



## **Competing policy ideas and the implementation of European environmental policy**

Discursive constructions of ‚Nature‘ and ‚Space‘ within the multi-level  
implementation process of the EU Habitats Directive

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Section 13: Theory and Praxis of Policy Analysis: Trends  
Panel 7: Environmental Policy and Politics  
Panel Chair: Thomas Saretzki, Peter Feindt



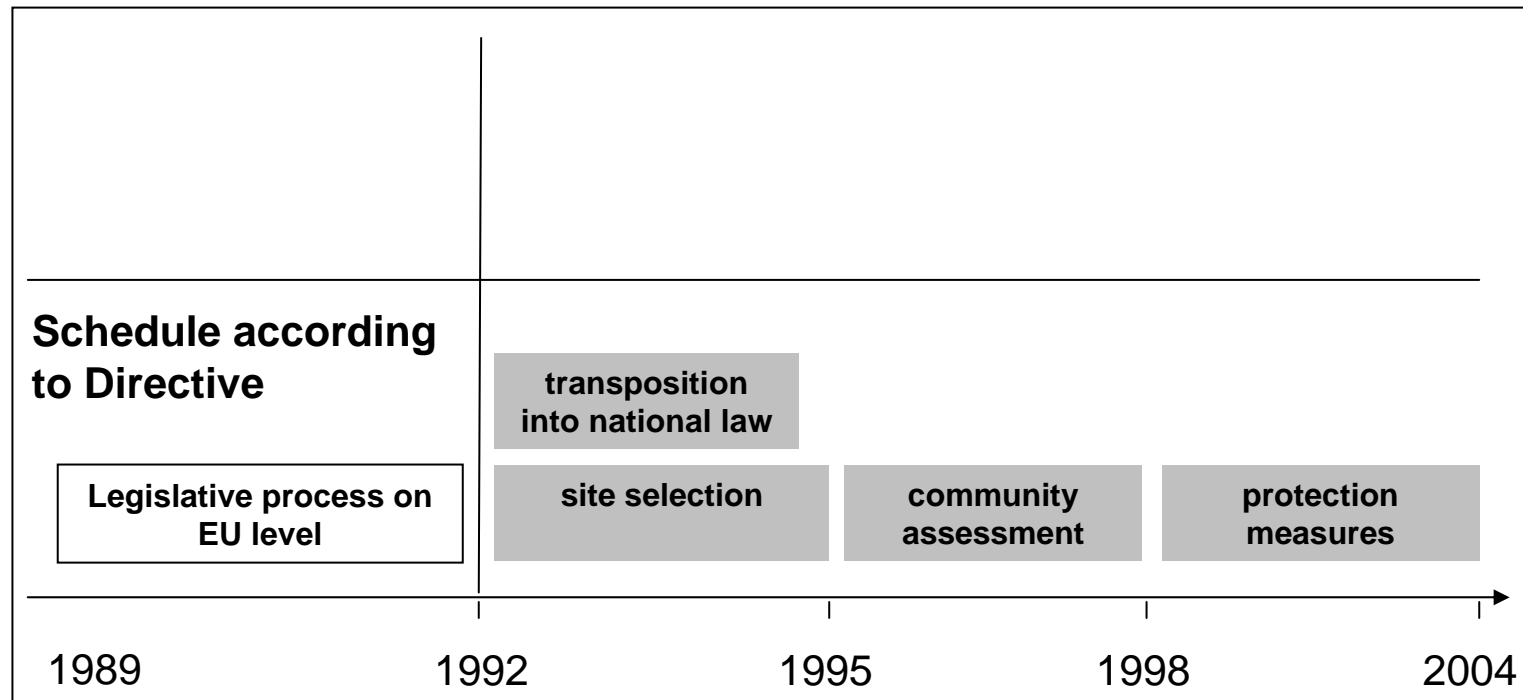
## Structure of the presentation

1. The Habitats Directive and its poor implementation record
2. Explanatory approaches: Europeanisation meets Ideation
3. Constructions of ‚Nature‘ and ‚Space‘
4. Institutionalisation of a policy paradigm within the Habitats Directive
5. Implementation: domestic (in-)action and European control
6. Conclusion

# 1. The Habitats Directive and its implementation record



## The mal-implementation of the Habitats Directive



- insufficient implementation by all Member States (Commission, 2003)
- only 3 of 15 without court suit
- more than half at least once condemned



## 2. Explanatory approaches Europeanisation meets Ideation

- **Europeanisation (top-down):**

- misfit
- adaptation pressure
- mediation factors
- domestic change

- **Ideation:**

- Policy Paradigm (Peter Hall, 1992, 1993):

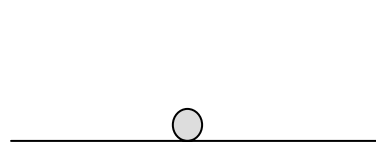
*“an overarching set of ideas that specify how the problems [...] are to be perceived, which goals might be attained through policy and what sorts of techniques can be used to reach those goals.”*

- Institutionalisation (policy instruments, specification of instruments)

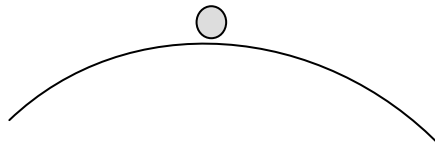
### 3. Constructions of ‚Nature‘ and ‚Space‘



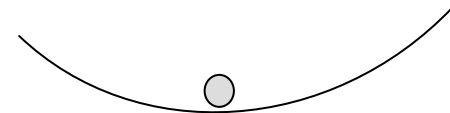
anthropocentrism ← → eco-centrism



‚capricious nature‘



‚vulnerable nature‘



‚robust nature‘

Source: Thompson/Ellis/Wildavsky 1990: 27 (modified)

# 3. Constructions of 'Nature' and 'Space'...



## ■ ...within the Habitats Directive

### A rich but fragile natural heritage

The fifteen Member States of the European Union cover the major part of Western Europe, with a surface area of over 3 million km<sup>2</sup> and a population of 370 million. Differences in climate, topography and the influence of human activities have created a great variety of natural and semi-natural habitats which are home to a multitude of species.

The European Union has several thousand types of natural habitat which are home to 150 species of mammal, 520 species of bird, 180 species of reptile and amphibian, 150 species of fish, 10,000 plant species and at least 100,000 species of invertebrate<sup>1)</sup>. These figures testify to the immense wealth of Europe's natural heritage, synonymous with diversity of life forms, scenic beauty and a particular quality of life.

### Endangered species

Despite progress in the nature conservation policies of the Member States, the populations of many species are continuing to decline rapidly. It is not only rare species that are affected. Recent studies show a sharp drop in the populations of common species such as the garden warbler (*Sylvia borin*) and the skylark (*Alauda arvensis*).

Today, half our mammal species and a third of reptile, fish and bird species are endangered. Marine species (monk seal, turtles, etc.) affected by pollution and fishing are among the most threatened. The Slender-billed Curlew and the sturgeon have become so rare that their short-term survival could be in question. As for plants, 1,000 species are endangered and 27 threatened with extinction.

### Natural habitats in decline

The dramatic decline in the populations of many species is primarily due to the deterioration of the natural habitats necessary for their survival. In a few decades, the intensification of many human activities - agriculture, forestry, industry, energy, transport, tourism, etc. - has led to the loss or fragmentation of natural habitats, leaving little room for wildlife or confining it to a meagre portion of Community territory.

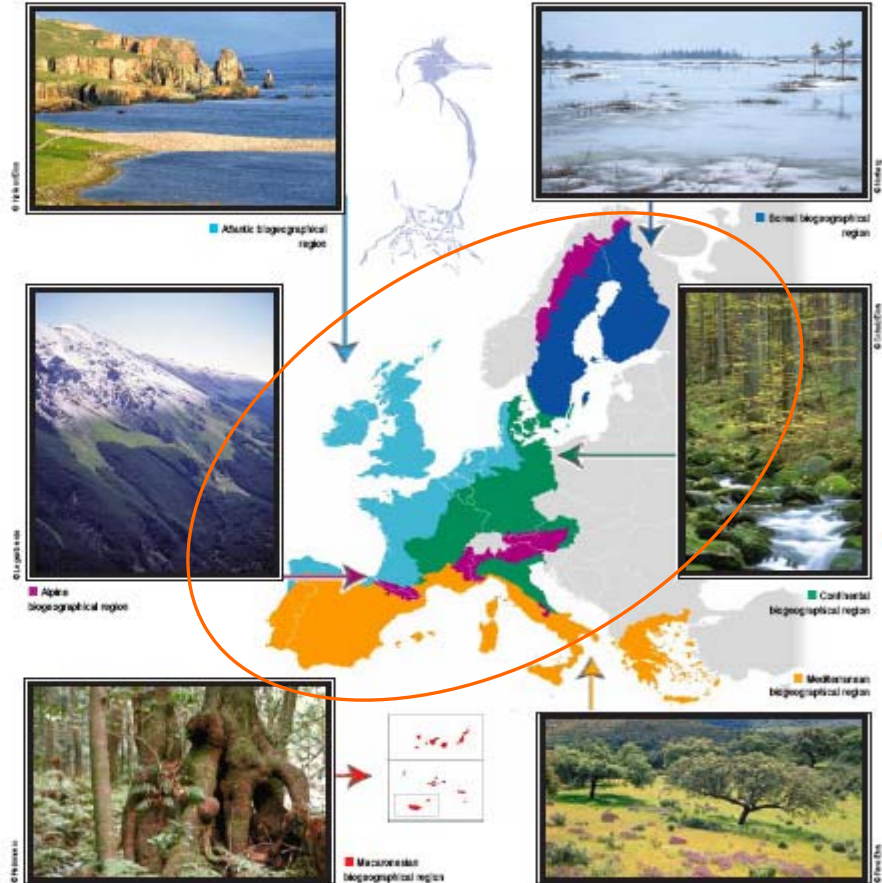
River ecosystems and estuaries, of vital importance to many species, have been severely damaged throughout Europe. Other habitats of great biological value are now a fraction of their original size. Heathland, steppes and peat bogs have shrunk by 60-90%, according to the Member States. Since the beginning of the century, 75% of the dunes in France, Italy and Spain have disappeared.

For centuries, traditional forms of agriculture and pastoral activities were a way of managing semi-natural habitats. The abandonment of these activities have led to a general impoverishment of biodiversity and variety of landscape.

<sup>1)</sup> Environment in the European Union 1995. Report for the review of the Fifth Environmental Action Programme - European Commission Agency, 224, Copenhagen, 1995.



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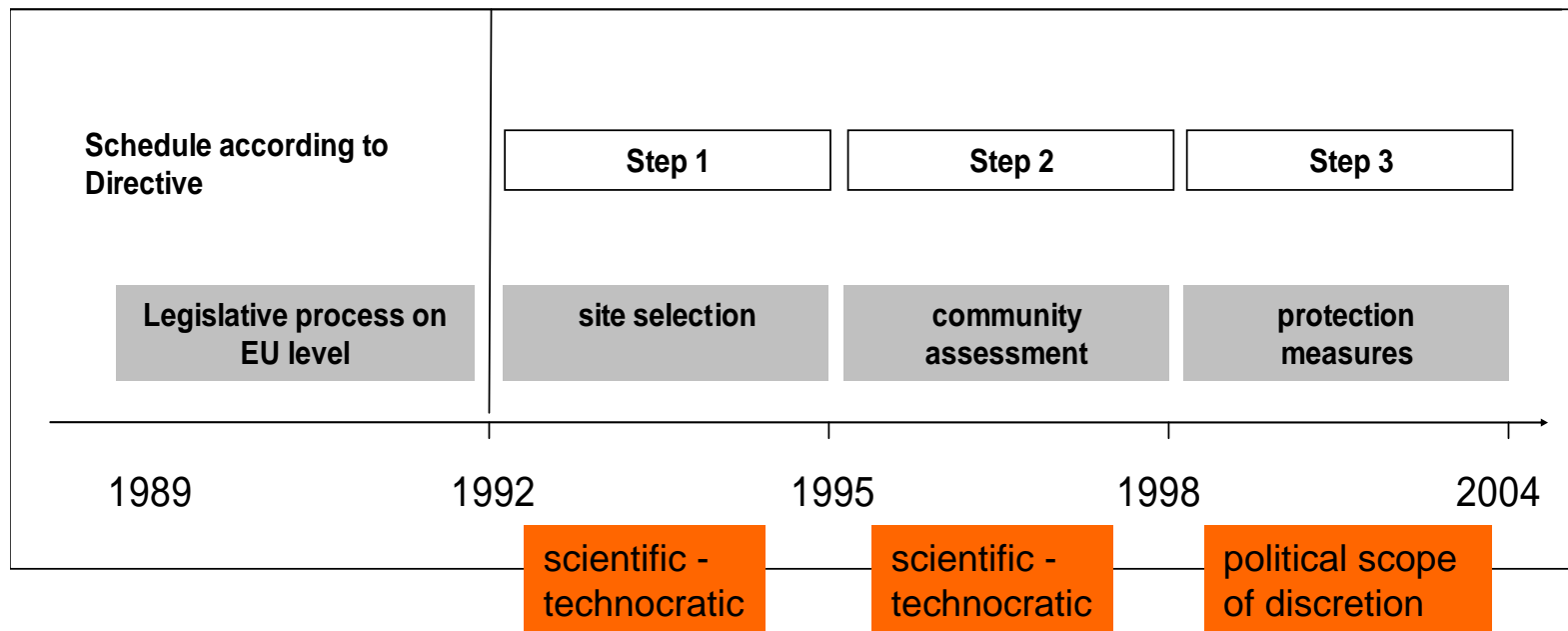
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Source: [http://europa.eu.int/comm/environment/nature/nature\\_conservation/useful\\_info/documents\\_publications/pdf/brochure-de.pdf](http://europa.eu.int/comm/environment/nature/nature_conservation/useful_info/documents_publications/pdf/brochure-de.pdf)

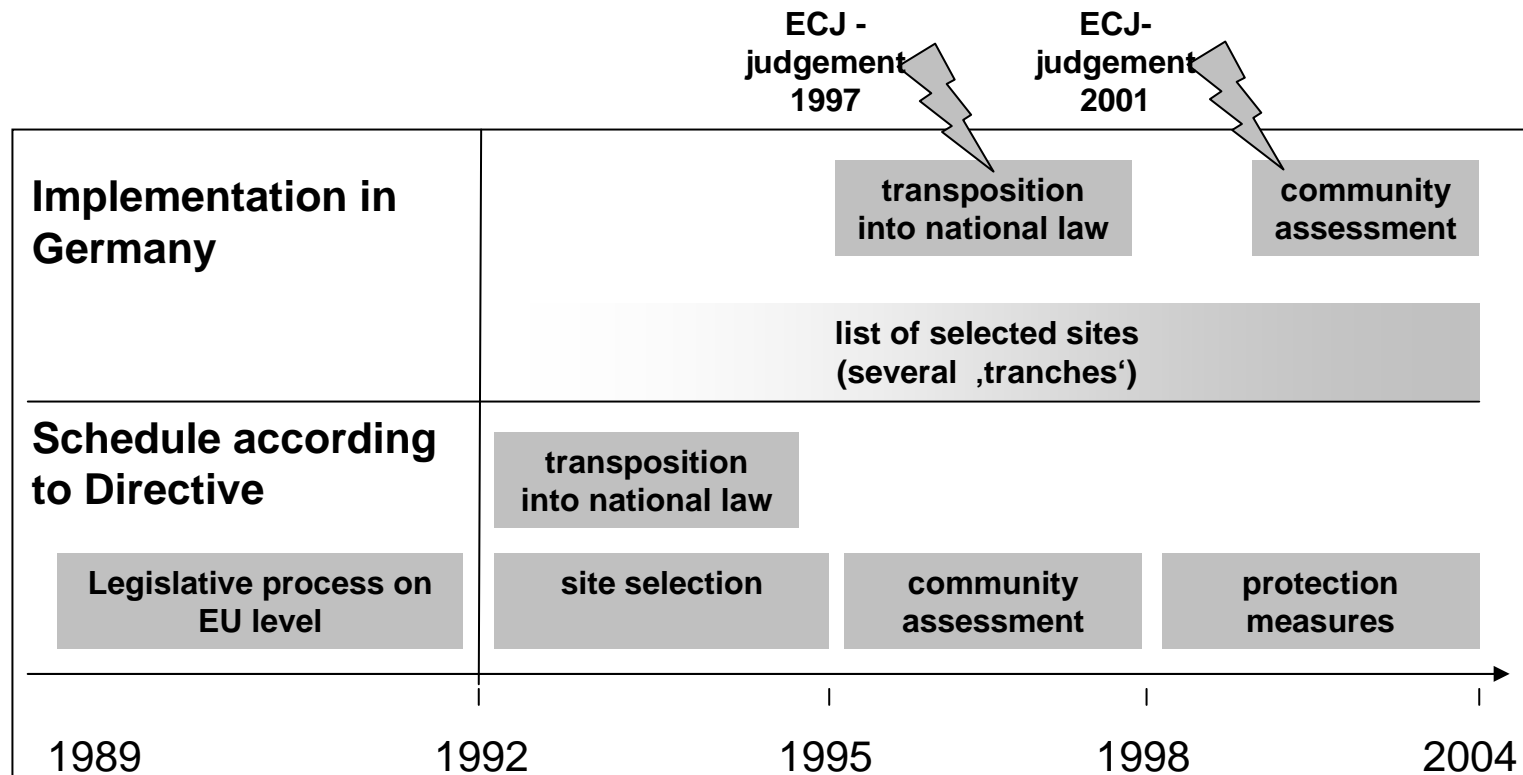
## 4. Institutionalisation of a policy paradigm



- A predominantly 'bio-centric', technocratic policy paradigm:
  - 3-step-approach (confirmed by case law)
  - annexes (highly specialised lists)
  - criteria for selection (exclusively nature conservation)



## 5. Implementation in Germany: domestic (in-)action and European Control



- **Neglected misfits and inertia in the first implementation phase**
- **Strong adaptation pressure by European norm entrepreneurs**  
(COM/ECJ: infringement procedure, penalty payments cross, compliance )



## 5. Implementation in Germany

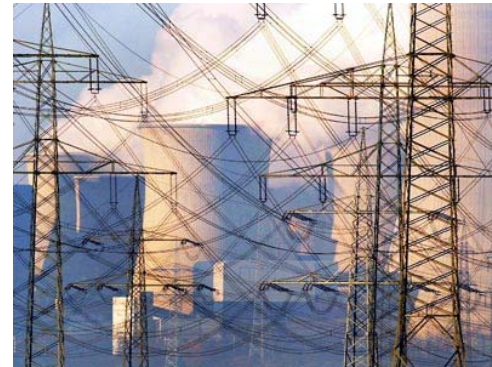


- **Revealed misfit: conflicting paradigms**
  - 3-step-approach as uncommon procedure (predom. Biocentric)
  - Legal implications of scientific pre-selection of sites **vs.** consultation and socio-economic evaluation

- **Late politicisation:**



- in-coherent approach by regional selection authorities
- concrete spatial consequences of directive



- **Final adaptation to European policy paradigm**

## 6. Conclusions



1. Institutionalisation of a ,bio-centric‘ and technocratic policy paradigm in the Habitats Directive
  2. Slow adaptation process attributable to a paradigmatic misfit that was revealed after spatial consequences of the directive became apparent
  3. Resulting resistance could only be overcome by increasing coercive power of EU
    - Policy paradigms matter
    - Space matters
    - Polity matters (systemic changes)
- ... when explaining implementation delays in EU nature conservation policy