

**Policy Networks and Multi-level Interactions:
Environmental Policy in Spain and Portugal**

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There is ample evidence that authority in Europe increasingly resides at levels both above and below the central state. While there is disagreement regarding the extent to which European Union institutions constrain state sovereignty, most analysts recognize that decision making in a variety of important policy areas takes place in Brussels. The growing body of literature on decentralization and subnational (especially regional) authorities also attests to the fact that, particularly since the 1970s, most European states (Denmark and Luxembourg being exceptions) have reformed their decision-making structures to give subnational levels of government more authority (e.g. Hueglin 1986; Sharpe 1993; Jones and Keating 1995; Rhodes 1997).

These trends have resulted in a proliferation of studies that demonstrate the mobilization of subnational entities (both governmental and non-governmental) in their attempt to play a role in the wider arena of EU decision making (e.g. Harvie 1994; Hooghe 1995; Keating 1998; Jeffrey 1997; Bomberg and Peterson 1998). The multi-level governance perspective specifies a European system in which authority resides in entities at the supranational, national, and subnational levels. Multi-level governance does not deny the continued importance of the central state as an actor and decision-maker. It does, however, reject the assumption that central state governments have a monopoly on decision making or the aggregation of domestic interests. Rather, the state must increasingly share authority with actors at levels both above and below it. This view allows for the interaction of subnational authorities (primarily regional governments and interests) both with the central state government in the domestic arena, and also directly with EU institutions, other subnational entities, and transnational associations in the European arena (Marks, Hooghe and Blank 1996: 346-47).

What this focus on decentralization, subnational mobilization, and increasing authority at the supranational level has not managed to do thus far, however, is provide a sufficiently

comprehensive answer to the “so what” question. That is, what difference, if any, the multi-tiered nature of authority structures in Europe makes in decision-making processes and policy outcomes (Bukowski 1996; Jeffrey 2000).

In this paper I provide a framework that may help to move us closer to an answer to that question. Using policy network analysis as a conceptual and descriptive tool, I first “map” the multiple and overlapping levels of authority characteristic of the multi-level governance structure. Within this structure, I then propose to track policy decisions from their formulation at the EU level through their implementation at the state and subnational levels. Determining the actors involved in the policy networks at the various levels, their policy preferences, their interactions, and the policy outcomes across states and policy domains will provide empirical data necessary to build inductively toward an answer to the “so what” question.

I intend, in a later stage of this research, to use this framework to analyze decisions across various sub-sectors of environmental policy (e.g. air and water quality, habitat protection), from the formulation of directives at the EU level through the implementation of the policies in two EU states, Spain and Portugal.

Policy Networks: A Means of Testing Multi-level Governance Assumptions?

The multi-level governance conceptualization sets forth a more complex picture of the European system than particularly the intergovernmental perspective. It therefore presents formidable challenges to researchers in their efforts to provide convincing empirical data to support multi-level governance claims. It is one thing to focus, for example, on the national interests, bargaining positions, interactions and outcomes of the 12 EU member states in negotiating the Single European Act (e.g. Moravcsik 1991). It is quite another to construct a study which encompasses the range and variation of state and non-state actors whose interactions

multi-level governance theorists claim make a difference in policy making and implementation, and ultimately in how the EU operates. Analysts utilizing this approach tend to necessarily limit their focus to pieces of this complex framework, focusing on particular stages of the policy process and/or a particular level in which networks operate. Mazey and Richardson, for example, focus on the role of interest groups at the EU level (1993). Others look at the direct connections between supranational and subnational actors (e.g. Marks, Nielsen, Ray and Salk 1996; Marks 1993). However, as Rhodes, Bache and George point out in their critique of Marks' work, "...although the links between levels of government multiply, they are not necessarily an effective challenge to centralized decision making. Marks' evidence most commonly refers to the *participation* of local and regional governments in decision making and not to their effect on the *outcomes* of decision making" [emphasis in original] (1996: 372).

The empirical data provided by these studies is important, but is rather piecemeal, and fails to provide a comprehensive picture of if, and how, decision making is affected by the emergence of the multi-level system. It therefore falls prey to the criticism that, ultimately, even though activity and occasional influence may be witnessed at levels above and below the state, state government interaction remains the most important factor for explaining the EU (e.g. Moravcsik 1993, 1998; Milward 1992).

For those who assume that examining big states making big decisions leaves out fundamental, important dynamics of EU decision making, the difficulty lies in how to make sense of this complexity in a more complete and empirical way. How can we not only paint an accurate, comprehensive, generalizable picture of this multi-level, dynamic system, but also determine if this increasing complexity makes any difference for decision making? This paper

argues that utilizing policy network analysis as a conceptual tool—a roadmap and a theoretically-grounded set of expectations—is a good place to start.

While there are definitional and methodological debates within the policy network approach, the basic premises may be summarized as follows:

Policy networks are new forms of political governance which reflect a changed relationship between state and society...Policy networks typically deal with policy problems which involve complex political, economic and technical tasks and resource interdependencies, and therefore presuppose a significant amount of expertise and other specialized and dispersed policy resources. Policy networks are mechanisms of political resource mobilization in situations where the capacity for decision making, program formulation and implementation is widely distributed or dispersed among private and public actors (Kenis and Schneider 1991: 41).

In a system within which authority is dispersed among various levels, policy networks would be characterized by both a formal hierarchy of authority as well as formal and informal interactions among autonomous but interdependent actors with divergent and mutually contingent interests (Marin and Mayntz 1991, 18). Resource dependencies among the actors in the network serve as channels for communication, expertise, and other policy resources (Bomberg 1994, 46).

Policy network analysts have used this approach primarily to study policy-making processes within states. Hecló introduced the concept of “webs of influence” or “issue networks” in US decision-making processes, and other analysts subsequently developed this approach, comparing policy networks within European states and the US (Hecló 1978; Marsh and Rhodes 1992; Smith 1993; Marin and Mayntz, eds. 1991). More recently, this approach is entering into discussions on the European Union (Bomberg 1994; Peterson 1995a, 1995b; Börzel 1997). Rhodes, Bache and George point out that “early” studies which have at least “tentatively” applied policy networks to the study of the EU (for example, Coates 1984) tend to focus on policy implementation, not initiation (Rhodes, Bache and George 1996: 371).

Various types of questions regarding policy making are addressed through the policy networks approach. Several studies have considered the effects that the internal characteristics of policy networks, and/or patterns of interaction among network members, may have on policy outcomes. In his case study of agriculture policy making in Sweden and Denmark, for example, Daugbjerg looks at the way in which the structures of established policy networks in these countries influence the content of policy reforms (1998). Others (e.g. Laumann and Heinz 1991; McLeay 1998) seek to answer questions regarding the changing role and interaction of the organizations within established networks, or the causes behind the formation of and change in the networks themselves.

Research has tended to concentrate on networks at discrete levels and in specific sectors. Some analyses (such as Daugbjerg's comparison of agriculture policy in Denmark and Sweden, discussed above) identify and compare networks within states. Others concentrate on networks at the supranational level, focusing on the interactions of EU institutions (including bureaucratic actors such as COREPER), member state governments, and interest groups operating at this level (e.g. Bomberg 1998). An attempt to cross levels has been made, for example in applying network analysis to transnational interactions of local authorities (Benington and Harvey 1998), and explaining how "territorial communities" within states may fit into the larger decision-making structures at the EU level (Bomberg 1994).

Critics point out several weaknesses in policy network analysis, the most important being that: 1) it is largely a descriptive model with few theoretical implications; 2) it underestimates the difficulty of delineating policy networks, particularly within the European Union; and 3) it suffers from lack of definitional clarity (Kassim 1994: 15). While the predictive capability of policy network analysis is at this point still limited, it does, as Peterson points out, offer a useful

descriptive tool (1995c: 80). Moreover, several studies in the policy network framework provide sufficiently specific definitions to allow the delineation of policy networks. We cannot deny the difficulty of identifying and analyzing such networks; this is a necessary challenge when studying a complex system.

This paper uses policy networks as precisely this type of descriptive tool. Utilizing this tool, I plan to proceed as follows: 1) Map the multi-level network(s) involved in environmental policy making at the EU, state, and subnational levels; 2) Utilize this map to identify actors involved in specific environmental policy decisions; 3) Determine, at both the formulation and implementation stages of the decision, actor interactions and preferences (in comparison with the final decision outcome) in an attempt to answer the question: Does mobilization and participation of actors above and below the central state make a difference? I therefore use policy network analysis to ask a somewhat different question than those described above, and attempt a more comprehensive mapping of the multi-level framework, to include networks at different levels of the system and their interaction.

Policy Networks and Complex Systems

If it is true that authority is increasingly shared by central state authorities with governmental and non-governmental entities at the supranational and subnational levels, then we would expect the emerging decision-making structure in the EU to be fragmented and characterized by multiple, overlapping governments involved in similar functions, and by many points of access to decision-making processes.¹ Since authority in terms of governing capacity is shared among the supranational, national, and subnational entities within this structure, we would expect interactions among institutions and individuals at all levels to be characterized by

¹ The multi-level governance perspective thus contains elements similar to Morton Grodzins' analysis of the American federal system as a "marble cake" (1966).

bargaining, exchange, and negotiated policy outcomes. Policy outcomes would reflect the interest and influence of a variety of policymakers, not only those associated with the central state. Central government preferences would at times prevail, but increasingly decision outcomes would represent the interests and influence of supranational or subnational policymakers, and/or compromises among preferences. Policy network analysis helps us to identify the actors involved in these multi-level networks, and focus our analysis of their interactions.

Formal, institutional arrangements provide the general structure around which policy networks form. The formal distribution of authority provides a good starting point for the identification of policy networks across various policy domains. These networks are characterized, however, by “predominantly informal, decentralized and horizontal” relationships among both private and public actors (Marin and Mayntz 1991, 15), and by resource dependencies. Delineating policy networks thus requires the analysis of interactions and bargaining of all actors, both public and private, formal and informal, that may bring resources (organizational, financial, informational, political) to the table.

Another important aspect of the multi-level governance argument is the contention that policy making involves both the formulation *and* implementation of policy (Marks 1993). Unlike neorealist analyses, the multi-level governance view dictates the consideration of all actors involved in the various stages of policy making. The rationale here is that, in reality, those people and groups in charge of carrying out a policy have as much or more influence over its actual impact as those who initiate and legislate the policy. Moreover, the “formulators” and “implementers” may or may not be the same actors.

One of the most difficult tasks in using the policy networks approach is identifying the networks themselves. A general typology of networks has emerged in the literature, based on

work by especially Rhodes (1988; 1990). Using the variables of relative stability, relative insularity, and relative strength of resource dependencies, we can characterize networks as tending either toward “policy communities” (stable membership; relatively insular and impermeable; strong resource dependencies), or “issue networks” (fluid, changing membership; permeable; weak resource dependencies). Given the diversity of policy areas and actors in the European arena, we would expect to find networks at many points in a continuum between these two types.

Networks most commonly form around specific policy sectors such as agriculture, environment and social policy, and/or policy functions such as implementation or regulation. In the European Union, a few policy domains, notably agriculture, have been classified as “policy communities” because they are characterized by stable and restricted membership and strong resource dependencies (Peterson 1989; Smith 1991). These policy domains tend to be the exception rather than the rule, however, as most sectoral areas fall more toward the “issue networks” side of the continuum, given the nature of the EU system. The current paper proposes an empirical investigation of a specific sectoral policy area, the environment, that may be classified in this more typical category of issue network.

Multi-level Mapping

Presumably, networks exist at the supranational level (including the EU institutions, member states in the European Council, transnational interest groups lobbying the EU institutions, etc.) that are at least somewhat independent from those found within the member states (which would include national, regional, and local public and private actors). As described above, the work on policy networks tends to focus on only one of these levels at a time, and primarily on the state level.

The multi-level governance perspective, however, implies the emergence of a comprehensive, three- (or more-) level network, as supranational and subnational institutions gain more authority vis-à-vis the central state and as public and private actors at all levels increasingly enter the “cracks” in the decision-making structure at levels other than their own, and/or at multiple levels at once. Subnational government offices established in Brussels to lobby the Commission directly on regional issues are an oft-cited example of this phenomenon. Applying policy network analysis to the multi-level governance perspective requires a simultaneous mapping of overlapping networks at all levels of this system.

Toward this end, I will first identify, based on their formal, institutional arrangements, resources, and policy interests, the primary governmental and non-governmental actors who have the potential for involvement in environmental policy making at the supranational, national, and subnational levels. It would not be feasible in the context of this study to identify national-level networks for all EU member states. I therefore will focus on these networks in two member states, Spain and Portugal. These two states have many similarities, including their position as southern, relatively poorer EU members (both joined the then-EC in 1986) that went through similar transitions to democracy at roughly the same time after long periods of dictatorship. Moreover, these states have comparable environmental problems, and have experienced similar difficulties in implementation of EU environmental standards. Against the backdrop of these similarities, these two states represent very different degrees of decentralization, with Spain having evolved since the mid-1970s into a quasi-federal system, and Portugal remaining very centralized.

The states’ similarities will allow a certain degree of control when investigating their environmental policy networks and outcomes. We would expect that the policy networks in

Spain would involve more decision-makers, and that the decision outcomes would more often be reflected in bargaining and negotiation among the various levels, than in Portugal. In Portugal, we would expect to see the central state maintaining more influence and resources within the policy networks.

It is not possible to map all actors involved in the many facets of environmental policy making. As mentioned above, potential environmental policy networks may be delineated by considering the formal distribution of authority and competences among decision makers at various levels of government. However, since the environmental issue network is characterized by fluid membership, is easily influenced by other policy areas (e.g. industry, agriculture), and has relatively weak resource dependencies, the specific individuals and entities that become involved will depend upon the issue at hand at any given time (Bomberg 1998). It is therefore necessary to identify particular sub-sectoral policies within the environmental policy domain (protection of natural resources, water quality, air pollution, packaging waste, etc.), and then specify “decision events” (Marin and Mayntz 1991) within these sectors in order to analyze the interaction of institutions, groups, and people at the various levels that converge to make a specific decision.

Moreover, in the multi-level governance perspective, while a decision may occur at a particular level, actors at other levels enter the process, at the formulation and/or implementation stage. In order to capture this complexity, it is necessary to take a comprehensive view of decision making that will take into account both policy formulation and implementation. What we would expect to find, then, would be overlapping and reciprocal influence among networks at different levels: EU-level policy decisions include national but also subnational actors. In turn,

implementation at the national and subnational levels includes input from actors in the supranational network.

EU Environmental Policy: the Multi-level Framework

Several sources track the evolution of environmental policy in the European Union (see, for example, Sbragia 2000; Weale, et al. 2000; Jordan 1999). Particularly since the passage of the Single European Act, a framework has emerged in which “environmental policy is now one of the major policy areas in which Brussels plays a critical role” (Sbragia 2000: 294). Around 300 pieces of legislation (mostly directives) which cover all major categories of environmental protection and pollution control, have resulted from decision-making processes at the European level (Weale, et al. 2000). A variety of actors, including the member states, European institutions, and interest groups, play a role in the formulation of EU environmental policy at this level.

Once EU legislation is formulated, however, implementation is largely left to the member states. At this point, actors within states must decide, particularly in the case of EU directives, how (and how quickly) the legislation will be transposed and ultimately implemented. In states such as Spain and Germany, authority has been devolved to the point that in many policy domains, including aspects of the environment, subnational governments are charged with implementing legislation (even though member states remain responsible to the EU regarding implementation). Networks therefore arise around the governmental decision-making bodies at both the national and subnational levels.

Moreover, networks at all levels interact. Subnational information offices may lobby the Commission during the formulation of legislation; the “partnership” principle demands more input from subnational governments on policy, particularly in the area of regional development

(but this of course may also include environmental issues); non-implementation at the national and subnational levels may elicit complaints from the Commission and ultimately a European Court of Justice (ECJ) ruling.

The following section maps the environmental policy networks at these various levels. The analysis of specific decision events will then allow the determination of interactions within and between them and the effects of these interactions on policy outcomes, both in the formulation and implementation stages of policy making.

Supranational Networks

Figure 1 provides a summary map of the governmental and non-governmental actors who are potentially involved in the environmental policy network at the supranational level. Following policy network assumptions, this map takes into account both the formal institutional structures and decision-making procedures specified in the EC/EU treaties and legislation, as well as the informal relationships determined by resource dependencies.

--Figure 1 about here--

The European Commission is a key actor in the policy formulation stage, since it has the power to initiate legislation. It does not necessarily speak with one voice, however, particularly in the area of environmental policy. Directorate General (DG) XI has responsibility for environment, nuclear safety, and civil protection. Given the fact that environmental policy is intrinsically linked to other policy areas, other Directorates General, such as DG III (Industry), DG VI (Agriculture), DG VII (Transport), and DG XVI (Regional and Cohesion Policy), may also be involved. DG XI can be at a disadvantage in pushing for the environmental component of other policies because it is less powerful within the Commission than other DGs (Sbragia 2000: 299).

DG XI is relatively understaffed, and therefore depends upon a wide variety of sources for information and outside expertise. It is likely the most “open” of all the DGs to lobbying by environmental NGOs, such as the umbrella European Environmental Bureau (EEB), Friends of the Earth-Europe (FoE), and the World Wide Fund for Nature (WWF). It is also open to influence from the European Parliament (Bomberg 1998: 173). The establishment of the European Environmental Agency (EEA) in 1994 with the purpose of collecting information on environmental quality thus far has not appeared to diminish DG XI’s reliance on outside expertise. This may be due to the fact that the EEA is independent of the Commission, is decentralized and closely linked to national environmental bureaucracies (Sbragia 2000: 303).

Other interest groups, such as those representing industry, labor, and/or agriculture provide a counter-lobby to the environmental NGOs. Subnational information offices also lobby the Commission (particularly DG XVI), but whether they support or oppose environmental legislation depends upon the issue at hand. Member state governments may also try to influence the Commission’s position on an initial environmental proposal.

The Council of Environmental Ministers holds at least four formal meetings per year and is the primary source of EU environmental legislation. It is of course the intergovernmental EU institution, and so member state government preferences are negotiated here. Most analysts see this bargaining to be between “leader” states on the one hand, and “laggards” on the other, with the former attempting to “externalize” their higher standards to the rest of the EU, and the latter trying to limit environmental measures and/or receive compensation for compliance (Liefverink and Anderson 1998). There is also some evidence, however, that states’ environmental ministers may utilize the Council forum to come together in a more firm environmental stance than they would be able to support within their national cabinets (Sbragia 2000: 300).

While the European Parliament's influence on legislation is in general limited (when compared to the Council of Ministers), it has developed a certain amount of influence, both formal and informal, in environmental matters. It is seen as a proponent of environmental issues, primarily because of the active role taken by its Environment Committee, and as such is lobbied heavily by environmental NGOs. This Committee has established itself as source of expertise on the environment, and has developed a close relationship with DG XI and the other decision-making institutions (Weale, et al. 2000: 92-93).

Finally, the European Court of Justice can enter into the network of actors concerned with environmental policy through its ability to hear infringement proceedings brought by the Commission against member states for non-implementation of EU legislation, to clarify the legality of EU legislation, and to rule on disputes about the application and interpretation of rules.

National and Subnational Networks

Spain

Figure 2 shows the Spanish environmental policy network. The Spanish constitution assigns authority over environmental matters both to the central government and to the autonomous regions.² The ambiguous wording in the constitution regarding environmental policy has been interpreted and expanded subsequently in the regional autonomy statutes, as well as in several Constitutional Court decisions. In general, the division of authority is as follows. The central state has the power to pass "basic" legislation of a national character, including all legislation transposing EU law or implementing international agreements. The Constitutional

² Article 149.1.23 provides the state exclusive competence for basic legislation regarding protection of the environment "without prejudice" to Autonomous Community authority to take additional protective measures. Article 148.1.9 grants the Autonomous Communities the right to "manage" environmental protection. Article 45

Court has determined that basic legislation does not mean a framework law (as in most other substantive areas) that dictates standards of uniformity to the Autonomous Communities. Rather, it should set the ordering of certain minimum standards that must be respected in all cases.

--Figure 2 about here--

The regions then are responsible for the implementation of this legislation. Several regional governments also have the legal competence to adopt their own legislation setting environmental standards for their region that are more stringent than those passed in Madrid. In several cases, such as in Andalucía, the regional legislation on environmental protection is generally more strict than the basic law set by the central state (Ballester et al. 1994).

While the Autonomous Communities generally have implementation authority for environmental legislation passed at the EU, state, or regional level, national legislation also has established environment as one of the competences listed for local government. The local level (provinces and municipalities) may therefore exercise legislative authority, but only within the confines of state and regional legislation (Council of Europe 1993).

There are a variety of governmental and non-governmental actors at all levels within Spain that are responsible for, have information resources pertaining to, and/or are interested in, environmental legislation. Indeed, Aguilar Fernández argues that administrative disorganization and dispersion of responsibilities is a major factor behind the fact that Spain has one of the highest rates of non-fulfillment of EU environmental laws (1994: 105). At the national level, The Ministry of Public Works, Transport, and Environment (MOPTMA) was the main organization responsible for environmental protection until 1996, when a separate Ministry of the Environment (Ministerio del Medio Ambiente) was created. The National Institute for the

gives governments at all levels the duty to ensure the rational use of natural resources, to protect and improve the quality of life, and to defend and restore the environment.

Conservation of Nature (ICONA), which is a division of the Ministry of Agriculture, Fishing and Food (MAPA) manages Spanish national parks. The Ministry of Industry (MINER) also has sectoral responsibilities for protecting the environment. The Service for the Protection of Nature (SEPRONA) is part of the Civil Guard (the feared police in their tri-corner hats under the Franco regime) and is responsible for the direct enforcement of environmental regulations.

Other ministries, such as agriculture, industry, and health, have responsibility for environmental components related to their main functions. From 1972 until 1987, the Inter-Ministerial Council of the Environment (CIMA) carried out coordination between these ministries and MOPTMA. It was abolished due to its inability to handle the complexity of environmental policy making, made increasingly so by the devolution of authority to the regions and EC membership. It was never directly replaced, although there exist several inter-ministerial committees that attempt to facilitate coordination (Weale et al. 2000: 214). Each ministry has a representative in each of the 17 regions to ensure the application and coordination of central state policy.

Separate ministries tend to use their own specialist agencies to obtain expertise. The Environment Ministry includes among its support structures the National Water Council, the National Waste Plan Council, and the Geographical Council, composed primarily of scientists and academics. The Ministry of Industry consults the Center for Energy, Environment, and Technology Research (CIEMAT), the Center for Technological Industrial Development (CDTI) and the Institute for Energy Diversification and Conservation (IDEA). The Ministry of Health relies on the Carlos III Institute.

At the regional level, all the Autonomous Community governments have created an administrative body with responsibility for environmental policy. These vary in structure and

status, however, with several regions dividing responsibility across several departments, as at the national level, and others, such as Catalonia, consolidating environmental functions in one department (Commission of the European Communities 1993; Font and Morata 1998).

Formalized vertical coordination between the national and subnational levels has come about only recently, primarily as a means to address European policy issues. Specific to intra-state environmental policy, a Sectoral Conference brings together the national environment minister with the heads of the regional environmental units. In 1992, a Conference on European Affairs was established to facilitate involvement of the Autonomous Communities in European policy making. In 1994 it became more formalized, with the Spanish government agreeing to inform the regions through the various sectoral conferences regarding European issues pertaining to their competences, with the regions having the right to formulate joint positions on issues and coordinate them with Madrid. In 1997 the position of Counselor of Autonomous Affairs was established as a representative of the Autonomous Communities at the Spanish permanent representation in Brussels (Börzel 2001: 154-55).

The national government has made limited attempts to officially involve societal actors in environmental policy. In 1993, for example, Madrid announced the creation of an advisory body on the environment that allows the participation of environmental NGOs. Likewise, regional councils of the environment allow participation, in an advisory capacity only, of environmental and industrial groups (Aguilar Fernández 1994: 107). On an informal basis, private environmental groups and other interested bodies, such as the Spanish Ornithological Society, the Small Farmers Union, the Spanish Branch of the Worldwide Fund for Nature, Greenpeace, the National Federation of Municipalities and Provinces (FEMP), and the Ecological and Pacifist Association of Andalucía lobby at the national, regional and local levels. The national

government has made some effort to involve business interests specifically in environmental policy making, through programs to provide subsidies to small and medium-sized enterprises to help them meet EU environmental standards. Groups such as the Confederation of Entrepreneurial Organizations (CEOE) and the Council of Chambers of Commerce have established environment committees (Weale et al. 2000: 273).

Portugal

Figure 3 illustrates the Portuguese policy network. The first official action concerning environmental matters in Portugal was the formation in 1971 of a National Commission for the Environment to prepare for the country's participation in the UN Conference on the Environment in Stockholm in 1972. In 1974, the National Parks Service was established, with the purpose of creating a framework for developing a network of protected nature areas. After the 1974 revolution, the Department for the Environment (Secretaria de Estado do Ambiente) was created; it became in 1979 the Ministry of Quality of Life and was transformed into the Ministry of Planning and Territorial Administration (MPAT) in 1985. A Secretariat for the Environment and Natural Resources (SEARN) was established as part of MPAT (Soromenho-Marques 2000).

--Figure 3 about here--

Partly as a result of the environmental focus of the European Year of the Environment (1987), two important environmental laws were passed in Portugal. The Environmental Basic Law (Lei de Bases do Ambiente - LBA) and the Environmental Protection Associations Act (Lei de Bases das Associações da Defesa do Ambiente - LBADA), established the legal framework for subsequent environmental action (Ribeiro and Rodrigues 1997, 110). The LBA allowed for restructuring SEARN, enlarging its competences and doubling its budget. This act introduced the idea of sustainable development for the first time, linking environmental and economic

development issues. It places emphasis on participation of citizens and NGOs in the policy making process, and created a new institution that subsequently became the Institute of Environmental Promotion (IPAMB) under the current Ministry of Environment and Territorial Administration, with members of its Directive Council coming from non-governmental sectors of Portuguese society. The LBADA defines the rights of participation for NGOs, and also “Environmental Protection Associations” (Associações de Defesa do Ambiente - ADAs) in the central, regional and local administrations.³

In 1990 SEARN was transformed into the Ministry of Environment and Natural Resources (MARN). MPAT remained a separate entity, and retained several environmental competences. In 1993, in response to the Rio Conference and also in recognition of EC environmental policy objectives (specifically the Community Political and Action Program in Environment and Sustainable Development), MARN was reorganized internally, with the stated objective of improving the government’s response to sustainable development imperatives (Decreto-Lei no. 187/93). In 1995 MARN was transformed into the Ministry of the Environment (MA), and then in 2000 became the Ministry of Environment and Territorial Administration (MAOT), taking away some of the MPAT’s specified competences (Soromenho-Marques 2000).

In spite of the lack of regional division of the Portuguese mainland, the MAOT is divided into five Regional Environmental Directorates (DRA), which constitute an intermediate body between central and local governments. Local administrations have considerable competences in policies affecting the environment, such as public investments in rural and urban infrastructure,

³ ADAs are defined as non-profit organizations that have judicial personality in the context of Portuguese law. They have as their objectives: environmental protection, protection of the natural and architectural heritage, nature conservation and the promotion of quality of life. These associations are further classified into national, regional, or local, depending upon the scope of their actions. Under the LBADA, ADAs have specific rights, including the status of “social partner” (which gives them the right to participate in the definition of environmental policy and in its major legislative outcomes), and the right to use public television channels to publicize their objectives. They have

environmental resources and services, energy, and education. As with other areas of local finance, however, municipalities are severely underfunded, thereby limiting their ability to carry out policy in these areas (Kahan, et al. 1999). Local governments tend to invest much more of their limited funds in infrastructure development rather than environmental protection and preservation. Decentralized arms of the central government (specifically the Commissions of Regional Coordination—CCRs) are also involved in particularly the implementation of environmental policy at the local and regional levels. Environmental and development policies tend to have a “top-down” character, with central government imposing requirements and directives on lower levels.

There are numerous environmental NGOs in Portugal (in 1999, there were approximately 190 environmental protection associations registered with IPAMB), the most important of these being the National Association for Nature Conservation (QUERCUS), the League for the Protection of Nature (LPN), and the Group for the Study of Land Use Planning and the Environment (GEOTA). Despite their numbers, however, the effectiveness of these NGOs is limited by, in many instances, lack of permanent technical staff and facilities, and uncertain financial support. IPAMB does provide regular funding (within its own budgetary constraints) to these environmental NGOs. Moreover, municipalities, and to a lesser extent industry and other economic sectors, have begun to establish cooperative programs with NGOs, which may provide new funding opportunities for these organizations (Ribeiro and Rodrigues 1997, 121-122). Palma (2000) points out that Portugal is so small and “uninteresting in the international context” that none of the important Europe- or world-wide environmental NGOs such as Greenpeace or WWF have a permanent presence in the country. He does go on to argue, however, that due to the

consultative rights on issues such as regional land use plans, environmental impact assessment studies, and agricultural and forest plans and projects (Ribeiro and Rodrigues 1997: 112).

importance of universities in the big cities of Portugal, many academics that advocate environmental policy have a high profile, and therefore the potential, to promote environmental policy through both governmental contacts and effective appeals to public opinion.

NGOs consisting of various industrial, agricultural, and development groups also may become involved in the environmental policy making process in Portugal. In 1994, for example, an agreement on the environment and sustainable development was signed between the central government, the Confederation of Portuguese Industry, and the Confederation of Portuguese Land Farmers (AGMADS 1994). The agreement involved MARN and established the major guidelines for institutional cooperation in bringing various industrial sectors up to speed on current environmental legislation (much of which proceeds from transposition of EU policy). Agreements of this kind have been based primarily on accommodating industry by working out delays in implementation of environmental standards. In 1997, the National Council on the Environment and Sustainable Development (CNADS) was established, which allows consultation of both industry and environmental interest groups (Soromenho-Marques 2000).

Formally, there are several mechanisms for public participation, along with and outside of NGO membership, in environmental policy decisions. Citizen's access to information is prescribed in the Portuguese Constitution, and the 1991 Code of the Administrative Procedure sets out the terms by which information should be made accessible in public participation procedures. The LBA requires the participation of any relevant social groups in the implementation of environmental and land use planning policies at the local, regional and central levels. The LBDA also defines the rights of these types of associations, and entitles them to involvement in defining environmental policy.

Interactions, Preferences and Outcomes: Sectoral Decision Events

Now that the general environmental policy-making structures have been identified across multiple levels, it will be necessary to look inside this framework to determine actors involved in specific decisions. Several of these decisions, across a representative sample of environmental policy sub-sectors, should be identified and analyzed, from the formulation through implementation stages. The remainder of this paper sets up a plan for the collection of this type of data, which I will complete in the next stage of my research.

As stated earlier, EU environmental policy encompasses all major areas of environmental protection and pollution control. More specifically, the major legislation falls under the following categories: pollution and nuisances (nuclear safety and radioactive waste, water protection and management, monitoring of atmospheric pollution, prevention of noise pollution, chemicals, industrial risk and biotechnology); space, environment and natural resources (management of efficient use, conservation of wild fauna and flora, waste management and clean technology) (Europa/Eur-Lex 2001).

I propose to analyze decision events (in this case, Directives) in a representative sample of environmental policy sub-sectors. Toward this end, I have identified initially the following pieces of legislation in force:

- Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora
- Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy
- Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment

As indicated in Figure 4, I plan to carry out the analysis of environmental policy networks at the supranational, national, and subnational levels. First, utilizing the general

framework established and described throughout the current paper (based on policy network assumptions), I will identify actors that converged around the formulation of each of these decisions (directives), what their initial preferences were, how they proceeded to pursue these preferences, and finally, how their preferences compared to the final decision outcomes.

--Figure 4 about here--

I then will continue this analysis for the implementation stage of the decision. At the state and subnational levels, I will focus first on the transposition of the directive in each member state, again determining the actors at various levels within the state that were involved in formulating and passing legislation. Finally, I will consider the actual application of the legislation through selected cases of decision “sub-events.” These would include instances in which a decision was made by the competent authority (or authorities) pursuant to the actual legislation passed; that is, was it enforced, not enforced, partially enforced, etc.?

While I have structured this investigation at discrete levels, in reality this is a somewhat artificial (though analytically necessary) division. This framework will, however, allow me to capture the interactions among levels. For example, depending upon the policy decision under consideration, subnational actors (e.g. regional information offices in Brussels) may enter the supranational policy network. Likewise, supranational actors may be involved in the implementation stage (through Commission-initiated infringement proceedings, funding for projects, etc.).

Conclusions

I have attempted in this paper to construct a framework in which policy network analysis can be used to address one of the prevailing criticisms of the multi-level governance perspective: What difference, if any, does the multi-tiered nature of authority structures in Europe make in

decision-making processes and policy outcomes? In summary, the analysis I propose would involve the following steps: 1) Use policy network analysis as a descriptive conceptual tool to map public and private actors at the supranational, national, and subnational levels of the EU that, given their formal competences, interests, and resources, have the potential to be involved in environmental policy; 2) Identify decision events within sub-sectors of environmental policy (e.g. water quality, air pollution, habitat protection); 3) Trace the decisions from their formulation at the supranational level through to their implementation at the national and subnational levels.

The current paper has justified this approach and has provided an initial mapping of the governmental and non-governmental actors potentially involved in environmental policy networks at the supranational, national, and subnational levels. It also constructs a research plan through which an analysis of decisions in several sub-sectors of environmental policy may be realized from formulation through implementation, utilizing the cases of Spain and Portugal to examine the implementation stage. By carrying out this analysis in the next stage of my research, my goal is to draw conclusions regarding several of the primary expectations of the multi-level governance perspective:

- Increasingly, across a variety of policy domains, actors at all levels of the system participate in decision-making processes.
- Interactions among actors would be characterized by bargaining and exchange, rather than dominance or coercion by national actors.
- Policy outcomes in the EU are determined by a variety of actors. On some issues, central government positions will prevail; other decisions will be determined primarily by supranational and/or subnational actors, while still others will reflect compromise among various positions.

If I determine that final policy decisions in many instances were a compromise among preferences at various levels, or that preferences of entities at levels other than the central state won out (and/or that this was the case more often in the Spanish than the Portuguese case in the

implementation stage), *then* I will have provided empirical evidence that the multi-level authority structure makes a difference in policy outcomes. Limiting the study to environmental policy will necessarily curtail its generalizability. If this framework proves to be effective in analyzing the multi-level structure in this policy domain, however, it could be applied to other areas, ultimately providing the empirical data necessary to arrive at an inductive answer to the “so what” question.

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FIGURE 1: Supranational Environmental Policy Network

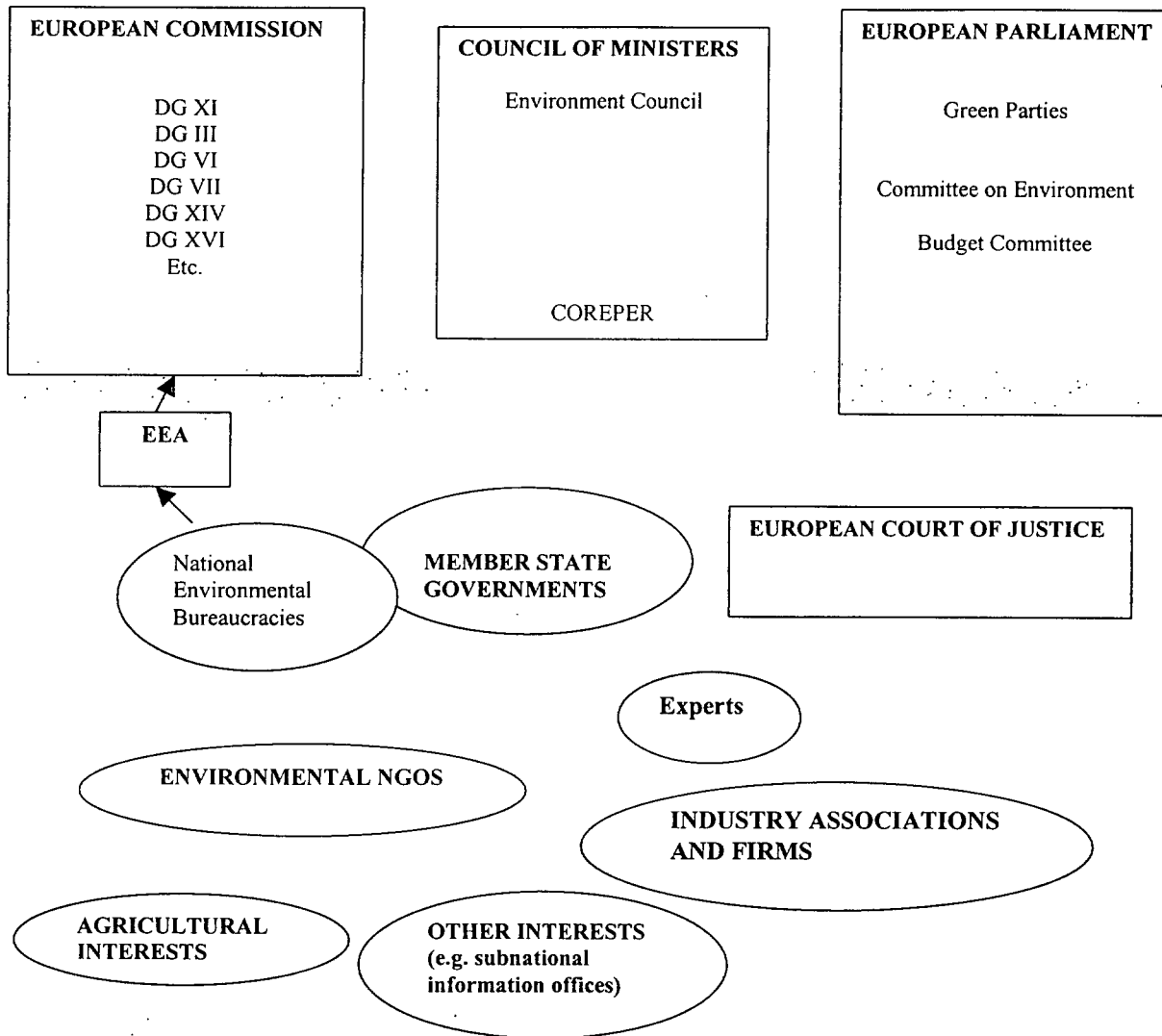


FIGURE 2: Environmental Policy Network: Spain

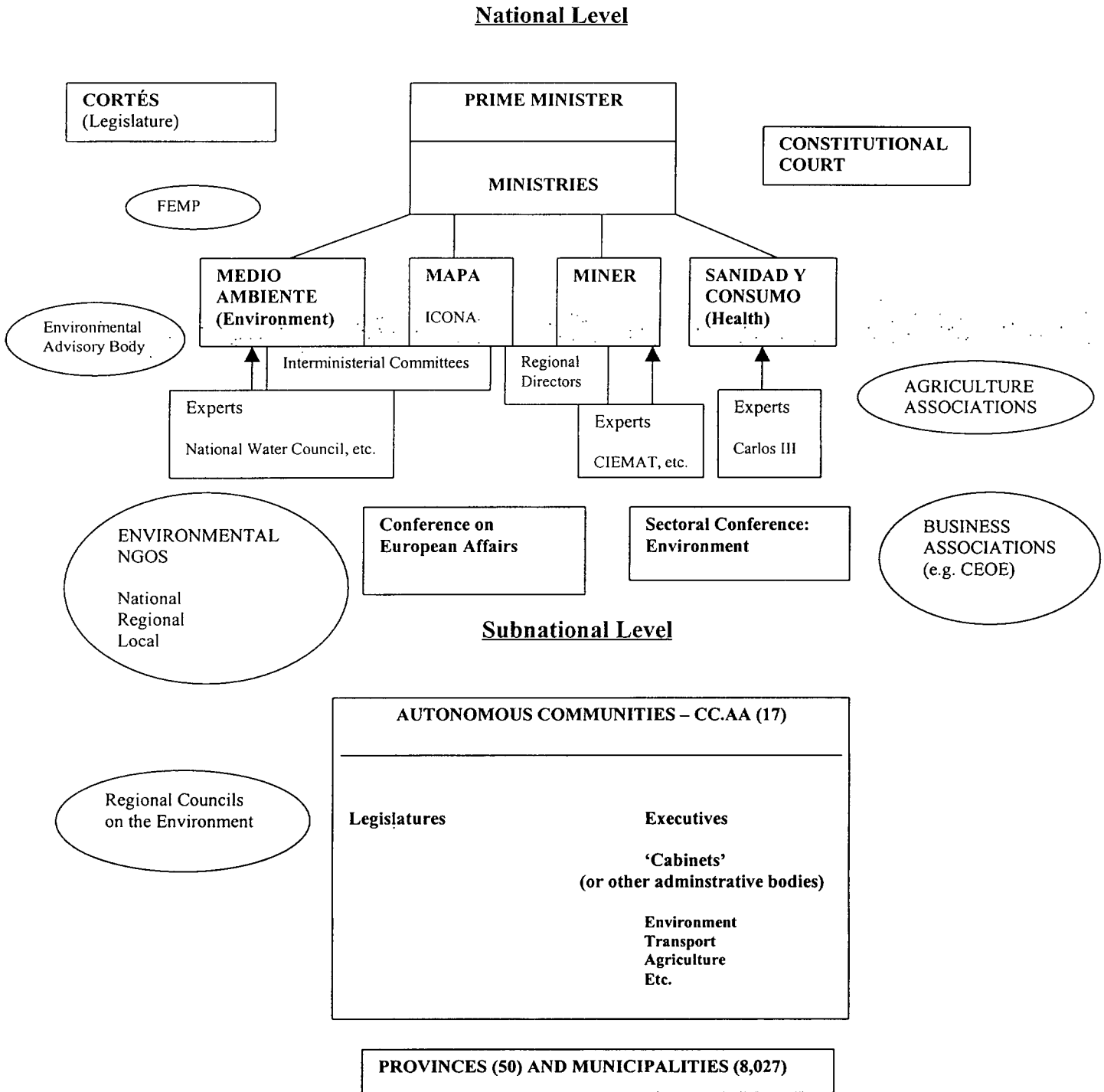
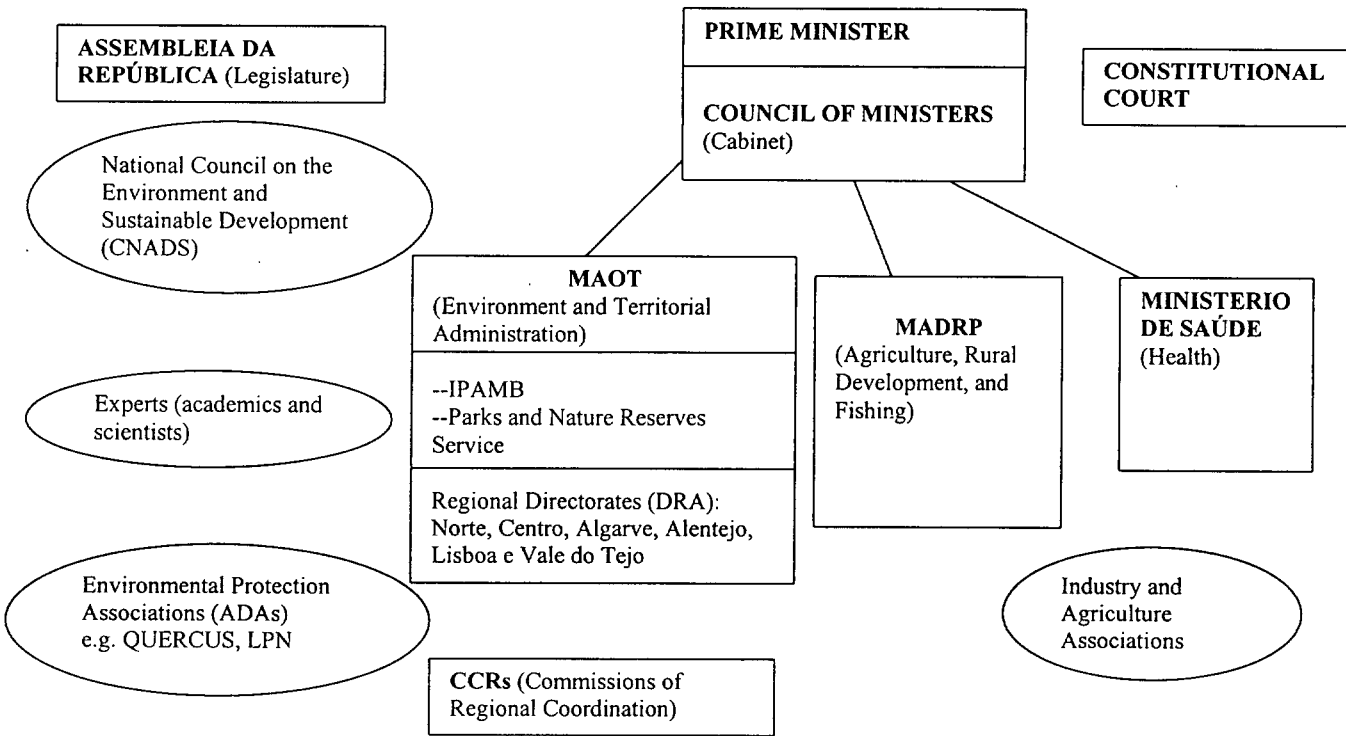


FIGURE 3: Environmental Policy Network: Portugal

National Level



Subnational Level

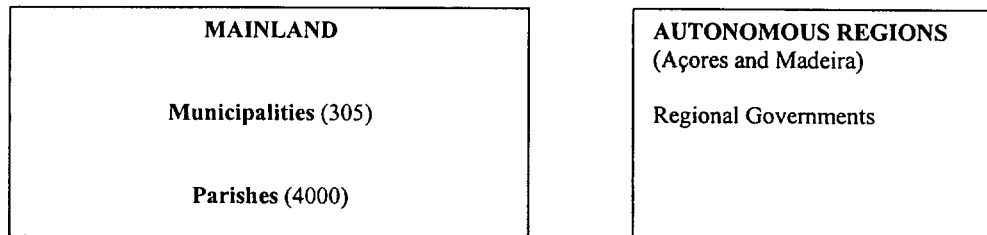


FIGURE 4: Analysis of Multi-level Policy Networks

