see Carp and Stidham 2001).

In general, interest group involvement in the judicial process may take several different forms depending upon the goals of the particular group-Litigation by interest groups and the filing of *amicus curiae* by supportive interest groups. However, two principal tactics stand out: involvement in test cases and presentation of information before the courts through "*amicus curiae*" (Latin, meaning "friend of the court") briefs.

Once an organization deems itself a viable litigant, there are various internal (group type, intensity of commitment, nature of goals, dynamics between leaders and members) and external (growth in rights consciousness, expanded judicial access, changes in the law, existence of other political threats) factors that influence when a group decides to bring a suit or file an amicus brief (Olson 1981; O'Neil 1985; Tushnet 1987; Kobylka 1987; Ivers 1995). These include the existence of favorable statutory or case law on which to base a challenge or response and available resources, including legal expertise.

Because the judiciary engages in policy making only by rendering decisions in specific cases, one tactic of interest groups is to make sure that a case appropriate for obtaining its policy goals is brought before the court. The arguments groups present to the Court can shape the way the Court resolves issues and can set the context in which the Court interprets the law" (see Epstein 1993).

In some instances this means that the interest group will initiate and sponsor the case by providing all the necessary resources. Groups must also decide whether to sponsor a case directly or to allow someone else to assume that role and instead file an amicus brief in support (Krislov 1963; Barker 1967). There are some indications that direct sponsorship is preferred (Vose 1959; Tushnet 1987) and more effective in achieving the goal of influencing the courts (Cortner 1968; Hakman 1969), but the amicus role is a viable option for those unable for various reasons to sponsor a case directly (Krislov 1963). Each role has advantages and disadvantages, including expense, degree of control, and accountability to a client/plaintiff.

Submission of *amicus curiae* briefs is the easiest method by which interest groups can become involved in cases. This method allows a group to get its message before the court even though it does not control the case. Provided it has the permission of the parties to the case or the permission of the court, an interest group may submit an amicus brief to supplement the arguments of the parties. Sometimes these briefs are aimed at strengthening the position of one of the parties in the case. Sometimes friend-

of-the-court briefs are used not to strengthen the arguments of one of the parties but to suggest to the court the group's own view of how the case should be resolved. A study of the US Supreme Court found that the presence of amicus briefs significantly increased the chances that the Court would give full treatment to a case (see Carp and Stidham 2001).

Thus, Amicus filings have in fact increased more than 800 percent since the middle of the twentieth century (Kearney and Merrill 2000). Explanations offered for the increase include the formation of more groups committed to litigation, groups coming to see litigation as a viable tactic and encouragement by the Supreme Court itself (Orren 1976; O'Connor and Epstein 1983). Interest group involvement in litigation has focused on cases concerning major constitutional issues that have reached the Supreme Court. Only a small percentage of cases ever reach the nation's highest court, however, most of the work of interest group lawyers' deals with more routine work at the lower levels of the judiciary (Carp and Stidham 2001).

Furthermore, groups that litigate do so for a variety of reasons, not only to "win" the case (Vose 1959). An organization might have a long-range strategy to increase its visibility and credibility by participating in key lawsuits without a realistic expectation of winning each one (Galanter 1974). Others might litigate to demonstrate vigilance to members, gain leverage in other venues, or generally raise their public profiles. Thus, while winning a case is certainly a goal, it might not be the only one for many organized interests. In addition, "Legal scholars and political scientists have argued that the importance organized interests have come to place on law and litigation reflects their more sophisticated awareness of the power residual in the judicial process to effect substantive change on matters that involve the definition and application of public law" (see e.g. Ivers 1995).

Certainly, if a group brings suit seeking a particular interpretation of law, especially if it would be a significant departure from the status quo, and the court renders such an opinion that would count as a success. But even if this is not the result, a group might

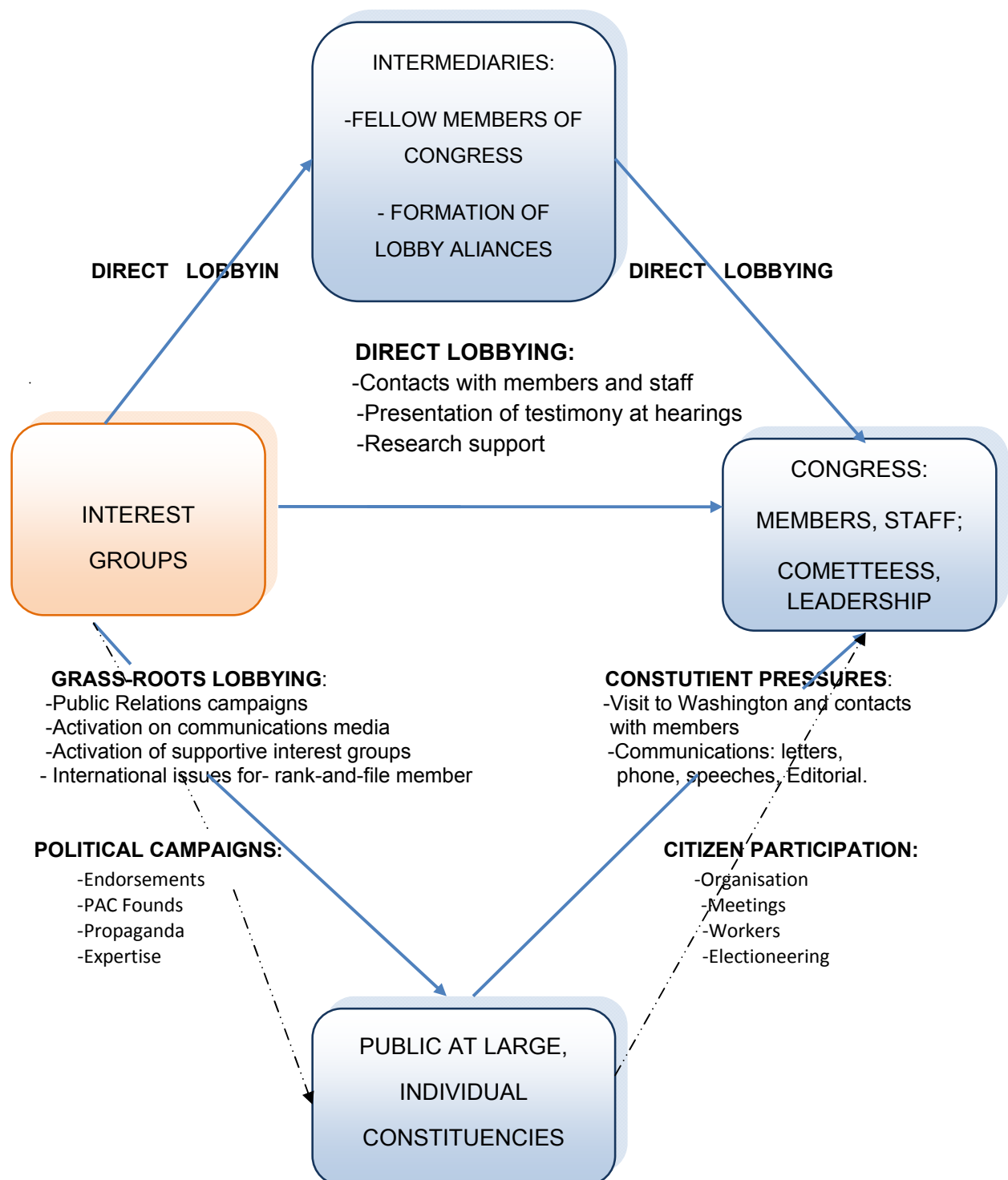
still consider the endeavor successful if it generates additional members, raises its profile, prompts legislative or regulatory change, or provides a platform for an appeal to an even more influential tribunal. Groups might in fact assess success at different stages of litigation: gaining access to the courts, decisions on the merits, and the broader impact on society (see Epstein 1993).

Interest groups also, long had a role in judicial elections (or, for that matter, judicial appointments). Interest groups provide necessary funding for elective judges to reach voters. They are also intermediaries between judicial candidates and voters in the sense that they assist candidates in communicating with, and in mobilizing, voters. Interest groups can also provide important cues to voters about the attitudes and values of judicial candidates (Carp and Stidham 2001).

In the United States for example, the courts were used successfully by the civil rights movement to advance minority rights which could not be done at the time through the legislative branch. Throughout the 1960s interest groups with liberal policy goals fared especially well in the federal courts. In the 1970s and 1980s conservative interest groups turned to the federal courts more frequently than they had before. Thus, litigation by interest groups and the filing of *amicus curiae* by supportive interest groups was used as tools by resourceful activists.

In all, the framers of the Constitution did not make policy making easy. By separating governmental power into multiple institutions and providing for checks and balances between the three branches, the framers created a fragmented, decentralized political system, system which provides access and encourages a greater variety of interest groups. Thus the political institutions were conservatively designed to resist many efforts at change and to make mobilizations necessary if established interests are to be overcome. The result over time has been institutionally reinforced stability interrupted by bursts of change (see Redford 1969).



TABLE 3.2: THE PATH OF INTEREST GROUPS INFLUENCE IN THE US

#### **4. EVIDENCE: INTEREST GROUPS IMPACT ON ENVIRONMENTAL POLICY IN EU**

##### **4.1. Interest Group Access and Environmental Policy Making in the EU**

Environmental policy is a relatively recent EU policy area. Environmental protection was not initially mentioned in the Treaty of Rome (1958), and it was not until 1972 that the first of a series of European Environmental Action Plans (EAP) was launched. The Single European Act (1986) marked the beginning of a more prominent role for environmental protection in EU policy-making, introducing the principle that environmental protection should be considered in all new Community legislation. Throughout the 1970s and through much of the 1980s EU environmental policy was founded on the initial agreement developed at the Paris Summit. Subsequent agreements established the Single European Act (SEA) and EC environmental policy gained a clear and broadly stated Constitutional base in Article 130 of the Treaty.

However, the troublesome implementation of EU environmental policies was captured in a microcosm of the wider story of integration and the conflicting forces and contradictions which have characterised the EU since its inception (Gotllieb 1994). These include the maintenance of unity in diversity, the competition between national priorities and supranational imperatives, and the distribution of powers among different organizations at different levels of government.

The European Parliament's role in environmental policy was extremely limited and environmental pressure groups were not well represented, till the 1975, when the first pan-European group, the European Environmental Bureau (EEB), was established. For all intents and purposes, policy making during the 1970s was overwhelmingly closed and technocratic in nature, dominated by national experts with very little input from the public and sub-national actors. It was no accident that this state of affairs prevailed: the Commission deliberately concentrated upon 'technical' issues such as environmental standards, wherever possible avoiding political debates about the surrender of sovereignty in order to facilitate the establishment of supranational institutional structures (Jordan 1998).

Environmentalists were, at least up to the early 1990s, relatively successful at setting the Commission's environmental agenda, but they were much weaker in their ability to stay with an issue all the way through to the detailed drafting of policy. The reason for this was their lack of resources, as well as the lack of co-operation among European environmental organizations, which was often impeded by the very diversity of the groups and their national backgrounds. During this period the whole institutional structure was also extremely limited and environmental pressure groups were mainly underrepresented (Szerszynski 1995).

The EU environmental commitment at the 'constitutional level' was further subsequently re-enforced and strengthened in the Maastricht (1992) and Amsterdam (1997) Treaties. After it was strengthened as a Community target in the Treaty from 1997, the Commission and several Presidencies launched an initiative for environmental policy integration, called the Cardiff Process. This new procedural legislation or the revision of existing legislation was mainly focused on strengthening civil society rights, notably the three Aarhus pillars: freedom to information, participation rights and access to justice (Directives 2003/4, 2003/35 and CEC Directive proposal 2003/624). Policy preparation at EU level became much more participatory and environmental NGOs were invited to play a role in committees and expert networks. This slightly counterbalanced influential industry lobbying at all levels of the Commission.

From many angles, this change was often characterised as a "paradigmatic change", a change from "trade orientation" to a "sustainability frame". Environmental policy was less perceived as an additive policy and more as an integrated part of economic decision-making. "Sustainable development" gradually became a normative reference for the EU environmental policy, from the beginning of the 1990s onwards. In this connotation, a number of external factors contributed to the further advancement and elaboration of the new policy approach. Among the most important were the UNCED conference in 1992, the wider support for economic instruments and a new wave of environmentalism (see Scheuer 2005).

In parallel with this increasing functional supply, institutional demand for EU interest group activity was facilitated by the openness of the European Commission and European Parliament (Com 93/C1666/04). First, given the preference for dealing with European wide organizations, the Commission actively encouraged environmental interest group formation at the Union level (Dalton, 1986, 189). As Dalton argues, this encouragement was developed to the point where consultation has become an integral part of the legislative process (Dalton 1986, 189). Interest groups were given the opportunity to comment on draft legislation at almost every stage in the process.

Currently, interest groups concerns with environmental issues have several alternative access points located with the multiple EU institutions. Among the most active is the European Environmental Bureau (EEB), an umbrella body for national interest groups, which operates in the 27 EU member countries. For instance, Hagland (1991) points out that by 1991, the EEB represented 120 national environmental groups with combined membership of 20 million.

Another access point for interest groups is the Directorate-General for the Environment at the EU Commission. According to two DG XI officials quoted in Mazey and Richardson, the door is open for any groups wishing to contact Commission officers' (Mazey and Richardson 1999, 111). The DG Environment also finances projects that contribute to environmental protection in the EU. The legal base for the programme is the LIFE + Regulation, which provides funding for "operational activities of NGOs that are primarily active in protecting and enhancing the environment at European level and which are involved in the development and implementation of Community policy and legislation" (Annex 1 to the Regulation). The number of interest groups funded each year varies depending on the quality of the applications, the amounts applied for and the total budget available. For example, since 1992 some 2,600 projects have received some financing from LIFE, the EU's financial instrument for the environment. In 2008, 33 environmental organisations were funded and in 2009, 30 organisations received funding. Lists of NGOs funded since 1997 are available under "Lists of funded NGOs 1997-2009" (in addition the web page LIFE + Regulation, includes information about the

DG Environment programme for operating grants to European environmental NGOs) (Annex 1 to the Regulation).

In all, the EU's environmental issue network includes actors from DG XI (the directorate responsible for Environment, Nuclear Safety and Civil Protection), members of the DGs, national civil servants and representatives, scientific experts, Members of the EP (MEPs), environmental and business interest groups. In this complex and crowded policymaking milieu there is a changing cast of participants over time and according to specific issues. In particular, the relatively open and diffuse nature of an issue network allows unprecedented opportunities for environmental non-governmental organisations (NGOs) to lobby and exert influence.

Given the multiple access points and a growing number of European issue areas, environmental and business groups are highly attracted to Brussels. Significantly, by 1992 it was estimated that more than 3,000 public and economic lobbies were active in Brussels (OJ93/C63/02) 1450 formal interest groups were operating at the European level (Greenwood 2003), 350 firms with European affairs offices (Coen 1999) and 267 law and public affairs firms active in EU public policy (Lahusen 2002).

This number has further increased. According the European Commission register in 2010, the number of interests, involved in lobbying EU institutions, is approximately 2,601; there are 1,370 in house lobbyists and trade associations, in which 332 are companies, 795 are professional associations, 70 are trade unions and 243 are similar organizations. In the non- governmental sector there are approximately 601 NGOs and 178 think tanks. The number of Academic organizations, associations of public authority and other similar organizations is approximately 314 (European Commission 2010. Register of interest representatives-statistics for register).

According the Commission register, the number of lobby interests, which are currently involved in the field of Environmental policy, is estimated approximately 1440. There are currently 781 companies and professional organizations, 35 trade unions, 390 non-profit organizations, 100 professional consultancies and law firms, and 130 academic organizations, and other similar groups, which are actively involved within

environmental issues and shape the course of the EU Environmental policy (European Commission 2010. Register of interest representatives-statistics for register).

Most European environmental organisations take form of transnational alliances or loose networks of national organisations. They differ in their organisational forms and styles, in policy styles, perceptions of the relative importance of various environmental issues, and in the magnitude of their expectations. Most of the other environmentalist networks are the European branches of more extensive international organisations whose presence in Brussels can be interpreted as a recognition that in matters of environmental policy the EU is now considerably more important than the Member States. Examples of such European branches include, among others, the Climate Network Europe, the European Federation for Transport and Environment, Birdlife International and the two leading international organisations—Greenpeace and World Wide Fund for Nature (EU Parliament, Directorate General for research 2003. Available through: [http://ec.europa.eu/civil\\_society/interest\\_groups/docs/workingdocparl.pdf](http://ec.europa.eu/civil_society/interest_groups/docs/workingdocparl.pdf)).

With such numbers and growing resources, today EU interest groups are able to exert influence along the European policy process from initiation and ratification of policy at the Council of Ministers, agenda setting and formulation at European Commission led forums, reformulation of policy at the European Parliament committees, to the final interpretation, harmonisation and implementation of regulation in the nation state.

For development and implementation of EU environmental policy there needs to be an open and wide-ranging dialogue with all stakeholders. It is important that NGOs are able to take part in such a dialogue since they have a good understanding of public concerns on the environment. Their presence is important to provide a sound balance in relation to the interests of other actors. EU Environmental groups are valuable in co-ordinating and channeling the views of national organisations and citizens as input to the decision making process. In this direction the EU then simply becomes an alternative venue for environmental and other interest groups to push for their preferred policies (European Commission Environment. Available through the Commission web site:

[http://ec.europa.eu/environment/ngos/index\\_en.htm](http://ec.europa.eu/environment/ngos/index_en.htm)).

#### **4.2. The Changing Mobilization Patterns of Environmental Groups and Business/Private Sector Groups**

Environmental groups are most often influenced by the changes in the political opportunity structure. Many have pursued their goals through the European Union, taking advantage of the new opportunities provided by the EU structure (Kousis 2001, 143). To understand when groups mobilise and succeed in their advocacy we have to consider the political opportunity structure within which they are operating—the number of access points, the openness of those access points, the design of the political institutions and the state of the political climate. Government activity, whether it is welcome or unwelcome, mobilises interest groups to demand more or to protect their interests against further government activities.

In mobilising pressure, environmental groups are engaged in two strategic processes. The first is the continual questioning of the dominant agenda. The second is the ‘softening up’ of policy communities, experts and the public through redefining issues in new way and by gradually establishing the environmental agenda as an institutionalised part of the policy process. As Dalton (1994) for instance, argues: “What may be distinctive about EU environmental interest groups as a whole is the mix of methods they used in the name of environmental reform” (Dalton 1994, 185). The environmental movement in EU had used a variety of conventional and unconventional methods to acquire resources, allies, and influence in the political process. As the theoretical literature on social movements suggests, each of these dimensions (conventional and unconventional) can serve different functions within the political process and requires different political credentials for a group.

The late 1970s and the early 1980s, for instance, were characterized by a gradually increasing environmental awareness. There was a mounting wave of environmentalism and the membership of environmental organisations considerably increased. Green parties were popular in several EU countries, and achieved good results at national level and in the European Parliament. Enquiries into environmental preferences confirm

the rising level of public expectation between 1988 and 1992. At the same time, a considerable number of new ECO (Environmental Citizens' Organisation) offices, mainly establishing access to the EU institutions for their national members, were set up between 1986 and 1992. Their capacity in terms of staff, professionalism and networking with members and experts increased considerably during the nineties. Thus, the new approach was greatly supported by increased public concern for the environment in general and strengthened capacities of "green" organisations and parties in particular.

Thus, empowered by better scientific understanding of global change and high media profile, environmental issue during the 1990s was increasingly politicised. The 'change of national mood' was accompanied by the growth of an environmentalist coalition that managed to shape a new policy image. As a result, there were around 60 legislative texts during the early 1980s. By 1987, the Community adopted over 200 pieces of environmental legislation and four Action Programs of steadily increasing complexity and scope. According the MORI, polling organization, compared with a mere 3 per cent in 1987, by 1992- 34 per cent of all MPs (members of the Parliament) cited the "environment and pollution" as the subject which was the main source of public concern revealed by their postbags and other dealings with their constituencies (see Worcester, 1993).

Thus, in policymaking terms, EU institutions were faced with a boom in public interest lobbying in the 1990s and the final result was the explosion of new legislative texts and short-lived and issue-specific political alliances.

However, towards achieving their goals, as Rawcliffe (1998) argues, environmental groups were taking different organizational forms and rolls, and used variety strategies and mix of tactics. Older groups in the early 1980s were placing greater emphasis on influencing policy in incremental steps, on seeking pragmatic alliances (including with industry) on an issue-by-issue basis and generally working within institutional framework (Rawcliffe 1999, 21). A rather different approach was taken by the groups formed in the late 1980s, such as FoE and Greenpeace. Originally more radical and anti



establishment, these groups developed mass media skills and sought to be more confrontational in their approach to the campaigning either through encouraging popular activism or by staging more specialised action to highlight specific issues (see Rucht 1995).

However, the conventional pattern of mobilization, with the origin in late 1980s, appears to be the primary tool of environmental movements in the late 1990s and 2000s. Today, as Dalton argues, environmental movements in Europe are replete with examples of these groups working with members of parliament, testifying before government commissions, and engaging in other lobbying activities (Dalton, 1994). Groups mostly promote EU environmental policy on the ground by communicating EU environmental policies to their members and they often play a consultative role in relation to the EU and at the member states level. These environmental organizations also carry out activities in order to raise public awareness through media campaigns as well as various environmental projects. Some activities may be more visible in the media and to the public-at-large, but most groups tend to pursue different tactics at different times. For instance, even challenging groups such as Greenpeace recognize the need to participate in conventional lobbying activities to influence policy; they just pursue such activities quietly while publicly trumpeting their confrontational tactics (see Dalton et al. 1994). Thus the combination of pressure from the public, and closer link to the public or community in their area, would normally bring successful results.

However, the EU multilevel structure often provides a 'window of opportunity' for policy entrepreneurs to push through stringent measures which, at other times, would have been vetoed or severely watered down (Rudiger and Wurzel 2002, 7). Many access points allowed environmental groups to form coalitions towards achieving their goals.

For instance, in 1994 six European environmental interest groups were engaged in collaborative action to improve the environmental protection provisions within the legislative guidelines for the development of the TEN-T: Action for Solidarity, Equality, Environment and Development Europe (A SEED Europe), BirdLife International, Friends of the Earth Europe (FoEE), Greenpeace (Austria and Switzerland), European

Federation for Transport and Environment (T&E), and Worldwide Fund for Nature (WWF). The *TENGO* campaign was focused on improving the provision for environmental protection measures within *Decision 1692/96/EC* (European Communities, 1996) and at the same time the campaign targeted the EU institutions, particularly the European Parliament. Indeed, the formation of the coalition coincided largely with the Parliament's consideration (first reading) of the legislative proposal in May 1995. In general, the Parliament was disposed favourably to the calls from the environmental groups to augment and improve the environmental protection measures for the TEN-T guidelines. Article 8 of *Decision 1692/96/EC* (European Communities, 1996) reveals the (partial) extent to which the *TENGO* coalition achieved its policy goals (see Long 1998). Thus, focusing on the European environmental groups we might assume that co-operation between environmental organisations "of the kind that is necessary to be influential in Europe should be relatively easy to achieve, at least in principle".

Furthermore, many scholars argue that the mobilization of domestic social actors plays a significant role in pressurizing public administration to implement EU Environmental policies effectively (Borzel 2000, 142). As the EU lacks its own monitoring system, domestic mobilization by social actor also act as a monitoring body where they inform the EU of any implementation problems in the member states. Environmental groups are one of the channels through which domestic social actors can mobilize and exert pressure. They can draw attention of public authorities at the national and the European level as well as the public to occurrence of incorrect implementation with EU Environmental legislation. In all, as Bozel (2000, 148) argues, domestic mobilization is most effective when it is able to link up with the European Commission which may push an EU policy from above by opening infringement proceedings against non-compliant member states authorities. Low domestic mobilization, where the environmental organizations are weak will more likely to contribute to low level of implementation in member states (see Borzel 2000).

On the other side, domestic interest organizations may also lose ground due to what Edgar Grande (1996) calls the 'paradox of weakness': the involvement of public actors in EU negotiations and their efforts to build compromises in EU decision-making may actually allow them to gain autonomy vis-à-vis private actors. A strategy of 'self-binding' themselves to certain policy stances and references to negotiation pressures in the EU may be suitable means to turn down unwarranted interest group demands. Finally, the complexity of the EU multilevel system and the allocation of competencies to a multitude of public actors is said to make it impossible for interest organizations to identify 'the' decisive locus of political authority in the EU (see Grande 1996).

Although European environmental interest groups are the focus of this paper, patterns of collaboration (where the outcome is joint action to achieve shared public policy goals) is common among private and public interests at the EU level but to varying degrees and configurations. For example, the Packaging Chain Forum brought together industry associations in a coalition to address the European directive on packaging and packaging waste. In some cases, such as the EU Emissions Trading Directive, green NGOs and industry worked toward the same goal (Wettestad 2005). However, European environmental groups have different attitudes towards industry, some more co-operative than others.

As many scholars argue, today the European environmental lobby faces strong opposition from the "extremely well-equipped and influential lobbies in the chemical, automobile, electronics, transport, and agribusiness sectors, which all have their European umbrella organisations in Brussels" (Ruch 1993, 89). For example, in 1999 the German manufactures lobbied national governments via their subsidiaries in Spain and the UK to support the German government's revisions at the Council of Ministers. At the same time the German government negotiated issues linkages on fishing policy with the Spanish government and harmonisation of the art dealing with the British. Finally, the EP and European Commission working with the ACEA agreed on some thirty-three amendments, and the Council of Ministers accepted a Joint Text in 2000. As the preceding discussion briefly illustrates, a successful lobbying requires a number of vertical and horizontal strategies. The players must be aware of where a policy is

initiated, what the alternative pressure points are, and who has the potential veto points in the process.

In all, in understanding the EU environmental lobbying it is clear that an elite pluralist environment has evolved where business has favored position in agenda-setting at the European institutional level. Nevertheless, while the Commission has increasingly become the primary focus of big business lobbying, member state channels and other EU institutions continue to be of great significance to a well-structured lobbying strategy that follows the policy cycle from agenda-setting through to implementation. Thus, as Levy and Newell (2000) argues, firms must engage with international bodies, EU institutions, member state governments and local authorities on an issue-by-issue basis, and alter their political strategies accordingly.

There are now over 400 legislative items relating to environmental protection (EU commission web site 2009) and the environmental policy still remains one of the fastest growing areas of EU activity. Both, interest groups and business are equally important for initiation of major policy change.

## **5. EVIDENCE: INTEREST GROUPS IMPACT ON ENVIRONMENTAL POLICY IN US**

### **5.1. Interest Group Access and Environmental Policy Making in the US**

Unlike the EU, in the United States, there is no specific constitutional foundation for environmental policy. Federal regulatory powers are generally grounded in Congress's power to regulate interstate commerce. Congress expanded its regulatory authorization in environmental policy generally through statutory enactments in the 1970s (Hoorbek 2001). This difference in the Constitutional foundation in EU and US is important. It means that the formulation of environmental policy is a fundamental and broad-based area of competence for the European Union. In the US, this is not the case. Environmental policy generally is a subject to Federal involvement only in those cases where Congress specifically initiates national level action in response to clear and identified problems or pressures—pressures that are generally instigated by functional interests. In the absence of these pressures, environmental policy is both developed and implemented by the States. As a result, the institutional arrangements for formulating environmental policies generally are quite different in EU and US.

In general, all environmental policies are subject to change, and they are subject to challenge. Significant battles surround many environmental policies, and powerful images on the side of environmental clean-up and regulation coexist with powerful free-enterprise and economic growth images that often justify policies diametrically opposed to those sought by environmentalists. All in all, it is an area where attention to shifting policy images, like shifting venues, can help us explain some dramatic policy changes.

For instance, during the Clinton administration, environmental policy making by the Congress was increasingly gridlocked in partisan and ideological trench warfare, between the defenders of the status quo and those who wished to radically weaken and restructure environmental laws. Only three significant laws had been enacted since 1990. President Clinton pushed a far more aggressive environmental agenda during his second term. In contrast, President Bush and the Republican leadership in Congress

had achieved relatively few changes in the environmental statutes. Bush initiated a wide range of policy changes through executive and regulatory action. With President George W. Bush and the control of both houses in Congress by the Republican Party, the broad-based and bipartisan politics of the environmental era appeared to have largely ended. Environmental politics were reduced to a partisan and ideological issue, and environmental issues were reframed as issues of anti-government ideology, 'business-friendly' and regulatory stream lining; environmental protection advocates were forced into a largely defensive posture against proposal to weaken core statutes and regulation (Andrews 1999, 450-85).

American environmental policy is the legacy of long history. It reflects different attitude towards the environment and distinctive attitudes towards governance, such as distrust of centralized power and authority, shifting preferences for legislative, administrative or direct popular decision-making. Both the goals and tool of environmental policy have changed greatly over the course of American history, as have the political processes by which it is made and implemented. In the US, environmental policy today consists not in any integrate or coherent whole, but in a heterogeneous patchwork of statutes, purposes, instruments, agencies and level of government. It resides in no single department comparable to the ministries of other countries. It lies in a multiplicity of agencies implementing a growing number of largely uncoordinated statutory mandated that affect the environment in conflicting ways (Andrews 1999, 450-85).

Despite, this lack of coherence, however, US environmental policy has distinctive features that shape its results. One feature is the expansive deference it accords to private rights to transform the environment for economic gain, and the correspondingly weak powers it accords to public agencies to protect broader societal values. A second is the pervasive influence of the federalism, in the form of constant renegotiation of the tension among national, state and local government. A third is the active role of the independent judiciary branch, not only in resolving environmental disputes among individuals and businesses but in challenging the environmental actions of government agencies themselves (Andrews 1999, 450-85).

In fact, perhaps the most distinctive difference between the US environmental policy-making process, and those of many other governments is the broad right of access and redress which US laws and recent judicial precedents accord not only to business and labor organizations but to citizens in general. Also, much of the congressional committee system reflect the high of policy specialization within Congress and provides numerous points of access for groups trying to influence public policy, executive agencies offer a complex and specialized institutional venue, and equally numerous points of access. In fact many more opportunities for policy arise once federal agencies are charged with implementation of congressional statutes.

Looking at the environmental movements in the past decades, this broad access resulted in an increased number of interest groups actively involved in the policy making arena. The 'first wave' of environmental groups entered the scene with the foundation of the Sierra club 1892, the National Audubon Society (in 1905) and the National Parks and Conservation Association (in 1919). Ensuing decades witnessed the formation of two additional important organizations the Izaak Walton League in 1922 and the National Wildlife Federation in 1935. While organized in a variety of ways and having different policy concerns and geographic concentrations on membership, all of these were strong membership organizations that relied on member support and involvement for their survival (see Lester 1989).

The second generation of environmental groups entered the scene during the period of the 1960s and 1970s. Within this wave, the Congressional attention to the environment more than doubled from 1968 to 1969, reaching 60 hearings in that year. After this period the issue has never faded away from the congressional agenda, though the topics of concern have certainly shifted (see Erskine 1972). Though experiencing modest declines during the 1970s, public support for environmental issues remained higher than in the mid-60s and further increased over the course of the 1980s (see Dunlap and Scarce 1991).

Earth Day 1970, designed to challenge the environmental status quo through peaceful mass mobilization, widely hailed as the beginning of the third era of American environmentalism. During this period, a shift from legislative to administrative environmental regulation also occurred. President Nixon's plan creating the Environmental Protection Agency (EPA), which was submitted to Congress on July 2, 1970, received no opposition from Congress. With the establishment of the EPA and the passage of a variety of environmental laws and policies in the 1970s, environmental issues themselves became "mainstream (see Landy 1990).

Though rooted in the late nineteenth and early twentieth century conservation movement, it is the extensive period of organization building beginning in the late 1960s, and continuing through the 1980s, which marks the beginning of the modern environmental movement in America. During this period the number of groups rapidly increased, for example, in 1996, based on private sector data, the broad and segmented US environmental industry represented more than 30,000 private sector companies and more than 80,000 public sector entities.

Beside the group's number, the membership increased as well. For instance, by 1971 almost seventy environmental advocacy organizations had established offices in Washington, creating both a political presence and continuing leadership for citizens concerned about the environmental protection. The membership of these organizations also grew dramatically: the Sierra Club for 48,000 in 1960 to over 130,000 in 1971, the National Audubon Society from under 80,000 to 148,000, others by similar proportions (Bosso 1987, 146). Overall membership in environmental groups grew from an estimated 500,000 to 2, 5 million over the fifteen-year period beginning around 1971 (Futrell 1993, 43). This trend of the massive membership is also present today. As Haues argues, from 75% to 95% of Americans in 2008 consider themselves to be "green" (Hayes 1990; Kleiner 1991) and over 20 million Americans regularly contribute their time and money to these organizations (Research Alert 1991).



In parallel with this increased number, today environmental groups in US play crucial role in pressuring Congress and various government agencies involved in the environmental issues to enact new laws and implement the existing ones. For these reasons environmental groups can strongly influence public opinion and, can offer legitimacy to corporate environmental efforts and assist business organizations in developing effective environmental management practices. As Lester (1989, 183) argues “These groups are major force in the US political system, capable of altering the political agenda and winning significant victories against the usually dominant industrial and commercial interest of the United States”.

## **5.2 The Changing Mobilization Patterns of Environmental Groups and Business/Private Sector Groups**

Environmental policies are subject to change, and they are subject to challenge. In this connotation, the US environmental movement has proved to be extremely efficacious in directing the attention of legislators to environmental issues. Groups, who were either for or against the bill, have far tried a variety of tactics in winning over members of Congress. Many specific tactics for example, range from inside strategy, coalition building, protests and issue framing. Different decades reflected different mobilization pattern in their efforts to produce a major change.

For example, a series of dramatic environmental catastrophes in the late 1960s pushed environmentalists into action. These events included the 1965 power blackout and garbage strikes of New York City, the 1969 burning of the Ohio River along the industrial sections of Cleveland, and the 1969 Santa Barbara oil spill. Symbolic protests on college campuses across the nation, which have included letter writing campaigns and “guerrilla theater-like” events, have brought students into the Environmental Movement. In all, both these catastrophes and protests have served to heighten awareness of environmental issues in America. Environmentalists have responded to

these events by demanding government protection from environmental degradation and pollution. These group activists have helped to draft legislation, including the Wilderness Act (1965); the Clean Air Act (1967); National Trails Act (1968); and the Wild and Scenic Rivers Act (1968). Their efforts and the increasing momentum of the environmental movement culminated in the Earth Day celebration on April 22, 1970 (Gottlieb 1994, 102-20).

Through the mid 1980s, the US environmental movement experienced an upsurge in organization building and direct action protest activities. In particular, the 1965-1985 period, is one of high legislative attention to environmental issues, what Baumgartner and Jones (1993) refer to as a period of punctuated equilibrium. Grassroots community groups arose, and fueled by anger, energy, and a commitment to democratic processes, had strengthened the environmental movement by introducing diversity and expanding the concept of environmentalism. In all, grassroots groups have found that “the outsider politics of rude and crude confrontation is far more effective than the polite protest of going through (political) channels”. During these decades, environmental issues became an increasingly institutionalized element of the federal policy making agenda and never faded away (see Andrews 1999).

Even that the protest was the primarily tool, an option often followed by the grassroots groups, since the 1970s the litigation of environmental disputes, has proven to be a very powerful tool for expand and enforce the environmental protection statutes. Hassler, for instance argues: ‘When environmental groups have been challenged by conservative legal foundations in court the evidence suggest that the environmental groups are likely to come out on top’ (Hassler and O’Conner 1986). Furthermore, drawing on past experience with coalition formation (the Group of Ten 1980s), in 1994 a diverse, though predominantly mainstream, coalition of fifteen groups formed to mobilize public pressure against efforts to weaken environmental laws, such as the Clean Water Act, Superfund and the Endangered Species Act.

In all, during these periods of high public awareness, most policies were simplified or ‘framed’ in one on another form, and issue advocates and politicians were the major

framers, responsible for the policy change. For example, different interests were responsible for the shifting image of pesticides in 1979s. As Baumgartner (1993), writes 'a political leaders who once rushed to promote pesticides as a way to help farmers, end hunger, eradicate diseases such as malaria, enhance exports of farm goods and agricultural products generally, and aid developing nations now saw growing public concern with the potential environmental fall-out of too much industry encouragement. By the time pesticides were high on the agenda again, around 1970, the tone of public and governmental response had moved 180 degrees from the situation that prevailed in 1945. Clearly, these developments help explain shifting governmental responses to the issue, moving from encouragement and aiding of the development' (see Baumgartner and Jones 1993).

However, this rapid rise of citizen groups since the 1960s has also significantly mitigated the power and influence of corporate America in Congress (Baumgartner and Leech 1998; Berry 1999). Much like early studies of business power in American politics (e.g. Bauer, Pool and Dexter 1963), their findings suggests that countervailing sources of influence in a pluralistic political system significantly constrain what business groups are able to accomplish.

The history of environmental policy suggests much of the same pattern, particularly during the 1970s and 1980s when most of the major national laws, such as the Clean Air Act and Clean Water Act, were enacted or strengthened despite business opposition (Kraft 2007). The advances in environmental protection and natural resource conservation in the 1970s and 1980s were not lost in the 1990s or even in to the 2000s. Businesses have been ineffective in repealing the major environmental laws even if it has been successful in modifying their implementations in the executive agencies. Given strong public support for the environmental policy, it should be difficult for businesses to win when the issues are salient and environmental groups are able to gain sufficient media attention to mobilize supporters (Vig and Craft 2006).

Despite such arguments and findings, today business appears to be highly successful in getting what they want from policymakers. Some recent research supports this position.

For example, Korten (1995), Clavson and Weller (1998) provide empirical evidence that business is still a dominant player in American policy in general, and in environmental policy in particular. Unlike the past, firms are cooperating more with government regulators and maintain that a “greening of industry” is currently taking place. National business associations cite programs such as Energy star, Project XL as evidence that corporations have adopted a new attitude toward protecting the environment and conserving the national natural resources (Marcus, Ceffen and Sexton 2002). Environmentalists, off course, challenge these indicators of progress as both misleading and insufficient to address the problem. They maintain that industry has taken largely symbolic step to improve the nation’s environmental quality and has not fundamentally altered its operations.

Recently, however, there have been an increase number of cooperative arrangements between environmental groups and business, but despite this progress, most environmental groups, which frequently differ in their size, purpose, and methods, often have conflicting, rather than cooperative relationships with business (Buchholz 1993). Because each side frequently views the other with apprehension and suspicion, prospective partners are carefully chosen. Environmental prefer working with corporations who can assist them with financial or human resources and who are genuinely interested in developing fundamentally sound environmental management practices. Corporations generally prefer working with environmental groups who are “business-like”, with clearly defined goals and an organized approach to working on problems and solutions. Business officials want to communicate with environmental groups who are willing to work step-by-step, are not afraid of compromise, and are willing to listen to the realities, complexities, and positive aspects of corporations (Grant and Arnold 1993).

Furthermore, a Center for Public Integrity analysis shows that, by the end of the last year, more than 770 companies and interest groups have hired an estimated 2,340 lobbyists to influence federal policy on climate change. That’s an increase of more than 300 percent in just five years, and means that Washington can now boast more than four climate lobbyists for every member of Congress. Wall Street banks and other

financial players, for example, had virtually no presence on climate change on Capitol Hill five years ago. But by 2008 they had 130 lobbyists-as many as the alternative energy companies. Meanwhile, US CAP's \$870,000 in spending on climate lobbying last year paled next to the \$9.95 million spent by the American Coalition for Clean Coal Electricity (ACCCE), a group of 48 coal mining, hauling and burning companies. Another industry sector displaying enhanced interest in climate change in the first quarter of 2009 was the food business. Land O' Lakes, Tyson Foods, the American Beverage Association, the American Meat Institute, the National Chicken Council, the National Turkey Federation, and the U.S. Beet Sugar Association all were among the new entries (see Center for Public Policy. Accessible through:

[http://www.publicintegrity.org/investigations/climate\\_change/articles/entry/1377/](http://www.publicintegrity.org/investigations/climate_change/articles/entry/1377/)).

In all, today as most pluralists agree, business organizations and environmental group occupy a preeminent position in the American system, and the environmental issues are considered one of the most important challenges facing business and different interest groups.

## 6. COMPARATIVE DISCUSSION

The purpose of this thesis was to analyze the effect of different institutional setting in the EU and US on the influence and power of interest groups in the process of policy-making.

In general, we can agree that the relative influence of interest groups in a democratic system matters for policy outcomes, but we cannot assume that what an interest group does in the political arena is simply the expression of the interests of its members. To understand when groups mobilize and succeed in their advocacy we have to consider the political opportunity structure within which they are operating– the number of access points, the openness of those access points, the design of the political institutions, and the state of the political climate. Because every political organization has an external political strategy and an internal recruitment strategy, the exact combination of methods used by interest groups to exert influence will vary from one political system to another. Indeed, the institutions on which interest groups focus their attention are one indicator of where power lies in a particular political system.

Following these arguments, and using the comparative analysis I attempted to provide the answer to the question- Do interest groups have greater influence on public policy in the European Union or the United States?

In general, measuring the effects of influence on policy-making is very difficult. My first assumption in this research was that the variation in governmental structures drives the advocacy behaviors and their impact on the policy outcomes. In order to explain how much and what kind of influence interest groups actually exert, I applied the Punctuated Equilibrium Theory, which is a model that explains the existence of long periods of stability with occasional, but infrequent, dramatic change.

According this theory, political processes are generally characterized by stability and incrementalism, but occasionally they produce large-scale departures from the past. Large-scale changes in public policies are constantly occurring in one policy area or

another and policymaking as public understandings of existing problems change. Baumgartner and Jones (1993) found that dramatic policy changes were generally associated with heightened governmental attention to an issue, or increased attention within a policymaking venue that had previously not been involved. In the other words, the policy change is a result of the venue and policy image (issue) interaction.

Using this framework, I explained what drives the interest groups activity and how the images they create are associated with different institutional venues. This theory has helped me to ensure the quality of the comparative application and has simplified the analytical work.

In comparing the EU and US, how different institutional arrangements—that is, variation in the nature of political venues—affect the course of public policy, differences quickly emerged. The complexities of US federalism and EU multi-level governance are similar but the significance of multiple tiers of governance for understanding a whole range of political phenomena has received greater attention in EU studies, and of course the linkages among the levels of government are not the same.

My findings reach the conclusion that, as a multi-level system, EU provides an almost infinite number of access points for the interest groups activities and the delegation of powers to the European Commission, the European Parliament, and the European Court of Justice made these institutions important to the representation of different interests. Lobbying is different in the US for reasons of historical constitutionalism, scope and scale, political culture, and institutional design. The separation of powers context is a critical component for example of the interest group strategy context, but provides more access points, and lobby opportunities for interest groups. In the United States for example, the courts were used successfully by the civil rights movement to advance minority rights which could not be done at the time through the legislative branch. Looking at the EU Judiciary branch, the European Court of Justice is not the ideal venue for a pan-EU environmental NGOs pressing for policy change. Also the degree of permeability between the executive power and civil society organisations (whether corporations or civic NGOs) remains higher in Washington than in Brussels.

On the other side, looking at the impact of government structures on advocacy behaviors, and how groups adjust their lobbying strategies to their political context, I found that in both systems, in the EU and in the US, policymakers and organized interests frequently work in tandem to advocate policy goals that they both share. Organized interests outside of government often have more staff time available, the ability to do research and publicize things, and the luxury of working on just one or a few issues at a time. As a result, most lobbying consists of working with allied government officials rather than only trying to convince them to support some policy option. It is a two-side-direction process, which equally applies for both institutional structures.

In all, these institutional settings, as described above, give interest groups both advantages and disadvantages. Its machinery of decision-making full of links between the different bodies, and its variety of external linkages provide an almost infinite number of access points through which interest groups lobby EU and US authorities. Given the fact that the groups have more access points in the US, it does not prove that they have greater influence; in particular I argue that in such a differentiated institutional setting, the problem of interest groups is not a shortage but an over-supply of potential routes to influence.

My further goal was to determine what drives the interest groups behavior, their relative pattern of mobilization, and how they framed the issues, which lead towards policy change. In order to determine the accuracy of these contrasting patterns, I was systematically studying the activities of the EU and US groups on the field of Environmental Policy. In general, my finding about the group's activities in the environmental policy arena supports the theory proposed by Baumgartner and Jones. *Punctuations* in both systems occurred as a result of a massive social movement or as a result of small but coordinated lobbying movements which often help to spur political change. The Increases in support for environmental regulation in both systems, has greater impact on the passage of environmental legislation consistent with the goals of the environmental movement. Thus, a greater amount of legislation in the EU and in the US is passed when protest amplifies, or raises the salience of, public opinion on a given issue. In all, my findings show that in the US and in the EU, the public policy in general



and the environmental policy in particular, is driven by the dynamics of the policy process and the interests' groups influence.

Furthermore, looking at the relative patterns of mobilization, my analysis reached the conclusion that there are more differences than similarities between the groups in the US and the EU. In both systems groups use a variety of conventional and unconventional methods; they acquire resources, allies, and have influence on the political outcome. In the EU, groups rely more on conventional pattern of action, they often promote EU environmental policy on the ground by communicating EU environmental policies to their members and they often play a consultative role in relation to the EU and at the member states level. On the other side groups in the US rely on more aggressive grass roots action. They used outsider politics of rude and crude confrontation as a far more effective tool than the polite protest of going through (political) channels. The most visible similarity between the EU and the US groups is that both use the media as a powerful weapon in order to raise public awareness which is the starting point for punctuation, or major policy change. Some activities may be more visible in the media and to the public-at-large, but most groups tend to pursue different tactics at different times. However, the different mobilization patterns in the both systems are positively associated with the group's capability to produce policy change.

According my findings, the groups in US are more competitive than the groups in EU, and one of the explanations about this argument is difference between the electoral processes in both systems. In the case of US groups are competing because the policy officials are strongly driven by the re-election motive and the re-election minded policymakers in the US will be more responsive to advocates. Thus advocates have stronger motive to compete for the preferred goal. As the US structure provides access for different interest groups to press their claims into competition with one other, the government accommodates the struggle and channels the results into government action. The policy that results represents a "balance" of the political forces on each side.

This is akin to the “equilibrium” of supply and demand side forces, between the government and the groups.

In the case of EU the officials of the Commission and Council are appointed and the Members of the European Parliament (while it varies some from member state to member state) are in reality held accountable only to their national party leadership, not the public. The policymakers are protected from electoral threat and thus respond less readily to advocates pressing their case. The EU policymakers that do not face elections and who do not need to fundraise for those elections do not have the same incentives to favour particular group, which may be one of the explanations for the lower level of competitiveness between the EU groups. As a result, their responsiveness is more balanced, with a wider range of advocate types attaining some level of lobbying success.

Considering interest success in the both systems, reveals that the EU and the US do not differ dramatically but they do tend toward different outcomes: EU policymaking leads to more compromise with all parties achieving some level of success while the US policymaking system tends toward one winner on the policy outcomes.

Furthermore, during my research on the environmental policy arena, I also found that environmental groups in the US remain as the largest and most influential actors on global environmental issues. Since public pressures are vital in the process of policy making and change, I assume that the environmentalists in US are in a better position to lobby for international agreements. Furthermore, despite many arguments that the environmental groups are the key actors in the Environmental policy arena, my research also found that in both systems, in the EU and in the US, businesses have a strategic resource advantage in lobbying and they take a prominent role in formulation and implementation of the EU and the US directives.

Clearly, however, there are historically specific characteristics of the time period and movement included in my research that may be rather unique as well. Chief among

these is that the time period observed represents a period of extremely high mobilization within the environmental movement. The 1965-1985 period, in both, in the EU and in the US, is one of high legislative attention to environmental issues, what Baumgartner and Jones (1993) refers to as a period of punctuated equilibrium. In periods of lower movement activity and/or legislative attention we might expect the relationship between movement and political dynamics to be altered. It may be, for example, that following a period of punctuated equilibrium and the institutionalization of a field that high movement mobilization may be focused more on implementation of laws rather than their passage.

Following my empirical evidence, as a conclusion, it is reasonable to assume that interest groups are equally visible actors at the EU and at the US policy making arena. The size, organizational, or membership differences are not reflected in their capability to produce policy change. The same can be said about the institutional settings; both the EU multi level governance and the US federal system are equally affected by the influence of different interest groups. Armed with increased membership, with different strategies and various tactics, these groups are equally able to weaken the institutional power and to produce major policy change.

Today, transnational corporations, international NGOs, and global government-relations firms are operating in both Washington and Brussels to respond to the challenges and opportunities of globalization. However, the traditional, consensus-based approach to EU policy-making and lobbying will probably continue to contrast with the highly professionalized and more aggressive US-style for many years to come. Above all, political institutions in Brussels and Washington are different 'mosaics' which require to be approached in quite distinct ways.

## 7. LITERATURE

### Books

Aspinwall, M. and J. Greenwood. 1998. Collective action in the European Union: interests and the new politics of associability. In *European Union: power and policy-making*, ed. Jeremy J. Richardson, p. 265. London: Routledge.

Bache, I. and M. Flinders. 2004b. *Multi-Level Governance*. Oxford: Oxford University Press.

Baumgartner, Frank and Bryan Jones. 1993. *Agendas and Instability in American Politics*. Chicago, IL: University of Chicago Press.

Baumgartner, Frank and Leech, B. 1998. *Basic interests: the importance of groups in politics*. Princeton/New Jersey: Princeton University Press.

Baumgartner, Frank and Beth Leech. 1998. *Basic Interests: The Importance of Groups in Politics and Political Science*. Princeton: Princeton University Press.

Baumgartner, Frank and Bryan D. Jones. 2002. *Policy Dynamics*. Chicago: University Of Chicago Press.

Bennett D. 1997, 1999. In *European Union: Power and policy- making*. ed. Richardson J.J., p. 247. UK: Routledge.

Berry Jeffrey M. 1977. *Lobbying for the People: The Political Behavior of Public Interest Groups*. Princeton: Princeton University Press.

Berry, Jeffrey M. 1979. *The Interest Group Society*. Harlow: Longman.

Berry, Jeffrey M. 1999. *The New Liberalism: The Rising Power of Citizen Groups*. Washington, D.C. Brookings.

Berry, Jeffrey M and Clyde Wilcox. 2008. *The Interest Group Society*. New York: Longman.

Buchholz, R.A. 1993. *Principles of Environmental Management: The Greening of Business*. New Jersey: Prentice-Hall.

Carp, Robert A. and Ronald Stidhman. 2001. *Judicial Process in America*. Congressional Quarterly, Inc.

Christiansen, Thomas (1996/2001). The European Commission: Administration in Turbulent Times. In *European Union, Power and Policy- Making*, ed. Jeremy Richardson, pp. 95–114. New York: Routledge.

Christiansen Thomas and Simona Piattoni. 2003. *Informal governance in the European Union*. UK: Edward Elgar Publishing.

Cigler, Allan and Burdett Loomis. 2006. *Interest Group Politics*. Washington, D.C.: Congressional Quarterly Press.

Cobb, Roger W. and Charles D. Elder. 1975. *Participation in American Politics: The Dynamics of Agenda Building*. Baltimore, MD: Johns Hopkins Press.

Coen, D. 2002. Business Interests and European Integration. In *L'action collective en Europe*, ed. Balme, R., Chabanet, D. and Wright, V., p. 255-292. Paris: Sciences Po Press.

Coen, David. 2004. Environmental and business lobbying alliances in Europe: learning from washington? In *Business in International Environmental Governance: A Political Economy Approach*, ed. D. Levy and P. Newell, pp. 197-220. Cambridge, MA: MIT Press.

Cowles, M. G. 1998. The changing architecture of big business. In *Collective Action in the European Union*, ed. J. Greenwood and M. Aspinwall, p. 108-125. London: Routledge.

Dahl, Robert. 1961. *Who Governs? Democracy and Power in an American City*. New Haven, CT: Yale University Press.

Dalton, Russell. J. 1994. *The green rainbow: Environmental interest groups in Western Europe*. New Haven, CT: Yale University Press.

De Fouloy, C.D. 2001. *The professional lobbyist's desk reference*. Brussels: Gateway.

Dunlap, Riley and Angela Mertig. 1991. American Environmentalism: the US Environmental Movement, 1970–1990. Philadelphia, PA: Taylor & Francis.

Earnshaw David and David Judge. 1995. *From Co-operation to Co-decision: The European Parliament's Path to Legislative Power in European Union*. In *Power and policymaking*, ed. Jeremy Richardson. London: Routledge.

Eising, R. and Kohler-Koch, B. 1999. The Transformation of Governance in the European Union. In *Umweltpolitik in Mitteleuropa*, ed. Holger Meyer. Wiesbaden: Deutscher Universitäts Verlag.

Epstein, Richard. 1993. *Bargaining with the State*. Princeton, NJ: Princeton University Press.

Gais, T. and Walker Jr., J.L. 1991. Pathways to Influence in American Politics. In *Mobilizing Interest Groups in America*, ed. J. L. Walker, Jr. Ann Arbor: University of Michigan.

Gaventa, John. 1980. *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*. Illinois Urbana: University of Illinois Press.

Gottlieb, Robert. 1993. *Forcing the Spring: The Transformation of the American Environmental Movement*. Washington, D.C.: Island Press.

Grant, Jordan and William A. Maloney. 1997. *The protest business? Mobilizing campaign groups*. Manchester: Manchester University Press.

Grant, W., D. Matthews, and P. Newell. 2000. *The Effectiveness of European Union Environmental Policy*. Basingstoke: Macmillan.

Greenwood, Justin. 1995. *European Casebook on Business Alliances*. London: Macmillan.

Greenwood, Justin and Mark Aspinwall. 1998. *Collective action in the European Union: interests and the new politics of associability*. London: Routledge.

Greenwood, Justin. 2003. *Interest representation in the European Union*. Basingstoke: Palgrave Macmillan.

Greenwood, J. 2007. *Interest Representation in the European Union*. Basingstoke: Palgrave Macmillan.

Guber, Deborah L. 2003. *The Grassroots of a Green Revolution: Polling America on the Environment*. Cambridge: MIT Press.

Guilford, J. P. 1954. *Psychometric Methods* (New York, Toronto). London: McGraw-Hill Book Company.

Guéguen, D. 2002. Governance and the Role of Associations in Economic Management: A Response from an EU Public Affairs Practitioner. In *The Effectiveness of EU Business Associations*, ed. Greenwood, J., p. 47. Palgrave: Basingstoke.

Haigh, Nigel. 1992a. *Manual of Environmental Policy*. Longman: Harlow.

Haigh, Nigel. 1992b. *The European Community and International Environmental Policy*. Oxford, Oxford University Press.

Hall, Richard. 1996. *Participation in Congress*. New Haven: Yale University Press.

Hansen, John Mark. 1991. *Gaining Access: Congress and the Farm Lobby, 1919-1981*. Chicago: University of Chicago Press.

Heclo, H. 1978. Issue networks and the executive establishment in *The New American Political System*, ed. A. King. Washington: American Enterprise Institute.

Hayes-Renshaw, F., and H. Wallace. 1997. *The Council of Ministers*. Houndmills/London: Macmillan Press.

Hix, Simon. 2005. *The Political System of the European Union*. New York: Palgrave Macmillan.

Hula, K. W. 1995. Rounding up the usual suspects: forging interest group coalitions in Washington. In *Interest group politics*, ed. Cigler, A. J. and Loomis, B. A., pp.239-258. Washington D.C.: Congressional Quarterly Press.

Hula, K. W. 1999. *Lobbying together : interest group coalitions in legislative politics*. Washington D.C.: Georgetown University Press.

Jones, Braun D. and Frank R. Baumgartner. 2005. *The Politics of Attention, how government prioritizes Problems*. Chicago: Chicago University Press.



Karr, Karolina. 2007. *Democracy and lobbying in the European Union*. Frankfurt: Campus Verlag GmbH.

Keating, Michael and Liesbet Hooghe (1996/2001). By-passing the Nation State? Regions and the EU Policy Process. In *European Union, Power and Policy-Making*, ed. Jeremy Richardson, pp. 239–55. New York: Routledge.

Kingdon, John W. 1995. *Agendas, Alternatives and Public Policies*. Michigan: Addison-Wesley Educational Publishers Inc.

Kohler-Koch, B. and R. Eising. 1999. *The Transformation of Governance in the European Union*. London: Routledge.

Kollman, Ken. 1998. *Outside Lobbying: Public Opinion and Interest Group Strategies*. Princeton: Princeton University Press.

Kriesi, H. 1995. The political opportunity structures and social movement action. In *The politics of social protest*, ed. J. C. Jenkins and B. Klandermans. Minneapolis: University of Minnesota Press.

Lester W. Milbrath, 1963. *The Washington Lobbyists*. UK: Greenwood Press.

Levy, David D. and Peter J. Newell. 2005. *The business of global environmental governance*. Cambridge: MIT Press.

Loomis B.A. 1986. Coalitions of interests: building bridges in the states. In *Interest groups politics*, ed. Cigler, A. J. and B.A. Loomist, pp. 258-274. Washington, D.C., Congressional Quarterly Press.

Mahood H.R. 1990. *Interest Group Politics: A New Intensity*. Virginia: Prentice Hall College .

Marks, Garry and D. McAdam. 1996. *Social movements and the Changing Structure of Political Opportunity in the EU*. London: Sage.

Mazey, S. and J. Richardson. 1993. Lobbying in the European Community. In *European Union: power and policy-making*, ed. Jeremy John Richardson. London: Rutledge.

Mazey, S. and J. Richardson. 2002 . Environmental groups and the EC: Challenges and Opportunities. In *Environmental Policy in the European Union: Actors, Institutions and Processes*, ed. Jordan, A., p. 141-156. London: Earthscan.

McAdam, D., J. McCarthy and M. Zald. 1996. *Comparative perspectives on social movements: Political opportunities, mobilizing structures, and cultural framings*. Cambridge, UK: Cambridge University Press.

McCombs and E. Maxwell. 2004. *Setting the Agenda. The Mass Media and Public Opinion*. Cambridge: Polity Press.

Michalowicz, I. 2002. Beyond Corporatism and Pluralism: Towards a New Theoretical Framework. In *Influence and Interests in the European Union: The New Politics of Persuasion and Advocacy*, ed. Warleigh, A. and Fairbrass, J., p. 35-53. London: Europa Publications.

Milbrath Lester W. 1963. *Washington Lobbyist*. Chicago: Rand McNally.

North Douglass. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Nownes, Anthony 2006. *Total Lobbying: what lobbyist wants?* Cambridge: Cambridge University Press.

Peterson, J. and E. Bomberg. 1999. *Decision-Making in the European Union*. New York: St. Martin's Press.

Pollack, Mark. 2003. *The Engines of European Integration: Delegation, Agency & Agenda Setting in the EU*. Oxford: Oxford University Press.

Pross. A. P. 1992. *Group Politics and Public Policy*. Toronto: Oxford University Press.

Rawcliffe, P. 1998. *Environmental Pressure Groups in Transition*. Manchester: Manchester University Press.

Richardson, J.J. and A.G. Jordan. 1979. *Governing Under Pressure: The Policy Process In A Post-Parliamentary Democracy*. Oxford: Robertson.

Sabatier, Paul A. and Jenkins-Smith, Hank C. 1993. *Policy Change and Learning: An Advocacy Coalition Approach*. Boulder: Westview Press.

Sabatier, Paul A. and Hank C. Jenkins-Smith. 1999. The Advocacy Coalition Framework: An Assessment. In *Theories of the Policy-Process*, ed. Sabatier, P.A., pp. 117-166. Boulder: West view Press.

Salamon, Lester M. 1995. *Partners in Public Service: Government-Nonprofit Relations in the Modern Welfare State*. Baltimore: Johns Hopkins University Press.

Schattschneider, E. E. 1960. *The Semisovereign People*. New York: Harcourt Brace Javanovich College Publishers.

Scheppele, Kim L. & Jack L. Walker. 1991. *Litigation Strategies of Interest Groups*. Ann Arbor: University of Michigan Press.

Scheuer, Stefan. 2005. *European Union environmental policy handbook*. European Environmental Bureau press.

Schier, Stiven. 2000. *By Invitation Only: The Rise of Exclusive Politics in the United States*. Pittsburgh: University of Pittsburgh Press.

Schlozman, K. and J. Tierney. 1986. *Organizing interests and American democracy*. New York: Harper & Row.

Schön, D.A. and M. Rein. 1994. *Frame Reflection: Toward the Resolution of Intractable Policy Controversies*. New York: Basic Books.

Segal, Jeffrey A., and Harold J. Spaeth. 2002. *The Supreme Court and the attitudinal model revisited*. New York: Cambridge University Press.

Shaiko, R.G. 1998. Lobbying in Washington: A Contemporary Perspective. In *The Interest Group Connection: Electioneering, Lobbying and Policymaking in Washington*, ed. P. Herrnson, R.G. Shaiko and C. Wilcox. Chatham, NJ: Chatham House.

Sinclair, Barbara. 2000. *Unorthodox Lawmaking: New Legislative Processes*. In *American Business and Political Power*, ed. Smith, Mark A. Washington DC: Congressional Quarterly Press.

Smith, Steven S. 1989. *Call to Order: Floor Politics in the House and Senate*. Washington, D.C.: Brookings.

Swanborn, P. G. 1993. *Schaaltechnieken, Theorie en praktijk van acht eenvoudige procedures*. Amsterdam: Boom.

Szerszynski, B. 1995. *Environmental NGOs in Britain: Communication Activities and Institutional Change*. Lancaster: CSEC, Lancaster University.

Tarrow, Sidney G. 1994. *Power in movement: Social movements, collective action and politics*. Cambridge: Cambridge University Press.

Truman, David B. 1951. *The Governmental Process: Political Interests and Public Opinion*. New York: Alfred A. Knopf publisher.

Truman, David B. 1971. *The Governmental Process, Political Interests and Public Opinion*. Berkley: Institute of Governmental Studies.

- Van Schendelen, R. 2002. *Machiavelli in Brussels: the Art of Lobbying the EU*. Amsterdam: Amsterdam University Press.
- Vose, Clement E. 1959. *Caucasians Only*. Berkeley: University of California Press.
- Warleigh, Alex and Jany Fairbrass. 2002. *Influence and Interests in the European Union: The New Politics of Persuasion and Advocacy*. London: Europa Publications.
- Walker, Jack L. 1991. *Mobilizing interest groups in America*. Ann Arbor: University of Michigan Press.
- Westlake, Martin. 1995. *The Council of the European Union*. London: Cartermill International.
- Wolpe, Bruce C. and Bertram Levine. 1996. *Lobbying Congress: How the System Works*. Washington, D.C.: CQ Press.
- Wurzel, Rudiger. 2002. *Environmental Policy-making in Britain, Germany and the European Union*. Manchester: Manchester University Press.

### **Scientific Journal articles:**

- Andrews, K.T. and B. Edwards. 2004. Advocacy organizations in the U.S. political process. *Annual Review of Sociology* 30: 479-506.
- Austen-Smith, D. and J. Wright. 1994. Counteractive Lobbying. *American Journal of Political Science* 38: 25–44.
- Bachrach, Peter, and Morton Baratz. 1962. The two faces of power. *American Political Science Review* 56: 947–52.

Balme, Richard, Didier Chabanet and Vincent Wright. 2002. *L'action collective en Europe*. Paris: Presses de Science Po.

Barker, Lucius J. 1967. Third Parties in Litigation: A Systematic View of the Judicial Function. *Journal of Politics* 29 (1): 41-69.

Baumgartner, Frank and C. Mahoney. 2002. Gaining Government Allies: Interest Group Lobbying Strategies and Government Response. Paper presented at the Midwest Political Science Association Annual Meeting, Chicago.

Baumgartner, Frank. 2007. EU lobbying: a view from the US. *Journal of European Public Policy* 14(3): 482–8.

Beyers, Jan. 2002. Gaining and seeking access: The European adaptation of domestic interest associations. *European Journal of Political Research* 41: 585-612.

Beyers, Jan. 2004. Voice and access: Political practices of European interest associations. *European Union Politics* 5(2): 211-240.

Beyers, J. and B. Kerremans. 2007. Critical resource dependencies and the Europeanization of domestic interest groups. *Journal of European Public Policy* 14(3): 460–81.

Biliouri, Daphne. 1999. Environmental NGOs in Brussels: How powerfull are their lobbyingactivities. *Environmental Politics* 8(2): 173-182.

Birkland Thomas A. 1998. Focusing events, Mobilization and Agenda Setting. Cambridge University Press: *Journal of Public Policy* 18(1): 53-74.

Borzel, T.A. 2000. Why there is no Southern Problem. On Environmental Leaders and Laggards. *Journal of European Public Policy* 7(1): 141-162.

Bouwen, Pieter. 2001. Corporate Lobbying in the European Union: Toward a Theory of Access. EUI Working Paper SPS No. 2001/5.

Bouwen, Pieter. 2004. Exchanging access goods for access: a comparative study of business lobbying. *European Journal of Political Research* 43(3): 337-369.

Bouwen, P. and M. McCown. 2007. Lobbying versus litigation: political and legal strategies of interest representation in the European Union. *Journal of European Public Policy* 14(3): 422–43.

Broscheid, A. and D. Coen. 2003. Insider and outsider lobbying of the European Commission: an informational model of forum politics. *European Union Politics* 4(2): 165–91.

Broscheid, A. and D. Coen. 2007. Lobbying activity and for a creation in the EU: empirically exploring the nature of the policy good. *Journal of European Public Policy* 14(3): 346–65.

Browne, W.P. 1990. Organized interests and their issue niches: a search for pluralism in a policy domain. *Journal of Politics* 52: 477–509.

Brulle, Robert J. 1996. Environmental discourse and social movement organizations. *Sociological Inquiry* 66: 58-83.

Bulmer, S. J. 1993. The governance of the European Union: a new institutionalist approach. *Journal of Public Policy* 13 (4): 351-380.

Butt-Phillip, A. 1985. Pressure Groups in the European Community. Working Paper 2, University Association of Contemporary European Studies Working Groups, London.

Cairney, Paul. 2010. Multiple Theories in Public Policy: How do they Inform Policymaking in the UK? Political Studies Associations Conference, University of Edinburg. Available through:

<http://www.psa.ac.uk/2010/PanelDetails.aspx?PanelID=174>

Caldeira, Gregory A. and John Wright. 1998. Lobbying for Justice: Organized Interests Supreme Court Nominations, and United States Senate. *American Journal of Political Science* 42(2).

Chong Dennis and James N. Druckman. 2007. Framing Theory. *Annual Review of Political Science* 10: 103-126.

Coen, David. 1997. The evolution of the large firm as a political actor in the European Union. *Journal of European Public Policy* 4(1): 91-108.

Coen, David. 1998. The European Business Interest and the Nation State: Large Firm Lobbying in the European Union and Member States. *Journal of Public Policy* 18(1): 75-100.

Coen, David. 2007. Empirical and theoretical studies in EU lobbying. *Journal of European Public Policy* 14(13): 333-345.

Cram, Laura. 1994 .The European Commission as a Multi-Organisation. *Journal of European Public Policy* 1(2): 195-217.

Dalton, Russell J. 2003. The Environmental Movement and the Modes of Political Action. *SAGE Journals, Comparative Political Studies* 36(7): 743-771.

Dunlap Riley E. 1991. Trends in public opinion toward environmental issues: 1965-1990. *Society and natural Resources* 4(3): 285-312. Available through:  
<http://www.informaworld.com/smpp/content~content=a905842667&db=all>



Eising Rainer. 2007. *Institutional Context, Organizational Resources and Strategic Choices*. *European Union Politics* 8(3): 329-362.

Epstein, Lee, and C.K. Rowland. 1991. Debunking the Myth of Interest Group Invincibility in the Courts. *American Political Science Review* 85: 205-17.

Fleming, Wood and John Bohte. 1999. Attention to Issues in a System of Separated Powers: The Macrodynamics of American Policy Agendas. *Journal of Politics* 61:76-108.

Fligstein, Neil and Alec Stone-Sweet. 2002. Constructing Politics and markets: An Institutional Account of European Integration. *American Journal of Sociology* 107: 1206-1243.

Garrett, G., and G. Tsebelis. 2000. Legislative Politics in the European Union. *European Union Politics*. 1: 9-36.

Grande, Edgar. 1996. The state and interest groups in a framework of multi-level decisionmaking: the case of the European Union. *Journal of European Public Policy* 3(3): 318–38.

Greenwood, Justin. 2004. The search for input legitimacy through organised civil society in the EU. *Transnational Associations* 2: 145-156.

Crombez, Christopher. 2002. Information, Lobbying and the Legislative Process in the European Union. *European Union Politics* 3(1): 7-32.

Grossman, Emiliano. 2004. Bringing politics back in: rethinking the role of economic interest groups in European integration. *Journal of European Public Policy*, 11(4): 645-662.

Hall, Richard L. and Frank W. Wayman. 1990. *Buying Time: Moneyed Interests and the Mobilization of Bias in Congressional Committees*. *American Political Science Review* 84(3): 797–820.

Hall, Richard L., & Wayman, F. W. (1990). *Buying Time: Moneyed Interests and the Mobilization of Bias in Congressional Committees*. *The American Political Science Review*, 84: 797-820.

Hallstrom, L. K. 2004. Eurocratising Enlargement, EU Elites and NGO participation in European environmental policy. *Environmental Politics* 13(1): 175-193.

Hix, Simon. 2002. *Parliamentary Behavior with Two Principals: Preferences, Parties, and Voting in the European Parliament*. *American Journal of Political Science* 46(3): 688 – 698.

Hojnacki, Marie. 1997. Interest Groups' Decisions to Join Alliances or Work Alone. *American Journal of Political Science* 41: 61–87.

Hojnacki, Marie. 1998. Organized interests advocacy behavior in alliances. *Political Research Quarterly* 51: 437–59.

Hooghe, Liesbet, and Gary Marks. 2003. Unraveling the Central State, but How? Types of Multilevel Governance. *The American Political Science Review*, 97 (2):233-243.

Jones, Bryan D., Frank R. Baumgartner, and James L. True. 1998. Policy Punctuations: U.S. Budget Authority, 1947–1995. *Journal of Politics* 60:1–33.

Jordan, Andrew 1998. The Politics Of a multi-level environmental governance system: EU, Environmental Policy AT 25. CSERGE Working Paper PA 98-01.

Kammer, Jerry. 2005. A Steady Flow of Financial Influence. *The San Diego Tribune*, (23 December).

Kearney, Joseph D. and Thomas W. Merrill. 2000. The Influence of Amicus Curiae Briefs on the Supreme Court. *University of Pennsylvania Law Review* 148 (3): 743-855.

Krislov, Samuel. 1963. The Amicus Curiae Brief: From Friendship to Advocacy. *The Yale Law Journal* 72: 694-721.

Lahusen, C. 2002. Commercial Consultancies in the European Union: The Shape and Structures of Professional Interest Intermediation. *Journal of European Public Policy* 9 (5): 695-715.

Leech, Beth L., Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball. 2007. Does Money Buy Power? Interest Group Resources and Policy Outcomes. The annual meeting of the Midwest Political Science Association. Chicago (12. April). Available through:  
<http://ase.tufts.edu/polsci/faculty/berry/moneyBuyPower.pdf>

Lipsky, Michael. 1968. Protest as a political resource. *American Political Science Review* 62: 114- 158.

Mahoney, Christine. 2004. The power of institutions, state and interest group activity in the European Union. *European Union Politics* 5(4): 441–66.

Mahoney Christine. 2007. Lobbying Success in the United States and the European Union. *Cambridge Journal of Public Policy* 27: 35-56.

Maloney, W.A., G. Jordan and A.M. McLaughlin. 1994. Interest groups and public policy: the insider/outsider model revisited. *Journal of Public Policy* 14(1): 17–38.

Maltzman, Forrest. 1995. Meeting Competing Demands: Committee Performance in the Postreform House. *American Journal of Political Science*. 39(3).

Mazey, S. and J. Richardson. 1992. Environmental groups and the EC: Challenges and opportunities. *Environmental Politics* 1(4):109-128.

McCarthy, J. and M. Zald. 1977. *Resource mobilization and social movements*. American Journal of Sociology 82: 1212-1241.

McGrath, Conor. 2007. *Framing lobbying messages: defining and communicating political issues persuasively*. Journal of Public Affairs 7: 269-280.

McGrath, Conor. 2006. The ideal lobbyist: Personal characteristics of effective lobbyists. *Journal of Communication Management*, 10, 1: 67-79.

MacGillivray Alex, Peter Raynard and Simon Zadek. 2005. Toward Responsible lobbying. AccountAbility, Institute of social and ethical accountability UK. Available through [www.accountability.org.uk](http://www.accountability.org.uk)

Meernik, James, and Joseph Ignagni. 1997. Judicial review and coordinate construction of the Constitution. American Journal of Political Science 41: 447-67.

Mintrom, M. and S. Vergari. 1996. Advocacy Coalitions, Policy Entrepreneurs, and Policy Change. *Policy Studies Journal* 24(3): 420-434.

Moe, Terry M., and William G. Howell. 1999. Unilateral action and presidential power: A theory. *Presidential Studies Quarterly* 29: 850-73.

O'Connor, Karen and Lee Epstein. 1983. Court rules and workload: a case study of case governing amicus curia participation. *Justice System Journal*: 8:35-45.

Pijnenburg, B. 1998. EU lobbying by ad hoc coalitions: an exploratory case study. *Journal of European Public Policy* 5(2): 303-321.

Pollack, Mark. 1997. Representing diffuse interests in EC policy-making. *Journal of European Public Policy* 4(4): 572-90.

Pralle, Sarah.B. 2003. Venue shopping, Political Strategy, and Policy Change: The Internationalization of Canadian Forest Advocacy. *Journal of Public Policy* 23(3): 233-260.

Price, David E. 1978. Policy Making in Congressional Committees: The Impact of "Environmental" Factors. *The American Political Science Review* 72(2).

Princen, S. and B. Kerremans. 2005. Opportunity structures in the EU multi-level system. Paper presented at the CONNEX research group for civil societies and interest representation in EU governance, Leiden, The Netherlands.

Putnam, Robert D. 1998. Diplomacy and Domestic Politics: The Logic of Two-Level Games. *International Organization* 42(3): 427-460.

Richardson, Jeremy John. 2000. Government, Interest Groups and Policy Change. *Political Studies* 48: 1006-25.

Saurugger, Sabine. 2002. L'expertise: une forme de participation des groupes d'intérêt au processus décisionnel communautaire. *Revue française de Science Politique* 52(4): 375-401.

Schneider, Gerald and Konstantin Baltz. 2003. The Power of Specialization: How Interest Groups Influence EU Legislation. *Rivista di Politica Economica* 93(1-2): 1-31.

Smith, Richard. 1984. Advocacy, Interpretation, and Influence in the U.S. Congress. *American Political Science Review* 78(1): 44-63.

Snyder, James M., Jr. 1991. On Buying Legislators. *Economics and Politics* 3(2): 95-109.

Stone-Sweet, Alec and Wayne Sandholtz. 1997. European Integration and Supranational Governance. *Journal of European Public Policy* 4 (3): 297-317.

Stubbs, Paul. 2005. Stretching Concepts Too Far? Multi-Level Governance, Policy Transfer and the Politics of Scale in South East Europe. *Southeast European Politics* 6(2): 66 – 87.

Thomson, Robert and Madeleine Hosli. 2006. Who has power in the EU? The Commission, Council and Parliament in Legislative Decision-making. *Journal of Common Market Studies* 44(2): 391-417.

Vaubel, Roland. 2009. The European Institutions as an Interest Group, The Dynamics of Ever-Closer Union. The institute of Economic affairs. UK (2. June 2009). Available through: <http://www.iea.org.uk/record.jsp?type=book&ID=457>

Walker, Jack L. Jr. 1983. The Organization and Maintenance of Interest Groups in America. *American Political Science Review* 77(6): 390-406.

Warleigh, Alex. 2001. Europeanizing' civil society: NGOs as agents of political socialization. *Journal of Common Market Studies* 39 (4): 619-639.

Wettestad, J. 2005. The Making of the 2003 EU Emissions Trading Directive: Ultra-Quick Process Due To Entrepreneurial Proficiency? *Global Environmental Politics* 5(1).

Whitford, A. B. 2003. The Structures of Interest Coalitions: Evidence from Environmental Litigation. *Business and Politics* 5:45-64.

Woll, Cornelia. 2006a. Lobbying in the European Union: From sui generis to a comparative perspective. *Journal of European Public Policy* 13(3):456–69.

**Official papers:**

European Commission 2005: European Transparency Initiative – a Green Paper 52006DC0194. Available through: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0194:EN:NOT>

European Commission, Directorate-General for Communication 2007. How the European Union works. 'Your guide to the EU institutions'. Available through: [http://ec.europa.eu/publications/booklets/eu\\_documentation/06/en.pdf](http://ec.europa.eu/publications/booklets/eu_documentation/06/en.pdf)

European Commission Environment, available through the Commission web site: [http://ec.europa.eu/environment/ngos/index\\_en.htm](http://ec.europa.eu/environment/ngos/index_en.htm)

European Parliament .2003 . 'Lobbying in the European Union: current rules and practice', Directorate for Research Working Paper AFCD 104. Accessible through: [http://ec.europa.eu/civil\\_society/interest\\_groups/docs/workingdocparl.pdf](http://ec.europa.eu/civil_society/interest_groups/docs/workingdocparl.pdf)

## 8. POVZETEK

Magistrska naloga obravnava učinek različnega institucionalnega okolja Evropske unije (EU) in Združenih držav Amerike (ZDA) na vpliv in moč interesnih skupin v procesu oblikovanja javnih politik.

Koncept »interesne skupine« se nanaša na organiziran skupek posameznikov, ki želijo v okviru omejenih možnosti delovati v političnem sistemu in v interakciji z institucionalnimi ter neinstitucionalnimi akterji vplivati na rezultate javnih politik. Pross (1992) uporablja termin »skupine pritiska«, ki jih definira kot »organizacije, katerih člani delujejo skupaj z namenom vplivati na sprejetje takšne javne politike, ki odraža njihove interese« (Pross 1992).

Na splošno se lahko strinjamo, da se relativni vpliv interesnih skupin v demokratičnem sistemu odraža v sprejetih javnih politikah, vendar ne moremo domnevati, da je delovanje interesne skupine v politični areni seštevek interesov njenih članov. Da bi razumeli, kdaj se interesne skupine mobilizirajo in uspejo doseči interese, ki jih zagovarjajo, je potrebno upoštevati politično strukturo, ki definira možnosti njihovega delovanja. Pri tem gre za t.i. število in odprtost »točk dostopanja«, značilnosti političnih institucij in politično klimo v državi. Ker ima vsaka politična organizacija svojstveno zunanjo politično strategijo in notranjo strategijo politične rekrutacije, kombinacije metod, ki jih uporabljajo interesne skupine pri uveljavljanju njihovega vpliva, glede na politični sistem variirajo. Institucije, na katere interesne skupine usmerijo svojo pozornost, so eden od pokazateljev izvora moči v nekem političnem sistemu.

V Evropi velja splošna domneva, da institucije EU sprejemajo in celo potrebujejo input s strani organizacij civilne družbe. To se v glavnem pojasnjuje s pomanjkanjem osebja v Evropski komisiji<sup>3</sup> in v manjšem obsegu tudi v Evropskem parlamentu<sup>4</sup>. Enako je

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<sup>3</sup> Potreba po bolj uravnoteženi institucionalizaciji glede delovanja interesnih skupin se odraža v podpori Evropske komisije do nevladnih organizacij. Evropska komisija je tako leta 1997 izdala "Communication from the commission on promoting the role of voluntary organizations and foundations in Europe" (Luksemburg, Urad za uradne publikacije Evropskih skupnosti, 1997, ISBN 92-828-1613-3).

<sup>4</sup> Tako kot Evropska komisija tudi Evropski parlament potrebuje znanje in ekspertize interesnih skupin, da lahko igra aktivno vlogo v institucionalnem in političnem sistemu EU (Hix 2005: 228).



mogoče trditi za Washington. Milbrath (1963) ugotavlja, da čeprav so zvezni in državni zakonodajalci strokovno gledano predstavniki geografskih območij, porabijo veliko svojega časa za lobiste in se na trenutke bolj odzivajo na interesne skupine, kot na svoje volivce do te mere, da je zakonodaja pripravljena s strani lobistov, pogosto tudi sprejeta. Oblikovalci javnih politik, ne glede na to, ali gre za člane kongresa ZDA ali parlamenta EU, državne zakonodajalce, birokrate javne uprave ali celo sodnike Vrhovnega sodišča, so v veliki meri pod nepoznanim pritiskom s strani lobijev. Zaradi tega moja analiza strukturnih razlik med EU in ZDA zagotavlja razumevanje tega, koliko in kakšen vpliv na ravni EU in ZDA interesne skupine dejansko uveljavljajo ter zakaj lahko EU producira javne politike, ki jih ZDA ne morejo ali obratno.

Na podlagi teh argumentov in z uporabo primerjalne analize sem poskušala zagotoviti odgovor na vprašanje, ali imajo interesne skupine večji vpliv na javne politike v EU ali v ZDA.

Na splošno lahko rečemo, da je merjenje učinkov vpliva na oblikovanje javnih politik zelo težko. Moja prva predpostavka teh raziskav je bila, da razlike v vladnih strukturah določajo vedenje lobistov in vplivajo na politične izide. Da bi pojasnili, koliko in kakšen vpliv interesne skupine uveljavljajo, sem uporabila teorijo prekinjenega ravnovesja, ki kot model pojasnjuje obstoj dolgih obdobjev stabilnosti z občasnimi, vendar redkimi dramatičnimi spremembami.

Po tej teoriji sta za politične procese značilna stabilnost in inkrementalizem<sup>5</sup>, občasno pa pride do velikih odstopanj glede na predhodno stanje. Do obsežnih sprememb v javnih politikah pride tedaj, ko se pomembno spremeni dojemanje reševanja javnopolitičnih problemov. Baumgartner in Jones (1993) sta ugotovila, da so bile dramatične spremembe javne politike do neke tematike praviloma povezane s povečano vladno pozornostjo do nje ali s povečano pozornostjo javnopolitičnih institucij, ki vanjo niso bile vpletene. Gre predvsem za to, da postane neka tematika javnopolitični

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<sup>5</sup> Termin se nanaša na način sprejemanja odločitev, pri katerih se spremembe implementirajo gradualistično oziroma po majhnih korakih.

problem oziroma dobi pozornost, ki je pred tem ni bila deležna. Prav tako pride do vprašanja, katere institucije so zanj pristojne oziroma lahko vanjo posegajo. Povedano z drugimi besedami, so spremembe politik rezultat interakcije institucij in pozornosti.

Javnopolitične institucije so institucionalna prizorišča, kjer se sprejemajo avtoritativne odločitve o določeni tematiki. Javna politika se pogosto izvaja s strani več institucij, ki so zanj pristojne, kar pomeni različen nabor stroškov in koristi za različne skupine. Interesne skupine delujejo racionalno, kar zadeva ustrezno alokacijo resursov in odločanje o tem, katere javne institucije so predmet lobiranja (Coen 1997, 1998; Benett 1997, 1999) oziroma katerega zakonodajalca ali javnega uslužbenca podkupiti (Snyder 1991).

Termin pozornosti oziroma razumevanja javnopolitičnih problemov pomeni, kako politike razumeti in o njih razpravljati. Politike medsebojno tekmujejo tako dolgo, dokler ni ena interpretacija sprejeta s strani vseh. V nekaterih primerih praktično ni nesoglasja o družbenih ali političnih pomenih določene politike, medtem ko v drugih primerih lahko pride do precejšnjih sporov, kako jo ustrezno opisati oziroma razumeti. Pogosto se zagovorniki politike osredotočijo na en niz interpretacij, medtem ko se nasprotniki pogosteje nanašajo na drugi niz interpretacij (Baumgartner in Jones 1993, 26).

Po teoriji prekinjenega ravnovesja so prekrivanja institucij oziroma njihovih pristojnosti značilna za večino sodobnih političnih področij. To nudi priložnosti akterjem za iskanje oziroma interpretacijo o pristojnosti institucij<sup>6</sup>. Tako lahko nasprotniki neke politike aktivno iščejo pristojne institucije, ki so bolj sprejemljive njihovi interpretaciji razumevanja javnopolitičnih problemov, kot institucije, kjer je »staro« dojemanje le-teh prevladujoče (Baumgartner in Jones 2002; Pralle 2003; Richardson 2000). Sprememba določene politike se lahko zgodi v primeru, če so nasprotniki obstoječe politike sposobni uspešno predstaviti nekaj kot javnopolitični problem in tudi način njegove razrešitve oziroma so sposobni ponuditi drugačno percepcijo in način reševanja javnopolitičnega

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<sup>6</sup> To se nanaša na aktivnosti delovanja lobističnih skupin in oblikovalcev politik, ki iščejo takšno odločitveno okolje, kjer lahko izrazijo njihovo nestrinjanje s trenutno politiko in ponudijo alternativne predloge.

problema glede na ustaljeno prekrivanje institucionalnih pristojnosti (Pralle 2003; True in drugi 1999).

Opisani mehanizmi razširitve tematike in razvoja javnih politik so praviloma podobni v različnih demokratičnih političnih sistemih, čeprav se lahko razpletejo drugače glede na različne institucije, v katerih se sprejemajo odločitve (Pralle 2006). Obravnavani teoretični pristop se ne omejuje na avtoriteto določenih institucij ali dejanj različnih lobistov; omenjeni pristop preverja kontekst političnega procesa z namenom razumevanja, zakaj se politike pogosto spreminjajo počasi in inkrementalno več let, dokler nenadoma ne pride do dramatičnega premika k različnemu političnemu sistemu. Odkar sta Baumgartner in Jones razvila teorijo prekinjenega ravnotežja kot analizo pluralističnega in odprtega ameriškega političnega sistema, so številni poznavalci v Evropi in drugod ugotovili, da je ta pristop aplikativen za parlamentarne sisteme.

Z uporabo tega pristopa sem pojasnila, kaj poganja aktivnosti interesnih skupin in kako je razumevanje javnopolitičnih problemov, ki jih ustvarjajo, povezano z različnimi institucionalnimi prizorišči. Ta teorija mi je pomagala zagotoviti kakovost aplikativne primerjave in poenostavila analitično delo.

Ob primerjavi med EU in ZDA, kako različna institucionalna razmerja (razlike v političnih institucijah) vplivajo na potek javne politike, postanejo razlike med EU in ZDA jasno opazne. Kompleksnost federalizma ZDA in večnivojske vladavine EU<sup>7</sup> sta podobna, vendar je pomen večnivojske vladavine za razumevanje številnih političnih pojavov prejel večjo pozornost v študijah EU. Prav tako je pomembno poudariti, da povezave med ravnmi vladanja niso enake.

Skozi nalogo sem prišla do ugotovitev, da EU, kot večnivojski sistem, interesnim skupinam pri njihovih dejavnostih zagotavlja skoraj neskončno število »točk

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<sup>7</sup> Večnivojska vladavina poudarja dejstvo, da ne obstaja enega akterja, ki bi bil sposoben zagotoviti edinstvene in univerzalne rešitve družbenih problemov. V takšnem sistemu gre za deljeno vladavino med različnimi ravnmi oblasti in med različnimi akterji, kot so lobistične skupine ali kvazivladne organizacije, ki uveljavljajo vpliv na okoljske politike.

dostopanja« in da se je s prenosom državnih pooblastil na Evropsko komisijo, Evropski parlament ter Sodišče Evropskih skupnosti postavilo te institucije v ospredje glede reprezentacije različnih interesov. Lobiranje v ZDA je drugačno zaradi razlogov, kot so historični konstitucionalizem, obseg in področje delovanja lobističnih skupin, politične kulture in zasnovanosti institucij. Ločitev oblasti<sup>8</sup> je npr. kritični dejavnik strategije interesnih skupin, vendar jim zagotavlja več »točk dostopa« in priložnosti za lobiranje. V ZDA so npr. na sodišča relativno pomembno vplivala civilna gibanja za uveljavljanje tistih pravic manjšin, ki jih tedaj ni bilo mogoče uveljaviti skozi zakonodajno vejo oblasti. Če pogledamo sodno vejo oblasti v EU, Sodišče Evropskih skupnosti ni idealni kraj za vseevropski pritisk nevladnih organizacij za spremembo politike. Tudi stopnja prepustnosti med izvršilno oblastjo in organizacijami civilne družbe (bodisi korporacij ali nevladnih organizacij) ostaja večja v Washingtonu kot v Bruslju.

Če na drugi strani pogledamo vpliv vladnih struktur na delovanje lobijev in kako skupine prilagodijo svoje strategije lobiranja glede na politični kontekst, sem ugotovila, da v obeh sistemih, tako v EU in v ZDA, oblikovalci javnih politik ter organizirani interesi pogosto delajo v tandemu pri zagovarjanju političnih ciljev, za katere se oboji zavzemajo. Organizirani interesi izven vlade imajo pogosto več resursov in časa na voljo, možnosti za raziskave in objave ter možnost, da se ukvarjajo s samo enim vprašanjem ali z nekaterimi manjšimi. Kot rezultat v večini se lobiranje sestoji iz dela z »naklonjenimi« vladnimi uradniki in v manjši meri le s poskusi prepričati uradnike, da le-ti podprejo nekatere možne rešitve političnih problemov. Gre za proces, ki poteka v obe smeri in ga je mogoče v enaki meri aplicirati za obe institucionalni strukturi.

Institucionalno okolje v EU in ZDA, ki smo ju opisali zgoraj, daje interesnim skupinam tako prednosti kot slabosti. Proces odločanja, ki je poln povezav med različnimi organi, in raznolikost zunanjih povezav zagotavlja skoraj neskončno število »točk dostopanja«, preko katerih interesne skupine lobirajo avtoritete EU in ZDA. Če vzamemo v obzir, da imajo skupine več »točk dostopanja« v ZDA, to ne dokazuje, da imajo tudi večji vpliv; pri

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<sup>8</sup> Ustavna načela omejujejo koncentracijo oblasti v eni osebi ali instituciji in porazdeljujejo avtoriteto oblasti na tri veje: zakonodajno (parlament ali senat), izvršilno (predsednik države ali predsednik vlade in vladni kabinet) in sodno (vodja sodišča in drugi sodniki).

tem še posebej trdim, da v takem diferenciranem institucionalnem okvirju problem interesnih skupin ni primanjkljaj, ampak presežek možnih poti vplivanja.

Nadaljnje raziskovanje EU in ZDA glede iskanja oziroma interpretacije o pristojnosti institucij, kjer lobisti iščejo in sodelujejo na različnih ravneh vladanja s tistimi, ki so bolj naklonjeni njihovim ciljem, je lahko ena od poti, kjer je mogoče vzporedno preučevati lobiste na različnih ravneh vladanja.

Moj nadaljnji cilj je bil ugotoviti, kaj vodi interesne skupine, da se obnašajo na določen način, podobnost vzorcev njihove mobilizacije in kako oblikujejo tematike, da pride do sprememb politik. Za jasnejšo določitev primerjave vzorcev njihovega delovanja sem sistematično preučevala aktivnosti interesnih skupin EU in ZDA na področju okoljske politike, kjer v splošnem moje ugotovitve o njihovih aktivnostih potrjujejo teorijo, ki jo predlagata Baumgartner in Jones. Prekinitve<sup>9</sup> v obeh sistemih, tako v EU kot ZDA, so se zgodile kot posledica množičnih družbenih gibanj, ali kot posledica majhnih, vendar usklajenih lobijev, ki pogosto pripomorejo k pospešitvi političnih sprememb. Povečanje podpore za okoljsko regulacijo v obeh sistemih pomembno vpliva na sprejetje takšne okoljske zakonodaje, ki je skladna z okoljskimi gibanji. Na ta način je mogoče v EU in ZDA večjo količino zakonodaje sprejeti takrat, ko se prekine obdobje ustaljenosti oziroma se okrepi protest glede določene tematike s strani javnosti (javnega mnenja). Moje ugotovitve kažejo na to, da so javne politike na splošno, predvsem pa javne politike na področju okolja, odvisne od dinamike političnega procesa in vpliva interesnih skupin.

Če nadalje pogledamo relativne vzorce mobilizacije, pridemo do sklepa, da je v tem primeru več razlik kot podobnosti med interesnimi skupinami v EU in ZDA. V obeh sistemih skupine uporabljajo različne konvencionalne in nekonvencionalne metode delovanja, in sicer pridobivajo resurse, zaveznike ter vplivajo na politične izide. V EU se skupine v večji meri zanašajo na konvencionalne vzorce delovanja, pogosto promovirajo okoljske politike EU skozi komuniciranje in konzultacijo v relaciji z EU in

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<sup>9</sup> Izraz prekinitve se nanaša na dolga obdobja stabilnosti, prekinjena s kratkimi obdobji nenadnih sprememb.

državami članicami. Na drugi strani interesne skupine v ZDA delujejo na bolj agresiven način. Pri tem uporabljajo nekonvencionalne načine delovanja, in sicer nevljudnost ter surova soočenja, kot veliko bolj učinkovito orodje za razliko od vljudnega delovanja preko običajnih (političnih) kanalov. Najbolj vidna podobnost med interesnimi skupinami EU in ZDA je, da v obeh primerih uporabljajo medije kot močno orožje z namenom povečati pozornost javnosti, ki je začetna točka za prekinitev neke politike oziroma večje politične spremembe. Nekatere dejavnosti so lahko bolj vidne pri medijih in širši javnosti, vendar večina interesnih skupin običajno uporablja različne taktike ob različnih obdobjih. Kljub temu različni vzorci mobilizacije v obeh sistemih pozitivno korelirajo s sposobnostjo interesnih skupin producirati spremembe javnih politik.

V času moje raziskave o okoljski politični areni sem tudi ugotovila, da okoljevarstvene skupine v ZDA ostajajo največji in najvplivnejši akterji na globalna okoljska vprašanja. Ker je pritisk javnosti bistvenega pomena v procesu oblikovanja politik in njihovih sprememb, predvidevam, da so okoljevarstveniki v ZDA v boljšem položaju pri lobiranju za mednarodne sporazume. Kljub številnim argumentom, da so okoljske skupine ključni akterji v okoljski politični areni, sem v moji raziskavi prav tako ugotovila, da imajo v obeh sistemih podjetja strateško prednost v virih pri lobiranju in prominentno vlogo pri oblikovanju ter implementaciji smernic EU in ZDA.

Jasno je, da historično obstajajo specifične karakteristike glede časovnega obdobja in gibanj, vključenih v mojo raziskavo. Časovno obdobje predstavlja obdobje izjemno visoke stopnje mobilizacije okoljskih gibanj. Za obdobje med leti 1965–1985 je za EU in ZDA na področju zakonodajne dejavnosti značilen visok poudarek na okoljskih tematikah, kar Baumgartner in Jones (1993) navajata kot obdobje prekinjenega ravnovesja. V obdobjih nižje stopnje aktivnosti gibanj in/ali zakonodajni dejavnosti lahko pričakujemo, da bo odnos med gibanjem in politično dinamiko spremenjen. Lahko se na primer zgodi, da se bo po obdobju prekinjenega ravnovesja in po institucionalizaciji nekega področja aktivnost gibanj morda bolj osredotočila na izvajanje zakonov, ne pa na njihovo sprejetje.

Če sledimo mojim empiričnim dokazom, je kot sklep smiselno domnevati, da so interesne skupine enako vidni akterji v politični areni na ravni EU in ZDA. Velikostne,

organizacijske ali članske razlike se ne odražajo v njihovih zmogljivostih za proizvodnjo sprememb javne politike. Enako je mogoče reči o institucionalnem okolju, saj sta tako večnivojska vladavina EU, kot ameriški zvezni sistem pod vplivom različnih interesnih skupin. Opremljene s številnim članstvom, z različnimi strategijami in različnimi taktikami lahko te skupine oslabijo institucionalno moč in povzročijo večje spremembe javnih politik.

Danes transnacionalne korporacije in mednarodne nevladne organizacije delujejo tako v Washingtonu in v Bruslju, da se odzovejo na izzive ter priložnosti globalizacije. Pričakovati je, da se bo tradicionalni pristop, ki temelji na soglasju pri oblikovanju politik EU in lobiranju, še naprej nadaljeval v nasprotju z zelo profesionaliziranim in bolj agresivnim ameriškim slogom. Politične institucije v Bruslju in Washingtonu so različni mozaiki, ki jih je treba obravnavati na precej različne načine.