Lobbying in the Dark?
The Effects of Policy-Making Transparency on
Interest Group Lobbying Strategies in France and Sweden

A dissertation submitted in partial satisfaction of the requirements for the degree
Doctor of Philosophy
in
Political Science

by

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2012
The Dissertation of Emily Olivia Matthews Luxon is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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2012
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ABSTRACT OF THE DISSERTATION

Lobbying in the Dark?
The Effects of Policy-Making Transparency
on Interest Group Lobbying Strategies in France and Sweden

by

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Policy makers need information about the potential consequences of their policies; this provides an opening for interest groups, who have on-the-ground information about likely outcomes if those policies are implemented. However, we cannot simply assume that interest groups also have information about what is going on in the policy process and what policy makers actually need at any given moment, especially since such information is not necessarily automatically available, nor easy to gather, even for actors with formal roles in the policy process.

Thus, I argue that the transparency of the policy process is a critical variable for understanding interest group lobbying behavior. Specifically, I define transparency as the release of actionable information during the policy process; for transparency to be useful to interest groups, information about that process must be released before it is needed to make strategic decisions. In a high-transparency policy process, information is released early and systematically; groups, then, can be reasonably certain they know what is going on and can pursue ad hoc lobbying strategies on a case-by-case basis. A low-transparency process, on the other hand, releases its information at the discretion of policy-makers; while some groups may get some information, they have no guarantee that they have all the information they need at any given moment. Thus, these groups will need to pursue mitigating strategies to avoid the costs of making lobbying decisions under uncertainty.
Using interviews, content analysis, and a case study, I compare the lobbying strategies of interest groups active in forestry policy in low-transparency France and high-transparency Sweden. These comparisons show that groups adapt their strategies to the level of transparency in their countries. Swedish groups pursue ad-hoc strategies, selecting lobbying actions on a case-by-case basis, with little concern for costly lobbying errors or last-minute policy surprises. French groups, on the other hand, pursue strategies to increase their chances of getting information about the policy process; to decrease their chances of making costly lobbying errors; and to increase their chances of responding effectively to last-minute policy surprises.
Chapter 1: Introduction

On January 12, 2010, the environmental organization *France Nature Environnement* (FNE) put out a press release to make public its “enormous disappointment” about a new law that the French Minister of Agriculture was presenting to the Council of Ministers the next day (FNE 2010). In particular, FNE was upset by several surprises in the Minister’s timing and apparent proposal. The organization was taken aback that the Minister planned to present his final proposal for approval in the Council of Ministers the next morning, even though an advisory commission was set to to debate the proposal — to suggest amendments and vote its own approval or disapproval — several hours after the Ministers’ meeting. In other words, the Minister was evidently bypassing the policy-making process the FNE had been expecting, effectively cutting the group out of the loop and reducing its chances of influencing the bill.

Even more importantly, the FNE was horrified by the supposed text of the new law, as it related to forestry policy. In 2007, during a government-organized commission on the environment, the FNE had reached an agreement with forestry organizations that France’s new approach to forestry policy would be to “produce more wood while better preserving biodiversity.” But, the Minister’s proposed text for the bill — that would permanently implement the agreement into French law — was apparently only going to cover the first part of that agreement, “produce more wood,” entirely leaving out FNE’s environmental goals. Though the group had thought that the full policy frame would be included, apparently it would not be, to the detriment of the FNE’s own policy goals. FNE concluded its press release with the statement: “Forestry policy must be freed from the iron yoke of the Ministry of Agriculture!”

Unfortunately for the FNE, its heated and public accusation of the Ministry was unfounded. The organization based its lobbying strategy — presenting a public press release about the failings of the Agriculture Minister — on out-of-date information. The FNE had heard about the contents of the new bill a month earlier, and had selected its lobbying approach with that text in mind; but in fact, the text of the bill had changed in the meantime. The FNE did not find out about their strategic error until a ministry official called them to express his surprise at the cutting tone of the press release. That official
let the group know that, actually, the text of the bill had been modified to include the biodiversity goals pursued by the FNE. But, this new text had not been released and the FNE had not been consulted or told of the modifications to the bill.¹

Because of the lack of information about the actual goings-on in the policy process, the FNE had made a potentially very costly strategic mistake. It had publicly chided the minister and it had cried wolf to its constituents. The former might have led to some loss of access or goodwill on the part of important political actors. The latter might have led to some loss of credibility with its members and supporters. In addition to these costs of the press release, FNE had likely also invested time and resources in preparing for the advisory commission meeting that, at the last minute, had its potential impact reduced considerably by the Minister’s timing. With full information about the process — both timing and content — the group would likely have chosen different lobbying strategies that better fit the real policy-making situation it faced. But what strategies could the group have pursued to mitigate the potential costs of making their lobbying decisions when faced with poor information and policy-making surprises?

The Research Question

A key question for understanding interest groups is: what explains the strategic differences in interest group lobbying behaviors across institutional settings? While we have some understanding of why interest groups may prefer one tactic over another, or why they may target one politician over another, we have much less understanding of how policy-making processes shape groups’ overall strategic approaches to making and implementing such decisions about targets and tactics.

Interest groups that care about policy outcomes have a strong incentive to tailor their lobbying actions to the policy process they face. For any given policy issue, this means groups should base their lobbying decisions on what is currently happening in the policy process, and what is coming up in future policy-making stages. By tightly coordinating their best lobbying actions to current configurations of policy-making actors and rules and to the current state of policy bargaining, groups can better select their own lobbying messages and actions to the exert pressure effectively.

¹ This portion of the story was related to me by a representative of FNE, in February 2010.
But how do these imperatives change if information about the current policy process is not available? I argue that one critical variable for understanding interest group strategies, which has previously been ignored, is the transparency of the policy-making process that groups face. I challenge the implicit assumption, present in many theoretical studies of interest group behavior, that interest groups hold the informational advantage and make their lobbying decisions with complete information about the policy process. Instead, groups must contend with policy processes whose machinations are not perfectly clear, and thus they may need to make lobbying decisions under conditions of uncertainty.

While transparency is often touted as a panacea for improving democratic governance, no government is fully transparent. So policy making—a key function of government—is carried out within the structures of transparency or opacity that characterize these governments. For societal actors, like interest groups, who are keenly interested in participating in and influencing policy processes, the timing of information releases about the policy-making process should be critical for their ability to effectively take part. For example, rules and laws requiring the disclosure of government information (such as Freedom of Information laws), usually do not require any information to be released until after formal decisions have been made. But for information to be useful for groups making lobbying decisions, it needs to be available before those decisions are made. When information is not available to make lobbying decisions, groups must instead consider strategies that allow them to mitigate the dangers of making decisions under low-information.

Why this Research Question Matters

There are both theoretical and practical reasons why it is important for us to gain a better understanding of how policy-making transparency impacts interest group strategies. As a practical matter, governments and policymakers themselves require information in order to govern and make policy effectively. Indeed, it is precisely the informational “holes” in policy makers’ knowledge that interest groups and other interests are perfectly placed to fill. However, some research on governments indicates that the way government and policy-making processes are set up actually limit the ability that

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2 For instance, in the example, above, the FNE was missing information on both the content of the bill under consideration and the process by which it would be amended and formally chosen. So, how can such a group tailor its lobbying actions precisely when such information is missing?
states have to get information. Where governments receive limited or skewed information, policy outputs run the risk of being poorly conceived and potentially causing serious problems for the state and its citizens. For instance, Culpepper (2002) and Levy (1999) suggest that groups in France are not empowered to provide information to policy makers, which may actually limit the ability of the French government to get the information it needs to make successful policy. In other words, certain institutional structures may inhibit both sides from getting critical information and may reduce the effectiveness of participation, consequently reducing the ability of the state to govern effectively. However, it may not always be clear what specific procedures may be implemented to improve this problem. My research suggests a very specific solution: greater transparency about the content and process of policy making. Institutions that make it possible for more groups to present their specialized information more effectively can ensure that governments get the full range of information relevant to their policy choices.³

The theoretical contribution of this research is to provide a new way to think about transparency in the policy process. While transparency is usually looked at as “access to information” (considered a fundamental human right by UN declaration), it is not always clear how to operationalize it. By focusing on informational requirements for groups to make effective lobbying decisions, I limit the scope of “transparency”. Specifically, I look at transparency as actionable information, or transparency as the release of information before it is needed to make a decision (defined in greater depth in Chapter 2). In other words, the timing of information releases makes a critical difference in whether transparency, writ large, is useful for those who need to act on it. This implies that real transparency is likely to be different for each type of actor in the political system; timely information for a voter who only goes to the polls every five years is likely to be very different from the timely information that an interest group needs about what is going on in the policy process right now. This refinement of the concept of transparency should increase its usefulness for understanding how different actors respond to it.

³ Of course, states may also prefer to reduce the amount of information they get, in which case they would limit transparency of the policy process.
Informational Lobbying and an Implicit Assumption About Transparency

While lobbying can take several forms, one of the most important for persuading policy makers to take particular actions is ‘informational lobbying’ through the strategic provision of information with the intent to influence debate and policy (Grossman and Helpman 2001; Dahm and Porteiro 2008; Bennedsen and Feldmann 1999; 2002b; Broscheid and Coen 2003; 2007; Potters and van Winden 1990; 1992; Klüver 2009; Rasmusen 1993; Milbrath 1960). In general, informational lobbying is thought to be possible because of information asymmetries between interest groups and policymakers. In this relationship, as it is currently conceived in the literature, it is the interest group that has information that the policy-maker needs. Groups are thought to have privileged access to these types of information, since they are on-the-ground practitioners in their own fields of interest or have close contacts to those active in those fields. With a relatively narrow set of interests and issues (i.e. even “the environment” is a narrower issue than the whole of government activity), they are likely to be in tune with the interests of their members or constituents, and have private information about the likely consequences of government action (see, for example, Austen-Smith 1993; Ainsworth and Sened 1993; Hansen 1991; Austen-Smith and Wright 1992). The more complex and difficult the subject under consideration, the more information is needed by policy makers (Loomis and Cigler 2002: 28), and the more difficult it may be for those policy-makers to gather all the needed information on their own (Ringe 2010).

Because of this privileged informational position, lobbyists are thought to provide three types of information to policymakers. Most scholars agree that lobbyists provide at least two forms of information: “political information”, relating to the likely political consequences of pursuing a particular policy, and “technical information”, relating to the likely technical consequences of pursuing a policy (Truman 1971, 334; Sabatier and Whiteman 1985; Wright 1996; Heitshusen 2000). Some include a third type that can be describe as “process information,” namely information about the legislative process and machinations within the legislature which policymakers might find helpful while pursuing their own legislative actions (Wright 1996). Government actors need these kinds of information to be able to adequately perform their functions.

4 Such as the provision of money for electoral campaigns.
Thus, it is precisely these informational needs of policy makers that provide an opportunity for interest groups to influence policy through informational lobbying. Policy makers lack of certain types of information gives interest groups their *raison d’être* in the policy process. Policy-makers cannot be sure of the consequences of their actions and the likely consequences of their decisions about policy. Groups then can provide the technical, political, and process information about the likely on-the-ground consequences (see Figure 1.1). In this relationship, groups are seen as beneficial to democratic governance: policy makers need information and groups have information (Hansen 1991; Wright 1996; Heitshusen 2000; Sabatier and Whiteman 1985; Bradley 1980; Bouwen 2002; 2004; Chalmers 2011; Austen-Smith and Wright 1992). Thus, a beneficial exchange can take place; groups give policy makers the information they need, and in return they have the opportunity to influence policy outcomes.

![Figure 1.1: The Model of Informational Lobbying](image)

The exact nature of this information exchange between groups and policy makers can be largely divided on the underlying assumptions about the nature of policy makers’ needs. One camp suggests that policymakers are *underinformed*. As interest groups are specialists in particular issue areas and are generally closer to the real consequences of policy, they have information that policymakers do not have. Thus, an exchange is possible; the interest group provides information to the rationally ignorant policy maker, and in doing so has a chance to influence the policy maker’s decision (Austen-Smith 1993; Austen-Smith and Wright 1992, 1994, 1996; Potters and Van Winden 1990, 1992; Lohmann 1993, 1994, 1995; Rasmusen 1993; Hansen 1991; Smith 1984; Crombez 2002). The other camp suggests, instead, that policymakers are *overinformed*. They are deluged with information, and rather than needing even more information interest groups, they require help in analyzing and sorting the information into useable bites. In this view, rather than pure information provision, lobbying acts as a ‘subsidy’ to legislative activity. The group puts in the analytical effort and some of the gruntwork (like writing up draft bills and amendments), and the legislator has more time to put into both the
groups’ issues and his or her own issues (Hall and Deardorff 2006; La Pira 2008, 2009). Our theoretical understanding of many of interest group behaviors starts from these ideas about informational lobbying.

**Why We Should Not Assume that Interest Groups have all the Information they Need**

All of the approaches to informational lobbying rest on the idea that groups provide policymakers with the information that they want and need, when they need it. However, this implicitly assumes that interest groups actually know what is going on in the policy process and what policymakers want and need. This is not a trivial assumption if we are to apply these ideas comparatively. Indeed, research on delegation and accountability in governments suggests that monitoring and gathering information about what various parts of government are doing and considering may not be easy, even for formal actors in other branches of government (Lupia 2003; Strom 2003). Instead, information flows about government activities are neither automatically available nor easy to gather, contrary to what most theoretical explanations of lobbying behavior seem to assume. In short, a fuller model of interest group lobbying must consider the informational needs of groups, in addition to the information they provide to policy makers (see Figure 1.2).

![Figure 1.2: A More Complete Model of Informational Lobbying](image)

The importance of policy-making information for interest groups has not been completely ignored. Empirical descriptions of interest group behavior in the U.S., for example, note that interest
groups both need and pursue information about the policy process. Salisbury (1990: 225-226) points out that “before [interest groups] can advocate a policy, they must determine the position they wish to embrace. Before they can do this, they must find out not only what technical policy analysis can tell them but what relevant others, inside and outside the government are thinking and planning.” More specifically, “lobbyists need to know the current and projected status of a bill or rule, the importance of each of those who want something in the legislation, the deals already brokered, those compromises that still can be made, and how much is in the budget for policy options” (Browne 1998: 66). Heberlig (2005) also emphasizes that lobbyists need information about the legislative process, and that they often must get it from the same policy makers to whom they provide strategic information about policy options. Indeed, certain types of information is more easily gotten directly from policy-makers. Thus, “those lobbyists who are favorably positioned with legislators are most likely to acquire this information” (Wright 1996: 79). Though there is no guarantee that a conversation with a policy maker will necessarily reveal all policy-making information, actually having private information about the policy process that others are not able to get, increases the chances of success for some groups over others (Kersh 2007). If, as Salisbury (1990) says, groups need that policy-making information to advocate effectively, then groups without privileged contacts may be less able to construct effective lobbying strategies to pursue their interests in government.

Unfortunately for our theoretical understanding of the implications of poor policy-making information, most studies of interest groups have been conducted in the United States, where the early work of the policy-process is conducted in the relatively transparent U.S. Congress. This means that it is possible for most groups in the United States to gather a good deal of information through monitoring. “Most committee (and subcommittee) sessions, including the markups at which legislation is written, remain open to the public, as do many conference committee meetings...roll call votes are taken and congressional floor action is televised. Thus interests can monitor individual members of Congress as never before,” and such monitoring has “become the central activity of many

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5 Such information includes: “information about bills that might be introduced, the scheduling of hearings or votes, and the policy positions of legislators” (Wright 1996: 79); and “the scheduling of hearings, markups, floor debates, and votes; procedural strategies that committee or subcommittee chairmen will employ in markup sessions; positions that legislators have taken or are thinking about taking; and amendments that other legislators or groups might offer” (Wright 1996: 92).
groups” (Loomis and Cigler 2002: 28). This relative openness of the United States government means that the role of potentially scarce policy-making information has not been incorporated into theoretical models of interest group behavior writ large.

That need to consider variation in policy-making transparency becomes apparent, however, in other research on political systems. If we look at studies of formal actors in the the policy process—i.e. actors who have an explicit and legal role in the creation of public policy—there is plenty of evidence that information about the policy-making process is *not necessarily available*, even to those who have a formal claim to it. The literature on delegation and accountability within governments shows that institutional structures create informational asymmetries between various actors. In parliamentary democracies, for example, the formal structure of delegation makes informational asymmetries between executives and parliamentarians very likely (Strom 2000; Strom, Müller, and Smith 2010). There are even informational asymmetries within single branches of government. For example, if there is a coalition government, parties controlling different ministry posts may find themselves at a disadvantage in gathering information about the actions of ministries they do not hold (Thies 2001; Laver and Shepsle 1996). Within the legislature, parliamentarians may have difficulty gauging the behavior and decisions of committees of which they are not members (Austen-Smith and Riker 1987; 1990).

Balancing such asymmetries is not necessarily easy, even for formal actors who are legally supposed to hold each other accountable, such as parliamentarians who are supposed to control their executive. Without information about the behavior of other actors, accountability can be difficult, especially if there are no alternative ways to induce agents to behave correctly (Miller 2005).

Formal actors do have some recourse, however for increasing their information about the behavior of other actors in government; namely, they create mechanisms to maintain the accountability of their agents. In other words, various institutional arrangements are created to increase the flow of information; these may be formal or informal procedures that help to ensure that information about an agent’s activities are passed on to their principals. For example, legislatures can increase their chances of getting information from the executive actors by requiring the disclosure of information at particular junctures, whether to themselves or to a third-party, such as through administrative procedure regulations (McCubbins, Noll, and Weingast 1987; 1989; Gailmard 2009) or simply through
requirements that cabinet officials report to parliament on a regular basis (Mattson and Strøm 1995). To counteract informational asymmetries between members of the legislature, MPs can select institutional arrangements to structure how committees work and thus increase the incentives of those committees to report their information to the legislature as a whole (Krehbiel 1991; Baron 2000). To counteract the informational asymmetries between parties in a coalition government with a division of ministries, coalition parties may install junior ministers to act as insider ‘watchdogs’ who can pass on information (Thies 2001; Verzichelli 2008; Strøm, Müller, and Smith 2010: 524-5). The critical point here is that actors in government need to actively create mechanisms to gather the information they need about other stages or actors in the policy-making process.

These studies imply that it is unreasonable to assume that interest groups will automatically have full information about the policy-making process. If formal actors with a legal claim on policy-making information cannot guarantee their own access to timely and accurate information about the policy process without the creation of elaborate mechanisms to reveal that information, it is very unlikely that interest groups—with little legal claim on that same information and little power to create required accountability mechanisms—will be able to gather that information.

Indeed, the very fact that some political systems have explicitly created mechanisms to provide information to interest groups indicates that such procedures are needed to guarantee group access to that information. For example, the US Congress has explicitly provided for interest group access to information in order to secure its own ability to control executive agencies. As the Congress delegates rule making and policy implementation to executive agencies and departments, it can suffer from difficulties in monitoring their behavior and decisions. As McCubbins and Schwarz (1984) suggest, Congress depends on interest groups to gather information for them. However, it is critical to note that interest groups are not able to do this all on their own. Instead, Congress needs to formally enfranchise organized groups through rules and procedures for them to get “access to information and to administrative decision-making processes” (McCubbins and Schwarz 1984: 166). In other words, groups need explicit enfranchisement by formal rules to ensure that they receive information about the policy-making process.
As this example implies, however, not all parts of the policy-making process may include explicit information releases to interest groups. In the US, all groups are given information about the implementation process because it is useful for legislators. Unless policy makers have an incentive to provide information to all groups at once, however, it is far more likely that at least some information will remain hidden, or that it will be doled out to some groups but not others.

This idea that information about the policy process is not necessarily available freely or guaranteed to all groups is supported by other research. For example, Banaszak (2005), in a study of women’s movement policy successes in the United States, suggests that groups and movements need information about potential executive and legislative decisions relating to their interests to effectively exert pressure. When the executive branch was considering new regulations in private, women’s groups could not know about these potentially deleterious rules if they were not informed by allies and movement activists within government. However, while having allies or movement activists in government greatly increased the potential for getting information that would be otherwise unavailable, executive branch officials were able to put procedures in place to reduce the likelihood that information would reach the women’s groups via such informants (Banaszak 2005). This work on the women’s movement in the US suggests not only that groups need specific policymaking information, but also that getting that information was neither automatic nor guaranteed. In addition, it shows that policy makers may also have the incentive to actively suppress information to certain interests in society.

As another example, Broscheid and Coen (2003), in a study of lobbying in the European Union, note that information about the policymaking process may even be used as a selective incentive by policymakers in order to reward reliable “insider” lobbying groups. Groups need “advance inside knowledge on regulatory developments and business opportunities arising from European Union decisions” in order to respond appropriately to them (Broscheid and Coen 2003, 179), and the EU Commission rewards its favored interest groups with selective incentives in the form of “inside information on the Commission’s decisions and proposal plans or privileged information on European Union grants and contracts” (Broscheid and Coen 2003, 167). This reinforces the idea that groups do need to know what is going on in the policy-making process, and that groups will not necessarily be able to gain all the information they need. Indeed, the very fact that EU Commission policy makers are
able to use this critical information about the policy process as a selective incentive to lobbyists
suggests that it is not widely or publicly available information. Instead, it is information that is difficult
to come by unless groups are lucky enough to be considered worthy of disclosure by formal
policymakers.

Therefore, much research suggests that policy-making information is not necessarily easy to
come by. It can be difficult for policy makers, themselves, to gather information about the stages of
policy making that they are not directly involved in, and thus it can be even more difficult for groups
who do not even have formal or legal claims on such information. While it is clear that all of these
actors do get information about the policy-making process, it is not automatic and it is not necessarily
timely or complete. In other words, it is necessary to problematize how groups get information about
the policy-making process. Since groups need information about the policy-making process to be able
to accurately tailor their lobbying actions, the level of policy-making transparency should have a real
impact on the strategic decisions that groups make.

The purpose of this dissertation, then, is to examine the role that policy-making transparency
plays in shaping interest group lobbying behavior. To achieve this, in this dissertation, I clarify the
informational needs of interest groups and the behavioral incentives created when those needs are not
met; I describe and characterize the critical informational junctures in the policy process, and how well
they are likely to meet interest groups’ informational needs; and I empirically test how interest-group
lobbying strategies are adapted to different levels of policy-making transparency.

**Overview of the Dissertation**

In Chapter 2, I lay out the theoretical impacts of policy-making transparency on interest
groups, and deduce the strategic responses groups will have to different levels of transparency. I first
redefine transparency as the provision of *actionable information* during the policy-making process. In
other words, for transparency to be useful to actors in the political process, such as interest groups,
information about that process *must be released before it is needed to make strategic decisions*. The
level of transparency (as the amount of actionable information available in the system) is affected by the
timing of information releases about the policy-making process (early or late in the process), as well as
the nature of those releases (systematic or at the discretion of policy-makers). I argue that low levels of policy-making transparency create uncertainty for groups when making their strategic lobbying decisions. Thus, groups under these conditions (low transparency) should choose strategies that allow them to mitigate the potentially negative consequences of strategic errors and policy surprises, even if those strategies are more costly to prepare and maintain, such as heavy monitoring or institutionalizing coalitions; in addition, groups will be more keenly aware of their dependence on discretionary information releases, and will pursue strategies that reduce the chances of being denied that discretionary information. Groups faced with high-levels of transparency, on the other hand, will not need to pursue such costly strategies, and will not need to modify their lobbying strategies to anticipate surprises and mitigate the dangers of exclusion from discretionary information releases; instead they will focus on ad-hoc lobbying strategies chosen on a case-by-case basis.

In order to test this theory and hypotheses, I use a mixed-methods approach in the rest of the dissertation chapters. By combining several methods with different strengths, it becomes possible to investigate the strategic differences in the way groups employ particular lobbying actions under varying levels of transparency. Across the chapters of the dissertation, I use: large-N regression analysis, thick description, interviews, content analysis, and a case study. While the large-N approach makes it possible to investigate some aspects of the independent variable — transparency of the policy-making process — it is not possible to use it for a close examination of the dependent variable, interest group strategies. Instead, I look more closely at the differences in strategic implementation of particular tactics, namely relational lobbying strategies (such as coalitions or institutionalized specialization), press releases, and preparing for surprises (i.e. monitoring and preparing lobbying actions in advance). The particular methods used here, as discussed below, make it possible to get at the strategies that interest groups use to implement these various lobbying tactics.

In Chapter 3, I investigate the relationships between transparency and national institutions, posited in the theory chapter. I use cross-national data on perceptions of transparency, from the World Economic Forum’s Global Competitiveness Reports, to statistically analyze how transparency varies with macro-institutional structures. I use bivariate ordinary least squares (OLS) regression analysis to parse the relationship between transparency and various institutional indicators across a large number of
countries. While transparency correlates very closely with proxies for policy-maker discretion, the relationship with broad government-level variables is less clear. For instance, there is little relationship between national-level perceptions of transparency and the presence of formal Freedom of Information requirements. In addition, certain policy-making institutions, that govern the relationships between government actors (in 17 European countries), seem to have an indeterminate or contradictory relationship with perceptions of transparency from non-state actors.6

While the regression analysis in Chapter 3 provides some traction on the independent variable, it does not get at the nuances of transparency in the policy-making process, particularly the timing of information releases. I argue that a fuller picture of transparency requires a more detailed investigation of specific policy-making institutions, which are less well captured by large cross-national datasets. Instead, a clear picture of actionable information requires a close examination of the policy-making process and the identification of critical junctures for information release. Specifically, this means identifying the points in the policy process where groups need information to be able to accurately and effectively lobby, and then comparing them to the points in the policy process where groups actually get that information. Thus, I conclude this chapter with a discussion of the structure of the rest of the dissertation. Namely, I present the reasons for pursuing a narrower paired comparison of interest group institutions in two countries, and a single policy area. Specifically, I explain why focusing on forestry-related interest groups in Sweden and France provides a useful comparison that still enables me to hold many potentially confounding variables reasonably constant across the two cases.

Chapters 4 and 5 present thick description of the policy-making processes in Sweden and France, respectively. Neither country’s policy-making process matches the ideal-type of either perfect transparency or perfect opacity. Compared to these ideal types, however, Sweden is relatively transparent and France is relatively non-transparent. Chapter 4 explains why Swedish policy-making institutions are characterized by high transparency. Much information is released early in the process with little policy maker discretion. In particular, the earliest stages of policy making, particularly the policy elaboration stage, are marked by automatic public announcements about commissions and

6 I look specifically at mandatory government program screening requirements, rules for MP questioning of cabinet, and sharing of decision-making power among the branches of government.
comment periods, even before the policy is formalized by the executive branch. Similar procedures are followed during the implementation process. In addition, the collective responsibility of the Swedish cabinet increases the flow of information within the executive branch, making it more likely that groups will find out about policy decisions from their own government connections, before a bill is deposed in parliament. In sum, information is available early and with mandatory public releases.

Chapter 5 lays out the policy-making processes in France. French policy-making institutions are characterized by low transparency. Policy makers have almost complete discretion over the release of information during the early stages of the policy process. A group may receive information from a government contact about policy options and decisions, but they can not be certain that they will in any given case; nor can they be sure of the extent of the information they receive. In addition, a balkanized executive branch, both between and within ministries, increases the chances that a government contact will not be privy to information that the group may need, reducing the informational effectiveness of limited contacts within government. While there are commissions and consultations that take place in the French policy process, there is no procedural guarantee that recommendations will be considered by government actors, nor that policy will be presented to a commission in a timely manner. Instead, groups may not find out about policy decisions within the executive branch until a bill is ready to be deposed in parliament. The implementation process can be similarly opaque. In sum, information is available at the discretion of French policy-makers, and may not be released until very late in the process.

Chapters 6, 7, and 8 present three empirical studies of interest group behavior under different conditions of policy-making transparency: high transparency in Sweden, and low transparency in France. In each chapter, I investigate a different aspect of lobbying strategies and the impacts of transparency, by employing a research method well suited to compare the behavior of French and Swedish interest groups.

In Chapter 6, I focus on the strategies that involve relationships between multiple interest groups. Specifically, I ask how joint-lobbying relationships (such as coalition formation) between interest groups are affected by policy-making transparency. I look at the incentives for groups to institutionalize their joint-lobbying strategies when faced with uncertain (low-transparency) policy-
making environments. Where transparency is low, groups must use lobbying strategies that increase their ability to respond to last-minute surprises in the policy process and to prevent informational exclusion; on the other hand, where transparency is high, groups need not expend the extra resources and effort, since earlier and more reliable information about the policy process makes ad-hoc joint strategies more reasonable and reduces the possibility of exclusion. My interviews with representatives from forestry-related interest groups in France and Sweden provides evidence for these hypotheses. French groups, faced with a low transparency environment, do institutionalize their strategies through long-term coalition formation and tactical specialization. In contrast, Swedish groups, faced with high transparency, negotiate joint-lobbying on a case-by-case basis, with little indication of institutionalized strategies.

Chapter 7 focuses on the differences in rhetorical-lobbying strategies used by groups to pressure governments, through a content analysis of press releases. By comparing the press releases of Greenpeace branches in France and Sweden, I can more reliably attribute rhetorical differences to national political contexts, since the content and structure of the Greenpeace campaigns and organizations are set at the international level. I argue that groups should adapt their government-focused language to the patterns of transparency and policy-making in their country. At the most basic, this means focusing their public lobbying messages on the most relevant political actors. But groups should also tailor their language to fit the strategic imperatives of high or low transparency. For example, groups facing low transparency should be less confrontational with government actors to avoid being denied discretionary information about the policy process; groups in high-transparency environments, on the other hand, are less easily excluded, and thus have no need to reduce confrontation in their press releases. Though French politics are generally thought to be more

7 Since many of the negotiations and interactions between groups are private (i.e. never publicly acknowledged or published), they can only be investigated by directly speaking to the groups involved in them. Thus, I use interviews with group representatives to characterize the patterns of group relational strategies. These interviews make it possible not only to confirm that groups in France and Sweden perceive their policy processes are relatively opaque and transparent (respectively), but also to lay out the differences in relational strategies between groups. While some of the institutionalized relationships I describe might have been gleaned from public sources, such as organization websites, other such relationships are not found in the public record; thus, the use of interviews as a research method made it possible to gain information about interest group behaviors that would not have been found by other methods.
confrontational than Swedish politics, Greenpeace France moderates its confrontational tone through greater use of positive judgements of government actors and actions and through framing prescriptions without pointing out what government should stop doing. Greenpeace Sweden, on the other hand, does not temper its press releases with positive judgements and is much more likely to point out what government should stop. In this, and other ways, the press releases indicate that groups adapt their rhetorical-lobbying strategies to the transparency of the policy process.8

The last empirical chapter, Chapter 8, takes a slightly different approach from the prior two, by introducing a dynamic change in policy-making processes. While previous chapters show that groups do adapt their strategic “toolkits” to the predominant, static, levels of transparency in national policy-making processes, in this chapter I ask how well these toolkits fare when faced with dynamic changes to the usual patterns of transparency. I compare the strategic responses of French and Swedish forestry groups to the first stage of the EU Habitats Directive’s implementation — the selection of sites for the Natura 2000 conservation network. The mandated implementation procedures required the exclusion of economic, social, and cultural interests from site selection, leading to a reduction in policy-making transparency in both countries. This comparative case study shows that French forestry and rural interest groups were prepared to actively protect the interests of their constituents with their usual strategic toolkit, and were very successful in influencing the site selection process. However, Swedish groups did not adapt their usual strategic toolkit to the new low-transparency environment, and were much less successful than the French at influencing the process. While we might generally expect that Swedish groups would be more successful than the French, given the consensual and consultative nature of Swedish policy-making, this case study shows that Swedish groups may be less able to respond effectively and successfully when that transparent policy-making environment changes. French groups, on the other hand, may be better able to adapt successfully to a wider range of policy-making environments.

Finally, in the concluding chapter, I consider some of the broader implications of policy-making transparency on interest group behavior. While my research holds types of interest groups

8 For example, I also look at whether the groups use general or specific tailoring of the messages in their press-releases, as well as which government actors are targeted by the lobbying messages.
constant, it is likely the case that different groups will be differentially affected by transparency levels and the mode of information release. Under a high-transparency regime, all groups should have reasonable access to the relevant information. However, policy-making processes that make information directly and easily available to groups (i.e. through letters directly sent to all relevant groups) will require fewer resources for groups to stay on top of all policy issues; on the other hand, policy processes that simply make information available, such as by publishing it on various websites or in agency registers, may require groups to invest a far greater amount of resources into monitoring and analysis of the information. In the latter case, all groups may not have the resources to respond to all issues, and will have to choose. Thus, groups with a greater resource base may be at a distinct advantage in policy-making environments with generally published information, even with high transparency. Groups with few resources, on the other hand, may not be able to respond even if the information is nominally available.

Under low-transparency regimes, where more information is released at the discretion of policy-makers, the critical difference for groups will be their access to important contacts. Groups with more and better-placed contacts in government will be more likely to get important information about the policy process in a timely manner. Groups with fewer or poorly-placed contacts, on the other hand, may be more susceptible to costly surprises. The ability of groups to gain and maintain contacts will likely depend, for example, on the ideology or party of government actors and the resources groups have to command attention (money or votes). Thus, low transparency may further exacerbate inequalities between groups, directly impacting the ability of some to pursue their interests through the policy process.

This research also has theoretical implications beyond interest groups. By reconceptualizing transparency as the provision of actionable information, we can better differentiate between the types of information that are needed for different actors in the political system. Since transparency is often considered critical for holding political agents accountable, we can delineate when principals will need certain types of information in order to effectively select or sanction their agents. Thus, such an approach can help us better discern the likely impacts of transparency initiatives, such as Freedom of
Information laws, and better pick out the particular provisions that will benefit different actors in society.
Chapter 2: Policy-Making Transparency and Interest-Group Strategies

As explained in the previous chapter, groups need information about the policy-making process in order to lobby effectively, but we cannot assume that they will actually get that information. Thus, the transparency of the policy process — how groups get information — should have a real impact on the lobbying strategies that interest groups pursue. However, not all types of transparency can solve the information problems that groups have; for instance, policy-process information that is released well after a policy decision has been made will not be particularly useful for a group that had hoped to influence that decision. In this chapter, I lay out the theoretical links between useful transparency and interest group behavior. To do this, I first introduce the idea that useful transparency is timely transparency. I then explain the kind of information groups need about the policy process, and why they need it to be timely. Next, I show what kind of information groups actually get in transparent vs. non-transparent policy processes. Finally, I present the implications of transparency levels for interest group strategies.

What Groups Need (Theoretically)

As discussed in the previous chapter, one of the interest group’s political roles is to present their own specialized knowledge of policy and politics to policymakers, increasing the latter’s base of information from which to construct successful laws and regulations. However, to do this effectively, groups need information about the policy process. But, as I argue below, the timing of information releases in the policy process is the critical component of policy-making transparency. Groups particularly need information early in the policy process, so that they can lobby before critical policy decisions are made.

Transparency as “Actionable Information”

Before we can begin to understand the impact that policy-making transparency has on political behavior, we must define policy-making transparency itself. In other words, what aspects of transparency are likely to be most useful for interest groups facing the policy process?
Transparency, writ large, means that actions, behaviors, and consequences, are open and visible to all. Transparency in politics means that the processes and decisions of politics are open to public view and scrutiny. Practically, it implies that citizens of all types can witness the process of decision making and access the documents produced from that process (Gosseries 2006; see also Stasavage 2004, Felgenhauer 2010). In other words, transparency means that information about the political process is open and available to those both inside and outside the process.

Many argue that such open availability of information is a general good, and this idea has had traction for quite a long time. In 1913, U.S. Supreme Court Justice Louis D. Brandeis wrote: “Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman” (Brandeis 1913, qtd. in Feinberg 2001: 362). Such transparency is often seen as a positive, if not essential, component of modern governance. Indeed, Stiglitz (1999: 1) argues that citizens have “a basic right to know, to be informed about what the government is doing and why.”

Information about the political process can be released in a variety of ways, and still be considered “transparent.” There is transparency when citizens can directly witness a political deliberation as it is conducted, such as viewing a parliamentary debate in real time (Gosseries 2006: 83). And after-the-fact information dissemination is also considered transparency: such as freedom of information acts, and the public provision of documents, after a decision has been made (Frankel 2001). In general, the more information released, the more transparent a system is thought to be.

Transparency as information availability, however, may not be enough to create the benefits assigned to it. Transparency, by these definitions, means that the information is available, but it does not necessarily mean that the information reaches all stakeholders. However, for transparency to be truly effective — to help principals hold their agents accountable, for instance — the information must reach the relevant parties and be transmitted in a way that allows them to process it (Naurin 2006; Lindstedt and Naurin 2010). In addition, for the information to be at all useful, the recipients of the

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1 There are also, however, arguments that transparency may reduce the quality of both deliberation and policy outcomes due to the incentive structures created by having an audience—whether current or future—for one’s statements and arguments (see Naurin 2006; Gosseries 2006; MacCoun 2006; Fox 2007).
information need the tools and power to act on it; for instance, Lindstedt and Naurin (2010) suggest that transparency is not particularly helpful if voters cannot use it to actually hold their politicians accountable. In other words, we can complicate the basic notions of transparency, by adding a capability requirement: for transparency to be useful for someone, he or she needs to be able to act on the information released. Thus, information needs to be actionable for transparency to serve a purpose for a given decision-maker. This means that information needs to be made available in a form and manner that makes it possible for an actor to use that information for current and immediate decisions.\(^2\)

The implication of this actionability requirement, however, is that there is another, unspoken, component to transparency: the temporal dimension of the information release. While it has generally been overlooked in the literature on transparency, the need for transparency to be actionable indicates that the timing of information releases must also be a critical component. This temporal dimension must be considered for us to understand whether information can really be acted upon; even if information is easy to acquire and to understand, it will still be ineffective or irrelevant unless it is acquired before a decision needs to be made. Easy information provided after the fact is helpful only for hindsight or identically-recurring events. Without current usefulness, released information cannot be actionable.

I argue that it is this actionability of information that is the key to understanding the impact of transparency on actors within the policy process. To understand how citizens or interest groups may be affected by transparency, then, we must look at the forms of transparency that would be needed to provide relevant and timely information to them. This, at its simplest, means that information must be acquired before it is needed, with at least enough time to process its implications and to decide on a proper course of action in response.

We can imagine what transparency in the form of actionable information would look like for a number of different actors in the political process. For voters who hope to keep their elected officials accountable, transparency means that citizens acquire information about their representatives’ actions

\[^2\] In a democracy, for example, the critical public actors are likely to be engaged citizens and groups. However, the basic construct of “actionable information” holds for any actor making any decision (i.e. an investor will be better served with “actionable information” about a particular company before she must decide whether or not to invest in it).
before the next election, with enough time to process that information to decide which candidates to vote for. For members of parliament trying to keep their government accountable, transparency means getting information about a minister’s or cabinet’s inappropriate or self-serving behavior before a vote of no-confidence, for example, with enough advance notice to decide whether it is worth casting a vote that would cause the government to fall.\(^3\) For interest groups, actionable transparency means that groups would have information about a proposal going through the policy-making process before they need to make a decision about how to lobby that process, with enough time to decide which messages, targets, and strategies would best get their message across. In other words, for transparency to be actionable for a particular set of citizens, the relevant information must be provided before decisions are made.\(^4\)

In this dissertation, I focus exclusively on the transparency — or actionable information — that interest groups need to be able to successfully lobby for their preferences and constituents.\(^5\) To be able to tailor their lobbying strategies to the policy-making process, groups need information about what the government is doing, as the government is doing it. Since groups hope to have an influence on policy outcomes, rather than simply registering approval or disapproval well after the policy decisions have been made, groups need transparency to effectively lobby for policy issues that are currently on the table. In other words, groups require information about the policy process itself, and the issues and proposals moving through it, to be able to effectively lobby policy-makers.

\(^3\) See Bergman, et al., (2003: 146) for an enumeration of possible reasons why MPs might want to sanction their cabinet or ministers.

\(^4\) Note that this means that “actionable information” varies by actor. For information to be actionable, it must be available before an actor needs it to make a decision, and thus it intrinsically depends on the types of decisions made. The next section lays out the type of information that is actionable for interest groups.

\(^5\) I also focus narrowly on the temporal component of transparency. While the definition of transparency, above, indicates that interest groups also need the capability to process, interpret, and act on the information they receive, most groups who have permanent organizations and who lobby frequently will have these capacities from reasonably long experience of lobbying in their political environment.
Why Groups Need Time-Sensitive Information about the Policy Process

What does actionable information mean for groups facing a policy process? To think about how groups structure their strategies, we need to know something about the structure of the policy process they face. Importantly, we need to consider how the *temporality* of the policy process shapes the nature of actionable information for interest groups. The temporal dimension asks us to look at the policy-process timeline to see when information is needed and how it may affect groups seeking to influence the process.

Policy-Making as a Series of Temporal Decision Stages

We can understand the general policy-making process by breaking it down into its component parts. Theoretically, any policy-making decision is reached during a process made up of one or more stages, where each stage is made up of two parts: 1) some time period during which a range of options is considered and weighed by policy makers, and 2) some choice that ends the period of consideration by those policy makers. All policy-making decisions have at least one stage, even if the deliberation period is negligible or the end choice is ambiguous; each stage can generally be characterized as a *discrete* and *temporal* period bounded by the opening of consideration and the closing of consideration through some decision. For example, the simplest policy-making process would involve a single decision-maker, such as a dictator, making a decision on a single issue.\(^6\) A policy-making process with greater complexity has more stages and/or more decision-makers.

The particular rules and procedures for these stages vary from state to state, but the overall pattern is fairly similar. For example, it is generally agreed that most democratic states’ policy-making processes consist of at least four stages (see Figure 2.1): “1) the setting of the agenda, 2) the specification of alternatives from which a choice is to be made, 3) an authoritative choice among those specified alternatives, as in a legislative vote or a presidential decision, and 4) the implementation of the decision” (Kingdon 1984: 3).

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\(^6\) This shortened policy-making process would consist of the dictator considering some set of options, and then making a final decision when he has finished his contemplation of the alternatives.
Agenda Setting → Elaboration of Policy Options → Formal Choice → Implementation

Figure 2.1: The Basic Stages of the Policy Process

In the first stage, *agenda-setting*, the relevant actors decide what issues will be considered, in what order, and by whom; for example, a Prime Minister could decide that climate change should be dealt with through policy, and that the Minister of Energy should look into alternative energy sources now, and conservation incentives later. The specification of alternatives is essentially the *elaboration* of policy choices, laying out the range of possible policy options and details, and considering why one might be more attractive than another. The authoritative choice is the final *decision* among the potential alternatives; we usually consider this the purview of a legislature, but where legislatures are prone to vote for cabinet proposals, a cabinet meeting may be the critical decision point. Finally, *implementation* is the execution and application of a particular policy in society (generally carried out in the executive branch); this might involve the creation of rules and regulations, or directives for how the policy should be carried out on the ground.

A more complex characterization also considers that each of these stages includes multiple steps and a range of actors, which might not be perfectly distinct.\(^7\) For instance, while legislative voting is usually considered the “authoritative choice” or decision stage in policy making, it is also characterized by sub-stages: the agenda for legislative action is set by the chamber leader or speaker, committees meet to discuss, elaborate, and amend the alternatives, a final vote is held with the full chamber, and then the decision is “implemented” by passing it to the next broad stage of the policy process. At the same time, within the committee, the committee chair may set the agenda, committee members may propose alternatives, the committee makes an authoritative decision on the bill to send out of committee, and the decision is implemented by sending the bill to the full chamber. Thus, the basic policy process can be seen, fractal-like, repeated within each phase, and even within each discrete sub-stage.

\(^7\) For example, as described in the previous paragraph, elaboration and decision in a parliamentary system might be carried out in both the cabinet and the parliament, on the same issue.
The Narrowing of Options During the Policy-Making Process

It is helpful to think about the policy-making process as a series of deliberation and decision stages, involving a potentially large number of decision makers, because we can then consider their potential impacts on lobbying groups. In particular, as an issue moves through the policy-making process, from stage to stage, the available options under consideration tend to narrow; in other words, there will be a form of path dependency where the decisions from earlier stages will limit the options available and constrain the choices made at later stages. Simply, this means that at each stage of the process certain lobbying positions will be easier to pursue than others.

Before the policy-making process begins, all conceivable options are theoretically on the table and all outcomes are theoretically possible. Of course, in the real world, it is probably more useful to imagine that there is some range of feasible policy issues and outcomes, dependent on prior constraints and the status quo. Regardless of the starting range (of all possible — or all feasible — policy issues, whatever it is), the range available at later stages will be more limited by decisions made at earlier stages.

Another way to think about this process of “narrowing” is to consider that the way a problem is defined or framed actually limits or predetermines the range of possible solutions. So to be in on the “early” stages where the issues and problems are defined, means that you can have an enormous impact on the possible outcomes at “later” stages (for a fuller discussion of framing, see Kingdon 1984; Jones 1994).

Most, if not all, policy making comes with prior constraints, such as party platforms, ideology, prior policy decisions, constitutional law, etc. In addition, it is rare that there is no status quo reversion point on any new policy proposal. For example, most political parties set their policy priorities during their electoral campaigns, and thus for many issues there is already a frame and set of policy goals, even before a party comes to power. The work on punctuated equilibriums in policy making also points out that prior decisions in the policy process limit the range of available options for future decisions, meaning that incremental change is more common than wholesale policy change (see, Baumgartner and Jones 1993; Baumgartner and Jones 2002; True, Jones, and Baumgartner 2007; Repetto 2006). Thus, rather than beginning with a clean slate that includes all possible policy options, most policy issues begin with some pre-defined range of feasible options. However, this does not detract from the logic presented here; instead, all such prior constraints can simply be considered the outcomes of prior decision stages before the immediate policy-making enterprise began.

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8 Sabatier (1999; 2007) and deLeon (1999) argue that the linear view of the policy-making process is not particularly helpful as a theory of the policy process itself (i.e. explaining why particular policy issues are chosen and why particular policy outcomes occur). However, for any single policy-making endeavor, the policy process is experienced as a temporal and relatively linear process. For example, if we were to consider how and why energy policy changes over several decades, the stages would not be particularly helpful. Nevertheless, to characterize how different institutions of the generic policy process affect interest groups, stages are a useful organizing structure for presenting this material. Breaking down the policy process into stages can be considered a useful “heuristic” for “viewing and categorizing actors and actions”, rather than a model to predict policy change (deLeon 1999: 26). Thus, to understand how groups construct and pursue their lobbying strategies across each policy issue, we can conceptualize the policy process as a temporal series of stages that sets the context for group lobbying.

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options, and outcomes), once the agenda setters determine which policy issue will be considered in the current policy-making round, any alternative policy issues or topics (out of the more expansive “feasible” set) are no longer viable options. Early policymakers make choices about the goals and frame of the policy issue, for instance, which lays out a framework for the policy outcomes they hope to achieve. These early choices (on issues, topics, goals, and frames) narrow the range of available choices for the next stages. At each further stage, as additional specifications and choices are made, the available range narrows even more. For instance, policy makers tasked with elaborating policy alternatives will select smaller subsets of policy options from the feasible range created during the prior agenda-setting stage. This continues to the last stage, where a particular final decision is made (such as the choice of regulations that will be used to implement the new law, itself chosen at a prior stage).

Figure 2.2 provides my own graphical representation of this narrowing process.

![Figure 2.2: The Narrowing of Options During the Policy Process](image)
For clarity, I explain this as though there were a single chain from decision stage to decision stage. However, it may also be the case that a decision on a particular policy issue is made through a number of parallel decision processes. For instance, several different parliamentary committees, parliamentarians, or even branches of government, may consider the same issue with each preparing its own proposal. In such a case, the narrowing process occurs as described, but within each venue. At some point, the various proposal are brought together, either through competition (voting for one amongst them), or by combining them (through amendments or compromise), depending on whether the proposals are mutually exclusive or not. Though this does suggest additional complications for strategic decision, it does not contradict the logic that the range of options within a particular decision process narrows as decisions are made at each stage.

Why It is Better For Groups to Lobby Early In the Process

More concretely, what does this narrowing of options mean for groups who lobby? Groups provide technical and political arguments to policymakers about why a particular policy option either should or shouldn’t be selected (this is the case for any type of policy option, including agenda items, policy frames, policy proposals, regulatory proposals, etc.). In other words, groups are explicitly laying out what should or should not be an option for policy making. However, because the range of available options narrows as we move temporally through the policy-making process, not all advocacy positions are equally attainable for groups lobbying for specific preferences. If a particular option is still on the table at the stage when a group chooses to lobby, that group can present its strategic arguments for why it should or should not be chosen. To convince a policymaker to choose a policy option from within the range of available options is relatively easy; at a minimum, the group would only need to present information convincing the policy maker that one option under consideration is superior to the others. On the other hand, if an option is no longer on the table, it will be much more difficult to bring it back. To convince a policy maker to bring back an option that is no longer on the table means that a group
must show, at a minimum, both why the outside option should be brought back and why it is superior to the range of available options.\textsuperscript{11}

Bringing back “off-the-table” options is especially difficult because it implicitly involves overturning prior decisions that narrowed the available policy options. If any of those decisions have been implemented, policy makers will lose any “sunk costs” expended during implementation.\textsuperscript{12}

However, even if there has been no concrete action from a decision (i.e. the decision has just been made), there is still the loss of time and effort expended in the prior decision stages. In addition, there is also a high probability that it will mean upsetting prior bargains and compromises that may be difficult to overturn. For instance, approaching a civil servant at an early brainstorming stage to consider putting another alternative on the table is unlikely to be very costly. However, trying to place a new alternative on the table once bargains have been struck between major players, and important or numerous actors need to be convinced to support or reject an option, becomes more and more costly.

Thus, the later it is in the policy process the more difficult it will be to change the range of choices, since it will mean revisiting or reversing a greater number of prior choices, agreements, and compromises. It is important to note that this imperative holds both across all stages and within each stage. Broadly speaking, there are more policy options on the table at the agenda setting stage than at the decision stage; but there are also likely to be more options on the table right after the agenda has been set, than right before the list of policy options is finalized at the end of the elaboration stage. However, the largest jumps in the costs of lobbying for off-the-table options are likely to be when formal decisions are made and bargains are finalized at each stage in the policy-making process.

Thus, the later a group begins its lobbying effort, the more persuasive its methods may need to be: such as showing greater demonstrations of support or opposition (i.e. popular mobilization), appealing to more powerful actors (i.e. Presidents or Prime Ministers who may be more difficult to

\textsuperscript{11}This simple intuition helps explain why the lobbying option to try to stop unwanted alternatives may often be easier than lobbying for particular proposals. It is always possible to lobby for a veto (even when it is not the preferred option); however, it is not always possible to lobby in favor of a particular policy proposal.

\textsuperscript{12}For example, if a particular decision stage sets the goals for a new policy—say, protecting the spotted owl—and policy makers have begun drafting the actual text of the law, overturning the goals of the policy will result in the loss of the time and effort expended during the drafting process.
access), or signaling greater resolve (i.e. costly demonstrations). For example, making major changes
to a government bill that has already been deposed in parliament may require a great deal of resources:
if there is strong party cohesion, a group may need to lobby many MPs and probably the government as
well, to get them to change their minds; the group will probably also need a bigger constituent base and
a more prominent lobbying actions; it may also need a more coordinated message with other groups to
increase the weight of the message. In other words, the group would be much better off if it had lobbied
early and shaped the government’s bill; then when the bill gets to parliament, the group would be able
to lobby a few committee members for relatively minor amendments, but would be less likely to need
an enormous lobbying response to try and overturn the bill more broadly.

Because lobbying late may mean that groups will have to incur greater costs to bring back off-
the-table options, groups will be better served by lobbying early in the process (whether across all
stages or within a stage). Indeed, by lobbying early, groups have an opportunity to shape the policy
choices that will remain on the table throughout the process. And, since policy making involves a
narrowing of options over time, lobbying during the earliest stages helps to ensure that a group will
have less need to incur the potentially great costs of lobbying later.\(^{13}\) Thus, all else equal, groups who
lobby early, rather than late, should have an easier task and have a higher probability of success.

Why Actionable Information is Needed Early in the Policy-Making Process

For groups to be able to lobby effectively, then, they need actionable information as early as
possible in the policy process, both across all stages and within each stage. To be able to tailor their
arguments to the needs of the various stages of the process and the various policy makers, as well has to
have the best likelihood of influencing outcomes in their own favor, groups need advanced warning of

\(^{13}\) These conclusions are supported by other researchers who have noted that early stages of policy
making are more critical for influencing outcomes than later stages, as it is easier to lobby for changes
before formal decisions are made, such as the formal drafting of policy proposals. Austen-Smith
(1993) and Hall and Wayman (1990) point out that groups are more likely to have an impact on the
policy process during the agenda-setting or elaboration stages, when compared to voting stages. For
example, studies on lobbying in the European Union confirm this view. Bouwen (2009: 25-6) notes
that “it is common knowledge among lobbyists that as long as no formal written written documents are
produced during the policy development stage, changes to the policy proposal can be made much more
swiftly and easily. As the degree of formality of policy documents increases...it also becomes more
difficult to amend them”; and there are more opportunities for influence at those “pre-proposal” stages,
as well (Thomson and Hosli 2006: 15).
what is going on as frequently as possible. For example, to be able to influence the policy alternatives considered, they need to be know that a particular policy issue is on the agenda. Or, to be able to influence the formal choice between policy alternatives, they need to know what those alternatives are and who is making the decision.

A light-hearted example illustrates this argument. As an analogy to the policy-making process, we can imagine a large group of friends deciding what to do for dinner (in other words, the agenda for this policy decision has already been set — dinner, rather than a movie, is the policy issue of choice). A first decision is whether to stay in and cook or go out to a restaurant. The latter is chosen and everyone suggests potential types of food to eat, and the first round of discussion narrows the “policy options” to the foods of Britain, Spain, and France. Spanish food wins the argument, and several restaurants are suggested and then winnowed down to a single, final choice to patronize a particular tapas restaurant. Once there, the choice is implemented by ordering off the menu (the final “regulations” in the policy process). This policy process involved a narrowing of choices over a series of decision stages, each comprised of some deliberation period that ended with a choice.

While this decision process may appear trivial, there are a number of important consequences for any one friend who chooses to “lobby” for their preferred dinner choice. Once at the Spanish restaurant, lobbying for gazpacho andaluz over a tortilla española takes a normal amount of argument. However, if the lobbyist really wanted fish and chips, lobbying once everyone is already at the Spanish restaurant (late in the process, when the policy options have already been considerably narrowed) will be incredibly difficult. To demand fish and chips at this late stage would require a heroic and costly effort, especially if prior decisions have already been implemented; once at the restaurant, our lobbyist would need to convince his friends to revisit all their prior discussion, to return to their cars, and to

14 In other words, this shows an iterated process of policy elaboration and formal choices. The first elaboration phase set out the options of staying in or going out. The second elaboration phase began once the first formal choice was made: to go out. That elaboration phase set out the options of cuisine types, and ended when a single cuisine was chosen among the options on the table. A third elaboration phase set out the choices within that cuisine type, and ended when a single restaurant was chosen. Finally, a fourth elaboration phase involved selecting among the “on-the-table” options specified in the restaurant’s menu. This example does not necessarily make it clear which phase can be attributed to, say, an executive or a legislature in a governmental policy-making process, but it does provide the intuition for understanding how the range of policy options narrows across a series of decision-making stages.
drive to a newly chosen British restaurant, at the possible cost of time, effort, reputation, likability, and probably money (say, for promising to pick up the check to make up for the trouble). Re-opening the bargaining process to go back to an off-the-table option, even if those prior decisions have not yet been implemented, means overturning bargains and may require costly side payments. The more “policy makers” and “decision stages” involved in the process, the more difficult it will be to bring back off-the-table options.

In other words, for our restaurant lobbyist who truly desires British fish and chips, the optimal point for lobbying in this policy-making process would be very early. If he joins the group after the type of food and restaurant has been chosen, he may be out of luck and may simply have to make do with whatever fish and potato options are on the tapas menu. However, if he was lucky enough to be a part of the discussion while the first set of policy options was on the table (which type of food?), he could have mustered his best arguments for why British food would be the best option for all of the other policy-makers (“You will be very popular in your home constituency if you bring crumpets and trifle back for your kids!”). But to take part in the earliest stages, the restaurant lobbyist would need to know that the dinner policy is under consideration, who is involved in the process, and what range of options is on the table. Real actionable information, in this case, would make it possible for him to lobby for his preferences before they are out of the running.

To reiterate, early lobbying will generally be easier than later lobbying. However, the ability to strategically and successfully lobby early depends on the availability of information about the policy process. The timing of information release structures the available opportunities for influence. Information is only actionable for the coming stages, or possibly for the current stage; it is not useful for stages that have already passed. In other words, for interest groups, useful transparency of the policy process is the early release of actionable information.

What Groups Get (In the Real World)

Given that no political system is likely to provide perfect actionable information for interest groups, how can we understand the effects that different systems have on the amount of actionable information that is available for groups?
Ideal Types of Policy-Making Process Transparency

A policy-making process that was fully transparent would have information released moment by moment. Not only would interim and final decisions be announced as soon as they were made, but the options considered in deliberations would become public as they changed. In other words, at every point in the process, policy-makers would release information about what was being considered, who was involved in the discussion, and when a decision would be made. This is an ideal type, as it should be reasonably clear that this would be highly impractical; the information overload would be impressive. Nor would it necessarily be desirable. However, under such a system, any group would have access to all information about the policy process. While the information would not necessarily be costless (if it is published in a national register, for example, rather than formally announced to all interested parties), any group that is reasonably paying attention should not be surprised about what is coming out of the policy process.

Concretely, a fully transparent parliamentary system might resemble the following: an announcement at the beginning of the process that the executive branch is going to work on a particular policy $X$, including the starting frame, assumptions, and options for $X$; as executive actors considered the issues, information would be released about which civil servant was considering which policy ideas, when she would present those policy ideas to the minister’s staff, what the minister was thinking about it, and when the draft ideas would be presented to the rest of the cabinet; a public disclosure of the exact policy formulations as it is being written, and when and how the cabinet will decide on it; a formal publication of the proposed bill as it is deposed in the parliament, as well as publication of the schedule or agenda for dealing with the bill; full public proceedings of deliberations in parliament, including party and committee meetings, interim decisions of committees, debate and discussion about amendments on the floor, and the final parliamentary vote; a clear statement of agency intent in implementation, including full disclosure of all regulatory options, and the minutes of all meetings discussing them; a clear statement on the timing for the release of regulations. In other words, all

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15 For example, increased transparency in decision-making may lead to decreased legitimacy of political decisions (Licht 2011; Curtin and Meijer 2006), increased incidence of undesirable or unwise decisions (Levy 2007; Stasavage 2004; Prat 2005; Fox 2007), increased incidence of collateral damage (Prat 2005), decreased incidence of innovative policies (Curtin and Meijer 2006), and decreased quality of deliberation (Stasavage 2004).
possible information about deliberations and decisions would be released, before and while those deliberations and decisions take place.

If groups were facing such a completely transparent policy process, they would be able to exactly tailor their lobbying actions to the exact situation they faced at each of the stages of the policy process, updating their lobbying approaches with each new piece of timely information. In other words, perfect transparency and actionable information would allow groups to lobby in a fully ad-hoc manner. By knowing exactly what is on the table in detail, who is taking part in the deliberations and decisions, and when the decisions will be made, there would be no strategic concerns that missing information might cause the group to make errors when selecting the best approach for lobbying on a given issue. Each lobbying action would then fit the immediate context.

At the other end of the transparency spectrum, we have the ideal type of a perfectly opaque policy process. In the most extreme case, no one would have any idea about the policy process until new regulations were announced; no policy makers would ever release information about what they were doing or considering. Under such a system, all groups would be surprised about what comes out of the policy process, every time. Groups would not be able tailor their strategies to what was currently going on in the policy process; instead, they would have to strategize based on prior information about the process and outputs, rather than on current information. Groups would not be able to update their information or strategies until it was too late, and the policy was finalized and promulgated.

This pure-opacity ideal type, too, is unlikely to be found in the real world. Certainly, no democratic polity can be perfectly opaque; and we should expect that at least some information would be released. Since policy makers need their own technical and political information to make policy, they would likely need at least some societal interests to help them out. However, we can also imagine an ideal-type of an opaque democratic policy process. Under such a system, policy makers might dole out as little information as necessary for them to get what they want from certain interest groups. Most information would be private, and thus only certain groups would have information about the policy process. Those lucky groups would be able to update some of their strategies, based on the incomplete information they were given for a particular policy issue, though it might not be enough for them to make effective choices. Most groups would have to lobby in the dark.
Of course, these ideal-type completely transparent or opaque policy-processes do not really exist in the real world (at least not under democratic systems). However, as should be clear, there are a wide range of possibilities that fall between perfect transparency and perfect opacity. Thus, the critical task is to determine what actionable information groups actually get from the policy processes they face, and when and how that information is released.

Systematic vs. Discretionary Release of Information

The key variable for characterizing policy-process transparency is the systematic release of policy-making information during the policy-making process. All democratic policy-making processes have some number of critical junctures where information is publicly released about the policy-making decisions up to that point, whether required by law or simply as a by-product of other institutions.\(^{16}\) For example, this might be through publication of decisions in federal registers or legislative proceedings; or, it might be through direct notification of all members of the polity who will be affected by a decision. However, the critical characteristic for systematic information release is that a particular type of information—a formal decision, a list of potential options, a roster of policy makers—is reliably provided to the public in a particular way at a particular point in the policy process.\(^{17}\) For groups, systematic information about the policy-process is an important source of information on which to

\(^{16}\) For instance, the simple act of moving policy proposals from one branch to another during the policy process, usually has the by-product of bringing policy decisions to light (Strom 2000: 281).

\(^{17}\) Note that this does not necessarily mean that getting systematic information is costless for groups. For instance, if government always releases information about executive decisions through the online publication of cabinet-meeting minutes, a group would need to expend time and resources reading over the minutes to determine whether anything of relevance was covered.
make their lobbying decisions. Thus, such systematic information releases set the minimum level of transparency of the policy-making process.18

To be most useful for groups as actionable information, however, the systematic release of information is more useful early in the policy process. A policy process that systematically releases information early will be much more transparent than a process that only has late systematic releases. For example, a stylized high-transparency policy-making process (see Figure 2.3), would have systematic information releases at each formal decision point, starting with the earliest decisions (such as agenda setting), as well at the interim decision stages where policy options are winnowed down to those on which the formal choices are made. A group that is reasonably well versed in the institutions of the government they face will know about the policy-making junctures where government actors inform the public about their actions and behaviors. If governments always publicly release policy-making information at a particular point in the process, groups can count on that information if they monitor for its release.

![Figure 2.3: High-Transparency Policy-Making Process in a Parliamentary System](image)

18 It is worth noting, however, that systematic release requirements that occur after policy decisions have been made do not have much impact on the minimum level of transparency, as it is defined here. Many transparency advocates point to the importance of freedom of information (FOI) laws in making government democratically accountable; however, most freedom of information laws do not necessarily increase the actionable information about the policy process. Instead, they focus on making information available after the fact; this may allow voters and societal interests to hold their government representatives accountable over the long term, but it does not directly help interest groups lobby on any given issue. Indeed, FOI laws usually explicitly exempt exactly the type of actionable information that groups need; “all FOI laws provide some protection for the internal thinking process of government” either by exempting the preparatory documents of government completely or at least until decisions have been finalized (Frankel 2001: 8-10).
On the other hand, a low-transparency policy-making process would focus its systematic releases much later in the process. For example, no systematic information releases would be made at the agenda-setting and earliest elaboration (policy winnowing) stages. Instead, information would only be systematically released at end of major decision stages; the groups would then know which proposals were chosen, but would have had no information on the process by which those proposals were chosen (and thus would have little chance to influence them). In a low-transparency parliamentary system, for example, where major decisions are made in the executive branch prior to the first formal choice (when the cabinet presents its policy proposal to parliament), this lack of information may mean that a group will only be able to propose amendments and particular regulations, instead of having the opportunity to shape the bounds of the policy proposal (see Figure 2.4). In particular, the later in the process that systematic releases of information occur, all else equal, the less certain groups can be about what is going on in the policy process.

![Low Transparency Diagram](image)

**Figure 2.4: Low-Transparency Policy-Making Process in a Parliamentary System**

As noted, systematic information release sets the minimum level of transparency in the policy process. However, since no policy process is perfectly transparent with all options and decisions systematically released, there will always be information about the policy process that is not provided in such a reliable and public way. The residual category is discretionary release of policy-making information. Any information that is not released systematically can be released at the discretion of policy makers; they may choose to divulge information publicly or privately, to all groups or to only a
few, early or late in the process. If policy makers have discretion over the release of certain information, then they can decide whether or not to share that information “with a limited number of favoured external recipients,” to the disadvantage of any outside that circle (Kierkegaard 2009: 8, 22). Discretionary information can also be released to the public, such as through publication of information on a ministry website; in such cases, groups would need to be vigilant in their monitoring of potential avenues of information dissemination lest they miss the new information and fail to take action on it.

While discretionary information release may increase the level of transparency for a specific case of policy-making, it is not necessarily reliable enough to increase the level of transparency or the policy-making process for all groups across all policy-making instances. This means that groups will use discretionary information to structure their lobbying decisions, but that it is not as useful or reliable as systematic information. While they may be privy to discretionary information, they cannot be entirely sure that they have all or any of the relevant information, as they might if there were systematic releases of information to the public.

Information Releases in Real-World Policy Processes

At the very least, all policy-processes systematically release information at the very end of the policy process. Once all decisions have been made on a single issue, there is usually a full release of

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19 Gersen and O’Connell (2009) note that even if the content of information releases are not discretionary, such as the requirement that U.S. executive agencies publicly announce new rules and regulations, the timing of the release may be discretionary. Indeed, if an agency can choose when to release information, it can use the timing to “change the cost structure of the public and private interest groups who are in the business of monitoring them”; in other words, “strategic timing can allow the monitored to choose the monitors” (Gersen and O’Connell 2009: 1163). Solutions for decreasing the costs for groups to get the information include mandating the timing of information release (Gersen and O’Connell 2009), though imposing timing constraints on the regulatory rule-making process (rather than simply on the timing of information release) causes agencies to substantially change their usual policy-making procedures (Gersen and O’Connell 2008), ultimately making the process less clear, rather than more transparent.

20 However, to be discretionary, rather than systematic, such public announcements must be relatively random; for example, if a ministry only publishes some information some of the time, then it is discretionary.
what the final regulations are. As actionable information goes, however, this is only useful for either complying with the regulation or deciding whether or how to challenge the regulation; since it is finalized, there is not much lobbying that can be done within the immediate policy-making process, other than attempting to start a new process through agenda-setting for a repeal or amendment.

Most policy processes also have mandatory releases of information when policy decisions move from one branch of government to another, such as when a legislature votes on a bill and sends it to the bureaucracy for implementation. It is also usually announced when the executive branch deposes a policy proposal with parliament, or when the legislature sends a bill for a presidential signature. These critical junctures, however, usually happen fairly late in the process. In a presidential system, for example, once the legislature has voted a bill into law, interest groups will be limited to lobbying during the regulatory process. In a parliamentary system where executive bills have a greater chance of passage than private member bills, the situation may be similar; the bulk of the decisional work may have already taken place, even if there is a chance that lobbying for an amendment may work. Thus, for a group who hopes to influence policy these branch-to-branch releases are relatively late, when the options on the table are already considerably narrowed and when changing the ideas under consideration may be very difficult.

If a policy process has systematic releases only at these two types of critical junctures — in the moves from branch to branch and at the very end of the process — it can be characterized as a low transparency policy-making process (see Figure 2.4); the minimum level of transparency is not very high, as there is a fairly low level of actionable information on which a group may base its lobbying decisions. The mandatory releases will alert groups to the likely bounds of deliberations in the next branch, but many constraining decisions will have been made in the process prior to that point. In addition, without further actionable information about the actual process within the next branch, there will still be a great deal of missing information for the group.

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21 In other words, if a government hopes to implement its policy, it will have to let people know that the rules have changed. Of course, if a particular policy is intended to benefit a single narrow interest in society, then it may be that a government would have the incentive to keep the final rules quiet (so that only the narrow interest knows about it). Nevertheless, most of the time, policies and regulations are publicly announced or published somewhere that is accessible to interest groups.
Of course, a particular policy-making process may have more systematic releases than merely at the those two most basic critical junctures. For instance, patterns of systematic information releases may also depend on the macro-institutional structure of the state. Broadly speaking, legislatures tend to be more transparent than the executive branches (Strom 2000: 281). As more direct representatives of the people, institutional structures of legislatures are usually set up to be relatively public. Often, legislative agendas are published, the schedule of the legislature is publicly announced, and debates and hearings take place in public. Thus, where the legislature has the early work of policy creation, as in presidential regimes, the policy-process may be more transparent to interest groups (because more information will be systematically released in the earliest stages of the policy process); when the legislature works on policy proposals after the executive, as in parliamentary systems, the policy process is likely to be less transparent (since the earliest stages of the policy process will have taken place in the less-transparent executive branch).

In short, the earlier the systematic releases of information, the more transparent the policy process will be. Thus, if there is a systematic release of information about the government’s precise agenda before it gets to work each agenda item, there will be a much higher level of transparency for groups in that process. On the other hand, if systematic releases are late in the process, the policy process will be much less transparent for groups.

What this means, practically, is that we need to consider how policy processes actually release actionable information to groups. The particular patterns of information release characterize the transparency of the political system, and therefore the impact that it is likely to have interest groups within that system who are trying to lobby. Groups will need to select lobbying strategies that best fit the levels of transparency of the policy-making process they face.

**How Groups Respond**

The question, then, is how will groups adapt their lobbying strategies to respond to variations in policy-making transparency? To answer this question theoretically I will elaborate on the nature of lobbying strategies and then two discrete scenarios of strategy selection (under high vs. low transparency). First, I lay out the range of potential options that groups have when putting together
their overall lobbying strategies. Then, I explain the types of strategy that groups are most likely to use under full information (high transparency). Finally, I lay out the strategic choices that groups will need to include in their lobbying repertoires in order to adapt to scarcer information (low transparency); specifically, I deduce groups’ likely strategic responses to low transparency by considering how rational actors, in general are thought to make decisions under uncertainty.

The Nature of Lobbying Strategies

A lobbying strategy is the over-arching approach that a group takes to lobbying, and that shapes its choice of lobbying tactics, targets, and messages.22 In other words, the strategy is a group’s blueprint or recipe for how to implement its lobbying actions. While groups can pursue pure strategies — where they have a single strategic approach — they can also pursue mixed strategies, with a “toolbox” of several different strategies.

For example, groups can pursue “insider” or “outsider” strategies (Kollman 1998). The insider strategy is aimed at close and personal contacts and communications with policy-makers. The tactics of the insider strategy are usually direct contacts, private letters, or practical help for policy-makers;23 the targets are relevant policy-makers; and the message is usually a direct statement of the groups’ preferences, arguments, or analysis. On the other hand, an outsider strategy focuses on swaying politics outside of the corridors of policy-making power. Outsider tactics are implemented in the public arena, such as protests or signature drives; policy-makers are usually targeted indirectly through the interested

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22 A tactic is a particular action through which a lobbying message is conveyed to a target. For instance, the following are all tactics: mobilizing the general public, writing op-eds, putting out press releases, drafting regulatory language, submitting written comments to agencies, disseminating research, sending letters, testifying at legislative hearings, meeting directly with policy makers, and building coalitions (Baumgartner, et al. 2009: 151). In addition, pursuing any one of these actions alone or in a coalition is also a tactical decision. Targets are the actual or intended recipient of a particular message. For instance, groups could target members of a legislature, bureaucrats, or even the public (to put indirect pressure on policy makers). The message itself is the substantive content of lobbying; it conveys what the group wants policy makers to do or consider. For example, “save the spotted owl” and “lower taxes” are both lobbying messages.

23 Hall and Deardorff (2006) suggest that practical help — such as drafting legislation or conducting analysis for members of the legislature — acts as a subsidy to policy makers who have limited time to deal with their own workloads.
public; and the messages must be decipherable by the policy maker even though it is sent through citizens and the media.

Another example would be for a group to pursue either a technical or a political strategy.24 A technical strategy is one that presents the group as a credible and objective source on a particular set of policy issues. If a group wants to appear reasonably neutral and trustworthy, so that it can provide its own policy information and research to policy makers, it needs a strategy that emphasizes and amplifies those qualities. This would mean steering away from tactics and messages that appear overtly political or biased,25 and targeting the policy makers who are most relevant for the technical aspects of policy, such as civil servants or drafters of policy. In contrast, a political strategy would put pressure on policy makers by emphasizing the political risks and benefits of particular policy options. Group messages would focus on the preferences of policy-makers’ constituents or other interests with power to impact outcomes that the policy maker cares about (i.e., re-election, donations, agency budgets, etc.). The tactics for conveying such messages could be direct communication of political information, but it could also include grassroots mobilization of constituents.26

Of course, groups could also pursue some combination of any or all such strategies, though some strategies are more difficult to combine. In general, there may be many reasons why groups select certain lobbying strategies over others.27 However, the critical question under investigation here is, all else equal, what lobbying strategies do groups select when faced with differing levels of policy-making

24 See, for example, Heitshusen (2000) for a discussion of the differences in groups’ provision of technical vs. political messages to policy makers during legislative committee hearings in the United States.

25 And instead focusing on tactics and messages that play up the group’s credibility as an objective expert, such as presenting factual information and analysis (the message) in testimonies at legislative hearings or in research reports disseminated to policy makers (the tactics).

26 Note that a technical strategy is probably more easily combined with an insider strategy, but that a political strategy would be easily combined with either an insider or an outsider strategy.

27 Much research on interest groups focuses on particular lobbying choices (i.e. types of tactics, targets, or messages). For instance, research indicates that groups’ targeting choices may depend how much power a legislature has to shape policy outcomes (Bennedsen and Feldman 1999; 2002a; 2002b); or whether groups are trying to persuade or support policy-makers (Austin-Smith and Wright 1994; 1996; Baumgartner and Leech 1996). Other research suggests that groups’ tactical choices may depend on how democratic the policy process is (Mahoney 2008); or particular characteristics of a group, such as resources and types of constituents (Bouwen 2002; 2004; Bouwen and McCown 2007).
transparency? In the following sections, I lay out groups’ likely strategies under conditions of full transparency, as well as the necessary strategic modifications that are needed under low transparency.

Lobbying Strategies under High Transparency

Groups facing a policy-making process with high transparency, as elaborated above, will have early information about what is being considered in the policy process, as well as when it will be considered and decided, and who is involved in the process. Thus, groups with this information can determine how best to lobby at each moment in the policy process for a particular issue. If a group knows which policy-makers are most important at a given moment in the policy process, it can select one or more of them as a lobbying target; the group can tailor its message so that it narrowly fits the discussion under way in the policy process; and the group can select a tactic that best fits the imperatives of the current policy moment. For example, perhaps the current situation indicates that lobbying choices in an insider-technical mold are most appropriate; or, perhaps the lobbying choices of an outsider approach look like they might work best. The group can choose the action set that fits them best at a given point in time. In other words, with full information groups can effectively pursue an ad-hoc lobbying strategy.

Indeed, an ad-hoc lobbying strategy is very reasonable given the normal constraints of policy making. As the policy process is highly complex, no two policy issues are dealt with in exactly the same way. Small changes in the affected societal interests, involved policy-makers, or the point in the electoral cycle, might have real effects on the way the policy-making process plays out. Groups, then, are likely best served by trying to adapt their lobbying strategies to the exact situation that faces them. In this sense, groups are “reactionary” to the current political situation, rationally choosing the strategy that best fits the moment, and often few (or no) alternative approaches are considered (Victor 2007: 829-830). In other words, groups have an incentive to pursue their strategies in an ad-hoc manner, as an immediate response to the current policy process, if at all possible.

In addition, the incentives to pursue ad-hoc strategies should be even higher when information is released early in the policy-making process. When groups have information about what is going on well in advance of policy-making actions and decisions, they will be even better placed to narrowly
tailor their lobbying activities. With advance warning, groups will have the time to consider and construct their lobbying actions, and potentially gather the resources needed to implement them (i.e. conduct the research needed to convince policy-makers; take the time to negotiate a coalition between several different groups; mobilize constituents to send letters and sign petitions, etc.).

In short, ad-hoc lobbying strategies can be seen as a baseline for rational group behavior; it is the best approach to take under full information. However, to accurately and effectively tailor lobbying actions to the current policy process, the group must have information about that current process. Without such information, groups are likely to make potentially costly errors when implementing their lobbying strategies.\(^{28}\) Thus, with less information, taking a fully ad-hoc approach may not be a good idea. Instead, groups will need to adapt their lobbying strategy to deal with the uncertainty of implementing their lobbying strategies under reduced information.

Lobbying Strategies under Low Transparency

When faced with low-transparency policy-making environments, groups will need to implement their lobbying strategies and make their lobbying decisions without knowing exactly what is going on in the policy process. They may not know the substance of the policy proposals on the table; they may not know which policy makers are currently most important; and they may not know when deliberations will occur or decisions will be made. In other words, groups must implement their lobbying strategies under conditions of uncertainty.

To understand how uncertainty will impact groups’ strategic calculations, it is helpful to first consider what is known about decision-making under uncertainty. At the most basic, to make a decision under uncertainty is to select one’s actions and behaviors without being completely sure how certain choices will lead to the desired outcomes, nor whether one’s actions will lead to potentially unintended consequences (Shepsle 2010: 31; McKenna 1986: 8). The less clear the link between actions and

\(^{28}\) For example, groups will be more likely to choose tactics, targets, or messages that either fall flat (i.e. have no or little impact) or cause harm (i.e. have a negative impact on the group).
outcome, the greater the uncertainty. This is a less than ideal way to make decisions, as it “implies unavoidable ex-post mistakes whose consequences cannot be reliably evaluated in advance...and may be virtually boundless” (Faucheux and Froger 1995: 32). In other words, making decisions under uncertainty can result in poor decisions with harmful outcomes.

For interest groups, the negative consequences of making lobbying decisions under uncertainty can arise in several ways: through nasty surprises, costly errors and wasted resources. Surprises occur when information is revealed late in the policy process. For example, a group may not know that the government is elaborating the details of a policy that will have a negative impact on the group. If the group only finds out about this new policy when the government deposes the proposed bill in the legislature, the group will be in a difficult position; the group would have already missed the narrowing of alternatives and bargaining that took place while drafting the bill, and thus must now deal with the bill as it is. If the group has little sway in the legislature, the consequences may be disastrous. If the group does have influence in the legislature, it may still have a difficult time overturning the preferences of the government. The surprise will be even more pernicious if there is little time to respond to the new information; for instance, if the group needs to put together an effective last-minute lobbying action to counter the new bill, it may not have the time or the resources it needs to do so.

Thus, surprises may lead to lobbying failures where groups are not able to respond to issues affecting them and their constituents.

Costly errors and wasted resources arise when groups implement lobbying actions that are a poor fit to the current stage in the policy process. For example, a group might make costly errors if they target the wrong policy makers or select an inappropriate lobbying message. A group could expend resources and political capital trying to persuade an actor who is not currently the most critical player in making policy decisions on a particular issue; for example, lobbying bureaucrats when the real decisions are currently being made in the legislature is unlikely to be the best use of resources. Or a

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29 In technical terms, one can have two different types of non-certainty: where actions and outcomes are known to be probabilistically linked, non-certainty is called risk; where the probability of actions leading to outcomes is not known, non-certainty is called uncertainty (Shepsle 2010: 31). The core distinction between risk and uncertainty is that the former suggests that outcomes may be predictable, while the latter suggests that there is inherent randomness in the world that makes prediction impossible, at least with the current state of knowledge (Perlman and McCann 1996; Dequech 1999; 2004; 2005; 2006; Wilson 2009).
group might present a poorly tailored message that presents information that is not useful or relevant to policy makers at a particular point in the process. For instance, it may not be very helpful to argue in favor of taking up a particular policy issue (an agenda-setting lobbying message) at a legislative hearing set up to discuss that issue; simply by holding the hearing, the legislators are already showing that they think it is important to address that issue (i.e. the agenda is already set). In this context, a better message would lay out arguments for why particular responses or policy solutions to that issue will be technically or politically successful in meeting the legislators’ goals (Burstein and Hirsh 2007). These poorly chosen targets and poorly tailored messages can be costly errors for groups if they decrease the chances of successfully lobbying for their constituents’ interests, or they waste resources that could be better used elsewhere.

These negative consequences give groups the incentives to pursue mitigating strategies. This is because groups should generally be risk averse, particularly if they are established groups with reputations to protect. Given their role in society — as intermediators between the policy process and their members — groups have a great deal to lose from poor performance, especially if they are repeat players in the lobbying game. Groups are useful to policy makers because they provide relevant and useful information about policy options and policy consequences; groups are useful to their members and constituents because they defend their common interests in the political arena. Consistently failing to achieve either role could threaten the organizational existence of the group, or at the least, the security of the leaders and representatives of the group.

30 Of course, this type of error is not likely to arise from a lack of transparency unless the legislature neglects to tell invited groups what the topic of the hearing will be. However, it illustrates what a poorly tailored message might look like.

31 Risk aversion means that you are less willing to take chances that might incur losses, even if there is a possibility of gains. Specifically, a risk-averse actor prefers sure consequences to probabilistic outcomes (and thus probabilistic benefits/costs) (Hirschleifer and Riley 1979: 1381). In addition, there is also evidence from psychology that groups are more likely to be risk-averse than individuals; i.e. acting on behalf of many leads groups to make more risk-averse decisions than individuals acting on their own behalf (Gong, Baron, and Kunreuther 2009).

32 Groups that arise to lobby for a single issue and then collapse afterwards, or groups that are not established and organized, may not have quite the same calculations. In other words, the level of risk aversion is likely to be higher for groups who have something to lose, whether that be reputation and access to policy-makers or the support and donations of members. Permanent groups who lobby regularly are more likely to fit the risk-averse profile.
For instance, a group’s credibility with policy makers depends on its success in providing necessary information and support to those policy makers; groups that fail to provide adequate “messages” to those policy makers may lose their reputation as an important and indispensable source in a particular policy arena. On the other side, a group’s credibility with its own constituents will depend on its success in representing their interests at least reasonably successfully. Even if groups provide non-policy benefits to their members, at least some of their cachet comes from successfully pursuing their own mission statements. In addition, groups are expected to protect their constituents from potentially negative consequences from policy, and to alert them to potential dangers to their interests. The worst outcome for groups is that policy change happens without any forewarning for their members (Andres 2009: 200). At the very least, groups need to show their adherents that they are being active on their behalf; neglecting to act looks bad, especially if there are negative consequences to members. In the long run, failure to lobby effectively and at least reasonably successfully may mean losing constituents, donations and support. Thus, groups are likely to be risk averse, and should generally prefer to take mitigating actions, if necessary, to reduce the chances of surprises, errors and wasted resources.

So what strategies can groups pursue to mitigate and reduce these negative consequences? General theories of decision making under uncertainty are again useful. If actions under uncertainty can only be chosen on a case-by-case basis (i.e. with an ad-hoc strategy), the chooser has relatively few options for how to respond. Either she must choose an action (or inaction) based on the current state of information, or she must wait until she has gained more information before deciding (Hirschleifer and Riley 1979). In both cases, the best she can do is to imagine all the possible consequences for her action with the knowledge that her imagination may not be broad enough to consider all possible ‘states

33 In addition to losing reputation, they may also lose access to sources of discretionary information.

34 For example, groups might provide services to their members that are not linked to lobbying and policy outcomes, such as insurance, technical assistance, or consumer discounts. These side benefits can then attract members to the organization, independently of its lobbying activity (Olson 1965).

35 For some types of decision making—such as decisions about globally complex problems, like what to do about global warming—actors may be forced to make their decisions on a case-by-case basis since there is historical information by which to construct a reasonable response; actions may need to be taken with little information at all (Faucheux and Froger 1995: 31).
of the world’ that might arise (McKenna 1986: 8). While waiting for or seeking out additional information may make suggest new options for action that were not previously imaginable (McKenna 1986: 4-5), there is always the possibility that it will be too late to respond effectively once that new information is known. In other words, choosing an action under uncertainty means doing the best one can under the circumstances, knowing that one’s choices may not be the right ones.

However, not all types of decision-making under uncertainty require decisions to be made only on a case-by-case basis. Indeed, any information that makes it possible to predict at least certain aspects of the decision environment, makes it possible to devise strategies that mitigate potential errors, even if other aspects of the decision environment remain uncertain. This means that any predictable patterns of outcomes, due to historical knowledge or prior information, allows the decision-maker to hedge against surprises, errors, and wasted resources.36

Luckily for interest groups, most well-developed policy-making processes are reasonably stable. The complexity of the policy-making process may make it impossible for groups to predict the details of the current policy process or actual outcomes for specific cases of policy making; however, since national policy processes generally follow particular policy-making patterns, groups with any experience in the lobbying process will have at least some precedent from which to anticipate general outcomes across all cases of policy. Thus, any group that lobbies regularly is likely to have a reasonable idea about the types of actors and procedures involved in policy making, as well as the potential pitfalls, even if the specifics of the current case are not known.37 Because groups will have some information about the policy process, they have the opportunity to pursue strategies that mitigate the potentially negative outcomes of lobbying under uncertainty. In particular, groups can devise strategies that mitigate negative outcomes across all policy decisions, even if they have limited information for any single policy issue.

36 More technically, this means parsing out the “risk” from the uncertainty of the environment: if any aspects of the environment are predictable, then it is possible to assign some probability to outcomes, which is a situation of risk (see footnote 29, above). As a probability game, risk can then be countered with risk-mitigating strategies.

37 This may not be the case, however, for a group that is new to lobbying or that lobbies infrequently.
Strategies that can respond to low levels of policy-making transparency will need to address the causes or consequences of lobbying under uncertainty. First, these low-transparency-adapted strategies should address groups informational needs, whether to increase the amount of information available to groups or decrease the likelihood that groups will miss critical information. Second, these strategies should mitigate the negative consequences of surprises, costly errors and wasted resources, by decreasing the chances of using poorly tailored lobbying actions or increasing the chances of responding effectively to last-minute surprises.

Each of these strategic choices suggests observable implications for group behavior in low-transparency environments. However, as argued above, the use of these strategies under low transparency should be gauged relative to their use under high transparency. In other words, groups facing high-transparency environments should be relatively less likely to use these mitigating strategies, while groups in low-transparency environments should be more likely to use them.38

Strategies for Improving Information

The first, and perhaps most straight-forward, of the mitigating strategies under low transparency is to increase the chances of getting discretionary information from policy makers. As noted, uncertainty means that a group must make its decision with missing information; thus, one way that uncertainty can be countered is by increasing the amount of information available for a decision. The more uncertain the environment, the greater the premium on additional information (Casson 1997). For groups, this means seeking out information about what is going on in the policy process (options on the table, policy-makers involved in the process, etc.), even if systematic information is not being released early. However, to efficiently gather new information requires some starting information; to be able to make a clear assessment of how to assign resources for information-gathering, it helps to know the extent of your current knowledge, and how much information you might be missing (Lawrence

38 To reiterate, this relative difference is because groups in high-transparency environments have less need to pursue strategies, 1) that improve their information, since information is already available; 2) that decrease the chances of poorly tailored lobbying actions, since they have the information needed to narrowly tailor their actions; and 3) that help them respond effectively to surprises, since information availability means that there will be few surprises.
1999: 19). If uncertainty is so complete that there are more “unknown unknowns” than “known unknowns”, a group might not even realize that it needs to gather information.

One part of such a information-gathering strategy would be active monitoring of government actors. By doing so, groups would decrease the chances of missing random public announcements, and they would have a greater chance of gleaning information from the more public aspects of the policy-making process. Monitoring, however, will not necessarily help groups discover private information that is not otherwise released to the public. Still, heavy monitoring is likely to increase the amount of information available to groups, even though it does not guarantee full information.

To get private information about the policy process, groups would need to seek out discretionary information directly from policy makers. The success of this approach depends in great part on the information that friendly policy makers actually have. If a group asks its allies in government for information, those policy makers may not always have information about relevant actions taking place in other parts of government. Getting private information may also depend on how well the group asks its questions; if the group asks a fairly general question like “is anything going on that might affect us?” the policy maker answering the question may not think of everything that the group might have liked to hear. In other words, groups that assume a policy maker knows the full range of that group’s interests may not get full information, even from allies; even a sympathetic policy maker may overlook something that the group would consider very important.

This potential difficulty highlights a core dilemma of this information-enhancing strategy: discretionary information is very much at the discretion of policy makers. In other words, policy makers can decide whether or not they want to reveal particular information. Though some omission of information may be accidental, it may also be deliberate. Thus, where information is only available at the discretion of policy makers, groups will be very dependent on the goodwill of those policy makers for improving their information. The groups need policymakers to find out what is going on in the policy process (Andres 2009: 200; Salisbury 1990: 227). Groups who are not considered credible or positive partners for policy making may even be actively excluded by policy makers. This could be

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39 To paraphrase a former U.S. Secretary of Defense, Donald Rumsfeld.
systematic (i.e. a particular group is never a reasonable partner to give information to) or situational (i.e. a particular group is not given information in this particular case).

Perhaps most dangerous for groups is that some useful lobbying actions, namely protests or other public actions, can cause a backlash from policy makers. For example, the American Agriculture Movement put together a very public protest in Washington, D.C., in 1979, when they held a “tractorcade” on the Washington Mall; as Browne (1998: 75) noted, the immediate consequence was that “they lost their access, promptly.” Thus, provoking policy makers may put groups in a tenuous position. Very public and confrontational actions “may tear down relationships and create distrust among policymakers. The threat of a disruptive legal suit or the staging of a large-scale, media-seeking protest have such effects...Protests too often embarrass government officials, making them look unresponsive and ineffective to the public” (Browne 1998: 77-78). When groups are dependent on discretionary information, there is a real danger that a group who publicly embarrasses or criticizes policy makers will lose its informational privileges in the future. Such a group would likely be at a future disadvantage when trying to gather information about the policy process. This indicates a second aspect to the strategies for ensuring information: groups facing policy processes with low transparency will need to be relatively cautious about their public lobbying of policy makers.

Therefore, as a primary strategy, information gathering and monitoring can be very useful for reducing uncertainty, but it comes with provisos. First, where information is not provided systematically, groups may not know where to look for information, and thus may be more likely to miss something important; in addition, if groups do not know what information they are missing, it can be difficult to appropriately tailor their search strategy to find the “unknown unknowns”. Thus, under conditions of uncertainty, groups will need to employ a much broader and costlier monitoring strategy than groups under conditions of policy-making transparency. Second, where gathering discretionary information depends on the goodwill of policy makers, groups may be at a disadvantage if they pursue strategies that risk alienating those policy makers. Thus, under conditions of uncertainty, groups will need to be more cautious about their strategies of confrontation. In order to avoid upsetting policy makers, groups will need to soften the edges of their confrontational strategies or make strategic
arrangements to ensure their access to discretionary information if they are unable to temper their confrontation.

More concretely, these strategies should be observable in interest group behaviors in low-transparency environments. Relative to groups facing high transparency, low-transparency groups should be more likely to pursue heavy monitoring of the policy process; in other words, they should exhibit a greater alertness to the public information in the policy process and greater fervor in seeking out private information. In addition, groups under low transparency should be more likely to temper their public confrontations and criticisms of policy makers. While this does not necessarily mean that groups in low transparency will use fewer public tactics than groups under high transparency (since public tactics are an important part of lobbying strategies for groups with less direct access to policy makers), they will nevertheless try to balance out their public criticisms with public statements meant to placate policy makers. Groups faced with high transparency, on the other hand, will not need to temper their public statements, since the high transparency environment makes it more difficult for policy makers to exclude them from policy-process information.

Strategies for Mitigating Negative Consequences: Avoiding Errors

In addition to strategies for improving information acquisition, groups will also need strategies that can mitigate the potentially negative consequences of lobbying in a low-transparency environment. The first set of these strategies is to decrease the likelihood that a particular lobbying action is poorly tailored to the immediate policy process, and thus ineffective in supporting the groups’ goals and preferences. The second set of these strategies is to increase the likelihood that a group will be able to respond effectively and quickly to last minute surprises in the policy process.

Without information about the policy process, groups will have a more difficult time tailoring their lobbying actions to the particularities of the current policy moment. In particular, groups may find it difficult to decide exactly what type of message to send to policy makers. Because policy makers are busy, they need groups’ lobbying messages to be to the point, relevant, timely, and useful (Sabatier and Whiteman 1985; Bradley 1980); thus, it is the group’s responsibility to figure out how much and what policy makers know about the policy issue at hand when crafting their messages (Victor 2007: 830-1).
Groups can maximize the impact of their lobbying effort if they figure out what information policy makers are missing, overlooking, or undervaluing. But with low transparency, how will a group know what the most critical information is likely to be?

Broadly, a narrowly tailored message is likely to be very effective, since it will address exactly the issues on the table and the needs of policy makers at a given moment. The dilemma for groups under low transparency, however, is that a narrowly tailored message is likely to be poorly tailored; if the group doesn’t know exactly what is going on in the policy process, the lobbying message it constructs may not fit with the current policy process. If it is tailored to the wrong aspect of an issue or the wrong point in the process, it will be more easily ignored or dismissed by policy makers. Thus, a very narrow and specific message has a greater chance of failure under low transparency. In the long run, then, a group under low transparency will have fewer successes if it pursues a strategy of narrowly tailoring lobbying messages.

The group’s strategic choices are fairly restricted. It can decide that it will wait to send lobbying messages until it has more information about the current policy process, or it can try to send a lobbying message even if it does not have full information. The former choice, sending no message until there is more information, may mean that the group chooses not to lobby at all. If no lobbying messages are conveyed to policy makers, there is a much higher chance that a policy will be chosen that does not line up with the preferences and needs of the group. So, waiting, in order to send a narrowly tailored message later, may create costs from negative policy outcomes; but it may also create costs for the group if its constituents feel that the group did not actively try to fight for their preferences when the issue was on the table.

Strategically, then, a group may be better served by sending a lobbying message, even if it cannot be narrowly tailored. The alternative to the narrow message is to send a more general one. General messages cannot be as clearly tailored to particular issues on the table, because by their nature,

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40 For example, a narrow message might provide particular technical policy details for a proposal currently on the table, specifics on how or why a particular policy choice will successfully obtain a set of policy goals, or why an alternative to the specific proposals already on the table would be more effective in achieving the policy makers’ policy goals.
they cannot deal as well in the important details of policy issues. Nevertheless, they are well suited for laying out the reasons why particular policy issues should be on the agenda, and how they might generally be resolved. This means that a general message may be more applicable to a wider sweep of the policy process, and has a greater chance of fitting (at least generally) with the current issue on the table.

Groups under low transparency, then, have the incentive to approach their lobbying messages more generally. Compared to groups under high transparency, the low-transparency groups should be more wary to use narrow, specific, messages when they may be missing information about the policy process, and instead will be relatively more likely to use general messages. In other words, low transparency groups should adapt their lobbying strategy to approach the policy process more generally, rather than trying to achieve narrow tailoring when there is little information.

Strategies for Mitigating Negative Consequences: Responding to Surprises

Groups operating in low-transparency environments must also strategically prepare for the possibility of surprises. Since low-transparency policy making means that groups may not find out about a particular policy moving through the policy process until policy options have narrowed considerably, groups will need strategies to respond reasonably quickly once information is finally made available. In other words, finding out about a policy very late in the process could be a very costly surprise, especially if there is little time to respond with an effective lobbying action. Thus, groups will need to prepare strategies to act at the last minute.

Surprises can be particularly damaging because they essentially force groups to lobby later than they would otherwise have liked to. As discussed earlier, the later in the process a group lobbies, the greater the chances that it will need to expend big resources to have an impact. The difficulty is that “big resource” expenditures generally require some time and effort to put together. For example, putting together a coordinated response between several interests groups with a common interest takes time; coalitions generally require negotiations to decide exactly what positions the coalition will take,

41 Since messages have a “fixed” length, due to the time and attention span of message recipients, a broad message will not be able to go into as much depth on the issues contained within it as a more narrowly-tailored message might.
and how it will take action. And there is always the chance the groups will fail to negotiate an acceptable common approach, and the coalition attempt will fail; if a group is trying to respond quickly to a surprise, spending time and effort on a failed endeavor will decrease its chances of effectively lobbying on its own. Another example would be mobilizing the group’s constituents to put pressure on policy makers. The group needs to reach out to sympathetic citizens (including its members), convince them that their individual action is needed, and provide them with a clear path for action. Mobilizations that are easiest to put together (i.e. getting members to e-mail government actors) may not have the biggest impact on policy-makers; mobilizations that have a greater impact, on the other hand, (actually getting people to displace themselves for a protest action) may be more difficult to coordinate. Thus, surprises mean that groups may need to prepare for doing something big for their last-minute lobbying, but may also be less able to pull a big action together.

Though groups may not be able to prevent the surprises themselves, they do not have to be passive to their consequences. Instead, they can pursue adaptive strategies to increase their ability to respond to surprises, especially to surprises that require bigger lobbying actions. One concrete way for groups to deal with surprises is to institutionalize their last-minute responses. At the most basic, this means that groups would set up regular procedures or a division or specialization of labor needed to implement lobbying actions (Shepsle 2010: Ch. 11). In other words, institutionalization requires incurring up-front costs to set up regularized responses, but it also makes it possible to implement lobbying actions with fewer immediate costs when a surprise actually occurs. For instance, institutionalizing permanent procedures and structures for negotiating coalitions between groups is one way to defray the transaction costs that make last-minute actions more difficult to implement.43

There is no reason to expect that groups under high-transparency conditions would bother paying the set-up costs of institutionalizing their responses; with early information releases, groups would likely have plenty of time to put together their lobbying actions before they are needed. In

42 As Shepsle (2010: 355) notes, “a political community is much less likely to treat recurring, consequential problems in an ad hoc manner. Instead, it develops routines—standard ways of doing things...In a word, responses to regularly recurring problems are often institutionalized”.

43 Transaction costs are the “costs of doing business” (Shepsle 2010: 358), which include the costs of negotiating and reaching an agreement, as well as the costs of maintaining or carrying out that agreement (Williamson 1985).
addition, early information releases mean that last-minute surprises will be relatively unlikely. Thus, groups will have little incentive to set up institutionalized responses; instead, they can deploy their resources on a case-by-case basis. On the other hand, groups who face the potentially dire consequences of very costly last minute surprises, will have a great incentive to prepare for costly lobbying actions in advance. If preventative measures can reduce the transaction costs of setting up big lobbying actions down the line, then groups will have good reason to pay for those in advance. Then, when a surprise does happen, the group can fall back on its institutionalized lobbying responses and react more quickly to the current imperatives of the policy process.

Therefore, groups under conditions of low transparency should prepare in advance for potentially costly late actions. This early preparation is likely to take the form of institutionalized lobbying responses. On the other hand, there is little reason for group under conditions of high transparency to prepare in advance for costly late actions. The observable implication is that low-transparency groups will be relatively more likely to use early preparations and institutionalization, when compared to high-transparency groups.

Summary of Observable Implications

These theoretical arguments indicate that groups in high-transparency environments, where there is a good deal of information about the policy process available to groups, should be more likely to use an ad-hoc strategic approach to lobbying. On the other hand, groups facing low-transparency environments will need to adapt their strategies to deal with the uncertainty of making decisions with less information.

Thus, we should be more likely to see groups under low transparency taking strategic actions that mitigate the negative consequences of implementing lobbying with low information. Low-transparency groups should be relatively more likely than high-transparency groups to use a variety of mitigating strategies. These mitigating strategies include 1) strategies to increase the amount of available information, either by heavy monitoring of public information or improving access to discretionary information; 2) strategies to decrease the chances of making costly lobbying errors, such as implementing more general lobbying actions (rather than narrowly tailored actions); and 3) strategies
for responding effectively to surprises, by preparing in advance for potentially costly lobbying actions
such as through institutionalizing lobbying responses.
Chapter 3: Cross-National Comparisons of Transparency

Introduction

In the previous chapter, I proposed that we can understand certain strategic behaviors of interest groups as responses to the transparency of the policy-making process. I argued that the level of transparency for a particular policy process was a function of the timing of systematic information releases, where any information not released systematically was at the discretion of policy makers. The particular pattern of information releases creates an environment of uncertainty (or certainty) for groups as they construct their lobbying strategies. In order for groups to effectively lobbying, then, they need to know what is going on in the policy process.

In this chapter, I focus on the independent variable: levels of policy-making transparency. I investigate specific institutional structures that may promote or hinder policy-making transparency, and thus, that determine the levels of uncertainty that groups contend with when constructing their lobbying strategies. The specific question asked in this chapter is: how can we effectively characterize the level of transparency in a particular policy-making process? I consider whether a large-N approach, looking at major institutional variables, is an effective way to capture variation in policy-making transparency. In the end, I argue that, for the moment, a large-N approach does not provide an adequate understanding of policy-making transparency; instead, I suggest it is currently more effective to use thick description of national policy-making processes — to lay out the critical junctures where groups need information and where groups get information. I conclude the chapter with a discussion of how I will use such thick description to investigate the impact of policy-making transparency on forestry groups in France and Sweden.

For the large-N approach, I use cross-national data to explore which institutional factors are most likely to predict the transparency within a given political system. Conceptually, as I have defined it, transparency varies as a function of the temporality of systematic information release within the policy process, and, residually, the role that discretionary information plays in the process. However, temporality and discretion are not simple to measure directly. Part of the difficulty is that the policy-making process does not lend itself to straightforward data-set creation. Unlike the dominant macro
institutions, such as electoral rules or the type of executive, the policy-making process is not a clearly demarcated characteristic. Instead, it consists of many small rules and norms about who takes part in policy-making and how policy is elaborated and decided. These can be very clear, such as a requirement that all policy must be voted on by the legislature, or they can be both obscure and changeable, such as which civil servant gets the first go at drafting a new rule to be considered by a minister. The number of steps and actors can make it difficult to compare policy processes across countries, particularly through numerical variables in large cross-national data-sets.

Therefore, in this chapter, I focus on institutional variables that serve as reasonable proxies for the types of policy-making institutions that should affect transparency. For my dependent variable, I use survey results about perceptions of policy-making transparency as a proxy for true levels of transparency. In particular, I use the Executive Opinion Survey results, which asked businesses around the world whether they think their home countries were transparent when it comes to policy making.

As a first cut at understanding policy-making transparency, I compare the relationships of two major potential explanatory variables to perceptions of transparency by lobbying interests: one that I expect should not have a major influence, and one that should. I first test the impact of the one type of institution that is usually thought to be extremely important for transparency: freedom of information (FOI) laws. As I noted in the previous chapter, however, I do not expect that FOI laws will be strongly correlated with actionable information, as many of these laws explicitly exclude the release of information about decisions that are in process. Thus, while they may broadly increase transparency (in the general sense), they do not necessarily increase policy-making transparency that is useful to lobbying groups. I then compare the impact of FOI laws on transparency with the impact of a variable that I do expect to vary with transparency: the amount of policy-maker discretion in the policy process. The greater the importance of policy-maker discretion, the less likely it is for there to be major systematic releases of information early in the policy process. To test this, I use a proxy variable for policy-maker discretion, namely perceptions of policy-maker favoritism in policy decisions. The results for these two tests support my hypotheses. While FOI laws are not significantly related to perceptions of transparency, policy-maker discretion is strongly related to that transparency. In other
words, my characterization of the critical components of policy-making processes for transparency is supported.

For my second cut at policy-making transparency, I consider the relationships between particular institutions of the policy-making process and perceptions of transparency. To do this, I use data on a few specific institutional variables in 17 European countries, from Strom, Muller, and Bergman (2003; 2008) and their Constitutional Change and Parliamentary Democracies Data Archive (2010). Since their dataset was constructed to compare institutions that help or hinder delegation and accountability between various actors in the political process, they are a reasonable proxy for points in the political process that may release information about that process to a broader public. I use them to investigate whether or not it is possible to identify individual institutions that strongly impact transparency. For example, some countries require their potential cabinets to present policy programs to parliament prior to an investiture vote. Such openness about policy goals might create some transparency about the intent of governments to pursue certain policy options, though it does not necessarily provide actionable information about when or how a policy will be pursued. I also look at the roles of major actors in the decision-making process and the rights of Members of Parliament to ask questions of government. The results suggest that it may not currently be possible to isolate particular institutions that have large impacts on perceptions of transparency.

I conclude the chapter by explaining why a thick-description approach is likely to be more effective in categorizing the transparency levels of different policy-making processes. While the critical variable in this dissertation is transparency created by the timing of systematic information releases during the policy-making process, there may actually be many different institutional means of releasing such information. The actual variety of institutions during the policy process, and the way they allow for information releases (whether systematic or discretionary), then, will need to be considered in detail. Because of this, I explain why I use a paired comparison of France and Sweden to more narrowly investigate the impact of transparency on forestry interest groups in the rest of the dissertation.

The main points to take away from this chapter are that the discretion of information releases does seem related to transparency, but that it is also apparent that a “thicker” approach to characterizing the institutions and rules of the policy-making process needs to be considered in order to determine
whether a country has high or low levels of policy-making transparency. Large-N cross-national studies provide some traction on the questions, but the more in-depth country studies of the following chapters are critical to get at the impacts that institutions have on transparency, and ultimately, on group behaviors and strategies.

**Measuring Levels of Transparency**

The dependent variable under consideration here is the transparency of the policy making process. Theoretically, transparency is determined by the forms of actionable information released during the policy-making process. Thus, a polity is transparent when interested stakeholders, such as interest groups, have access to information about the policy-making process before policy and regulatory decision are made. This requires that the timing of the information release be prior to major decision points in the process, because actionable information can only be actionable if it released before action must be taken. In addition, actionable information can only reduce uncertainty around strategy decisions if stakeholders can be reasonably sure that they will reliably have access to this actionable information; random or occasional actionable information at the discretion of policy-makers may help groups make strategic decisions in one specific instance, but it requires other strategic choices to respond to the uncertainty when actionable information is not provided.

This, of course, is a theoretical construct that is difficult to measure in large-N, cross-national, data-set form, as it requires fairly detailed knowledge of specific policy-processes in each country. In order to test some of these ideas about transparency on a larger scale, then, I rely on survey data that captures the perceptions of policymaking transparency held by those who interact with and depend on the state policy-making apparatus. The potential problem with using survey data to understand transparency is that many constructions of transparency do not line up with the way I describe it here. Broadly asking whether someone thinks their nation is transparent may capture transparency that is not about actionable information or even the policy process, but rather about information released after government decisions have been made on a variety of subjects; this latter form of transparency may be very useful for holding decision-makers accountable for their actions, but it is not particularly helpful for actors who want to influence those decisions before they are made.
To get at transparency of the policy process, I use survey results from the World Economic Forum’s annual Executive Opinion Survey (EOS), as presented in the *Global Competitiveness Reports.*

Respondents were asked to rate the transparency of government policy-making on a 1 to 7 point scale. However, the specific question defines transparency fairly narrowly; it asks whether firms are “informed clearly and transparently by the government on changes in policies and regulations,” or whether it is “easy” for businesses “to obtain information about changes in government policies and regulations” (Cornelius, Schwab, and Porter 2003; Lopez-Claros et al. 2006; Porter et al. 2004a; Porter et al. 2004b; Porter and Schwab 2008; Schwab and Porter 2007; Schwab and Sala-i-Martin 2009; Schwab and Sala-i-Martin 2010). In other words, in this survey, transparency is specifically defined as the release of information about changes to policies and regulations. While the questions on transparency do not necessarily refer to actionable information released prior to decisions being made on policies and regulations, they do focus narrowly on policy-making and its outcomes.

The type of transparency measured by this survey, then, is fairly specifically attuned to the transparency of the policy process, or at the very least to the transparency of policy-process outcomes. Because respondents are asked to give a rating of the transparency and clarity of information given to firms about changes in policies and regulations relevant to their industry, the EOS specifically addresses whether groups are informed about the critical outputs of the policy process. While this data is not a perfect match to the theoretical construct of transparency that I present here, it is fairly close. Thus, I consider the EOS transparency question a reasonable operationalization of levels of transparency in the policy process.

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1 The creators of the survey are research partners with the World Bank, Transparency International, and USAID, among other institutions (Geiger and Loades 2006: 127). The survey presents numerical scores of the “perceptions of business executives who have not only broad familiarity with the current conditions in their country, but also knowledge and experience of the global environment” (Geiger and Loades 2006: 125). The survey uses institutions in targeted countries to administer the survey “thoroughly and consistently,” and to ensure that each country’s response is a representative sample of the business sector (Geiger and Loades 2006: 126). The survey is conducted during the first quarter of the year (Browne and Geiger 2010). The *Global Competitiveness Report* provides a single country-level mean score for each question, which is the average score for all of the respondents within that country. The producers of the survey employ a number of data analysis techniques to ensure that the country-level score is accurate and representative of the responses provided, and is not overly affected by outliers or skewed response rates (Browne and Geiger 2009; 2010). In addition, to make certain that responses are not overly dependent on the particular year in which the survey was given, a moving average has been used since 2007, combining a “weighted average of the most recent year’s Survey results together with a discounted average of the previous year” (Browne and Geiger 2009: 54).
Structure of the Dependent Variable

The level of transparency for each country is given in a single yearly score, which calculates an average of all of the EOS survey responses in a given country for each year. Therefore the data, in its original form, presents a single transparency score for each country-year observation. However, since the *Global Competitiveness Report* provides these unitary scores after the original survey responses have been weighted and (since 2007) included in a moving average, it is not entirely reasonable to maintain the data in a country-year format when comparing it to relatively invariant institutional variables. For this reason, for most of the following tests, I use a mean transparency score for each country, which averages all of the observations available from 2002 to 2010.²

A Business Bias?

As a critical side note, it is important to emphasize that this survey presents the perceptions of the *business community* active in each country. In addition, it is skewed towards business interests who are more likely to have international ties and concerns; the surveyors specifically “select companies whose size and scope of activities guarantee that their executives benefit from international exposure” to enhance the likelihood that their responses will consider their own country’s performance compared to others (Geiger and Loades 2006: 133).

It is likely the case that the perceptions of business interests will indicate the upper bounds of *transparency* in a given country. There are several reasons why business interests are more likely to get policy-making information, compared to other societal interests. Since many interest group systems show an overrepresentation of economic interests (e.g. Schlozman 1984; Eising 2007b), we can expect that if any interests get information about the policy-process, it will be those that are well-represented in the political arena. Business interests are often very active in the policy-process and tend to have high levels of access to policy-makers. Thus, it is precisely these over-represented business interests which

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² I only use the original country-year scores when I test transparency against policy-maker discretion, since that latter variable also comes from the EOS Global Competitiveness Report and thus both measures are calculated in the same way. See Appendix 3A for a more in-depth discussion of the transparency data, as well as the statistical acceptability of creating an average transparency score for each country from the original country-year data.
are most likely to get information about the policy process, and are most likely to perceive it as transparent.

In addition, we should expect business interests to have high incentives for gathering information about the political arena, since government policy and regulations can affect their bottom line. This, too, should increase the sensitivity of business interests to policy-making transparency, when compared to groups who follow government policy to maintain their constituencies or take ideological stands. It is the business community which should be paying the most attention. Thus, we should expect business interests, particularly of large and internationally oriented companies, to be likely the most well informed about the political arena, and therefore more sensitive to maximum levels of transparency of the policy-making process.

These considerations also imply that when business interests perceive a polity as not transparent, other interests should generally perceive it as equally or less transparent. While some individual groups supporting other interests may be better informed than the business community as a whole, it is unlikely that all other groups will have more information than the business groups who are overrepresented and have a high incentive to gather information. Thus, there is little reason to expect that policy making is broadly more transparent than business interests perceive it to be.

In other words, the perceptions of transparency held by business interests should fairly accurately present the maximum transparency of a given country. Therefore, the tests presented in this chapter consider which institutions of the policy process affect the transparency perceptions of those interests who are likely most attuned to the policy arena.

**Transparency and Freedom of Information Laws**

Transparency is often directly linked to freedom of information and the press. These laws and regulations require (usually ex post) release of government and administrative information and/or rights of access to that information. The question to ask, however, is whether freedom of information laws affect the transparency that is measured here: whether interests find out about new policies and regulations being considered or passed by government.
Freedom of Information (FOI) laws have a number of common elements (Banisar 2006). They tend to focus on the executive and the bureaucracy, rather than on courts or legislatures; usually, any recorded information is included in the right to access, though there may or may not be provisions for information that is not yet recorded (i.e. oral information) or finalized (Banisar 2006: 21-22). Some laws require pro-active release of certain types of information — potentially including “details of government structures and key officials, texts of laws and regulations, current proposals and policies, forms and decisions” — while other types of information must be requested (Banisar 2006: 25).

While these FOI provisions increase general transparency, which can greatly enhance the accountability of government officials, they do not necessarily ensure that actionable information is released. Therefore, they do not necessarily increase policy-making transparency for interest groups as I have defined it here. For interests who have a stake in influencing policy outcomes, then, these FOI laws should not increase their information about what is going on in the policy process at a given moment, and therefore should not increase the perceived levels of transparency about the policy process. Thus, I hypothesize that levels of transparency in countries with Freedom of Information laws should not differ significantly from levels of transparency in countries without those laws.

Using Privacy International’s 2006 report on FOI laws (Banisar 2006: 166-167), I constructed a binary variable, coded as “1” if a country has FOI laws or regulations, and “0” if it does not. Banisar (2006) lists 72 countries with such rules in place. Of the 143 countries with transparency scores, 68 countries have FOI laws and 75 do not. For example, Azerbaijan, France, Latvia, Pakistan, and Sweden are all listed as having FOI laws or regulations; on the other hand, Algeria, El Salvador, Luxembourg, Paraguay and Singapore are not listed as having such laws.

The simplest method of testing the impact of FOI laws is to compare the mean transparency level for each of the two groups of countries: those with FOI laws and those without. This is possible because the variance (standard deviations) of each group is statistically indistinguishable, though

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3 Since there is a single FOI observation for each country, I use the average transparency level for each country as the dependent variable.

4 To accurately compare the means of two groups, the variance of each must be equal. A variance ratio test can be used to determine whether the standard deviations of two groups are equal (sdtest in Stata). The variance test of the two groups here — one with FOI laws and one without — indicates that the standard deviations for each group are not significantly different.
Figures 3.1 and 3.2 show slightly different distribution patterns. In the mean comparison test, the mean level of transparency for the group of countries with FOI laws is 4.12 (on a 1 to 7 point scale); the mean for the group of countries without FOI laws is 4.03. While this indicates that the countries in the FOI group have a slightly higher level of perceived transparency, this difference in means is not statistically significant. Therefore, we cannot conclude that the means of the two groups are different. The group of countries with FOI laws does not have a statistically higher level of transparency than the group of countries without FOI laws.

A simple regression with robust standard errors supports the conclusion that Freedom of Information laws are not significantly related to transparency levels, as can be seen in Figure 3.3.

5 The mean level of transparency for the full sample (both groups together) is 4.07 (on a 1 to 7 point scale).

6 Using a two-sample t-test with equal variances (ttest in Stata), the null hypothesis that the two groups have the same means cannot be rejected at a 90%, 95% or 99% level of confidence. In other words, the means of the two groups are not statistically different.

7 The histograms shows the distribution of mean transparency levels. The fitted lines show the scaled normal density with the same mean and standard deviation as the data.

8 Using robust standard errors, the dummy variable for Freedom of Information laws (1=has law or regulation; 0=does not have) has a coefficient of 0.08, with a p-value of 0.507 (not significant at the 0.05 level). The constant has a coefficient of 4.03 and a p-value of 0.000 (significant at the 0.05 level).
These results hold even if the major outliers are removed. Singapore, without FOI laws, has a mean transparency level of 6.13, which is the highest transparency level in the data-set. Removing Singapore from the regression does not affect the non-significance of the FOI variable.\textsuperscript{9} Similarly, the results are similar if the low-end outliers Haiti and Venezuela are also removed (mean transparency level of the former is 2.6, and the latter is 2.4).\textsuperscript{10} Statistically, we cannot distinguish between the two groups with any certainty.

\textbf{Figure 3.3: Mean Transparency and Freedom of Information}\textsuperscript{11}

\textsuperscript{9} When Singapore is removed from the dataset, the Freedom of Information dummy variable has a coefficient of 0.11 and a p-value of 0.365 (not significant at 0.05 level). The constant has a coefficient of 4.00 and a p-value of 0.000 (significant at the 0.05 level).

\textsuperscript{10} When Singapore, Haiti, and Venezuela are removed from the dataset, the Freedom of Information dummy variable has a coefficient of 0.07 and a p-value of 0.563 (not significant at 0.05 level). The constant has a coefficient of 4.05 and a p-value of 0.000 (significant at the 0.05 level).

\textsuperscript{11} Countries without freedom of information are graphed at 0 on the x-axis; countries with freedom of information laws are graphed at 1 on the x-axis. The shaded area shows the 95% confidence band indicating the amount of uncertainty in the estimate for the line of best fit.
**Transparency and Discretion**

In lieu of freedom of information laws, I have argued that groups will perceive the policy-making environment as less transparent, and therefore more uncertain, when more information is disseminated at the discretion of policy-makers. In this section, I test whether perceptions of discretion and transparency are indeed connected, and therefore whether discretion is a reasonable way to understand the impacts of policy-process transparency on group behaviors and strategies.

My theoretical arguments in Chapter 2 suggest the following specific hypotheses: all else equal, where policy-makers have less discretion in the dissemination of information, there will be higher perceptions of transparency (and thus, less uncertainty). Conversely, where there is more discretion for information dissemination, transparency perceptions will be lower (and thus, uncertainty will be higher).

This informational discretion on the part of policy makers is not easily measured cross-nationally. However, the Executive Opinion Survey (EOS) does provide a reasonable proxy measure of perceived discretion in policy outcomes. Specifically, the EOS surveys business leaders on their perceptions of favoritism in the decisions of government officials: whether government officials “usually favor well-connected firms and individuals” or “are neutral” in their decisions about policies and contracts. These questions measure the perceptions that business leaders have of the favoritism or neutrality of policy-process outcomes.

While the EOS favoritism measure does not perfectly operationalize the theoretical construct of informational discretion, it does give some traction on the concept. It implicitly provides a measure of policy-maker discretion over one particular aspect of the policy-making process: decision-making outcomes. The logic for this inference is as follows: for government officials to show favoritism toward certain interests over others, they must have some discretion in the policy process. In other words, if policy-makers had no discretion over their decisions, business leaders would be less likely to conclude that government officials were systematically favoring some interests over others.

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12 While the question wording has changed over time, there is no evidence that it has a systematic effect on the responses (See Appendix 3B).
Of course, having discretion means that you can use it as you see fit. It is a necessary, but not sufficient, condition for outcomes based on discretion. In other words, where we see high levels of favoritism, there should be discretion. However, low levels of favoritism do not mean that there is little discretion; instead, it is possible that there is discretion, but that it is not used for favoritism. This suggests that we can confirm that there is discretion where there is a high level of favoritism, but not necessarily that there is little discretion where there is a low level of favoritism. Thus, the level of favoritism only indicates the use of discretion, rather than the actual amount of discretion that policy makers have.

The purpose of this section, however, is to determine whether discretion is a reasonable variable with which to understand transparency. While the favoritism form of policy-making discretion is not necessarily the same as informational discretion on the part of government officials, there are strong reasons to assume that they should co-exist. It is likely that government officials with more discretion over policy-making outcomes will also have more discretion for releasing information about the policy-process; the converse should also be true — officials with less discretion over one aspect of the policy process should have less discretion over others. Indeed, discretion in informational release could even be described as favoritism in information sharing, rather than the favoritism in policy outcomes as is measured in the EOS survey.

Thus, where there is a high level of favoritism (high use of discretion) for policy outcomes, we should also expect business leaders to perceive low levels of transparency; since those policy-makers who employ their discretion through favoritism can also employ it to limit information. Conversely, where there is a low level of favoritism (low use of discretion), we should also expect business leaders to perceive high levels of transparency; where policy-makers do not use discretion to pursue favoritism, they should also not use it to limit information. All else equal, I expect that policy-makers who employ
their discretion through favoritism will also employ it to limit information; conversely, those who do not or cannot employ discretion in policy outcomes (for favoritism), will not withhold information.\textsuperscript{13}

As we can see in Table 3.1, most country-years observations follow this pattern. Of the 948 country-years in the dataset, 756 (80\%) fall on the diagonal: low transparency paired with high favoritism, and high transparency paired with low favoritism.\textsuperscript{14} Thus, when business leaders perceive that government officials employ favoritism when making policy and contract decisions, they also perceive that they do not receive information about the policy process and policy outcomes. Conversely, when they perceive the government as neutral in its decisions, they also perceive that they receive information about the policy process and its outcomes. In other words, perceptions of transparency vary inversely with the use of discretion (favoritism) on the part of policy-makers.

<table>
<thead>
<tr>
<th>Table 3.1: Cross-Tabulation of Transparency and Favoritism\textsuperscript{15}</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low Transparency</strong></td>
</tr>
<tr>
<td><strong>High Favoritism</strong></td>
</tr>
<tr>
<td><strong>Low Favoritism</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

\textsuperscript{13}It is important to note that the act of limiting information does not necessarily need to be corrupt, nefarious, or even conscious. Where policy makers do not provide information, it may be that they simply do not know that the information would be useful for some group; or that they did not think to provide the information to all possible stakeholders. In other words, withholding of information may be the result of benign neglect, rather than willful silence. However, the critical point is that any of these routes require that policy-makers have discretion over what and when to disclose.

\textsuperscript{14}Note that these observations are not independent, since each country has multiple country-year observations attributed to it. The regression analysis, below, takes this dependence into account.

\textsuperscript{15}Both the transparency and favoritism scores are continuous variables bounded by 1 and 7 (the lowest and highest scores available to respondents). To construct the tabulation, I created binary variables to distinguish high and low scores. For both variables, I used the variable’s mean as the cutoff between high and low. The EOS questions are worded so that the “desirable” attribute receives the highest scores; therefore, low perceptions of favoritism are coded as 1, while high perceptions of transparency are coded as 1.
These results also hold when the EOS scores for transparency and favoritism are correlated across the country-year observations. A correlation of the two (results not shown) across the full data-set, using pairwise deletion, shows a correlation of 0.81 (significant with a p-value of 0.000). In other words, as perceptions of favoritism increase, perceptions of transparency decrease.\(^{16}\)

These tabulations and correlations, however, are calculated across the full country-year data set. This means that there are multiple observations for each country (as many as 8), and we cannot assume that these results are fully independent. In order to determine whether favoritism has a significant impact on transparency, independent of country-specific factors, I use a regression with robust standard errors that allows me to cluster by country.\(^{17}\)

As can be seen in Table 3.2, favoritism is very significantly correlated with transparency. A one point increase in the favoritism score (signifying a decrease in perceptions of favoritism on the 1 to 7 point scale), is associated with an 0.73 point increase in transparency. This result holds, with little change, even when the question wording and 2010-2011 year are controlled for.\(^{18}\) The question dummies are significant indicating that there is some change in the transparency scores from one time period to the next; this may be a result of temporal changes or question wording, but it does not have an impact on the significance of favoritism. Indeed, the limited regression, where favoritism is the sole independent variable, appears to account for 65% of the observed variance in transparency, as indicated by the $R^2$. The question and year dummies account for only an additional 6 to 7% of the variance. These results indicate that the scores for favoritism are strongly related to the scores for transparency.

---

\(^{16}\) While the correlation is positive, the relationship is negative because of the structure of the EOS data. High scores on the favoritism variable indicate low favoritism, while high scores on the transparency variable indicate high transparency.

\(^{17}\) Robust standard errors are needed here, because it is not possible to assume that the observed variables are independent (and, consequently, that the residuals are independent). Indeed, it is highly likely that the scores for each country across the various years are highly dependent! Thus, the standard assumptions of independence for OLS regression likely do not hold. Using robust standard errors also helps control for the effects of outliers. (UCLA ATS; UCLA ATS 2010)

\(^{18}\) I include dummy variables for each question (the question asked in 2002-2003, 2003-2004, and 2004-2005, is the excluded category), in order to control for any potential temporal effects on the variables. I also include a dummy for the year 2010-2011. Please see Appendix 3A for a discussion of the use of question dummies vs. year dummies.
Table 3.2: Impact of Favoritism on Transparency

<table>
<thead>
<tr>
<th>transparency</th>
<th>Model 1 (Robust)</th>
<th>Model 2 (Robust)</th>
<th>Model 3 (Robust)</th>
</tr>
</thead>
<tbody>
<tr>
<td>favoritism</td>
<td>0.73*</td>
<td>0.74*</td>
<td>0.74*</td>
</tr>
<tr>
<td>Q234</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Q678</td>
<td>-</td>
<td>0.35*</td>
<td>0.35*</td>
</tr>
<tr>
<td>Q910</td>
<td>-</td>
<td>0.53*</td>
<td>0.47*</td>
</tr>
<tr>
<td>y2010</td>
<td>-</td>
<td>-</td>
<td>0.13*</td>
</tr>
<tr>
<td>constant</td>
<td>1.71*</td>
<td>1.33*</td>
<td>1.38*</td>
</tr>
</tbody>
</table>

N | 948 | 948 | 948 |
R-Squared | 0.654 | 0.714 | 0.716 |
Clusters (Country) | 143 | 143 | 143 |

This relationship remains equally significant if the mean levels of transparency and favoritism are used for each country in the data-set. This reduces the number of observations to 143 (one per country), but does not affect the relationship between transparency and favoritism, as can be seen in Table 3.3. As with the full country-year data-set, when mean favoritism scores increase by 1 point (indicating a decrease in perceptions of favoritism), mean transparency increases by 0.745 points. The amount of variance in the mean transparency scores that is explained by mean favoritism is a very high 76%, as indicated by the R².

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19 Country-Year is the unit of observation. Note: * indicates significance at 99% confidence level (p-value>0.01).

20 Note that it is not possible to control for question or year when using mean scores. Please see Appendix 3A for a discussion of why it is appropriate to average the yearly scores into a single mean score for each country.

21 Again, both measures are calculated on a 1-to-7 point scale.
Table 3.3: Impact of Mean Favoritism on Mean Transparency

<table>
<thead>
<tr>
<th>Mean Transparency</th>
<th>Model 1 (Robust)</th>
<th>Model 2 (OLS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean Favoritism</td>
<td>0.745*</td>
<td>0.745*</td>
</tr>
<tr>
<td>Constant</td>
<td>1.651*</td>
<td>1.651*</td>
</tr>
<tr>
<td>R-squared</td>
<td>0.7590</td>
<td>0.7590</td>
</tr>
<tr>
<td>N</td>
<td>143</td>
<td>143</td>
</tr>
</tbody>
</table>

The strength of the relationship between perceptions of transparency and favoritism can be seen very clearly in Figure 3.4. Most of the observations are fairly close to the line of best fit, and there are no strong outliers. Visually, it is apparent that transparency and favoritism vary together in these countries, and that they are very closely related.

---

22 Using country as the unit of observation (mean scores for both transparency and favoritism). Note: * is significant at 99% confidence level (p-value>0.01)
Given the bivariate nature of these regressions, it would be unfounded to argue that they definitively show that levels of discretion (favoritism) cause particular perceptions of transparency. However, given the strong relationship between the two, I propose that favoritism captures some of the potentially discretionary nature of policy-making. These results indicate that it is reasonable to consider the discretion of policy-makers as a relevant variable for understanding the transparency of the policy process.

In summary, the data shows that transparency varies strongly with policy-maker discretion, but it does not have a clear relationship to freedom of information laws. These findings provide good support for conceptualizing transparency as a function of the policy-making process — indicated here by a proxy for policy-maker discretion — but not as a function of freedom of information laws, which are usually seen as an appropriate proxy for transparency by organizations that advocate for its increase. In sum, interests with a stake in shaping policy outcomes find the actionable transparency created by the

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23 A scatter plot of the mean transparency scores against the mean favoritism scores for each country. The shaded area shows the 95% confidence interval indicating the amount of uncertainty in the estimate for the line of best fit.
policy-making process much more relevant than the general transparency created by freedom of information laws.

**National Institutions and Transparency**

The strong relationship between policy-maker discretion and transparency indicates that policy makers’ roles in the policy process have a real impact on perceptions of transparency. However, this does not necessarily tell us which institutions of the policy-making process will have the greatest impact on transparency. The question is whether it is possible to identify individual institutions that have a direct impact on groups’ perceptions of transparency, or whether transparency (and the discretion of policy-makers) is better viewed as a characteristic of the full policy-making process. In particular, can a few institutions be identified across a large number of countries, or will it be necessary to take an in-depth look at the way information is released in each policy-making process?

To get at this question, I look at several institutions of government that should serve as junctures for information release in the policy process, namely those institutions that mediate accountability relationships between formal actors in the policy process. In other words, these are institutions that impact the ability of various political principals to keep their agents honest and on task, through procedural mechanisms that allow those principals to demand information from their agents or impose sanctions on their agents when they deviate from the principals’ desires (Bergman, et al. 2003: 110). While such institutions do not necessarily provide information to interest groups, they do indicate that information is being actively passed between political actors, and thus are reasonable proxies for institutional points where interest groups may gain access to that same information. In particular, I use institutions identified by Strom, Müller, and Bergman (2003; 2008) that can be found in the Constitutional Change and Parliamentary Democracies Data Archive (2010). This data set covers institutions of accountability across seventeen European democracies.24 The specific institutions that I

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24 The delegation and accountability data set was constructed using information from country experts, as well as secondary sources and formal documents (Bergman et al. 2003: 111). While the data-set includes changes in institutional structures over time, I limit my own usage to most current portion of the data set which presents the institutions as they stood on January 1, 2000. There is a temporal disconnect between this data, and EOS surveys which cover the following decade (2002-2010); however, most such institutions remain fairly stable over time, which should lessen any errors that might arise from this disconnect.
consider are requirements for mandatory ex ante screening of the government program, the rules for parliamentary questions, and the distribution of decision-making powers between actors in the executive and legislative branches.

The seventeen countries included in the dataset have a fairly wide range of transparency levels, given that they are all European democracies. They vary from Italy’s low mean score of 3.44 to Finland’s high mean score of 5.61, both on a 1 to 7 point scale (see Table 3.4). The standard deviation for the countries ranges from 0.18 for Spain to 0.67 for Norway, indicating that the transparency scores have varied more for some countries than others. However, there is no significant relationship between a country’s level of transparency and the amount of variance across the survey years.25

<table>
<thead>
<tr>
<th>Country</th>
<th>Mean Transparency, 2002-2010</th>
<th>Standard Deviation of Transparency Scores, 2002-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>3.44</td>
<td>0.30</td>
</tr>
<tr>
<td>Greece</td>
<td>3.75</td>
<td>0.26</td>
</tr>
<tr>
<td>Spain</td>
<td>3.99</td>
<td>0.18</td>
</tr>
<tr>
<td>Belgium</td>
<td>4.06</td>
<td>0.26</td>
</tr>
<tr>
<td>Portugal</td>
<td>4.13</td>
<td>0.40</td>
</tr>
<tr>
<td>France</td>
<td>4.55</td>
<td>0.41</td>
</tr>
<tr>
<td>Austria</td>
<td>4.83</td>
<td>0.49</td>
</tr>
<tr>
<td>Ireland</td>
<td>4.94</td>
<td>0.38</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>4.96</td>
<td>0.26</td>
</tr>
<tr>
<td>Germany</td>
<td>5.01</td>
<td>0.42</td>
</tr>
<tr>
<td>Norway</td>
<td>5.04</td>
<td>0.67</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5.21</td>
<td>0.28</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>5.41</td>
<td>0.27</td>
</tr>
<tr>
<td>Iceland</td>
<td>5.45</td>
<td>0.23</td>
</tr>
<tr>
<td>Sweden</td>
<td>5.46</td>
<td>0.50</td>
</tr>
<tr>
<td>Denmark</td>
<td>5.59</td>
<td>0.42</td>
</tr>
<tr>
<td>Finland</td>
<td>5.61</td>
<td>0.24</td>
</tr>
</tbody>
</table>

25 A regression with robust standard errors shows that the standard deviation is not significantly related to the level of transparency. With mean transparency as the dependent variable, standard deviation has a coefficient of 1.24 and a p-value of 0.257, while the constant has a coefficient of 4.36 and a p-value of 0.000.

26 Each country has an mean calculated over 8 years of EOS survey data, except Luxembourg which only had 7 years of transparency scores available.
Mandatory Ex Ante Program Screening

One way that governments can provide information about the policies they will pursue during their tenure in office is by making their policy program public. Some countries require that proposed cabinets present their policy program to parliament before they are confirmed as the new government through an investiture vote (Bergman et al. 2003: 149). In these countries, then, cabinets make public their plans for their terms, and they have no discretion over whether or not they want to do so. This would give interest groups information that policy affecting them will be considered during the following years, but it does not give specific information about when exactly government ministers will begin working on these proposals. This, then, is similar to the information that is provided during electoral campaigns; it signals intent, and suggests to groups that they should expect a policy to be worked on at some point in the future, but it does not give specific information about how and when it will move through the policy process.

This suggests that having mandatory program screening should have an indeterminate effect on transparency levels. Information is being provided, and discretion is limited since it is mandatory; however, it does not necessarily mean that information will be provided as a policy is considered. In other words, a mandatory program screening does not ensure that actionable information will be provided while a policy proposal is moving through the policy process.

When the nine countries with investiture rules are considered, there is no statistically significant relationship between transparency levels and having mandatory program screening prior to investiture. This lack of significance can be seen in the very wide confidence interval around the line

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27 This Delegation and Accountability Data-Set (Constitutional Change and Parliamentary Democracies Data Archive 2010) considers mandatory screening of programs as part of the coalition formation process. Therefore, it only considers mandatory screening requirements prior to an investiture vote. This does not necessarily mean that cabinets in countries without a mandatory screening prior to investiture do not in fact present the government program. For example, while Sweden does not require proposed governments to present their program prior to investiture, the Riksdagen Act (Ch. 1.6) formally requires the new Prime Minister to present a “Statement of Government Policy” on the first day of a new legislative session.

28 Mandatory Ex Ante Screening is a binary variable, coded as 0 if there is no mandatory screening, and as 1 if there is. In a regression with robust standard errors and mean transparency as the dependent variable, the mandatory ex ante screening variable has a coefficient of -0.45 and a p-value of 0.425; the constant has a coefficient of 4.71 and a p-value of 0.000; the $R^2$ is 0.098. Thus, it is not significantly related to transparency.
of best fit (see Figure 3.5). There is a very wide range of levels of transparency for countries with mandatory ex ante program screening as well as for those without it. However, even though it is not significant, there is clearly a slightly negative relationship between transparency and ex ante program screening.

![Figure 3.5: Mandatory Ex Ante Program Screening and Transparency](image)

Indeed, Figure 3.5 shows the insignificance of the regression result is very much affected by two outliers: Luxembourg and Italy. When those outliers are removed from the equation, there is, instead, a significant negative relationship between transparency and mandatory screening. In other

---

29 Note: For the binary variable, 0=No, and 1=Yes.

30 Since Luxembourg and Italy have such different levels of transparency from the other countries (which otherwise cluster quite closely together), it is worth testing the relationship without them. However, there is no theoretical reason for removing them, other than to illuminate the negative relationship apparent from the clustering of all of the other countries as high-transparency without mandatory screening or low transparency with mandatory screening.

31 In a regression with robust standard errors, the binary variable for mandatory screening has a coefficient of -1.16 and a p-value of 0.001; the constant has a coefficient of 5.138 and a p-value of 0.000. The R² for this simple regression is 0.905, suggesting that mandatory screening can explain 90% of the transparency variation between the remaining seven countries.
words, for the remaining seven countries with investiture votes, having mandatory screening of the
cabinet programs is linked to lower levels of transparency; the regression shows that moving from no
requirement to mandatory screening results in a loss of 1.16 points on the transparency scale, again if
we ignore the two outliers.\footnote{If countries without investiture votes are not removed from the regression (i.e., coded as missing),
and instead are coded as 0 (for no mandatory ex ante program screening), as is done in the original data
set, the results are very similar. With all 17 observations, and only 5 marked as having mandatory ex
ante screening (1 = Belgium, Greece, Luxembourg, Portugal, and Spain), a regression with robust
standard errors provides a coefficient of -0.74 and a p-value of 0.040 for the binary variable, mandatory
ex ante screening. The constant is 5.01 with a p-value of 0.000; the $R^2$ is 0.257. In other words, the
negative relationship between transparency and mandatory ex ante program screening still holds.}

Why would requiring greater information disclosure generally be related to lower
transparency? It is possible that in countries where parliaments — and presumably other political and
societal actors — have difficulty getting information from the executive, that they are more likely to
impose informational requirements on that executive. As we can see from these results, however,
information release at the beginning of a cabinet’s tenure in office does not lead to increased levels of
transparency about policy and regulations, as perceived by business interests.

These results suggest that, in fact, the relationship between mandatory ex ante screening and
transparency is indeterminate. When all countries are included, the relationship is not significant; when
the strong outliers are excluded, there is a negative relationship. Thus, it does not appear that this
particular institutional variable is, on its own, very helpful for understanding policy-making
transparency.

Parliamentary Questions

Another institution that might reduce the discretion of governments to withhold information
about policy-making from the public, is the ability of legislators to ask the government questions.
Parliamentarians are often given the right to ask written or oral questions to the cabinet as a whole or to
specific ministers. The cabinet then is supposed to provide a response to the question, though there is
variation across countries about whether they must provide a response and how they provide that
response. Assuming that all goes according to plan — that a question is asked by an MP, and that it is
answered by a member of the cabinet — this procedure makes information public that might otherwise have remained private.\footnote{If the question and its response are read aloud in the legislature, the information in those texts will be included as part of the legislature’s official record.}

There are several difficulties that groups might face in relying on parliamentary questions to gain information from the cabinet. First, groups must convince a member of parliament to ask the question for them. Second, to ask a question, one must know ahead of time what to ask about. It would be difficult, for instance, to ask a question about the progress of a particular policy proposal if they did not know that proposal was on the table. So, this approach requires some prior information to be able to demand new or more information. Finally, the question must be phrased in such a way that the required information is actually proffered in response. Therefore, asking a question is one way of increasing the amount of public information, but it is not necessarily a foolproof method.

All seventeen of the countries in the sample permit both written and oral questions by members of parliament. Therefore, simply having questions is not sufficient to explain the variations in transparency among the sample countries. What does vary, however, are the restrictions on the conditions or rights to ask questions for members of parliament, and the constraints on the cabinet in the timing, form, and requirement of a response. For both oral and written questions, we can ask: 1) whether there are any restrictions on the right of MPs to ask questions; 2) whether government has at least some obligation not to ignore such questions; 3) whether government may ignore such questions at will; 4) whether government has some time obligation for at least some questions; 5) whether parliament can force a response to be given by a specified cabinet member; and, 6) whether government has some freedom on who may answer the question.\footnote{I constructed binary variables for each of these aspects of oral and written questions using Strom, Müller, and Bergman (2003), and the Delegation and Accountability data-set from the Constitutional Change and Parliamentary Democracies Data Archive (2010).}

If question-asking institutions have an impact on transparency, then transparency should be lower where governments have greater discretion in their responses to parliamentary questions. This is because governments that can decide whether or how to respond to an MP question will have more ability to withhold information, should they want to. Where parliament, on the other hand, has greater
discretion (no restrictions) in asking questions, perceptions of transparency should be higher. This is because MPs that can ask any question they want under any conditions may have a better chance of extracting information, even if governments are reticent.

Table 3.5: Written and Oral Questions

<table>
<thead>
<tr>
<th>DV = Mean Transparency</th>
<th>Expected Impact on Perceptions of Transparency</th>
<th>Written Questions</th>
<th>Oral Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1= No restrictions on any MP’s right to ask such questions</td>
<td>+</td>
<td>0.293 (0.374)</td>
<td>0.280 (0.424)</td>
</tr>
<tr>
<td>1= Government has at least some obligations not to ignore such questions</td>
<td>+</td>
<td>0.260 (0.432)</td>
<td>0.812 (0.813)</td>
</tr>
<tr>
<td>1= Government may ignore such questions at will</td>
<td>-</td>
<td>0.120 (0.810)</td>
<td>0.090 (0.812)</td>
</tr>
<tr>
<td>1= Government has some time obligation for at least some questions</td>
<td>+</td>
<td>-0.380 (0.277)</td>
<td>-0.350 (0.405)</td>
</tr>
<tr>
<td>1= Parliament can force response to be given by a specified cabinet member</td>
<td>+</td>
<td>-0.035 (0.937)</td>
<td>-0.021 (0.957)</td>
</tr>
<tr>
<td>1= Government has some freedom on who may answer question</td>
<td>-</td>
<td>-0.346 (0.481)</td>
<td>-0.277 (0.461)</td>
</tr>
</tbody>
</table>

The data, however, do not particularly support any of these propositions (see Table 3.5). Indeed, none of the variables related to parliamentary questions is significantly related to transparency levels. Still, three of the six variables did have coefficient signs that lined up with the expected impacts. Having no restrictions on MP questions and some obligations for governments to respond to questions are shown with the expected positive coefficients; while government having some freedom in choosing

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35 The coefficients and p-values are all the result of simple regressions (with robust standard errors) with a single dependent variable. The constant was significant to a p-value of 0.000 for each of the 12 simple regressions, with a coefficient between 4.68 and 4.99. Note that none of the results are significant, which means that the sign of the coefficient is not interpretable.
who answers the question has the expected negative coefficient. However, since none of them are significant at anywhere near a 95% confidence level (and most are much worse), we cannot reject the null hypotheses that the effect of questions on transparency is effectively zero. Without further data, then, it appears that the ability of parliaments to ask questions of their cabinet ministers has little independent impact on the perceptions of transparency held by business interests (and by proxy, other societal interests). This particular institution, too, appears to be unhelpful as an independent indicator of policy-making transparency.

Decision-Making Procedures

Finally, I look at the decision-making powers granted to the various formal actors within the policy-making process. In particular, I look at the rules governing how much discretionary power various actors have over ordinary legislation. We might expect that where more actors have power over policy outcomes, the greater the likelihood that information will be released to groups outside the formal process (i.e. as decisions move from branch to branch, they are usually made public); on the other hand, where actors have greater discretionary power over outcomes, we might expect them also to have greater discretionary power over information about those decisions.

I focus on the four main political actors that may be in the policy process (depending on the country): the head of state, the cabinet, the lower legislative chamber, and the upper legislative chamber. The rules that govern these actors decision-making powers include whether or not the actor: has any discretionary power at all (or no formal role), can propose ordinary legislation subject to the discretion of other actors, co-decides with another actor (i.e. shares full discretionary power), has veto power over other actors decisions, or has full discretionary power over ordinary legislation.36

The analysis shows that the role of the head of state has no significant impact on perceptions of transparency (see Table 3.6). While there is a positive relationship between transparency and the head of state having no formal role, and there is a negative relationship between transparency and a head of

36 The range of “power” that a given actor can have is from absolutely zero power over decisions (i.e. can decide nothing) to full discretionary power (i.e. can decide everything). In the middle of the continuum like the power levels of some power but shared in some way with other actors (Bergman et al. 2003: 117).
state with veto powers, neither of these relationships comes anywhere near statistical significance. The relationships suggest, however, that not having the extra actor involved in policy making is actually linked to greater transparency, which contradicts the idea that additional “branches” involved in policy making might increase transparency. On the other hand, the negative relationship between transparency and head-of-state veto powers suggests that the additional discretionary power of the head of state to put a stop to ordinary legislation, may make the policy process more uncertain for interest groups. Regardless, these are not significant relationships.

Intriguingly, the role of the lower chamber, usually seen as a very important actor in policy making, is also insignificantly related to transparency (see Table 3.6). The results show that transparency is negatively related to power-sharing between the lower chamber and another constitutional actor, but that transparency is positively related to a lower chamber with full power over decisions. This implies that when more of the decision-making on ordinary legislation takes place in the traditionally most-transparent branch of government, overall transparency is higher. Nevertheless, neither of these relationships is significant.

One type of power held by the upper legislative chamber is significantly related to transparency (see Table 3.6). There is a strong positive relationship between an upper chamber having veto power over the decisions of other actors and the level of transparency. In other words, it appears

<table>
<thead>
<tr>
<th>Actor Role in Decision Making for Ordinary Legislation</th>
<th>DV = Mean Transparency</th>
<th>Can propose, but subject to discretionary approval of other actors</th>
<th>Has veto power over decisions by other actors</th>
<th>Co-Decides with other constitutional actor</th>
<th>Has discretionary power and can decide the issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of State</td>
<td>0.175 (0.738)</td>
<td>-</td>
<td>-0.175 (0.738)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cabinet</td>
<td>-</td>
<td>-0.692*** (0.009)</td>
<td>-</td>
<td>0.827*** (0.002)</td>
<td>-</td>
</tr>
<tr>
<td>Lower Chamber</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-0.365 (0.333)</td>
<td>0.471 (0.279)</td>
</tr>
<tr>
<td>Upper Chamber (if there is one)</td>
<td>-</td>
<td>0.244 (0.454)</td>
<td>0.741** (0.011)</td>
<td>-0.476 (0.217)</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 3.6: Formal Actors’ Roles in Policy Making
that where upper chambers have the ability to stop ordinary legislation, business perceptions of transparency will be 0.74 points higher (on a 1 to 7 point scale) compared to countries where upper chambers do not have this power. The caveat to this strongly significant result is that it is completely driven by the Netherlands, since the Netherlands is the only country where upper chambers have this power. Thus, it is impossible to distinguish whether this outcome actually has anything to do with upper chamber powers, or whether it simply shows that being in the Netherlands (compared to the other countries with upper chambers) is good for transparency.  

![Figure 3.6: Cabinet Proposal Power, Subject to Discretionary Approval, and Transparency](image)

Finally, the role of the cabinet does seem to have a significant relationship with transparency (see Table 3.6). Where cabinets can propose ordinary legislation, but are subject to the discretionary approval of other actors (i.e. the lower chamber), transparency levels are 0.7 points lower (on a 1 to 7 point scale). This relationship is largely driven by Denmark and the Netherlands, in which cabinets do

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37 The other powers of upper chambers, in comparison, are not significant. Though transparency is positively related to an upper chamber with proposal powers, and transparency is negatively related to upper chambers with stronger co-decision powers, neither of these relationships is statistically significant.
not have this particular decision-making role. As can be seen in Figure 3.6, there are a number of countries with similar transparency levels to the Denmark and the Netherlands that do have cabinet proposal power (with discretionary approval), but there are no countries with low transparency that have similar rules to Denmark and the Netherlands.

![Figure 3.7: Cabinet Co-decision Power and Transparency](image)

On the other hand, where the cabinet co-decides with other constitutional actors, transparency levels are 0.8 points higher than when cabinets do not co-decide. As can be seen in Figure 3.7, Finland, Denmark, and the Netherlands are the three countries where cabinets have this stronger power over ordinary legislation. Again, while there are other high transparency countries that do not let cabinets co-decide, there are no low transparency countries where cabinets have co-decision powers.

While these results are largely driven by a few countries in the sample, they suggest that transparency levels are higher when the cabinet has more authority over ordinary legislation. In other words, when the cabinet and other actors (usually the lower chamber) have more equal authority over legislative decisions, there tends to be higher transparency.
Summing Up National Institutions and Transparency

Broadly, this analysis of the relationships between particular policy-making institutions and transparency is fairly inconclusive. With so few countries and so much variation on policy-making institutions, it is very difficult to extract statistically significant relationships between those institutions and transparency. Indeed, as Figures 3.5, 3.6, and 3.7 show, much of the statistical relationships are driven by just one or two countries out of the 17 countries looked at here. This exercise suggests that it is not, in fact, particularly useful to try separately identifying individual institutions that have a direct impact on groups’ perceptions of transparency. Instead, this data analysis implies that a deeper analysis of each country’s full policy-making process, and the critical junctures where information is released to interest groups, is needed to reasonably characterize a country’s baseline level of transparency.

A Good Reason to Use Thick Description

While these statistical analyses indicate that transparency levels are closely linked with policy-maker discretion over policy outcomes, the institutional results are far less determinate. The usual measure of national transparency — Freedom of Information laws — have little direct relationship with perceptions of transparency by actors who have a real stake in individual policy outcomes. And measures of individual institutions that might have an impact on transparency do not appear to be particularly independently important for understanding those perceptions of transparency. Indeed, when looking at 17 European countries, it seems more likely that individual country’s characteristics are driving the results, but not necessarily the institutions themselves.

The primary implication is that we have not yet identified exactly the institutions that are most important for policy-making transparency. Once we can clearly point to particular institutions that have a regular and predictable impact on transparency levels for interest groups, it will be useful to return to large-N statistical analysis to more narrowly test their importance on the outcomes we care about.

In the meantime, however, we need to identify those institutions through thick description of policy-making processes. According to Geertz (1973), “thick description” combines detailed description with interpretation and analysis, by presenting the critical components of a particular system and their importance. Such thick description is necessary, in this dissertation, to identify the critical
junctures where groups need information and where information is released. Specifically, for someone outside of government processes hoping to influence policy, not all of the policy-making stages or institutions are necessarily equally important; some stages or institutions may carry more weight in terms of their decisional scope and detail. Nor are all policy-making stages and institutions equally transparent; some may be fully public, while others take place behind closed-doors and only leaks or inside contacts can make the proceedings known. Thus, to understand how interest groups adapt to policy-making processes, we need to discern which stages and institutions are most critical for their policy influence, and how these actors can find out about the various stages. Achieving this means determining when decisions are actually made (as opposed to simply rubber-stamped or approved), and when outside actors are likely to get information about the decisions and the deliberation that led to them.

**Research Design for the Rest of the Dissertation**

The research design I use to test this dissertation’s hypotheses can best be described as a paired comparison, where I look narrowly at two countries in order to gain traction on questions that are not easily studied with either a single case or a great number of cases (Tarrow 2010). Specifically, I test the theoretical implications of policy-making transparency on interest groups (active in forestry policy) in two countries: France and Sweden. By focusing on a single policy area — forestry — I control for a number of factors that might otherwise impact interest-group behavior, such as the characteristics of the policy issue and the characteristics of the interests groups active in that area (explained below in more detail). With these variables held reasonably constant, I can then look to the lobbying environment that groups face in each country: a high-transparency environment in Sweden, and a low-transparency environment in France (see below for a discussion of the merits of using these two countries).

By focusing more deeply on one particular policy area in these two countries, I can explore behavioral differences between groups that would be difficult to discern on a broader scale. In particular, I can look more closely at the exact ways that groups implement their lobbying strategies; for instance, while groups in most countries use tactics like creating press releases or lobbying jointly with

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38 These are not necessarily the same critical junctures, though they can be.
other groups, the methods I use make it possible to discern exactly how groups in each country are using these tactics.\[^{39}\] Thus, the narrower paired comparison makes it possible to test hypotheses about how interest groups behave when faced with different levels of transparency.

Why Compare Interest Groups Active in Forestry Policy?

My research on the impact of transparency focuses narrowly on forestry policy and the interest groups active in that arena. Sometimes it makes sense to take a random sample of issues across a broad range of policy areas to make the broadest generalizable claims and address multiple hypotheses about interest group behavior (see Mahoney and Baumgartner 2004). However, when looking at the impact of one aspect of the policymaking process (such as transparency), there is enough potential variation between policy areas and sectors, both in institutions and actors even within a single state, that it makes sense to focus closely on a single policy area for early research. For instance, where broad cross-national studies have focused on overall state structures as being "strong" or "weak," closer analysis suggests that these characterizations do not apply equally across all policy areas and sectors within a given state (Atkinson and Coleman 1989; Dunn 1995: 277; Suleiman 1987: 302-3).

Thus, for my study, I look at the relationship between the provision of actionable information and the behavioral strategies of interest groups within a single policy area: forestry. This makes it possible to construct a more accurate characterization of the transparency within the single policy area, as well as how that transparency affects the interest groups most closely tied to that policy area.

Including more policy areas in this first cut at understanding the importance of policy-making transparency would increase the chances of muddled results due to unobserved variables impacting interest groups behavioral choices in different sectors.

I have chosen forestry policy because it is a policy area that is reasonable to study within the confines of the EU. If I compare countries that are EU members, they are equally subject to the same

\[^{39}\] This differs significantly from a common approach in interest group studies where groups are simply asked whether they use a particular tactic. This usually provides researchers with a sense of how many groups use particular tactics, and helps answer the question of whether different groups use different tactics. However, much of this research has shown that most groups use most tactics. In contrast, my research shows that even if two groups are using the same tactic, they may be using it in very different strategic ways; to see this difference requires closer analysis of exactly how the groups are implementing particular tactics, and not simply checking off whether they are using them or not.
rules and regulations coming out of Brussels. Forestry, however, is not a specific domain of EU competence; in the EU, forestry falls under the subsidiarity principle, which sets out that "the EU can only act in areas that are not better tackled at the national level" (Hix 2005: 126). A European Forestry Strategy was decided upon in 1998 to enable coordination of forestry policy in support of sustainable management, but it reaffirmed that authority over forestry policy lies in the members states themselves (Bauer et al. 2004: 12; European Commission, Agriculture and Rural Development, 2008). Thus, looking at forestry policy makes it possible to study the impact of national policymaking processes on interest groups, with less impact from the supranational institutions of the EU. At the same time, when certain EU policies do affect forestry interests — such as EU biodiversity legislation — it provides a setting for comparing the behavior of forestry interests when policy processes are similarly imposed across several different countries.

Why Compare Sweden and France?

I compare Sweden and France for two basic reasons. First, the two are reasonably similar on forestry issues, meaning that the types of interests and conflicts can be controlled for. In other words, I can more readily control for variables that might otherwise influence interest group behavior, like differences in organizational imperatives, goals, and preferences; or differences in the types of interests activated by policy conflicts. Second, the two countries are very different on the variable of interest: policy-making transparency.

Forestry Interest Groups in Sweden and France

There are many similarities between forestry issues and interests in Sweden and France. They have the first and third most forested land in Europe, respectively (Arnould et al. 1997: 25), and have similar proportions of public to private forest lands — slightly under 30% public lands for both (Arnould et al. 1997: 32); though Sweden's private forest landholdings are larger on average than those in France, at an average of 47 hectares in Sweden, to 2.8 hectares in France (Hellström and Rytilä 1998: 7; Skogsstyrelsen 2003).
While forestry is a more important industry in Sweden (Hellström and Rytilä 1998), the interests active in both countries, and their issues and preferences, are very similar. Both countries have environmental organizations who are active in forestry, some homegrown and others as branches of international NGOs; these groups are focused on national conservation of forest biodiversity through regulation of logging, in addition to more international issues such as halting the importation of illegally logged timber and creating sustainable forestry practices and certifications, most notably through Forest Stewardship Council (FSC) certification. Both countries also have organizations active on behalf of small-scale private foresters and private forestland owners. These groups are focused on increasing the productive capacity of woodlands through timber sales and on increasing the protection for private property rights, especially in the face of excess regulations by the state; they too are interested in constructing certification standards for sustainable management and harvesting of forest lands, though they are more partial to the Programme for the Endorsement of Forest Certification schemes (PEFC) for their certification processes. There are also forest-industry oriented groups and companies with interests in forest production and wood products. And both countries have public forestland owners, who are still able to lobby government for programs and regulations, though they are not able to do so as explicitly as the other interests.

The conflict structures in each case seems to be of the bipolar type identified by Salisbury et al. (1987), where there are two clear sides to a policy conflict; and the schism in both countries broadly falls between the environmental groups and the foresters (Hellström and Rytilä 1998). There is some occasional cooperation between the two sides of the forestry debate on certain issues, usually between the foresters and the more moderate environmental groups. Most of the interaction in the policy debate, however, occurs between the environmentalists and the government on one side, and the foresters and the government on the other; thus the conflict between the two sides is mediated through their interaction with government and policymakers.

The design of this dissertation, then, allows a comparison of interest group strategies while holding constant the types of interest groups, their preferences and interests, the conflict structures of the forestry policy domain, and the types of issues and policies in the policy domain. This makes it
possible to focus more narrowly on the relationship between the policy-making process and the behavior of groups in each country.

Policy-Making Transparency in Sweden and France

To understand the choice of Sweden and France as good cases for comparing policy-making transparency, it is necessary to consider them against the continuum of ideal types of policy-making transparency laid out in Chapter 2. While no countries actually achieve the most extreme ideal types (perfectly transparent or perfectly opaque), we can give countries a relative positioning on the continuum. Compared to the ideal types, Sweden is relatively more transparent than France; in other words, Sweden is closer to the perfectly transparent ideal type and France is closer to the perfectly opaque ideal type, though we cannot assign absolute distances on the transparency continuum.

Chapters 4 and 5 lay out the ways in which information is released to interest groups in both countries (see Table 3.7 for a summary comparison of policy-making processes and transparency in both countries). The critical difference is that the Swedish policy-making process releases much more information early on, during the elaboration stage, in a systematic and non-discretionary manner. This means that Swedish groups can be relatively certain that they know what is being considered and by whom. In France, on the other hand, information about the elaboration stage is released at the discretion of policy-makers, meaning that interest groups can not be sure that they know what is being considered or by whom. In addition, while the Swedish system ensures that information is widely spread among government policy-makers during elaboration, reducing the discretion of any one policy-maker over information, the French system’s balkanization strengthens the discretion of policy-makers by reducing the number of potential sources of information. While the elaboration stage is most critical for interest groups who hope to influence policy outcomes, the other stages of the policy process in each of these countries reinforce the differences in transparency.
Table 3.7: Policy-Making Institutions and Transparency

<table>
<thead>
<tr>
<th></th>
<th>Sweden</th>
<th>France</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy-Making Process</strong></td>
<td><em>Early release</em></td>
<td><em>Late release</em></td>
</tr>
<tr>
<td>Elaboration</td>
<td>-Systematic information release</td>
<td>-Discretionary information release</td>
</tr>
<tr>
<td>Decision</td>
<td>-Collective responsibility in gov.</td>
<td>-Balkanized ministries in gov.</td>
</tr>
<tr>
<td></td>
<td>-Strong committees in parl.</td>
<td>-Weak committees in parl.</td>
</tr>
<tr>
<td>Implementation</td>
<td>-Systematic information release</td>
<td>-Discretionary information release</td>
</tr>
<tr>
<td><strong>Freedom of Information</strong></td>
<td>-FOI laws do not apply to current decisions</td>
<td>-FOI laws do not apply to current decisions</td>
</tr>
<tr>
<td></td>
<td>-Tradition of administrative openness</td>
<td>-Tradition of administrative secrecy</td>
</tr>
</tbody>
</table>

Through thick description of the policy-making institutions in Sweden and France, I lay out precisely the conditions under which groups can gain information about the policy-making process in each country. These chapters demonstrate that Sweden has a relatively transparent policy-making process, while France does not.

**Conclusions**

In conclusion, the analyses in this chapter point to the need for thick description, to adequately study where policy-making transparency comes from, and ultimately, how that transparency affects interest group behavior. At the most basic, the analyses indicate that transparency is closely linked to policy-maker discretion over policy outcomes (proxied with a measure of perceived policy-maker favoritism). In comparison, the usual measure of national transparency, freedom of information laws, has very little relationship with perceptions of transparency. Unfortunately, the analysis of national institutions linked to the policy-making process indicates that it is not easy to identify the institutions that are, in fact, directly related to policy-making transparency.
Thus, before we can conduct effectively study the impact of policy-making transparency on interest group behavior, we need to identify more clearly the institutions that do impact transparency. This can be accomplished with thick description of policy-making processes, that lay out the concrete critical junctures where groups need information and where groups actually get information. In this dissertation, then, I use a more narrow, paired comparison of forestry interest group behaviors in France and Sweden. By focusing on interest groups active in the forestry arena, I can better control for factors such as interest group characteristics that might otherwise muddle the results. France and Sweden provide excellent cases of low- and high-transparency policy-making processes, respectively.
Appendix 3A: Measuring Perceptions of Transparency

As argued above, the Executive Opinion Survey (EOS) responses, as a measure of perceived transparency, is a reasonable operationalization of the theoretical construct for this research. In this appendix, however, I address several structural constraints for how the variable can be used. The first is a potential bias due to changes in wording of the transparency question over time. The second is the impact of changes in transparency perceptions over time. Together, these impact the third issue, which is whether the data should be used as it stands, with an observation for each country in each year, or whether it can be transformed into variable with an aggregate transparency score for each country over the full time period. This latter is relevant as many of the institutional variables tend not to vary, and it may be more statistically reasonable to compare the more static institutions against a single transparency score for each country.

Question Wording and Time Impacts on Perceptions of Transparency

The first potential issue is that the wording of the transparency question has changed over the decade. While the Executive Opinion Survey has asked this question addressing perceptions of transparency in eight of the last ten years, there are three different wordings of the questions over the eight surveys. The two questions asked between 2002 and 2008 are very similar, but the question asked since 2009 has changed more dramatically in wording. Nevertheless, all of the questions ask business interests to rate how informed they are about policy changes within a given country; the critical difference is that the earlier questions focus on the completeness of information, while the later question focuses on the ease of gaining information. While the questions are all getting at the same underlying concept, it is worth considering the likely impact of these changes in wording. However,

40 In the 2002-2003, 2003-2004, and 2004-2005 editions of the survey, respondents were asked “Firms in your country are usually informed clearly and transparently by the government on changes in policies and regulations affecting your industry. (1 = never informed, 7= always fully and clearly informed).” In the 2006-2007, 2007-2008, and 2008-2009 editions of the survey, respondents were asked “Are firms in your country usually informed clearly by the government on [of] changes in policies and regulations affecting your industry? (1=never informed, 7=always informed)”. In the 2009-2010 and 2010-2011 editions of the survey, respondents were asked “How easy is it for businesses in your country to obtain information about changes in government policies and regulations affecting your industry? (1=impossible; 7=extremely easy)”.
several tests run on the variable suggest that the question wording may not have a significant impact on the transparency scores for each country, independent of changes over time (discussed below).

The second potential issue, “time”, does appear to be an important factor, as the transparency scores generally increase over the decade in question (see Figure 3A.1). The minimum and maximum scores have also increased over time, indicating that the mean has gotten higher because most of the scores have increased, rather than because of changes in the distribution of scores. This may perhaps be due to greater use of the internet by government entities over time, or from international norms that present transparency as a must for modern government.

![Figure 3A.1: Mean Transparency Scores by Year](image)

As can be seen in Table 3A.1, there has generally been an increase in the number of countries included in the EOS transparency results. In parallel, the scores have been going up over time, as can

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41 This graph shows the yearly mean, minimum, and maximum transparency scores across all countries in the EOS datasets.

42 The available survey data-set provides a weighted mean score of all responses for a given country’s level of transparency, for a given year. In addition, since 2007, the annual mean score is constructed as a moving average, with some weight given to the previous year’s score (Browne and Geiger 2009: 54). Since the transparency question was asked eight times over the last decade, each country can have a maximum of eight different mean transparency scores, though some countries were not included in all eight surveys.
be seen by the steady increase in the mean scores, as well as the generally upwards trends in the minimum and maximum scores (see Figure 3A.1). At the same time, the standard deviation has generally decreased over time, suggesting that the scores are more tightly distributed around the mean, reducing the variance between countries. While there are differences in the results across each year, the means for each year are well within one standard deviation of the means for every other year. This suggests that neither the question wordings nor change over time have had a significant impact on the perception-of-transparency scores.

### Table 3A.1: Descriptive Statistics by Year

<table>
<thead>
<tr>
<th>Perceptions of Transparency</th>
<th># of Countries</th>
<th>Mean Score</th>
<th>Std. Dev.</th>
<th>Min. Score</th>
<th>Max. Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>80</td>
<td>3.8</td>
<td>0.94</td>
<td>2.0</td>
<td>5.9</td>
</tr>
<tr>
<td>2003</td>
<td>102</td>
<td>3.9</td>
<td>0.90</td>
<td>2.0</td>
<td>6.2</td>
</tr>
<tr>
<td>2004</td>
<td>103</td>
<td>3.9</td>
<td>0.87</td>
<td>2.2</td>
<td>5.8</td>
</tr>
<tr>
<td>2006</td>
<td>124</td>
<td>4.1</td>
<td>0.89</td>
<td>2.5</td>
<td>6.1</td>
</tr>
<tr>
<td>2007</td>
<td>131</td>
<td>4.1</td>
<td>0.82</td>
<td>2.5</td>
<td>6.1</td>
</tr>
<tr>
<td>2008</td>
<td>134</td>
<td>4.2</td>
<td>0.79</td>
<td>2.1</td>
<td>6.3</td>
</tr>
<tr>
<td>2009</td>
<td>133</td>
<td>4.3</td>
<td>0.78</td>
<td>2.4</td>
<td>6.3</td>
</tr>
<tr>
<td>2010</td>
<td>139</td>
<td>4.4</td>
<td>0.72</td>
<td>2.7</td>
<td>6.3</td>
</tr>
</tbody>
</table>

These trends are also evident in the correlations of transparency scores across the eight years the survey was given (See Tables 3A.2 and 3A.3). Broadly, the correlations are quite high, ranging from 0.76 to 0.97 (using both pairwise and listwise deletion\[^{44}\]), indicating that across the full set of countries, the transparency perceptions for any given country in any given year are closely related to the perceptions in other years. The results also indicate that the tightest relationships tend to be between

\[^{43}\] For example, one standard deviation below the mean for 2002 is 2.8, while one standard deviation above the mean is 4.7; the most different mean from 2002, the mean for 2010 (4.4), still fits comfortably within this range. Similarly, one standard deviation from the mean in 2010 gives a range from 3.7 to 5.1; the mean score for 2002 (3.8) fits into that range. This suggests that while the differences between the various years might be significant, they are still reasonably similar to each other.

\[^{44}\] The distinction between the two methods of correlation is in the treatment of missing observations. For listwise deletion, any country that does not have values for all 8 years is deleted from the calculations, hence the low number of observations (79 countries). For pairwise deletion, data points are only deleted if one or both of a paired set is missing; this means that there are more countries considered in the calculations (up to 145 countries).
recent years, with less of a correlation the further apart the surveys were taken. From 2007 on, the correlations are particularly high because the annual EOS score is reported as a moving average with some weight given to the previous year’s score (Browne and Geiger 2009: 54).

Table 3A.2: Correlation Matrix using listwise deletion

<table>
<thead>
<tr>
<th></th>
<th>transs02</th>
<th>transs03</th>
<th>transs04</th>
<th>transs06</th>
<th>transs07</th>
<th>transs08</th>
<th>transs09</th>
<th>transs10</th>
</tr>
</thead>
<tbody>
<tr>
<td>transs02</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs03</td>
<td>0.92</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs04</td>
<td>0.88</td>
<td>0.91</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs06</td>
<td>0.82</td>
<td>0.83</td>
<td>0.85</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs07</td>
<td>0.85</td>
<td>0.85</td>
<td>0.87</td>
<td>0.97</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs08</td>
<td>0.83</td>
<td>0.85</td>
<td>0.90</td>
<td>0.91</td>
<td>0.96</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs09</td>
<td>0.78</td>
<td>0.82</td>
<td>0.88</td>
<td>0.87</td>
<td>0.90</td>
<td>0.96</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>transs10</td>
<td>0.76</td>
<td>0.78</td>
<td>0.83</td>
<td>0.83</td>
<td>0.87</td>
<td>0.90</td>
<td>0.96</td>
<td>1.00</td>
</tr>
</tbody>
</table>

These correlation tables also provide evidence that the changes in question wordings have not had a dramatic impact on the resulting transparency scores. The questions asked in 2004 and 2006 are almost identical, with only a small change in wording. The correlation between the 2004 and 2006 responses in each country is 0.85 (using both listwise and pairwise deletion). For comparison, this is only slightly worse than the difference between 2002 and 2004 (0.88), where the same question was used.

45 Note: Shading shows correlations between years with the same question wording.

46 Note that this question was not asked in the 2005 survey.
Table 3A.3: Correlation Matrix using pairwise deletion

<table>
<thead>
<tr>
<th></th>
<th>transs02</th>
<th>transs03</th>
<th>transs04</th>
<th>transs06</th>
<th>transs07</th>
<th>transs08</th>
<th>transs09</th>
<th>transs10</th>
</tr>
</thead>
<tbody>
<tr>
<td>transs02</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs03</td>
<td>0.92</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs04</td>
<td>0.88</td>
<td>0.89</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs06</td>
<td>0.82</td>
<td>0.83</td>
<td>0.85</td>
<td>1.00</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>transs07</td>
<td>0.85</td>
<td>0.83</td>
<td>0.87</td>
<td>0.97</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs08</td>
<td>0.83</td>
<td>0.83</td>
<td>0.88</td>
<td>0.90</td>
<td>0.95</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>transs09</td>
<td>0.78</td>
<td>0.80</td>
<td>0.84</td>
<td>0.84</td>
<td>0.87</td>
<td>0.94</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>transs10</td>
<td>0.76</td>
<td>0.77</td>
<td>0.80</td>
<td>0.78</td>
<td>0.81</td>
<td>0.85</td>
<td>0.94</td>
<td>1.00</td>
</tr>
</tbody>
</table>

It is the jump from 2008 to 2009 which should show the biggest difference, if the question wording caused changes to the scores for each country; however, the correlation between 2008 and 2009 scores is 0.96 using listwise deletion and 0.94 using pairwise deletion. This shows a greater correlation than in the previous change in question that was far less drastic. Indeed the correlation between 2008 and 2009 (where there was a change in question working) is nearly identical to the correlation between 2007 and 2008 (where the same question was asked), and 2009 and 2010 (where the same question was asked). However, part of the reason for high correlations in the scores from 2007 and later is that *The Global Competitiveness Report* used a moving average combining a “weighted average of the most recent year’s Survey results together with a discounted average of the previous year” starting in 2007 (Browne and Geiger 2009: 54). In other words, the EOS has taken steps to ensure that its question wording did not have a critical effect on the scores it publishes.

These descriptive statistics of the transparency variable suggest that it may be difficult to distinguish whether the change over time is due to the wording of the questions, or simply the passage of time. For instance, transparency scores may have increased over the course of the 2000s simply as more and more government information was provided over the internet.

---

47 All correlations in this table are significant at a p-value of 0.000. Note: Shading shows correlations between years with the same question wording.
Table 3A.4: Differences in Means between Each Question and All Others (t-test)\textsuperscript{48}

<table>
<thead>
<tr>
<th></th>
<th>Q234</th>
<th>Q678</th>
<th>Q910</th>
</tr>
</thead>
<tbody>
<tr>
<td># of obs. for this question wording</td>
<td>285</td>
<td>389</td>
<td>272</td>
</tr>
<tr>
<td>mean transparency for this question wording</td>
<td>3.85</td>
<td>4.14</td>
<td>4.32</td>
</tr>
<tr>
<td># of obs. for the other question wordings</td>
<td>661</td>
<td>557</td>
<td>674</td>
</tr>
<tr>
<td>mean transparency for the other question wordings</td>
<td>4.21</td>
<td>4.08</td>
<td>4.02</td>
</tr>
<tr>
<td>t-value</td>
<td>6.1622</td>
<td>-1.0382</td>
<td>-5.0641</td>
</tr>
<tr>
<td>p&lt;t</td>
<td>1.000</td>
<td>0.1497</td>
<td>0.000</td>
</tr>
<tr>
<td>p &gt;</td>
<td>t</td>
<td></td>
<td>0.000</td>
</tr>
<tr>
<td>p&gt;t</td>
<td>0.000</td>
<td>0.8503</td>
<td>1.000</td>
</tr>
<tr>
<td>Result significance</td>
<td>Mean for Q234 is significantly different from others.</td>
<td>Mean for Q678 is not significantly different from others.</td>
<td>Mean for Q910 is significantly different from others.</td>
</tr>
</tbody>
</table>

Within this context, a difference in means tests (the t-test) does, in fact, suggest that the questions are significantly different from each other (See Tables 3A.4 and 3A.5), whether comparing one question to both other questions or one question to another question. When comparing each question’s mean scores (combining scores for the several years when each question was asked), we see that a means-comparison t-test shows that the differences between them are statistically significant (Table 3.A-4). Only when the question asked in 2006-2007, 2007-2008, and 2008-2009 is compared to the mean for both of the other question, is the difference not significant; and this can be explained by the averaging effect of combining the low-scores of the question asked in 2002-2003, 2003-2004, and 2004-2005, and the high scores for the question asked in 2009-2010 and 2010-2011.

Similarly, when comparing one question wording against the others (Table 3.A-5), the mean transparency level for each question is significantly different from each of the other question’s mean transparency levels. While all of these differences in means are statistically significant at the 99%
While the questions show significant differences in their means, they also are significant indicators of the transparency scores. Again, this suggests that the question wordings have a significant impact on transparency scores. Regression of the question dummies on transparency scores, using robust standard errors, confirms this finding (Table 3A.6). Whether the country-year observations are clustered by country or by year, the question dummies are highly significant. However, the $R^2$ indicates

---

49 This table shows the difference in means between one question wording and another question wordings. Note: Q234 is for the question wording that was asked in the 2002-2003, 2003-2004, and 2004-2005 surveys; Q678 is for the question wording that was asked in the 2006-2007, 2007-2008, and 2008-2009 surveys; Q910 is for the question wording that was asked in the 2009-2010 and 2010-2011 surveys.
that these question dummies explain just 4.7% of the variation in transparency scores, which is fairly low.

Table 3A.6: Regression of Question Wording on Transparency Scores

<table>
<thead>
<tr>
<th>Perception of Transparency</th>
<th>Model 4 (Cluster by Year)</th>
<th>Model 5 (Cluster by Year)</th>
<th>Model 6 (Cluster by Year)</th>
<th>Model 7 (Cluster by Country)</th>
<th>Model 8 (Cluster by Country)</th>
<th>Model 9 (Cluster by Country)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q234</td>
<td>-0.4700*</td>
<td>-0.2876*</td>
<td>-</td>
<td>-0.4700*</td>
<td>-0.2876*</td>
<td>-</td>
</tr>
<tr>
<td>Q678</td>
<td>-0.1824*</td>
<td>-</td>
<td>0.2876*</td>
<td>-0.1824*</td>
<td>-</td>
<td>0.2876*</td>
</tr>
<tr>
<td>Q910</td>
<td>-</td>
<td>0.1824*</td>
<td>0.4700*</td>
<td>-</td>
<td>0.1824*</td>
<td>0.4700*</td>
</tr>
<tr>
<td>Constant</td>
<td>4.3202*</td>
<td>4.1378*</td>
<td>3.8502*</td>
<td>4.3202*</td>
<td>4.1378*</td>
<td>3.8502*</td>
</tr>
<tr>
<td>R²</td>
<td>0.047</td>
<td>0.047</td>
<td>0.047</td>
<td>0.047</td>
<td>0.047</td>
<td>0.047</td>
</tr>
<tr>
<td>No. of Obs</td>
<td>946</td>
<td>946</td>
<td>946</td>
<td>946</td>
<td>946</td>
<td>946</td>
</tr>
</tbody>
</table>

The significant differences in the means tests and in the regression analysis show that there are differences between the various sets of question wordings. An important question, however, is whether this is simply due to changes over time, or if it is specifically due to the question wording. The results in Table 3A.7 indicate that the year does explain some of the variation in transparency scores. In Model 1, which only includes dummies for the year, the years are generally significant. These results suggest that there is a trend of increased perceptions of transparency over time. While both the year dummies and the question dummies are used (Models 2, 3, and 4), however, the question dummies soak up much of that variance. Most of the year dummies lose their significance. As further support of this finding, adding the year dummies into the regression explains only an additional 0.1% of the variation over the regressions without them.

50 All results are for regressions using robust standard errors, clustering by year or country. Note: * indicates significance at the 99% confidence level (p-value>0.01)

51 The dummies for y03 and y04 are likely insignificant because the dropped dummy was for y02. Since the correlations between these three years is fairly high, the lack of significance indicates that y03 and y04 are not much different from the dropped year; the dropped year’s significance (y02) is sucked up by the constant, in this case.
Table 3A.7: Regression of Years and Questions on Transparency Scores

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Q234</td>
<td>-</td>
<td>-0.339*** (0.000)</td>
<td>-0.486*** (0.000)</td>
</tr>
<tr>
<td></td>
<td>Q678</td>
<td>-</td>
<td>-</td>
<td>0.339*** (0.000)</td>
</tr>
<tr>
<td></td>
<td>Q910</td>
<td>-</td>
<td>0.147*** (0.002)</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Y02</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Y03</td>
<td>0.986* (0.072)</td>
<td>0.099* (0.072)</td>
<td>0.099* (0.072)</td>
</tr>
<tr>
<td></td>
<td>Y04</td>
<td>0.862 (0.180)</td>
<td>0.086 (0.180)</td>
<td>0.086 (0.180)</td>
</tr>
<tr>
<td></td>
<td>Y06</td>
<td>0.339*** (0.000)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Y07</td>
<td>0.348*** (0.000)</td>
<td>0.009 (0.719)</td>
<td>0.009 (0.719)</td>
</tr>
<tr>
<td></td>
<td>Y08</td>
<td>0.374*** (0.000)</td>
<td>0.035 (0.361)</td>
<td>0.035 (0.361)</td>
</tr>
<tr>
<td></td>
<td>Y09</td>
<td>0.486*** (0.000)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Y10</td>
<td>0.585*** (0.000)</td>
<td>0.098*** (0.000)</td>
<td>0.098*** (0.000)</td>
</tr>
<tr>
<td></td>
<td>Constant</td>
<td>3.784*** (0.000)</td>
<td>4.122*** (0.000)</td>
<td>4.270*** (0.000)</td>
</tr>
<tr>
<td></td>
<td>R²</td>
<td>0.0484</td>
<td>0.0484</td>
<td>0.0484</td>
</tr>
<tr>
<td></td>
<td>No. of Obs</td>
<td>946</td>
<td>946</td>
<td>946</td>
</tr>
</tbody>
</table>

As noted earlier, the significance of the question dummies does not necessarily mean that the question wording itself explains the changes over time. Since the questions were asked in contiguous blocks of years, and the questions were changed over time, the significance of the question dummies may simply be indicating the higher transparency scores over time. Nevertheless, this indicates that it is possible simply to use the question dummies, and perhaps a dummy for year 2010-2011 (Y10), rather

---

52 All results are for regressions using robust standard errors, clustering by country. Note: *** indicates significance at the 99% confidence level (p-value<0.01); ** indicates significance at the 95% confidence level (p-value<0.05); * indicates significance at the 90% confidence level (p-value<0.10).
than all of the year dummies to control for the passage of time when using the full country-year data-set; this provides temporal and question wording control without taking up too many degrees of freedom.

In conclusion, it is likely that the changes to the transparency scores over time is due to across the board increases in perceptions of transparency in most countries in the survey. However, the statistical analysis does not entirely clear the question wording of significance. Thus, when running a regression on the full data set of transparency scores (with country-year observations), it is necessary to include variables that can control for these temporal changes (namely, question dummies or year dummies).  

To Average or Not To Average

The third issue to consider is how to use the transparency data — which give transparency scores for each country each of eight years — in analyses of institutions that are essentially static. It is not particularly effective or accurate to inflate the number of observations (by using country-year observations), when each country has a single type of institution over all of those years. Thus, the structure of the institutional data indicates it would be more effective to use a single transparency score for each country, rather having eight different scores for each country. The question is whether it is reasonable to average the country-year scores into a single mean transparency score for each country.

As can be seen in Table 3A.8, averaging each country’s transparency scores has a fairly minor effect on the distribution of scores in the data set as a whole. While the number of individual (but not independent) observations decreases, the mean transparency scores change very little. In addition, the other descriptive statistics of the data set stay very similar as well. This indicates that there probably aren’t country-particular results that would skew the data once each country’s yearly scores are averaged together.

---

53 In the chapter, this is only really relevant for the analysis of transparency and favoritism (discretion).

54 Again, because the EOS transparency question was asked eight times over the decade for which there is data.

55 In other words, the mean of the mean-country scores is essentially the same as the mean of all country-year scores. Perhaps not particularly surprising.
Table 3A.8: Comparison of Transparency Variables

<table>
<thead>
<tr>
<th>Unit of Observation</th>
<th># of Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
<td>143</td>
<td>4.07</td>
<td>0.745</td>
<td>2.4</td>
<td>6.125</td>
</tr>
<tr>
<td>Country-Year</td>
<td>946</td>
<td>4.10</td>
<td>0.847</td>
<td>2</td>
<td>6.3</td>
</tr>
</tbody>
</table>

Indeed, when the distributions of transparency scores are compared (averaged country scores vs. non-averaged country-year scores), both show essentially normal distributions of scores (see Figures 3A.2 and 3A.3). Thus, transforming the country-level scores into single observations of mean transparency across the decade does not appear to have a big impact on the structure of the dataset. Instead, it simply reduces the number of non-independent observations.

---

56 Where the country is the unit of observation, the transparency score is a mean of all available transparency scores for that country. Where country-year is the observation, the transparency score is the raw score from the Global Competitiveness Report.

57 The fitted line shows the scaled normal density with the same mean and standard deviation as the data.

58 The fitted line shows the scaled normal density with the same mean and standard deviation as the data.
This intuition holds if we consider the descriptive statistics of the data set on a country-by-country basis. On average, the countries in the data set have a mean transparency score of 4.1, with a minimum score of 3.6 and a maximum score of 4.5 (all on a scale of 1 to 7). As noted earlier, the transparency scores across the data set have generally have increased over time. This upward trend essentially holds for most of the individual countries in the dataset, including those with high or average standard deviations across their own scores; obviously, countries with low standard deviations have fairly little variation over time, so there is less of an upward trend for those. Nevertheless, as can be seen in Figures 3A.4, 3A.5, and 3A.6, there are a few exceptions. Japan, for example, increased its transparency scores from 2002 to 2006 but declined steadily afterwards.

Figure 3A.4: Countries with High Standard Deviations Across Surveys

Figure 3A.5: Countries with Mean Standard Deviations Across Surveys (0.4)

Figure 3A.6: Countries with Low Standard Deviation Across Surveys
However, most countries show fairly minimal changes over time. Most countries have only very small differences between their median and mean transparency scores, indicating that few have large jumps in their transparency levels. In addition, most of the countries also have fairly small standard deviations, indicating that most of their transparency scores lie within a fairly narrow range.

In other words, though a few of the countries have a good deal of internal variation in their scores over time, most of the countries have fairly stable levels of transparency. This suggests that for most of the countries, there would be little impact from using a mean score.

Finally, the last argument in favor of using a mean transparency score for each country when looking at institutions, is that an institutional analysis is more likely to affect the baseline perceptions of transparency in a country. In particular, it is possible that there will be smaller variations in other aspects of politics that will cause business interests to see changes in transparency on a more micro-level, but which do not necessarily change the baseline levels of transparency created by the institutions. Thus, a business might perceive the policy process as less transparent if a less business-friendly administration comes to power; or the score might change if the specific businesses interviewed have gained new insight about transparency in other countries, and thus judge their own country’s transparency differently. Thus, since there is nothing in the data that suggests averaging each country’s transparency scores into a single measure would be improperly biasing the results, it is reasonable enough to use that single mean score when investigating the impact of relatively unchanging institutions.

\[\text{59 In other words, few countries have a pattern of many low transparency scores but one very high one that would skew the mean upwards, but mask the more common low scores (or vice versa). In the data set, only 21 countries (of 143) show an absolute difference between mean and median that is greater than 0.1 (on a scale of 1 to 7). Of those 21, 15 show a difference of 0.2. Of the remaining 6, Guatemala shows a difference of 0.4, and Norway, Panama, Armenia, the Slovak Republic, and Albania show a difference of 0.3.}\]

\[\text{60 In other words, few countries have a pattern of widely different transparency scores across the decade. All but 15 countries have a standard deviation of 0.5 or lower; i.e. most transparency scores for all but 15 countries (out of 143) fall within 0.5 points of the mean score for that country. Of those with greater variance across scores, 10 have a standard deviation of around 0.6. Japan, Norway, Georgia, and Albania have standard deviations of 0.7, and Guatemala has a standard deviation of 1.0.}\]

\[\text{61 The survey explicitly tries to interview business actors with international experience who will be able to judge their own country more accurately compared to other countries.}\]
Appendix 3B: Measuring Perceptions of Discretion

A question about favoritism in decisions of government officials has been asked in the EOS every year and reported in the 2001-2002 through the 2010-2011 Global Competitiveness Reports. However, the wording of the question has changed over time. The 2001-2002 through 2008-2009 wordings are almost exactly identical; but the 2009-2010 through 2010-2011 wording changed to emphasize favoritism instead of the connections of firms. Nevertheless, the intent of the questions is similar and Tables 3.1 and 3.2 indicate that the responses to the questions are highly correlated over time.

Table 3B.1: Correlation Matrix of Favoritism Scores using Listwise Deletion

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2002</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002-2003</td>
<td>0.87</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003-2004</td>
<td>0.87</td>
<td>0.91</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004-2005</td>
<td>0.88</td>
<td>0.88</td>
<td>0.93</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005-2006</td>
<td>0.84</td>
<td>0.83</td>
<td>0.89</td>
<td>0.94</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006-2007</td>
<td>0.83</td>
<td>0.83</td>
<td>0.89</td>
<td>0.92</td>
<td>0.94</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007-2008</td>
<td>0.84</td>
<td>0.85</td>
<td>0.91</td>
<td>0.92</td>
<td>0.94</td>
<td>0.97</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008-2009</td>
<td>0.87</td>
<td>0.87</td>
<td>0.91</td>
<td>0.93</td>
<td>0.92</td>
<td>0.94</td>
<td>0.98</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009-2010</td>
<td>0.87</td>
<td>0.86</td>
<td>0.90</td>
<td>0.92</td>
<td>0.91</td>
<td>0.93</td>
<td>0.94</td>
<td>0.97</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>2010-2011</td>
<td>0.83</td>
<td>0.83</td>
<td>0.86</td>
<td>0.89</td>
<td>0.87</td>
<td>0.90</td>
<td>0.90</td>
<td>0.92</td>
<td>0.98</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Even though the question wording for perceptions of favoritism has changed, correlations between each year’s data show that the results are highly correlated over time, using both listwise and pairwise deletion (See Tables 3B.1 and 3B.2). The correlation between the 2008-2009 question results, and the 2009-2010 question results are particularly worth noting because they span the largest change in question wording across the data; they are correlated at 0.97 with listwise deletion and 0.96 with pairwise deletion (the latter significant at a p-value of 0.000). Part of the reason that this correlation is so high is because the EOS survey uses a moving average to present its results; in other words, each year’s score is modified to maintain some continuity with the previous year’s score. Thus, major changes from year to year are evened out in the reported scores. Nevertheless, the correlations for the years that marked the largest shift in questions is not appreciably different from the correlations between years without wording changes, such as 2009-2010 and 2010-2011. Because of these results, I conclude that the changes in wording do not significantly affect the data.

62 The distinction between the two methods of correlation is in the treatment of missing observations. For listwise deletion, any country that does not have values for all 10 years is deleted from the calculations, which lowers the overall number of observations (countries) included in the correlation analysis. For pairwise deletion, data points are only deleted if one or both of a paired set is missing; this means that only countries with a single year of data are completely deleted from the correlation analysis.
Table 3B.2: Correlation Matrix of Favoritism Scores using Pairwise Deletion

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2002</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002-2003</td>
<td>0.87</td>
<td>1.00</td>
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Since there does not appear to be significant bias due to question wording, I structure the dataset by using each country-year as a single observation. This simplifies the structure of the data, with one transparency score and one favoritism score per observation (country-year), rather than 10 favoritism scores and 8 transparency scores per observation (country). This approach makes it possible to focus on the relationship between transparency and favoritism, while still allowing for year and country controls.

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63 All correlations in this table are significant at a p-value of 0.000.
The core question asked in this dissertation is how policy-making transparency affects the behavior of interest groups. The particular level of transparency is created through the institutions of the policy-making process, most critically those institutions that affect the timing and discretion of information release during the elaborating, deciding, and implementing of policy. In this chapter, and the next, I present an in-depth analysis of policy-making processes, laying out the institutions by which policy is made and the way they structure the timing and discretion of information release. I explain how these various structures point to the relative transparency of the policy-making system, and thus how groups are likely to perceive that process and its informational availability.

The purpose of this chapter is to understand how the transparency of the Swedish policy making process creates or dispels uncertainty for groups as policies move from idea to regulation, and thus to understand how it affects the groups’ ability to influence those policies. As rational actors within the political system, these groups shape their strategies and behavior to maximize their success given the structure of the policy process they face.

Overview of Transparency in the Swedish Policy-Making Process

Sweden has a parliamentary system, which means that much of the policy-making process takes place within the executive; most Swedish bills originate in government, and regulations are created within executive agencies. While executive branches, in general, tend to be relatively more closed and non-transparent than legislatures (which are usually constructed as deliberative bodies representing the broader public), the Swedish policy-making process has a number of institutions that increase the transparency of the executive, and therefore the transparency of key early stages of the policy process. Sweden’s parliament, on the other hand, is relatively closed and secretive; most deliberations within the Riksdag are not open to the public, and thus are not transparent. However, the executive agencies tasked with implementing policy have similar levels of transparency as the government, ensuring that groups will have information about regulations, even with Riksdag opacity. Overall, then, Swedish interest groups can operate under conditions of certainty; their lobbying
strategies can be chosen with relatively full information about the policy process, and they do not need
to construct strategies to deal with surprises or to counteract potential errors.

The most important of these transparency-enhancing institutions are the systematic creation of
commissions to investigate potential policy changes, and the *remiss* or comment process that
encourages societal stakeholders\(^1\) to provide their opinions on policy.\(^2\) This practice of policy-making
through systematic consultation means that there is an *early* release of information; information about
what is on the table and being considered is released *before* it is finalized by government and agencies.\(^3\)
These institutions also mean that there is less discretion for policy-makers over whether or not to
disseminate information about the policy process; information is given out, to a wide array of potential
stakeholders (those interested or with a stake in a particular policy issue). This means that groups can
anticipate being informed of current policy-making while it is still being elaborated, and thus can
construct a lobbying strategy to push for their interests.

While these policy-making institutions increase the amount of information that is not at the
discretion of policy-makers, there is always some information that is released with discretion.
However, Swedish policy-making institutions also expand the likelihood that this discretionary
information will be released by increasing the number of actors in government with information about
the policy process. For example, the collective responsibility of the Swedish cabinet means that cabinet
members must keep each other informed about what they are doing and considering. Thus, groups with

\(^1\) Stakeholders are defined as *any* organization, group, or individual who might have an interest in a
particular policy. While state, public, and private organizations are actively solicited for comments, any
private individual also has the right to volunteer a comment (Eriksson, Lemne, and Pålsson 1999).

\(^2\) These same processes are also used at the implementation stage, in the creation of rules and
regulations. Some bills also have stronger consultation requirements written in to them; for instance,
the Forestry Act of 1994 stated explicitly that forestry producers would be consulted to determine
whether voluntary changes could be implemented before any formal regulations or rules would be
considered - an approach characterized as “freedom under responsibility” (Ekelund and Dahlin 1997:
19-20; see also, Hamilton 2004; KSLA 2009).

\(^3\) The consultation alone is not the full story. While groups are able to exert some influence over policy
outcomes through these consultations, many feel that their participation in these institutions *do not*
reliably affect outcomes, as discussed later in this chapter. Thus, most groups still need to construct
lobbying strategies beyond participation in these consultations. The critical element, I argue, is that
these systematic consultations *release information* about the policy process and what is under
consideration to all groups. These groups can take part in the consultations, but are also able to
construct other lobbying strategies using the information released.
contacts in one ministry, for example, may still be able to find out what is going on in another ministry.

This is also the case at the final stage of policy-making: implementation. Executive agencies and their related ministries are formally and legally separated, and the latter does not have control over the former. This means that information about implementation is spread between the ministries and the agencies, who do not necessarily have the same natural constituencies. In other words, these institutions reduce the discretion of any one policy-maker, by spreading the information out among many more policy-makers.

At the same time, the Swedish system constrains the number of agenda setters, reducing the number of locations from which new policy will appear. For example, Members of Parliament can only introduce new legislation on any subject during a brief window at the beginning of a legislative session; after that brief period is over, new proposals are only allowed if they are germane to a specific government proposal. This means that, most of the time, groups can focus their attention on the main source of legislation, the government, without potentially being surprised by policies that arrive from other quarters.

Together, such policy-making rules act to reduce the discretion of Swedish policy-makers over policy-making information. There are requirements for releasing executive policy-making information early in the process, at least within the elaboration phase. Information is spread more widely within the executive, meaning that each individual policy-maker has less power over whether a piece of information is released. And there are fewer opportunities for policy ideas to be elaborated and proposed from different venues within the state apparatus, which delineates which actors are more likely to have discretionary information about policy options.

Because of these institutional arrangements, among others, the Swedish policy-making system is fairly transparent. It is unlikely that groups will be surprised by a policy change without forewarning that it is coming down the pipeline. Similarly, these institutions make it difficult for groups to be shut out of the process and cut-off from information flows about that process, since groups are less likely to be dependent on the discretion of potential allies in government who might impart information to them. This relative transparency means that groups can make their strategic decisions about lobbying
on a case by case basis--for example, joint lobbying actions can be negotiated *ad hoc*--rather than needing to plan contingency strategies for potential surprises.

It is also worth noting that there are institutions that increase general information availability without necessarily increasing the *actionable* information about what is currently being considered. These institutions fall into two categories. The first produce information about the general agenda for broad period of time; for example, any institutions that prompt governments to set out their administration’s agenda at the beginning of their term in office will provide information about the possible directions for policy in the coming years. This might include mandatory screenings of a policy program, but it might also result from elections or government coalition bargaining (through, for example, coalition agreements or party platforms being released to the public). This provides information *early*, but it does not necessarily create certainty for groups; it lets them know that a government is considering focusing on certain policy areas over others, and potentially what direction government plans to take for that policy; but it does not necessarily indicate *when* or *how* a specific policy proposal will move through the policy-making process.

The second institution that increases general information are Freedom of Information rules and laws. Such provisions are specifically in place to increase the information flow from governments and the state to ensure that these can be held accountable by the public. However, these are generally designed to ensure accountability *after the fact*; citizens can access information about what government has already done. This means that Freedom of Information laws can reduce discretion in the provision of information, but it is likely to be too late to be useful for groups interested in having an impact on current policy. Thus, not all institutions that may increase the amount of information released by a government will necessarily increase the transparency of the policy-making process for interest groups.

In the following chapter, I lay out these, and other, institutions of the policy-making process in more detail, explaining their functioning within the Swedish system, as well as their impacts on groups who seek to influence policy. I begin with a discussion Freedom of Information laws, an institution that should have *less* impact on groups’ ability to gather information about current policy issues:. Next, I focus on the agenda-setting and policy elaboration stages, laying out the critical institutions for policy-making transparency for interest groups, but also indicating institutional practices that prevent Sweden
from being the “ideal type” perfectly-transparent polity; the agenda-setting stage includes the broad release of government agendas, as well as the limitations on parliamentary agenda-setting, while the elaboration stage includes the important commission and *remiss* procedures. Finally, I briefly address the transparency of the decision and implementation phases of the policy-making process; these later stages of the policy process make it clear how groups can make-up for any lobbying mistakes on the small chance they missed important information from earlier stages. By closely examining the policy-making process, I conclude that the Swedish system is very transparent, providing interest groups with information about current policy ideas and stages and allowing those groups to construct their lobbying strategies in a relatively certain political environment.

**Freedom of Information**

As discussed above and in Chapter 3, a Freedom of Information (FOI) act does not guarantee that societal interests will perceive policy-making as transparent. While such provisions do help enhance the accountability of governments, by requiring documents to be released about their decisions and actions, they do not necessarily provide *actionable information* for groups or other societal interests who want a part in what is happening *now*. A right to information about past actions and decisions is useful, but it will not help interest groups shape their immediate lobbying strategies for issues on the table. Therefore, the FOI provisions that would enhance the transparency of the policy-making process are those that give groups or citizens access to information about current issues and decisions in the policy process, as they occur.

Sweden’s FOI provisions have existed in some form for over 200 years, and have created a political culture that is more prone to transparency than secrecy. Under the constitution, there is a guarantee of “free public access to all documents in the public sector” (Bergman 2003: 612). However, critically, these provisions do *not* provide a legal right of access to information about decisions that are in-process or incomplete. In fact, the Swedish FOI provisions *explicitly* provide an exemption for exactly the type of materials that would provide actionable information. This means that the FOI laws may be very important for general political transparency, but they do not greatly enhance the provision of actionable information during the policy process. In the terms used here, Swedish FOI requirements
do serve to reduce discretion (all official documents must be made public), but they are only timed to do so after decisions have been made (late in the policy process).

Nevertheless, since Freedom of Information laws are often equated with transparency, it is worth delving into the details of Sweden’s FOI provisions, and why, I argue, they do not necessarily increase policy-making transparency.

A Long Tradition of Freedom of Information

Sweden has a particularly long tradition of government transparency and information dissemination, from its first ‘Freedom of the Press Act’ in 1766 that created the legal principle that the public has access to official documents (Holstad 1979; Holmberg and Stjernquist 1996: 12; Petren 1987: 35). Though a return to absolutism made the principle moot for the next several decades, the Act formed the basis for the freedom of information laws enshrined in the 1809 constitution, the Instrument of Government (Sveriges Riksdag 2005a). At that time, the right to disseminate and copy the information in government documents was added, strengthening the corollary that one must be able to access the documents in order to print them (Anderson 1973: 422). Having these rights facilitates a number of purposes, such as ensuring accountability and legitimacy of government and increasing the quality of public knowledge and discourse about government and public issues (Holstad 1979: 30). Swedish society considers that having these expansive rights of access “facilitates the free democratic exchange of views, thereby contributing to the democratic legitimacy of decisions, strengthens the control of the administration by the public and the media, and contributes to making the administration more efficient” (Ministry of Justice 1996: 1). Indeed, Sweden holds these principles so strongly that it actively promotes them in the EU and its member states (Ministry of Justice 2000: 1).

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4 The act was originally created as a response to excessive state censorship during a period of intense struggle between political factions, named the Hats (hattarna) and the Caps (mössarna). While the Hats were in power, they maintained great secrecy about their government’s actions, and imposed censorship on others to prevent any secrets from leaking out; when the Caps gained control in 1765, they formulated their act to abolish both secrecy and censorship from their own and future governments (Anderson 1973: 421-2). This took place in an era of striking political freedoms called “the age of liberty” (Frihetsiden). The radical reforms of the Caps were too much for nobles of the time, however, and this age of liberty ended in a “bloodless coup” and the restoration of absolutism in 1772 (Nordstrom 2000: 107-110).
While the information laws have been revised and amended several times over the intervening centuries, they consistently prevent state, or public, authorities, from censoring based on content, and legally enshrine the right to access, reproduce, and disseminate any official document, with a few exceptions for state secrets and private information about individuals (Holstad 1979; Holmberg and Stjernquist 1996: 56-62; Bergman 2003: 612).

“Official Documents” Must Be Released Once Finalized

Any document in the possession of a public authority, whether or not that authority created it, is considered in the public domain; this includes for example, letters from constituents or interest groups. This expansive interpretation exists because “Sweden believes that there is just as much public interest in access to information influencing the decision-making process of the institutions as there is to documents produced by the institutions” (Ministry of Justice 2000: 1). These documents, once registered, must be made available to any individual or group for viewing or reproduction (Holmberg and Stjernquist 1996: 59).

Nevertheless, having these legal rights to information does not mean that they are always exercised. In her interviews with government archivists, Yoos (1997) found that individual citizens do not often request government document beyond those that might contain personal information; instead, journalists and academic researchers are much more common users of the public archives. Journalists and the media particularly began using these rights in the 1970s, as they increased their scrutiny of government, which had previously been left to operate in relative secrecy; the government had been legally archiving their official documents, but they were generally ignored (Jacobsson and Sundström 2007: 19). After the 1970s, the media was much more proactive; now, some journalists even visit government offices on a daily basis to look over the newest official documents in search of potential scoops (Jacobsson and Sundström 2007: 20; Lundvik 1983: 4; Yoos 1997: 55-6).

This is not a trivial point, as government departments have become more media savvy over time. The government is much more conscious of the image it projects, and works to control that image through press releases and official web sites, among other methods. At the same time, it has reduced the use of informal communications to the media by officials other than formal press liaisons (Jacobsson and Sundström 2007: 20-21). It is not necessarily clear which of these developments came first (government message control or journalist archive use), but they indicate some equilibrium between the cost of gathering information and the usefulness of that information. When government officials were good sources of direct, and unvarnished, information, journalists were willing reduce their costs by using it; but as direct information became varnished and message-conscious, journalists were willing to increase their costs (by daily in-person visits) in order to get a more interesting story.

However, for groups who are interested in influencing policy and are not just in pursuit of a good story or scandal, the provisions of the Freedom of Information and Freedom of Expression laws are not necessarily immediately useful. Checking the documents of the relevant ministries, agencies, or cabinet might be helpful for maintaining overall accountability and monitoring the types of actions and decisions already undertaken by an authority, but it is far less useful for policy issues that are currently on the table.
The critical issue, then, is when a document has to be “registered” and actually made public. Indeed, a major reason why these laws may not help lobbying groups, is that the laws do not require that documents “in progress” or in draft form be made public before they are finalized, if they are prepared within a government authority (Holstad 1979: 34; Holmberg and Stjernquist 1996: 59). For instance, minutes of meetings are not “official” unless they have been approved by an authority, and sometimes only if the matter to which they pertain has been settled; memos and drafts created to help prepare or present a matter can actually be destroyed if they do not include new facts about the issue, or if they have not been added to a registered file once a matter has been decided or resolved (Lundvik 1983: 5; Ministry of Justice 2009: 13). If a draft is not used for making a final decision, it is not considered an official document (Ministry of Justice 2009: 8), though relevant papers are released once a decision has been made (Thomas 1987: 151). To be more specific, a document “drawn up” by public authorities is only “official” if: 1) it is in final form; 2) it is dispatched or sent out in whatever form; 3) the issue at hand, to which the document relates, is settled; or 4) it has been checked and approved for registration (Ministry of Justice 2009: 13). Even with this list, what exactly constitutes an “official document” has been a main cause of confusion from the Freedom of Information laws (Thomas 1987: 160; Holstad 1989).

The purpose of this provision, that draft documents are not made public, is to allow the authority to “finish a decision or report without being disturbed by undue interference from

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6 An additional impediment for lobbying groups may be the actual registering of documents, which is an important step in the process of making documents public. Legally, all documents must be registered, even documents that are covered under the Secrecy Act and are not to be made public (Ministry of Justice 1996: 7). While the laws specifically require that documents be provided and registered without delay, this is not always the case. For items that are sent directly to a general ministry office, the staff usually immediately register them; but items sent to specific individuals require that those individuals do the registering. This sometimes introduces delays, perhaps because those officials find the process a burden, or simply because they do not know the requirements; while some Swedish archivists thought that important documents would probably always be registered, it is more likely that less important documents could slip through the cracks (Yoos 1997: 72). At worst, notes a Parliamentary Ombudsman, “hot-potato documents” may simply be destroyed or hidden, though it is unlikely that this happens often (Wennnergren 1970: 249).

A document is still official even if it has not been registered (Ministry of Justice 2000: 3), but registration is needed for a document to be included for retrieval by requesters. Thus, even if a group would like to use its access rights to find out about a particular policy issue, they may be uncertain that they have been able to access all relevant documents. The extent of the Swedish FOI law makes it unlikely that any major documents will be left out, but less “important” and more informal documents may still contain information that is relevant to the interests of a particular group, even if it would be considered unimportant by societal standards.
outside” (Holstad 1979: 35). For groups who are interested in influencing issues that are currently on the table, this limitation means that the freedom of information laws are unlikely to help them gain information about items in-process. Instead, keeping a close eye on new official documents would likely only be helpful once a decision has already been made.

Nevertheless, there is no specific prohibition on releasing information or documents before they become official, unless the information content is prohibited under the Official Secrets Act; if an authority wants to release information early, it can be done at his or her discretion as to whether the release might adversely affect a given decision (Holstad 1979: 39). In other words, during the policy-making process, the Swedish FOI laws leave much discretion in the hands of policy-makers as to whether or not to release information.

Loss of Information from Self-Censorship?

An additional impediment to interest group use of FOI laws, beyond the technical aspects of what is an official document, is that expansive public access laws may lead to problems of self-censorship by participants in the political process. When officials know that they will need to register and publicly release their official actions, they may delay any action or formalization until there is an informal consensus; this stems, at least in part, from the legal responsibility of individual policy-makers if the public documents indicate that there has been some failure or breach of authority; consensus on the record means that responsibility is spread more evenly across multiple actors. Though there may be quite a bit of informal discussion behind the scenes, the formal declaration is likely to remain vague, such as “We had a meeting and came to an agreement” (Anton 1969: 99-100). A former Swedish Ombudsman, Ulf Lundvik, also notes this tendency towards vagueness and omission in official documents. In particular, officials are less likely to make notes or commit to writing when they receive oral communications, either face-to-face or over the telephone (Lundvik 1983; Wennergren 1979: 249), even though, for instance, any information received by an administrative authority that might be “of importance for the outcome” of an administrative matter must be recorded (Ministry of Justice 2007: 5).
Indeed, Lundvik recommends that those who access official documents must learn to read between the lines and infer from what is not officially stated (Lundvik 1983).\footnote{On the other hand, Hayward (1984: 56) speculates that officials faced with strict access laws, in any country, may create public records that are clear and more informative, especially to explain how and why they made particular decisions, if they think those records may be used to judge them at a later date.}

Such reluctance to point to particular individuals or discussions, identified by Anton and Lundvik, may make it more difficult for outside groups to use official documents as a means to understand the political process, either during or after a particular policy action. Documents that show consensus may not make it clear how that consensus was reached, though, as I will address later, where there are disagreements the Swedish method is to make those disagreements a clear part of the record. But serious effort will be put into creating a consensus so that recorded disagreements are less common (Anton 1969).

It is also likely that private individuals will self-censor in their communications with government, if they know that their own correspondence -- once received by a government official in his or her official capacity -- is to be registered and made public (Thomas 1987: 138); though not all citizens, or even public officials -- especially at the local level -- know that this must happen (Lundvik 1983: 7-8). Groups who are very actively involved with major government departments are likely to know that any written correspondence or official meetings that they have with public officials will also be included in the public record; and the law requires that they be made public very quickly. This may have the effect of reducing graft and corruption (Anton 1969: 97; Ministry of Justice 1996: 2) and it also means that groups may be held accountable by journalists and their own constituents. On one hand, this approach of information freedom means that groups might be able to study the types of appeals that were successful in past policy decisions, and even appeals made for current policy issues since correspondence is “final” once it has been sent and received by a government official. However, any self-censoring may mean that other groups will have a more difficult time using official documents to find out about the various appeals and information provided by their colleagues, whether allies or opponents.
Costs of Accessing Documents

Finally, to actually get access to the documents, individuals must request them from the relevant authority, though the request does not always need to be very specific, and the process is set up to enhance access to registered official documents. While this suggests that individuals or groups do not have to incur great costs for accessing public information, it still requires some outlay of resources in order to acquire these documents. In general, access to documents in Sweden is relatively cheap (in terms of group resources expended, such as time, personnel, etc.). Nevertheless, it is not costless, and effective monitoring of issues of interest may require a regular outlay of effort; a group that hopes to stay abreast of government activities by looking through official documents, may need to make a habit of daily visits to the archives of the relevant ministry or agency.

The Impacts of Freedom of Information Laws on Policy-Making Transparency

In conclusion, Sweden’s right to access official documents is unlikely to help interest groups gain much information on issues that are currently on the table and under discussion. When documents that have been “finalized” are actually released, these documents are likely to have less information about process or individual contributions than might be helpful, and there is a possibility that communications between public authorities, and between public authorities and those outside government, will not be included in the official record, if conducted informally and orally.

This means that the Freedom of Information laws increase the general transparency of government, but not necessarily the transparency of the policy-process as decisions are being made. In

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8 The request does not always necessarily need to be very specific, such as a date of registration or creation or the registration number, but authorities are not required under the law to make enormous efforts to find the document if the request is not specific enough (Ministry of Justice 2009: 14). Public authorities are required to make browsing possible -- for instance, by organizing and cataloguing documents with the accessor in mind, and by including descriptions of the “authority’s operations and organisation, which types of information the authority regularly gathers from or discloses to others and how and when this is done, means of searching available, etc.” (Ministry of Justice 2009: 19); and public archivists will often help put individuals in contact with the correct authority if they have approached the wrong one (Yoos 1997). Still, the press tends to have more access to daily records, including incoming and outgoing documents, especially for larger public authorities who can afford to put a special room aside for this purpose. Nevertheless, individuals do not need to make their requests in person and can instead do it over the phone or by letter, reducing the costs of displacement (Thomas 1987: 145; Lundvik 1983: 4). In addition, many documents are available online from various government offices, though, again, these are usually finalized documents and reports rather than documents about ongoing processes.
terms of uncertainty, therefore, the Swedish freedom of information laws may actually lead to reduced uncertainty for groups, but it will be a delayed reduction of uncertainty, usually after a decision has been made and finalized at a particular phase of the policy-making process. In addition, as might be expected, there are likely to be costs to this reduction of uncertainty: from interpreting the information in official documents ("reading between the lines"), from requesting the approximately correct files (requiring at least some prior research or knowledge of what to ask for), from potentially needing to sift through many irrelevant documents (if browsing the archives for information), and from potentially needing to access the archives regularly enough to ensure important information is not missed.

However, a key benefit to the expansive access laws is that groups can be relatively certain that most official documents will be available in the future, if needed, even if they are not useful for immediate actions.

Perhaps most importantly for groups is the impact of these Freedom of Information laws on the political culture of Sweden. These laws undoubtedly contribute to a general tradition of openness in the political system, which may encourage greater transparency at other junctures, even when there are no legal requirements for producing official documentation.

**The Policy-Making Process**

Rather than simply through Freedom of Information laws, it is through the institutions of the policy-making process itself that groups receive the actionable information they need to be able to lobby effectively. The institutions of the policy process can be roughly divided into four broad stages: agenda setting, elaboration, decision, and implementation (Kingdon 1984: 3). Within each of these stages, the institutions of policy-making affect the discretion and timing of information release. In Sweden, the elaboration and implementation stages are particularly transparent, providing groups information about issues that are under consideration before decisions are made. The agenda-setting and decision stages are less transparent, but the final, implementation stage is as transparent as elaboration.
**Agenda Setting**

The agenda setting phase determines which issues will even be considered for changes from the status quo. All lobbying groups -- on behalf of themselves, their members, or their clients -- are interested in promoting beneficial policies and preventing detrimental policies. Their first order of business, then, is to know whether a particular issue is going to be taken up and brought under consideration. In some ways, this policy-making phase is both very transparent and very opaque; it is fairly easy to see the potential options from which the agenda will be chosen, and these options are presented from a multitude of sources. And, there are plenty of opportunities to find clues about what policies a government will pursue. However, this also means that there may not be a single process or procedure for deciding the agenda, which suggests that monitoring the specific and actual agenda-setting process may be fairly difficult. Thus, there is a distinction between gaining information about the broad agenda of government vs. the specific information about when a particular policy issue is on the agenda. In particular, while there are institutions in place that require release of broad agendas, information about specific agendas are a matter of discretion.

**Early but Broad Agenda Information**

Through elections and government formation processes much information about a new government’s policy agenda is released to the public; this is the case in Sweden, as it is across regime types. The most basic form of agenda-setting in a democracy is likely to begin during the election campaign, when parties or candidates set out their policy platforms, and the citizens choose among them (Downs 1957). Sweden is no exception. After an election, groups are likely to have some idea of issues that will be on the agenda, based on the policy platforms of the various parties. Election campaigns will likely have brought out which of those items are of highest priority for each party, though this may be less useful for groups which are interested in issues that are not particularly salient for the general electorate.

Information about government priorities and broad agendas may also be released through coalition agreements, if there are negotiations between parties to form coalition governments. These coalition agreements can lay out the joint policy program of the parties who have agreed to govern
together, though not all coalitions agreements are both formalized and made public (Müller and Strøm 2008). Nevertheless, if the information is released, generally or at least to the relevant parties, these coalition agreements can give interest groups a very good sense of likely government positions on certain issues; however, the evidence shows that these are not perfectly followed in all cases, nor are they without conflict and controversy (Müller and Strøm 2008: 159-60). Thus, while these can provide interest groups with a broad guide to coalition agendas, it does not fully reduce uncertainty about how the policy process will play out when an issue is finally taken up.

On the other hand, the Swedish system adds an additional institutional requirement for releasing information about the government’s agenda. The Prime Minister must formally present the “Statement of Government Policy” on the first day of a new legislative session for the Riksdag (Riksdagen Act, ch. 1.6). These statements resemble, in content, the State of the Union addresses given by U.S. presidents. They provide an evaluation of the government’s previous policies, and they lay out a framework for general policy areas as well as some more specific programs they hope to pursue. For example, the 2010 Statement of Government Policy, given by Prime Minister Fredrik Reinfeldt, presents the government’s approach to education policy: it emphasizes the importance of education, praises their prior education programs, and proposes to expand policies for teacher improvements, amend the student learning curriculum, and change grading policies. So, while these policy statements mirror the more general agendas that are provided through elections and coalition bargaining, they provide the additional information of at least some of the specific proposals that the government hopes to enact.

For groups, these processes makes the large agenda items clear, and at least give them some certainty about the intent of government to deal with particular issues, as well as their preferences on those issues. With the exception of the Prime Minister’s mandatory statement to the Riksdag, these forms of information release do not vary greatly across democratic systems. Where coalitions are rare, there will not be coalition agreements; but elections and the electoral process should provide reasonable

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9 In addition to the general Statements of Government Policy provided each year, the government also provides a more focused statement on foreign affairs. These are made available in English, French, and Spanish, as well as Swedish. See: http://www.regeringen.se/sb/d/3039 and http://www.sweden.gov.se/sb/d/10275 (Accessed July 10, 2011).
amounts of information about a future government’s likely agenda to both the public and interest
groups. Nevertheless, these forms of information release may not provide adequate actionable
information for groups: they will not necessarily lay out the specific policies that will be pursued, nor,
critically, when they will be pursued.

For example, if elections or policy statements put climate change on the agenda, it may mean
dealing with policy issues spanning agriculture, environment, energy, industry, and international affairs.
This complexity highlights one of the drawbacks of relying solely on political platforms to know the
practical agenda. If a group is interested in forestry, then knowing that the government will be active on
climate change may not be enough to dispel uncertainty about the political agenda; it may be clear that
forestry will be part of the climate change discussion, but when or how? Will the government take up
forestry before or after it takes up nuclear energy, or will they be dealt with together? Will it consider
forests as a critical source of carbon uptake, suggesting high levels of conservation? Or will it consider
forests as a source of renewable energy, suggesting increased harvesting? Or both? In other words,
broad agendas may not be fine-grained enough to reduce uncertainty so that groups with narrower
interests can lobby effectively. Nevertheless, the Swedish requirement that governments provide a
Statement of Policy each year to the Riksdag does increase the volume of information available to
groups.

Specific Agenda-Setting During the Policy Process

The agenda-setting information that groups really need is information about exactly when a
specific policy is actively placed on the agenda and work begins on defining the boundaries of the
policy outcomes. In Sweden, the formal work of setting the government’s specific agenda is done by
ministers within their policy domains, with the formal or informal consent of other ministers and
cabinet members. Some political issues are too complex to be dealt with entirely within a single
ministry, and so the “agenda” may be distributed across several ministries who need to deal with the
interrelated nature of the problem (Petersson 1994: 94). To know if a policy that may affect them is on
the table, then, a group will need information about what is being considered in the various ministries of
government.
While the government has the formal agenda power, there are a number of ways that other societal actors can pressure these ministers to include new issues on the agenda. Importantly, this means it is still the government controlling the agenda, even though the suggestions for inclusion on the agenda come from outside government. For example, interest groups can request meetings with ministers to lobby for particular items to be placed on the agenda, or simply directly request that a particular topic be taken up (Olsen 1982: 198-9); indeed, interviews with government officials suggest that they are very open to this sort of initiative by outside groups (Olsen 1982: 236). Experts -- whether from government, administration, interest groups, or elsewhere -- have traditionally brought potential policy issues to the fore through their research; this has been helped, in part, by the extensive data gathered by the Swedish Statistical Office (Anton 1969: 93). Indeed, it has been a “definite duty” of the administrative agencies to suggest changes to laws “in their field of activity that they regard desirable” (Andrén 1968: 181). Members of the Riksdag can also propose policy initiatives to government, though as discussed below, their powers of directly setting the agenda are somewhat curtailed. In addition, since Sweden joined the European Union in 1994, many items have also been forced onto the agenda from above; EU legislation frequently requires policy-making or policy changes at the national level. For example, the Natura 2000 directives specified that environmentally sensitive and biodiverse regions were to be set aside within each European nation; but the actual political and technical determinations for new protected regions were determined within the national policy-making structures (see Chapter 8). And finally, media attention and external events or crises may also push items on to the agenda. For interest groups, the bigger events (i.e. crises, EU directives) will likely be more transparent than agenda communications from private experts or interest groups. The latter are likely to take place in direct communications, and are less likely to be common knowledge until an item is formally placed on the agenda.

There are no specific institutions by which agenda-setting decisions are released to the public. Ministers and government as a whole, then, have quite a bit of discretion in whether to release information about what is on the agenda, and are not necessarily required to disclose that they will begin working on a particular policy issue in the near future. Policy-makers may choose to inform groups or the public, either as individual communications or by more public announcements, say on a
website; however, they do not need to do so. As discussed in great depth below, there are several institutions that release this information once the elaboration phase begins, but unless policy-makers in government use their own discretion to inform interest groups about the details of the policy agenda, groups may not discover this information on their own.

Limitations to Parliamentary Agenda-Setting

In parliamentary democracy, most legislatures have their own agenda-setting tools. As the most direct link to the public, they have a legitimacy to bring public issues onto the political agenda. The most active means of this agenda-setting is through the creation of parliamentary policy proposals, but other options exist, such as pressuring government to take up issues through debate or questions. In Sweden, however, the Riksdag and its members are more limited in their use of active agenda-setting. These limitations serve to decrease the possibility of surprise for groups; where there are fewer venues of active agenda-setting, there are fewer chances of proposals being taken up without a group’s prior knowledge. And with fewer venues, groups avoid spreading their monitoring resources too thin.

Most importantly for groups, Members of Parliament (MPs) have only a limited window in which they can propose new bills on any subject within the Riksdag’s purview; they have from the opening of the Riksdag in late summer/early autumn until 15 days after the government proposes the budget bill in September (Sveriges Riksdag 2005c; Regeringskansliet 2008). Otherwise, MPs are limited to presenting alternative proposals to a government bill within 15 days of its being presented to the Riksdag; and these alternative proposals must be on the same subject as the government bill (Sveriges Riksdag 2005c). In other words, except for the very beginning of the yearly session, the agenda of Riksdag is limited to what was proposed by the government. For interest groups, this helps reduce uncertainty. While they must be attentive to the possibility that any subject may be proposed at the beginning of the legislative session, they can be reasonably certain not to be surprised by a new

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10 The Riksdag can hold debates to discuss current issues even if there is no scheduled vote on legislation; these debates generally occur a few times a year, and can cover topics as diverse as poverty, nuclear power, or internal Riksdag procedures (Petersson 1994: 67). However, such debates, while making public the various parties’ and members’ positions on an issue, do not place new bills on the agenda, though they may effectively pressure government into considering the issue.
agenda item once that period is over. If groups know the topics of government proposals, they can anticipate the topic of Riksdag bills, as well; though they will still need to pay attention to the actual details of MP alternative motions during the rest of the session. Nevertheless, this constraint on the Riksdag makes it less necessary for groups to focus their resources on regular monitoring of Riksdag sessions, if there is government bill that affects them.

Since their agenda-setting is limited by these bill proposal rules, Riksdag members must resort to less direct methods of agenda influence and scrutiny. A key method of indirect agenda setting is through through parliamentary questions and interpellations, to which ministers are constitutionally obliged to respond (Riksdag Act, Ch. 6; Bergman and Bolin 2011). This provides a route for MPs, and particularly backbenchers and opposition parties, to officially let a minister, or the government as a whole, know what issues they want addressed. Still, these must be related either to the way the government or a minister is dealing with a particular issue or the positions they are taking on an issue (Petersson 1994: 71). However, since Ministers are are required to take the time to effectively reply to these queries, and since they will be pressed in public debate on their answers, this indirect method gives a clear opportunity for MPs to force government to think about their interests, at least for a short time. While these parliamentary actions can be used for other purposes than influencing the agenda, they nevertheless serve as one avenue for persuading government ministers to consider particular issues, and force them to explain why they choose not to include them on the agenda.

Questions and interpellations also serve to rectify some of the information asymmetries that exist between MPs and ministers, since the latter have far more staff and resources. From this process, not only does the MP get information about what a minister is up to and why, but the information becomes public, especially since question-asking often gets media attention (Bergman 2003: 604; Bergman and Bolin 2011). Groups can, and do, lobby their MPs to ask questions and request

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11 Questions tend to be relatively short, and must be posed in writing several days ahead of the next scheduled response time; at that time, only the minister and the questioner can be involved in the debate over the question. Interpellations, on the other hand, are usually fairly detailed and can lead to debates including the interpellants, the minister, and other members of the Riksdag (Petersson 1994: 71; Bergman and Bolin 2011: 269). The turnaround is relatively short, as Ministers are generally required to respond within a week for questions or two weeks for interpellations (Sveriges Riksdag 2008a; 2008b; 2008c). Responding to and preparing for these debates can take up a large portion of ministerial time (Petersson 1994: 79).
interpellations of relevant ministers. Thus, if groups have allies in parliament, they can make additional
information public beyond what they are able to gain from government on their own. This can help
groups have some input, if indirect, on agenda setting, and demonstrate to ministers that constituents
and MPs are interested in a particular issue. It also gives groups some recourse in the Riksdag if groups
fear that they have not heard about something that the government may be considering.

The Impacts of Agenda-Setting on Policy-Making Transparency

Altogether, while there will be quite a bit of information made public about the general agenda,
the process leading up to a decisively set agenda is likely to be uncertain. Since the agenda can be
influenced from a great number of sources, and because there is no formal “agenda-setting process”,
groups will have a much more difficult time ensuring that they are on-top of the government’s agenda.
As Andrén (1968: 181) noted, “it is often difficult to find the exact origin of a proposal for new
legislation.” There is a lot of information to be had about this stage of the policy-making process, but it
does not necessarily fully reduce uncertainties that groups will have about agenda-setting at a particular
time. Groups may indirectly seek out information about government actions by lobbying parliamentary
allies to ask questions or interpellations; they can request meetings with government ministers and civil
servants to inquire about the current agenda; or they may monitor official correspondence, MP
proposals, etc., to garner clues about what may be on the agenda. In other words, there are many
avenues for gaining information, but this stage of the policy-making process does not rule out surprises
for interested groups. Therefore, groups are likely to have at least some uncertainty about the agenda,
and will need to expend resources in monitoring government actions if they hope to know about
policies on the agenda before the elaboration stage begins.

Elaboration

The first concrete policy-making step for most legislative changes begins with a government
minister’s decision to place a particular issue on the agenda, finding that a change from the status quo
might be necessary on a subject within his or her purview. In other words, the elaboration phase begins
as the agenda-setting phase ends. The elaboration phase of the policy-making process spells out the
details of policy proposals, and lays out the potential alternatives from which the final laws will be
chosen. These details are critically important for groups. As we can see from intense lobbying over just
a few words of the 2010 US financial reform, even the tiniest portion of a proposal may have large and
long-term consequences for the interests a group represents. For groups to lobby effectively, they need
to know the suggestions on the table that they support or object to; and they have a better probability of
success (or at least smaller resource expenditures in pursuit of success) if they can inject their ideas and
facts into the deliberations before the policy details are finalized.

The specification of alternatives is a core part of the Swedish policy-making process, and it
occurs both within the government and within the Riksdag. However, since the majority of bills begin
as government proposals (Bergman and Bolin 2011: 269), it is worth taking a particularly close look at
the elaboration process within government. Arter (1999: 153) suggests that this policy formulation
phase within Nordic governments can be sub-divided into three distinct steps: 1) once an item has been
placed on the agenda, it is thoroughly discussed by government commissions and committees; 2) once
the committee/commission reports are complete, there is a remiss process seeking comments from
societal stakeholders, and then all reports and comments are transformed into draft proposals by
ministry civil servants (with the possibility of additional rounds of the remiss process); and 3) the draft
proposals are considered by the upper echelons of the ministries and cabinet, and then approved
collectively by the cabinet. This is the case across policy areas. These three steps are very much
apparent in the Swedish policy-making process, and they have a very strong impact on the relative
certainty that Swedish interest groups have about the policy process, compared to groups in other
countries.

In particular, the elaboration stage is conducted with extensive consultations. In these, Sweden
takes a stakeholder approach to policy elaboration and evaluation; “the organizing principle” of this
framework is “the concerns and issues of the people who have an interest in or are affected by the
intervention” (Vedung 1997: 69). This policy-making model critically provides information to groups

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12 See also the government’s website, which also notes that the government initiates most bills

13 For example, see Vail, Hasund, and Drake (1994), for an overview of this process for agriculture; and
see Ekelund and Dahlin (1997), for an overview of this process for forestry.
about what the government is considering, and how it is approaching policy; and more importantly, it provides this information early in the process, before government drafts its own policy proposals. The consultations also provide an avenue for influence, but, as will be discussed, there is a fair amount of disagreement on how effective this influence really is, compared to other forms of lobbying. Regardless, these consultations are very beneficial for groups who want to be involved in the policy process.14

Commissions of Inquiry

Once a minister determines that a policy should be pursued, she calls for a governmental commission to investigate the subject (statliga utredning), with the consent of the Prime Minister and the cabinet as a whole. This is the case particularly for major policy changes and the creation of new laws and public programs, but also for narrow technical policies through to constitutional questions, encompassing the full issue range of government activities (Ruin 1996: 67; Heclo and Madsen 1987: 13; Trägårdh 2007; Premfors 1983; Anton 1969). Heckscher (1958: 166) notes that “practically all important questions which are brought before Parliament have at one time or another been studied in a royal commission, the report of which is made public well ahead of the bill which is presented to Parliament.” While not every new policy proposal has to go through a commission, it is widely regarded as an important and common step in the policy process.15

Indeed, the characterization of Sweden as a consensual and consultative democracy rests in no small part on its use of these investigative commissions in the policy process. Trägårdh (2007: 254) argues that these commissions are “the institutional linchpin in a system of democratic governance whose hallmark is deliberative political practices that involve a mix of civil servants, politicians,

14 For the government and its policy-makers, the consultations, especially through the commission process, are also very beneficial. In particular, a well thought out and coherent policy decision requires “up-to-date and complete information,” more accessible when consultations are thorough and open; but policy-makers also run the risk of “information overload” if they gather too much (Petersson 1994: 94). By beginning these consultations with a commission process, the Swedish government provides societal interests with an outlet through which they can reach their own compromises and can elaborate several alternative proposals.

15 The government’s website, for instance, lists the commission as one of the first steps in the legislative process. (http://www.regeringen.se/sb/d/1522).
academics, experts, and representatives of relevant civil society organizations.” And Micheletti notes that “the system of commissions is an important pillar of Swedish political culture, corporatism, and strong society. It symbolizes the Swedish model” (qtd in Trägårdh 2007: 265).

Beyond their democratic nature, commissions are particularly important in the Swedish system because ministries are relatively small and do not have direct control over the civil servants in the relevant administrative agencies; thus, they must often rely on outside experts to undertake the research and groundwork of policy elaboration (Arter 1999: 154; Anton 1969; Trägårdh 2007; Premfors 1983). In short, these ad hoc commissions can be considered the “investigative agencies” of Swedish government (Petersson 1994: 90); they gather as much information as possible on a particular policy issue and conduct a thorough analysis of that material (Anton 1969: 98). The conclusions of the commissions are then presented to the minister at the same time as they are published and released to the public as either Official Government Reports (SOU - Statens ofentliga utredningar) or Department Reports (Ds - Departementsserien).

The commissions themselves are “an important arena for political negotiations” and because of their form “there is considerable leeway for interest organizations and political opposition to affect the outcome” of policy formulation (Premfors 1983: 627-8). However, it would be naive to expect that the commission reports are unmarked by politics, though the image of these commissions is often one of disinterested “scientific objectivity” by technical experts (Premfors 1983: 628-9). Indeed, Premfors argues that “the notion that Swedish ad hoc commissions are primarily instruments of objective inquiry is largely a myth. Instead, they are best described as an integral part of an often highly politicized process of policymaking” (1983: 641). As a whole, then, the commissions are important institutions for facilitating the work of government ministries, by outsourcing some of their workload, but also for formalizing the political and technical discussions between societal interests over changes to the status quo.

Most importantly for groups, the commission process increases policy-making transparency, and provides groups with important actionable information about the policy process. When a commission is created, groups are simultaneously made aware that 1) the agenda has been set for this particular issue, and 2) that a process of information-gathering and deliberation on the subject has
begun. This is a crucial point of uncertainty reduction for groups, and it happens very early in the policy-making process, at the very least for big issues. It means that groups know that a particular issue is on the table well before any policy details have been decided. And groups also know that any major policy change, or policy upheaval, will be preceded by such a commission; while smaller proposals may not follow such a path, Swedish groups can be very certain that no fundamental and sweeping changes will be made to their legal environment without finding out about it early in the policy process. As will be seen in the following discussion, not all aspects of the commission process is perfectly transparent, nor are all groups able to participate directly; however, the commission process does provide important information early in policy-making that gives groups a chance to construct their lobbying strategies.

The Commissions are officially created through ministerial directives that lay out the formal tasks and parameters for the commission’s inquiries.16 These directive can be fairly broad, allowing a commission wide latitude in coming to its recommendations; or, it can be a much more narrow directive that limits the potential policy alternatives that the commission can consider (Olsen 1982: 240-1). This process for creating commissions is well-publicized. New, and past, commissions are listed on the government SOU website, as well as on the Riksdagen website, and the formal directives for the commissions are published online as well.17

Commisions can take a variety of forms, such as commissions which are composed entirely of civil servants, and might include as few as one individual, or broader commissions which can include members from many different parts of government and society (Arter 1999: 154; Premfors 1983: 625). In general, the largest policy questions are are carried out by commissions with the broadest memberships, while narrower policies can investigated entirely by, say, ministry officials or civil

16 While individual ministers create the commissions, the Cabinet Office is formally required to approve the minister’s decision; however, conflicts between ministers and the cabinet on these are rare (Elder and Page 2000: 146).

17 The dedicated government website lists the current and completed commissions, their directives, members, contact information, and their reports (http://www.sou.gov.se/). The Riksdag lists commissions and members, as well as reports, on their own website as well (http://www.riksdagen.se/templates/R_Page_____4894.aspx). Note, however, that prior to the use of the internet to disseminate information, commission directives and commission membership was published in a yearly report, called Kommittéberättelsen (Premfors 1983: 624).
servants. For instance, the government can direct one or more administrative agencies to conduct the research on an issue and draft the preliminary proposal for the government to consider (Andrén 1968: 181). As discussed above, the ministries have more limited resources and staff, suggesting that the number and scope of ministry-only policy investigations will be limited by the capacities of the ministries themselves.

Other commissions may be more reasonably thought of as “semi-permanent”; in 1972, 12% of the ad hoc commissions could be considered as such (Premfors 1983: 627). These include Planning Councils (*planeringsråd*), which are to advise ministers on broad and long-term policy goals (Olsen 1982: 199). For example, the Environmental Advisory Council (*Miljövårdsberedningen*), whose creation directive dates to 1968, is still ongoing today, and produced over two dozen SOU reports in the 1990s alone.\(^{18}\) Most of the commissions, however, have a finite mission and a finite amount of time in which to pursue their work.

The membership of the commissions varies depending on the type of commission. Regardless, the members, which are selected by the minister, potentially include experts from within and outside of government, MPs of various parties, and representatives of interest groups and other stakeholders (Ekelund and Dahlin 1997: 17; Bergman 2004: 214; Premfors 1983; Trägårdh 2007; Heclo and Madsen 1987: 13). In part, because of the breadth of commission membership, the “agreements, negotiated in the commission arena, quite often survive the following decision-making process and form the basis of authoritative decisions” (Sannerstedt 1996: 18). In particular, the inclusion of MPs, even from the opposition, means that the various political parties can influence the elaboration of policy proposals; it also increases the chances that the later parliamentary stages of the policy-making process will be smoother and more consensual, and it is favored by parliamentary parties as a way to keep tabs on the elaboration process (Arter 1999: 156-8).

Representatives of interest groups and societal organizations are also included on these investigative commissions. When groups are identified as major stakeholders in a particular issue, or are considered as having expert knowledge on the subject under investigation, they are invited to be

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members of the commission. Premfors (1983: 625) calculated that around 20% of commission membership has come from interest organizations, though the number has fluctuated from over 30% to 10% (Lewin 1994: 67). Wheeler (1975: 41), in his study of professional organizations, adds that “interest groups place a high priority on gaining access to such commissions in their efforts to influence public policy. At this early stage in the decision-making process, when positions are still highly flexible in many cases, groups have great opportunity for influence.” Being on the commissions gives interest organizations a direct hand in shaping the policy recommendations given to government.

It is also possible for groups who are not invited to take part in a commission to try and convince the minister that the group should be included. The government, however, is perfectly within its right not to include a particular organization on a commission, and does turn down such petitions for inclusion (Olsen 1982: 239). Of course, being on the commission is the most direct way to impact elaboration of policy, but groups who are excluded do have other options for influencing the reports.

Unfortunately for groups, the commission deliberations themselves are not open to the public (Arter 1999: 155; Elder, Thomas, and Arter 1988: 184; Lewin 1994: 67). As discussed above, ongoing deliberations are exempt from the publicity requirement of the Freedom of Information acts, so commissions do not have to release any information until their reports are finalized. This obviously reduces the transparency of commission decision-making. Though, it might also be possible to discuss the commission work directly with those members, though releasing information about ongoing commission work is at the discretion of the commission and its members. This possibility is likely affected by the actual membership of the commission: groups who have close contacts with government officials, for example, might have better luck with commissions that are fully staffed by ministry officials; on the other hand, groups without close contacts with authorities would probably have more luck if their allies have seats on a commission.

Other than attempting direct contacts, groups have three options for influencing commission reports if they are not appointed to serve: 1) they can send letters and documents to the commission; 2) they can testify in commission hearings; 3) they can request to send a “nonvoting consultant” as an expert to work with the commission (Olsen 1982: 200). Nevertheless, groups do not necessarily find that these options have much success in influencing commission outcomes (Olsen 1982: 239). These
options are only possible because the process of creating the commissions is itself transparency. The

directives and memberships of the commissions are public information, which means that groups can
know the bounds of the commission discussions, as well as the likely positions of the various
contributors. This means that groups will know that a commission is underway, and will have a good
idea of the topics under discussion; their strategies for influencing the policy suggestions, then, will be
based on this public information released at the outset of the commission.

One additional advantage for groups as they construct their strategies is that the commission
process can take quite a long time. The average commission takes between two and three years to
complete a report, and can even take as long as five years, though there is increasing pressure on
commissions to complete their work within two years (Arter 1999: 154; Anton 1969: 93; Petersson
1994: 90-91); this can mean that the full policy process on any particular issue could take six to eight
years (Trägårdh 2007: 264). The process is so lengthy because the goal is usually to provide a
comprehensive report that presents research on the questions posed, as well as concrete
recommendations for policy changes.\footnote{The nature of the commissions membership also affects the length of time it takes to produce a report. The various commission members meet when they can, as commission leaders and members take on commission work in addition to their normal professions, and in the interim, drafts and memos on the reports are passed between them; this allows time to comment, critique, and amend the report, as well as the time needed to gather the requisite research and analysis (Arter 1999: 156). A commission secretariat, composed of the commission leader and any staff working full time, coordinates and supplements the work of the other commission members (Arter 1999: 156). By using members from various parts of society, including the Riksdag, non-governmental organizations, industry, local governments, etc., the commissions increase the wealth of knowledge brought to the table, but must also set the workload to be manageable for those who take it on as an additional responsibility.}

This drawn out process provides groups with an extensive amount of time to plan their lobbying strategies.

This means that at any moment there are likely hundreds of commissions conducting investigations. In 1969, Anton (1969: 93) noted that there were “one hundred or more” in any given year, including the smaller commissions composed of civil servants (see below). More recently, there have usually been as many as 200 or 300 active commissions at any time (Premfors 1983: 624; Trägårdh 2007: 264), and at some points there may have been as many as 500 (Olsen 1982: 199). According to the information on the Riksdag website (See Table 4.1), there were 1,655 directives -- an average of 150 per year -- either creating or modifying commissions in the period from 2000 to 2010;
with a targeted length of two years per commission, that supports the claims that 200 to 300 commissions are at work at all times. Seen from the perspective of total government policy-making, this suggests that “in any sufficiently broad policy area, there is at any point in time a network of ad hoc commissions at work, and over time they may be said to form a chain of policy formulation efforts” (Premfors 1983: 639).

Table 4.1: Counts of Commission Directives and Reports, 2000-2010

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<th>Year</th>
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<th>Department Reports (Ds)</th>
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The ultimate goal of any commission is to produce a report with its recommendations. The broader commissions of inquiry publish their findings as Official Government Reports (SOU), and internal ministry investigative commissions publish as Department Reports (Ds). Both of these are made publicly available when they are completed, posted as pdfs on several government websites, and can even be requested at libraries. 21 From 2000 to 2010, commissions issued 2,007 reports, an average of around 180 per year (See Table 4.1). 22 These numbers reflect continuity from the previous decade, 20 Taken from the Riksdagen (2009) Utredningar documents sites.

21 The Riksdag website, as well as the official SOU website, provide links to commission reports, whether in the form of SOU or Ds, as well as the original directives for the creation of the commissions and a list of all commissions and their members (Riksdagen Utredningar 2009). See the Regeringskansliet for a general discussion of these reports and their availability (http://www.regeringen.se/sb/d/1522/a/13504).

22 The numbers do not line up perfectly, since most commissions take more than a year to complete; thus the year that a directive creates a commission will not be the same as the year in which that commission puts out its report. In addition, a single commission can release more than one report.
and possibly a slight increase, as Eriksson, Lemne, and Pålsson (1999: 31) note that 142 SOU reports were completed over an 18 month period in the 1990s (all of 1997 and the first half of 1998).

Since the SOU and Ds reports are released as soon as they are completed, this means that they are made public before the government elaborates their policy proposal for the Riksdag. In addition, as will be discussed in depth in the next section, both the Ds and the SOU reports are submitted to the remiss process.23

In the end, not all the ideas considered during the investigation will be included in the final recommendations, which is officially drawn up by the commission’s ministry-appointed leader. However, any dissenting members can include their objections in an appendix to the final report (Ekelund and Dahlin 1997: 17-18; Premfors 1983: 628). This tradition of recorded dissent has become more important over time, as policy disagreements seem to have increased in recent years, with fewer commissions ending in member unanimity (Petersson 1994: 90-910). Nevertheless, around 75% of all commissions are still unanimous in their reports (Arter 1999: 159; Premfors 1983: 628). This may be because of a sentiment that a unanimous report is more likely to be taken up as policy than a report with detractors (Olsen 1982: 240).

However, a potential drawback to this search for consensus, is that it “tends to choke off dissention and political conflict at a very early stage in the legislative process, before the general public, the Riksdag, or even most interest organizations have even had an opportunity to join in the debate” (Olsen 1982: 240).

It is worth noting, however, that not all commission reports actually result in legislative proposals (Arter 1999: 158), and, obviously, not all legislative proposals become law. However, Premfors (1983: 626) notes that “more than two-fifths of all legislation in Sweden during the late 1960s and early 1970s was based on commission proposals” (emphasis in the original), though governments of the 1970s often chose to ignore or change commission proposals when creating their final drafts of a policy, perhaps to avoid a greater and greater increases in spending. Nevertheless, major commissions tend to have their suggestions taken up by government (Premfors 1983: 639).

Some have argued that the role of the commissions has decreased in several ways since the 1980s, leading Petersson (1994: 91) to lament the potential loss of a direct channel of influence for major interest groups. In part, he argues, this is because the commissions have become more politicized and conflictual, reducing their role as a locus of balanced and expert-informed public debate. In addition, since 1980, commissions must be tempered in their recommendations as they may not suggest policy changes that would increase public expenditures unless they can also identify ways to reduce spending by the same amount elsewhere (Petersson 1994: 90-91; Premfors 1982: 626).

Part of this perceived decline is because some interests, such as business and employer organizations, began opting out of many of the opportunities for participation (such as commissions) in the 80s and 90s (Bergman and Strøm 2011: 42). Lewin (1994: 67) suggests that this reluctance to participate may stem from the changes in committee work, such as not being able to propose increased government expenditures. While not directly addressing the commissions, Eriksson, Lemne, and Pålsson (1999) point out that participation in government consultations can be very time consuming and resource demanding for societal interests.

Nevertheless, others suggest that the commission process is still going strong and that most major legislation still passes through it (Trägårdh 2007). Indeed, the number of recent commission directives and reports (see Table 4.1) show that there has been little decrease in their usage. And the lists of members, available on government websites, indicate that the government is still able to attract a range of participants from industry through to NGOs.

However, whether or not groups choose to directly participate in the commission process, the information about that process is still released early, and with little discretion on the part of policy-makers. The information about the creation of commissions—including the investigation directives and membership—is made public from the beginning of the process. While the commission deliberations are themselves opaque, the commission reports are published as soon as they are completed, and prior to the government’s use of those reports to draft its proposed legislation. This gives groups time to construct specific lobbying strategies for addressing the particular subject at hand. This could mean strategies to provide information and expertise to the commissions themselves, or to prepare to support
or counter the commission report when it is finalized. It also provides ample warning for when ministers and government will be transforming these reports into policy proposals.

The Remiss Procedure

The output of the commission and investigation processes are public reports of policy recommendations to the government. Before the government uses these reports to draft its legislative proposals, the Swedish policy-making process requires an additional step. Almost all proposals and commission reports are subject to a process of broad consultations called *remiss* (Heclo and Madsen 1987: 13; Bergman 2004: 214). Specifically, the report recommendations are automatically and directly sent to stakeholders from the ministries, with a request for comments: basically, any organization that a ministers considers likely to be impacted by the decision or interested in the subject is included on the referral list (Arter 1999: 154-155; Premfors 1983: 623). This process of soliciting and considering the comments, suggestions, and critiques of relevant stakeholders in a policy issue is much more “comprehensive, systematic, and public” in Sweden than comment periods undertaken in other countries; indeed, in Sweden, “the referral process is the rule not the exception” (Petersson 1994: 91). In other words, drafts are provided to, and comments are solicited from interests groups *before* government ministries draft the policy proposal that will be presented to the Riksdag.24 In addition, it is sometimes the case that ministries will send out their own policy proposals for *remiss* comments, perhaps several times, if they feel it is needed or useful.

Indeed, the *remiss* process is credited with ensuring that the government receives the technical and political information it needs from the public and organizations that might otherwise have been missed by the experts in the commissions (Trägårdh 2007: 264). As one individual with experience in the committee system stated: “the *remiss* institution is the main distribution channel for investigative

24 While the remiss system, and the commissions that precede it, are critical in Swedish policy-making, they have both been relatively understudied, though the remiss process has been even less researched than the commissions (Trägårdh 2007: 265; Eriksson, Lemne, and Pålsson 1999: 7, 108).
commission reports. To send a report for remiss means that many must read it and react to it” (Eriksson, Lemne, and Pålsson 1999: 125).

It is useful for groups to have a formal means through which to provide their opinions and preferences to government. But it is equally critical as a means of providing information to those groups about what is being considered in government. The remiss process increases the transparency of the policy-making process. While the commission creation process, and its reports, are made public, the remiss process ensures that many societal interests will be directly contacted about the specific policy issues that are on the table, before government writes its proposals on the subject. Getting this information, and having a comment period for reports and drafts, means that groups have the time to set up any additional lobbying strategies that they would like to pursue, to counteract the decisions of commissions, or merely to preemptively lobby government or the Riksdag on an upcoming bill.

While soliciting comments from societal interests is not strictly required by law, “it is a long-established praxis” (Trägårdh 2007: 264), and it is formally encouraged in the Swedish constitution. Article 7:2 of the Swedish Constitution states, "In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private persons shall be afforded an opportunity to express an opinion as necessary" (Sveriges Riksdag 2005b). In other words, the government has discretion over whether or not to give organizations a chance to provide comment, but by force of tradition this discretion is more limited. It is generally expected that most reports will be sent for comments.

The process of remiss involves a direct request from a ministry to a particular set of respondents (remissinstanser), where the relevant draft is directly provided along with request for comment. The request can highlight specific questions that the government would like addressed, but more often than not it is simply a general request for comments on the full document (Eriksson, Lemne,

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25 My translation of: “En annan av de intervjuade underströk att remissinstitutet är den viktigaste distributionskanalen för utredningsväsendets rapporter. Att skicka ett betänkande på remiss leder till att många måste läsa igenom det och reagera.”

26 As Article 7:2 makes clear, it is constitutionally required that relevant government agencies and authorities be consulted for comment (Olsen 1982: 200); at the same time, the Prime Minister’s office has legally required that agencies and public authorities must provide comments when they are requested (Eriksson, Lemne, and Pålsson 1999: 10).
These respondents usually are given three months in which to provide their comments to government, though there is some variation, depending on the conditions set by the remiss request directive (Eriksson, Lemne, and Pålsson 1999: 53, 58).

The list of stakeholders includes the relevant government agencies, as well as professional organizations and NGOs (Ekelund and Dahlin 1997: 18; Olsen 1982: 200). In a study of remiss calls from 1997-1998, two-thirds of those asked for comment came from the public sector, whether government authorities (agencies, boards, etc.) or local authorities (municipalities, counties, their boards, etc.) (Eriksson, Lemne, and Pålsson 1999: 39). The rest of the comments were requested from organizations outside of government. Even those who took part in the commissions have a chance to comment on the final draft, since commission members do not necessarily agree with everything in the report itself (as a product of compromise between potentially very different interests).

However, any group or individual has the right to send in a comment, whether or not they were included on the list of official commenters (Trägårdh 2007; Ericksson, Lemne, and Pålsson 1999: 48, 57). Unsolicited comments are considered as equal to those that are sought out directly (Olsen 1982: 245); all are considered official comments and are used as such (Eriksson, Lemne, and Pålsson 1999). These spontaneous comments are possible because the call for comments is done publicly, which makes it possible for new or less well established groups to take part in the policy process (Eriksson, Lemne, and Pålsson 1999: 20). Indeed, one of the major strengths of the referral system is that it is both public and transparent (Eriksson, Lemne, and Pålsson 1999).

However, even with high transparency in this policy-making step, information about the remiss process is less easily accessible online than information on the commissions. Indeed, in an explicit campaign to improve remiss information, a policy analyst at the Stockholm Chamber of Commerce, Fredrik Sand, has even purchased the internet domain name “remisser.se” in order to pressure the government to increase their use of the internet for publicizing and receiving remiss comments, as well

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27 However, Eriksson, Lemne, and Pålsson (1999: 56) concluded that the ministries do not appear to have standard referral lists, suggesting that the ministries assemble the lists on a case by case basis, depending on the content of the report or proposal.

28 And this right is exercised. In their study of an 18 month period of remiss requests, Eriksson, Lemne, and Pålsson (1999: 52) found that 15% of all remiss responses were unsolicited.
as publishing the results of the comment process. He notes that only some of the government ministries routinely post remiss information online, and even then not all information about the remiss is always available. Nevertheless, the relatively high rate of unsolicited responses indicates that the information is available to those who are not actively included on the original lists, even if the process could be even more transparent and streamlined for the internet era (Eriksson, Lemne, and Pålsson 1999).

In the end, the comments are included in several ways into the policy-making process. Once all comments have been received by the relevant ministry, their they are compiled by ministry staff and often summarized to pull out the main suggestions and recommendations for the government to use as it is writing its policy proposal. In addition, all of the comments become part of the official public record, and they are also included as additional information with the official government bill when it is eventually proposed to the Riksdag (Olsen 1982: 201).

Petersson (1994: 91) notes that the referral process may be one of the most critical means of influencing government decisions for many interest groups. Wheeler (1975: 43) notes that the remiss process can provide groups with an additional opportunity to provide input on policy under consideration while it is still being elaborated. Since the official government bill is drafted based on the commission report and the comments, groups who take part in the remiss have a chance to influence the eventual bill. And government officials have indicated that they do, in fact, feel that their decisions are influenced by the remiss comments they receive (Olsen 1982: 247). In terms of hard evidence that this influence is real, Eriksson, Lemne, and Pålsson (1999: 13-14, 111-112) found that there was evidence that remiss comments did have an impact on government bills, as well as on discussions in the Riksdag, and were especially important for clarifying the positions of the various stakeholders for government

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29 The site automatically redirects to a blog by Fredrik Sand, http://remisser.wordpress.com. He explains that the Chamber of Commerce would gladly donate the “remisser.se” domain address if the government would use it to create a central website for all remiss information (http://remisser.wordpress.com/2010/09/01/omstart-pa-remisser-se/).

30 The departments which more routinely post remiss information on their websites are: Miljödepartementet (Environment), Kulturdepartementet (Culture), Socialdepartementet (Health and Social Affairs), Utbildningsdepartementet (Education and Research), and Näringsdepartementet (Enterprise, Energy, and Communications) (Fredrik Sand. September 17, 2010. http://remisser.wordpress.com/2010/09/17/fler-remisser-publiceras/).
when it made its decisions. In addition, if most of the remiss comments are critical or negative, it can sometimes lead the government to set up a new commission to re-work the proposal (Heclo and Madsen 1987: 13).

However, others are not as convinced that the remiss comments have an impact on policy outcomes (Olsen 1982: 247). Some note that most members of government and the Riksdag will read a summary of all the comments that is compiled by ministry staff, rather than all of the original comments, which means some feel that comments are taken out of context and perhaps missing their original points (Eriksson, Lemne, and Pålsson 1999: 126). One reason why the remiss comments may be less influential is that they are often of fairly low quality, with little analysis or argument, and are often very short (Eriksson, Lemne, and Pålsson 1999: 109-111). They are particularly unhelpful when the government cannot discern what the position of the respondent actually is (Eriksson, Lemne, and Pålsson 1999: 130).

In addition, the bigger problem for groups is that responding to remiss requests can be costly, taking up time and resources (Olsen 1982: 247; Eriksson, Lemne, and Pålsson 1999: 9). Thus, not all who are asked actually respond to the call for comments; in a study of remiss requests, Eriksson, Lemne, and Pålsson (1999: 46-8) found that 18% (of 7110 requests on 118 reports) did not return any comments, with private firms and other organizations neglecting to respond at the highest rates: 56% and 43%, respectively. In fact, one organization’s representative state that “it was a waste of resources to write remiss responses. The time would be better spent writing a debate article instead of a remiss response” (Eriksson, Lemne, and Pålsson 1999: 57). 31

At the same time, participation in the remiss process has not been without controversy for groups who do not want to be perceived as in-bed with government, or as being too passive in their calls for policy change and reform. Micheletti (1991: 159) notes that these concerns “led certain environmentalists in the 1970s to question whether the SNF was a ‘remiss referral answering service’—i.e., an institution which only writes written responses to public policy proposals which are sent to the

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government—or a true social movement.” Thus, groups who overly rely on remiss responses in their lobbying strategies can be perceived as slacking on their duties to their members and constituents.

Therefore, responding to a call for comment on proposals in the remiss process may not be the most effective means for directly influencing legislation, and it cannot be considered the sole strategy for doing so. However, what the remiss process does do reliably, is provide direct information to groups about what, specifically, government is considering, before the government and its ministers draft the provisions of their proposals. Even if the remiss comments themselves do not lead to influence, the groups can use the information they gain from the proposed drafts to ensure that their lobbying messages are narrowly tailored to the deliberations of government policy-makers. The remiss process ensures that groups will know what the earlier investigations concluded about a particular policy proposal, and it gives groups additional time to decide how to influence ministers before the government finalizes its policy proposals.

Collective Responsibility for Cabinet Decisions

After the commission and remiss processes are complete, the government drafts its bill to propose to the Riksdag (these government bills are called propositioner). The process of drafting the bill takes place within the relevant ministry, where the details of the bill are hammered out, using the information gathered in the prior steps in the policy process (Ekelund and Dahlin 1997: 18; Regeringskansliet32; Ruin 1996: 67). While investigative commissions and remiss procedures will have alerted interest groups that government is going to start working on the bill, there is no requirement that this part of the policy-making process be done publicly. Thus, the final stage of the elaboration process leaves transparency up to the discretion of the ministers and their staff.

However, the constitutional provision that the there is collective responsibility for Cabinet decisions in Sweden means that the discretion of any one minister is greatly reduced. Since all ministers are politically, and legally, responsible for the decisions of the cabinet, each minister has a stake in the policies coming out of the other ministries. As a result, other than for minor matters, ministers and ministries have very little ability to make decisions entirely on their own (Petersson 1994:)

Several institutions have been put into place to ensure that information is shared within government, and this increases the potential sources of information for groups who are trying to find out what is going on during this relatively more opaque step in the policy process.

Perhaps the least useful information for groups is the agenda of formal cabinet meetings. The elaboration of policy alternatives within the government ends with the collective decision of the cabinet to approve a particular policy proposal and send it to the Riksdag for debate and a vote. However, because the cabinet must make final decisions on all matters of government business, it has a lengthy many decisions to take. In the early 1990s, it was estimated that the government was making over 14,000 decisions a year. Since most of these decisions are the end point of work carried out elsewhere in government, most matters have already been settled, and there is little need for debate in the cabinet meetings (Petersson 1994: 92). Most items are officially rubber-stamped at the meetings, because consensus is reached prior to that stage of the process.

Thus, the more critical information that groups need about ministry decisions will be about the more discussions and decisions that take place before these final cabinet meetings. For instance, consensus is often forged between ministers in informal meetings. It is tradition that cabinet members meet over lunch almost every day of the week to discuss and coordinate current policy issues. Indeed, Elder and Page (2000: 135) note that “there are more collective meetings of government members in Sweden than anywhere else in Europe”! In addition, only the most significant or controversial issues are resolved at these meetings. It is customary that internal government conflicts, whether policy or political, be resolved at lower levels, and are only bumped up to higher levels if consensus is impossible (Elder and Page 2000: 147; Petersson 1994: 92-92).

The multitude of informal meetings does not necessarily help the cause of groups who hope to gain information about what is being discussed at the highest levels of government. For instance, informal meetings have also been used to inhibit information sharing with those outside of government. For example, Prime Minister Göran Persson (1996-2006) decided to hold small informal meetings in lieu of full and formal cabinet meetings in order to forestall additional leaks to the media about private cabinet meetings (Jacobsson and Sundström 2007: 20-21).
Indeed, the difficulties in gaining this information can also be inferred from information asymmetries that occur between formal members of government. For example, the great number of informal cabinet meetings were instituted in the late 1960s to help the prime minister stay informed of the goings on in each ministry (Elder and Page 2000: 138); in addition, the Prime Minister’s Office usually has a few advisors who have the responsibility of staying informed about what is happening in the ministries, in order to keep the prime minister well-informed of any potential conflicts (Elder and Page 2000: 145). These information gaps are even more marked during periods of coalition government.\footnote{When the ministries are divvied up among coalition members, parties without the top ministry post may not have enough supporters within the ministry to keep them informed. Instead, party leaders will sometimes try to forge direct connections to the administrative agencies, to gather information without needing to go through the political appointees at the ministries (Elder and Page 2000: 146).} The lack of “perfect information” for formal actors involved in the policy process indicates that this step might cause difficulties for those who have even less formal claim on the information.

What is more important for groups is that the information about proposals under consideration will be more widely held within the government, because of the collective responsibility provisions. While a minister has the responsibility of drafting bills in her policy area, she must inform and discuss the matter with any other minister whose own policy area could be impacted by the decision (Jacobsson and Sundström 2007: 26). Indeed, the other ministers are given a \textit{remiss} process of their own, where other relevant ministers can provide direct comments on a bill’s texts to the minister in charge of writing it up (Regeringskansliet\footnote{http://www.regeringen.se/sb/d/1522/a/13506 (Accessed July 10, 2011).}). This means that groups who have closer ties to one set of government officials, may still be able to find out about the ideas and decisions of other ministries with which they are not close. While this does not guarantee that groups will be able to gather information about government decisions at this stage, it increases the chances that discretionary information can get out.

Were this final step in policy elaboration the \textit{only} one, the Swedish policy process would not be particularly transparency. However, since it is preceded by early and full information during the commission and \textit{remiss} processes, groups will at least know the starting points for policies under consideration and they will know that government \textit{is} considering those particular policies. Thus, even
with less opportunity to know exactly what is on the table at this last part of elaboration, groups will
have plenty of forewarning with which to construct their lobbying strategies to influence a minister’s
policy draft before a finalized bill is sent to the Riksdag.

The Impact of the Elaboration Stage on Policy-Making Transparency

The commission and remiss procedures are often characterized as the most important influence
institutions in Swedish policy-making, providing external groups with a method of influencing policy
outcomes (Olsen 1982: 230). However, Olsen’s (1982) interviews with leaders of interest organizations
also makes it clear that groups do not necessarily feel that their comments and proposals are heard by
those in government. Indeed, particularly for those groups not aligned with parties in power, groups
may feel that these procedures do not give them any “real leverage on political decision making,”
meaning that the Swedish system is more a system of “elaborate communication” than a system of
“influence” (Olsen 1982: 221). What the system does, however, is provide information about what is
going on in the policy process so that groups can determine the best way for them to accomplish their
goals. As one representative of the Swedish Retailers’ Federation (Sveriges köpmannaförbund) stated:

We want to maintain these procedures [remiss, commissions, etc.] because they give
us a broad perspective on current problems and ideas of how to go about influencing
the government in other ways. But as direct influence procedures themselves, they are
relatively worthless (quoted in Olsen 1982: 221).

In other words, groups get information from these procedures that allows them to formulate their
lobbying strategies. If they are able to exert influence from within these institutions, that is a positive
benefit, but the institutions do not guarantee it; instead, the institutions guarantee actionable
information.

In short, a close look at the policy elaboration stage in Sweden shows that groups can count on
fore-warning for most, if not all, policy changes considered by the government. Groups are actively
consulted on most instances of policy formulation, suggesting that groups can play a decisive role in
public policy (Arter 1999: 159). But, as I have argued here, a critical aspect of this consultation is not
simply that groups might be able to exert influence through these formal channels, but that it provides
groups with early and reliable information about the policy process. In particular, the commission and
remiss procedures release information to the public about what government is planning to address, and
how it is thinking about addressing it, *in advance* of any final decision being made. Groups can take part in the formal procedures, but this early, systematic, and essentially non-discretionary information release makes it possible for them to *select their own preferred strategies* for exerting pressure on government officials.

**Decision in Parliament**

The third stage of the policy-making process -- “an authoritative choice among [the] specified alternatives” (Kingdon 1984: 3) -- officially takes place in the legislature, at least in most democracies. In Sweden, the Riksdag holds legislative power, and therefore it makes the decision about with policy proposal will become law. Nevertheless, as noted previously, the majority of bills passed by the Riksdag were formulated within the executive, through the process described above. Thus, the Riksdag is often seen as a less important locale for interest group lobbying, who consider Riksdag approval as “largely a pro forma matter” (Olsen 1982: 230, 234). For example, one group representative noted that by the time a policy has reached the committee “the decision process has already gone too far by this time, and the decision is already largely made” (Olsen 1982: 252). In other words, the Riksdag and its committees may not be very useful for groups who are trying to influence policy outcomes.

As the previous sections suggest, groups should have more than enough forewarning about policy issues that will be discussed in parliament. Commissions can take several years, the *remiss* process usually takes at least three months, and government still needs to draft a proposal, meaning that by the time a government bill (*proposition*) makes it to the Riksdag, interested groups should have heard about it. In addition, the government regularly releases a list of bills (*propositioner*) and letters that it plans to submit to the Riksdag during a legislative session. At least for government bills, then, groups should have a good idea of what will be under consideration; and, as discussed earlier, Members of Parliament may only propose bills that are germane to government bills within 15 days of the government’s proposal, except during a brief period of time at the beginning of each legislative session.

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35 This, usually bi-annual, document is posted on the publications portion of the government website (http://www.regeringen.se/sb/d/1522/a/130704 Accessed July 10, 2011).
Nevertheless, the decision stage is still important, as it effectively sets the new status quo when it votes to approve a particular bill. And it is reasonable to consider what recourse groups have to catch up, on the very unlikely chance that they are surprised by a bill coming out of the government; or, on the somewhat greater chance that they are surprised by a bill coming directly from the Riksdag and its members. Even if the Riksdag is not thought of as a very promising setting for influencing policy, groups who are caught by surprise may not have the choice to seek out a better venue; however, they may find that they have little access to actionable information, as much of the Riksdag’s activity takes place behind closed doors.

Informative Bill Accompaniments

The first step in making the “authoritative choice” for most bills, is the deposition of the government’s proposal in the legislature. The Swedish system provides an interesting set of information for groups, here. In most systems, when bills are presented to the legislature, the key text is the legal text of the bill itself; in Sweden, however, the bill is constitutionally accompanied by “the Government [or Cabinet] minutes in the matter, an account of the preparation of the matter and a motivation of the proposal” (Sveriges Riksdag 2009). This account also usually includes findings of the commissions and comments from the referral process (Petersson 1994: 91). In addition, the government’s motivation is often the key portion of the text provided to the legislature (Bush 2005: 89; Petersson 1994: 66). In other words, the government must explain why it is chose to pursue this particular policy issue and why it chose the particular provisions it did.

These information requirements were likely included to provide additional information to the Riksdag and enhance its ability to hold the government accountable; the government has more resource capacity to investigate and elaborate legislation, but it is the Riksdag that is imbued with the decision-making power of the people. Nevertheless, this public information is also available to groups who hope to influence the policy process in the Riksdag, once it is officially published, at least. This could be
very useful for groups who are planning their lobbying messages. A clear statement by the government of its motivations means that groups can directly tailor their message to address whether or not the policy is likely to achieve these specific goals. If groups only had the legal proposal, they would need to guess or infer those goals, and would be far more likely to make a tactical error by addressing goals that were less important to the parties in power.

The Cabinet minutes may also provide information. As noted earlier, government decisions must be made by the collective cabinet, rather than by an individual minister. Minutes of the cabinet meeting are required and “dissenting opinions must be noted” (Sundström 2009: 150; Elder and Page 2000: 136), and thus may give groups a good sense of which parties are likely to support a proposal as well (if under coalition government). Nevertheless, it is relatively rare that there are actually dissenting opinions to record (Elder and Page 2000: 136), as disagreements are usually ironed out prior to the cabinet meeting (Petersson 1994: 92-93).

It is worth noting here that groups may have already seen preliminary drafts of the Government’s proposed bill, as the proposal itself can be the subject of a remiss process, if the Government considers it necessary. On the other hand, groups may not have seen the compiled results of the remiss, and so could use the information in the bill to get a more precise sense of the positions of allied and opposing groups on the issue.

In short, the additional information that must accompany a government bill can provide groups with a wider range of information about the possible avenues of influence that would not be as clear if the bill only consisted of the legal statutes proposed. As this information is non-discretionary, groups can be very certain that it will be available on a schedule that they can anticipate.

Closed Committees and Secret Deliberations

Once a bill is deposed in the Riksdag, however, groups are at a significant information disadvantage, since the most important work of parliament is done almost entirely behind closed doors.

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36 In a study of groups testifying in US committee hearings, for example, Burstein and Hirsch (2007) found that arguments about the effectiveness or ineffectiveness of proposed policies had the most impact on their likelihood of being enacted; this is because politicians are usually very interested in whether or not policies are likely to achieve their particular outcomes and goals.
All bills, whether originating from the government or from one or more MPs, are discussed in parliamentary committees before they are voted on in the plenary of the Riksdag, as laid out in the constitution (Bergman 2003: 595).37 These committees play an important part in the policy process, as they have the right to amend bills and propose alternatives, and they have, in a sense, the last chance to "elaborate" policy changes. The committees become even more important under minority governments, when they become a central forum for building voting coalitions (Petersson 1994: 73). The committees are crucial in the decision-making process, because they act as both agenda-setter and filter within the Riksdag, they set the stage for the party negotiations that determine policy outcomes (Mattson 1996: 139).

A more subtle investigation of committee powers indicates that the committees are the formal institution for translating party compromises into political proposals. However, the real negotiations and compromises may take place outside the committee meetings and in formal or informal meetings between parliamentary party groups (Mattson 1996; Sannerstedt 1996: 26).38 When this occurs, the committee meetings themselves may be no more than a location for formalizing the agreements made between party groups (Arter 1984: 206). Negotiations outside of committee usually include only a subset of parties; this might simplify negotiations, but it also helps maintain secrecy, as non-negotiating parties might be more likely to leak information to the media or other interested parties (Mattson 1986: 132).

This decision making process in the Riksdag has clear implications for groups hoping to gain information about parliamentary activity; an interest group would need to have allies within the negotiating parties to find out about a particular deal, and if their personal contacts are outside of major back-room negotiations, the group would be out of luck. Even for groups who do have allies within the negotiating parties, the prevailing norm in the Swedish parliament is that informal negotiations should remain secret, in part because secrecy makes agreements easier to reach; of course, this does not mean that the norm is always followed (Sannerstedt 1996: 49-50). While the formal proceedings of the

37 A simple majority of those present and voting is needed to pass a bill.

38 The organization of the Riksdag committees is very much mediated through political parties. For example, the committee membership is proportional to the party seats in the parliament as a whole (Sannerstedt 1996: 24).
Riksdag are published, such as the results of votes, or the content of public debates, the informal, closed-door, discussions among party leaders are not. Indeed, it might be difficult to discern whether a private meeting took place, much less what was negotiated (Sannerstedt 1996: 22). Thus, when it comes to Riksdag negotiations, groups will be uncertain that they know what is being deliberated on and when; the decisions, once made, are very public, but the conversations and arguments leading up to them will often stay hidden.

The committee meetings themselves are also closed to the public, other than the occasional public hearing, as specified in the Riksdag Act (Chapter 4.12). During committee deliberations, there are sometimes hearings, in which outside “experts” are called to provide clarification on the matter at hand (Ekelund and Dahlin 1997: 180). These hearings are one option for groups who want to make their preferences known; but, it is much more common for groups to send written comments to committees about bills under consideration there (Olsen 1982: 202). Either way, groups are limited to giving information to the committees, and have fewer opportunities to get information from the committees.

While the proceedings of informal meetings do not make it into the public record, the reports and statements of the parliamentary committees, as well as records of the chamber proceedings, are published once they are completed; they are also accessible online, though there can be a time lag of two to four weeks for the online records to be available (Sveriges Riksdag 2008d; 2008e). Information from the committees is obtainable, then, but it is not necessarily as timely as groups might hope, if they don’t have direct inside information from MPs. The committee reports take a similar form to other reports, as they include both the recommendations and the reasons for those recommendations. As with other consensus documents in the Swedish policy-making process those who oppose a particular decision in committee are also entitled to include their reservations in the report, which occurs in about two-thirds of committee reports (Petersson 1994: 66; Sannerstedt 1996: 25). In addition, once a


40 Though, since committees are known to meet regularly on Tuesdays and Thursdays, media representatives often wait outside in the hopes of interviewing committee members after a meeting (Mattson 1996: 132). Groups who are very interested in committee deliberations might pursue a similar tactic.
committee report is finished, and the bill or motion is referred out of committee to the full Riksdag, there is a pause of a few days to ensure that there is time for anyone to read the report, if they wish to (Petersson 1994: 66).

The final floor debates are usually public; though there is no specifically constitutional right to attend assembly meetings in Sweden (Ministry of Justice 2009: 10). The Riksdag Act (Chapter 2.4) suggests that the default is to have plenary meetings open to the public, but that it is at the discretion of the Riksdag whether to hold closed sessions, say, for national security. The plenary debate is dominated by the parties in the Riksdag, who present their positions on the matter at hand, before the final vote is taken (Ekelund and Dahlin 1997: 18). However, since party positions are usually decided during the committee meetings, so there it is very rare that debates and floor speeches have any impact on the vote; once the committee agreement is reached, the vote itself is usually a given (Petersson 1994: 66; Mattson 1996: 62).

In all, it usually takes “a few months” for the Riksdag to fully consider a bill (Sveriges Riksdag 2008f). That it takes a while may increase the chances that groups have to gain information about the process and devise a strategy to influence it. Nevertheless, as this discussion indicates, the policy-making process in the Riksdag is not very transparent.

The Impact of the Decision Stage on Policy-Making Transparency

The decision-making stage in Sweden, then, is not particularly transparent to outside groups. While there are many related items that are part of the official record, and are released as official government documents (such as committee meeting minutes, public debate proceedings, etc.), there are also many parts of the Riksdag deliberations that are marked by secrecy and therefore are revealed completely at the discretion of policy-makers. This means that groups will have difficulty narrowly tailoring their lobbying strategies specifically to the content of current Riksdag policy-making.

However, groups do have the advantage of knowing, in advance, a good deal of information about government bills, including the motivations behind them; since most bills passed by the Riksdag are government bills, this gives groups some element of certainty about the legislative process. Where

the government parties hold a solid majority in parliament, and party discipline can be expected, this information about the government bills may be enough for groups not to make strategic mistakes if they choose to lobby the Riksdag or parties in parliament. On the other hand, groups will have more difficulty for bills that begin in the Riksdag or its committees, though the limitations on the subject of new Riksdag proposals, discussed earlier, make it more likely that groups will be able to get information about what is being considered and proposed and still have time to act on it.

In short, the policy-making process in the Riksdag is not very helpful for groups who hope to base their lobbying strategies on complete and certain information. Nevertheless, most of the major elaboration is done in the earlier, more transparent, stages within the government. And as mentioned above, Swedish groups do not usually see the Riksdag as a fruitful target for lobbying, in part because they feel that much of the decision-making has occurred before policy even reaches parliament. Thus, a group that missed, somehow, a policy decision as it went through government, will be at a distinct disadvantage if it hopes to influence policy-making in the Riksdag; but, given the systematic transparency of the earliest stages of policy-making and the limitations on Riksdag-initiated policy change, this should be a relatively rare occurrence.

**Implementation**

While the Riksdag is not information-friendly for interest groups, the final stage of the policy-making process, implementation, is very transparent. Once the Riksdag has made its decision on a policy, and has agreed to the outlines of its regulatory framework, the new law is passed back to the executive for implementation. What this means is that the Government, as a collective cabinet, sets the directives for the relevant executive agencies, which are formally autonomous from the government ministries (Ekelund and Dahlin 1997: 18). The bounds of these directives are usually set within the committee reports that are attached to the bill when it is approved in the Riksdag; the Riksdag’s demands may be vague or specific, and therefore the government may have leeway in the way it directs

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42 This is supported by Bennedsen and Feldman’s (2002a) theoretical conclusions that interest groups will have much lower incentives to lobby legislatures in parliamentary regimes, compared to more decentralized legislatures, such as the U.S. Congress.
the agencies to act.\textsuperscript{43} Once the directives reach the agencies, groups have a very good chance of getting the relevant information to construct lobbying strategies around rules and regulations.

Separation of Ministries and Executive Agencies

One institutional peculiarity of the Swedish system for implementing policy - the formal separation of ministries and their related executive agencies - reduces the discretion of any one set of actors over information about the regulatory process. A minister and her staff begin by translating the final Riksdag policy into directives, which is not necessarily a transparent process. But then that information must be sent to an institutionally separate agency, triggering the requirement that the directives must be released to the public. In addition, during the implementation process, both the ministry and the executive agency are potential sources of information about the implementation process. This increases the number of actors with access to information, and effectively reduces the discretion of any one actor to monopolize the distribution of information.

While individual ministers and their staff are responsible for elaborating the original policy proposals in their area, the “individual ministers in Sweden are not in charge of the state agencies that implement public policy” once those proposals have been accepted by the Riksdag (Bergman 2004: 210). Indeed, this division between the agencies and the ministries is formally constructed, and has been in place for almost 300 years (Jacobsson and Sundström 2007). Therefore, Swedish executive agencies are comparatively very independent from ministry policy-makers, and there is a clear administrative division between the early policy-making stages of agenda-setting and elaboration on the ministry side, and the last policy-making stage of implementation on the agency side. And this distinction is formally and legally defined; indeed “departments [or ministries] and agencies are not supposed to have any forms of institutional or other contacts with each other, except under certain

\textsuperscript{43} However, if the government fails to act the Riksdag can set out a new declaration, and “the governing party will feel more or less compelled to agree” to it in the following year (Sannerstedt 1996: 31). In other words, if the government does not set out directives in a timely manner, or in the way the Riksdag intended, the Riksdag can reformulate its demands without changing the legal text of the bill. This shows the importance of including motivations and arguments along with a bill in the Swedish process, particularly as it increases the means Riksdag parties have in holding the government accountable. This implementation relationship between executive and parliament is relevant in comparison with the leeway that the French executive has to implement bills in a timely manner, as discussed in Chapter 5.
specific and well-defined circumstances” (Pierre 1993: 390). This does not mean, however, that the agencies are completely independent of the executive branch; instead the state agencies are the responsibility of the cabinet as a whole, as laid out in Article 7.3 of the Instruments of Government (Bergman 2004: 210). Indeed, orders to agencies can only be made through a collective vote of the full cabinet (Jacobsson and Sundström 2007: 8-9).44

However, there is considerable informal contact between the ministers and the agencies, though the ministries are wary of being accused of trying to exert too much influence over the agencies (Jacobsson and Sundström 2007: 9).45 Generally, however, the agencies are very interested in knowing what the ministers consider important and how they would like issues to be handled, and ministries can make it clear which actions or policy details they most prefer (Jacobsson and Sundström 2007: 10-11). As scholars of delegation and control would expect, the government and ministers are not without methods, informal or not, to exert control over agency decisions.46 The informal contact increases the chances that information will be held by both agencies and ministries, increasing the number of potential contacts for groups seeking information.

Still, the agencies themselves are left the task of determining the specific details of implementation within those bounds set by the executive and parliament in the policy process (Jacobsson and Sundström 2007: 10). The policy process and provisions of legislation limit the range of options that agencies have for implementation, in a number of ways. For instance, the various “preparatory stages” of the legislative process, including elaboration in the executive, committees of inquiry, Riksdag committee reports, etc., all provide guidance and act as legal sources for the bodies

44 In addition, the other branches of government are constitutionally excluded from influencing agency decisions about single individuals or organizations, as the agency is required to make its decisions solely based on the rule of law (Instruments of Government, Article 7.11).

45 Indeed, Jacobsson and Sundström (2007: 12) note that the formal separation makes it possible for ministers to not get involved in agency affairs, even when under direct pressure from constituents and other societal interests.

46 Pierre (1993) suggests that this formal separation has meant that there has been a shift in the balance of power towards the agencies, especially in terms of personnel and budgets, that may have the effect of reducing political accountability. This conclusion is echoed by Jacobsson and Sundström (2007) who argue that the government is less able to control its agencies due to a range of factors, including new administrative rules and societal changes, as well as the fact that the government is more and more bogged down in the details of many issues, rather than delegating most of it and prioritizing only the most important and politicized.
that are tasked to implement the laws (Petersson 1994: 68). Indeed, the fact that most of the major stages of legislation are accompanied not only by the legal text of the legislation but the reasons that the various bodies proposed that particular text, makes it possible for the implementing authorities to adhere to not only the letter of the law, but the spirit of the law. This is likely to give groups involved in the early stages even more confidence about the way the law is likely to be implemented; it is much more difficult for the agencies to distort the bargains and compromises made earlier in the policy process, if they should wish to (say, as might happen in conditions where an agency is “captured” by a different set of interests than the ministries - though this is not particularly a characterization of Swedish policymaking).

In addition, as agencies are often involved in the original commissions of inquiry, and other formal elaboration studies - as civil servants tasked with research and as expert members on committees - the agencies usually have a fairly good idea of what the laws coming out of the Riksdag will contain. This means that they often begin the ground-work for implementation even before the law is passed, so that implementation is not delayed once it is time for the agencies to act (Ekelund and Dahlin 1997: 18). This provides an alternative route for groups who feel that they have little influence over the Riksdag; directly focusing on the agencies, once a government bill has been finalized, allows groups to strategize for influencing the eventual regulations that stem from a policy.

Consultation during Implementation

Even more important for groups hoping to influence rules and regulations, is that much of the implementation work within the agencies is carried out through consultation with stakeholders. When writing regulation and pursuing implementation, agencies work closely with “the industry, other organizations and national bodies and agencies involved” in the issue at hand (Ekelund and Dahlin 1997: 18). For example, regulatory choices are investigated by commissions very similar to the commissions of inquiry used by the ministries (Anton 1969:93). Groups and organizations take part in these agency commissions as well, and can therefore play a decisive role in the implementation of policy (Arter 1999: 160). Often, groups play a part both in the original formulating commissions and

47 These commissions have become more and more important since late 1970s (Premfors 1983: 639).
the commissions within the agencies. By their presence in both, groups are able to enforce bargains made earlier in the policy-making process, but may also be able to influence prior decisions that made them unhappy (within the bounds of the newly enacted law, however).

Groups are often invited to meetings with the agencies on potential methods of implementation through “administrative agency consultations”; and if groups hear about agencies doing something that will affect them without having been invited, they usually demand, and are granted, a consultation on the subject (Olsen 1982: 203).

These consultations are routine, though they are not necessarily compulsory by law; they fall under the same category as consultations carried out by the ministries, as suggested by the constitution and as tradition. However, new laws coming out of the Riksdag sometimes do set consultative requirements on the approach agencies use for setting new regulations. For example, the Forestry Act of 1994 set out principles of regulation that emphasized consensus and voluntary actions: “imperative decisions may only be used when voluntary co-operation is not reached” (Ekelund and Dahlin 1997: 19-20). This means that forestry sector organizations could be very certain that they would not be surprised by new regulations; indeed, the letter of the law states that they will be directly consulted before new regulations are implemented and that they will have an opportunity to deliberate and negotiate with the forest agency and other organizations before any regulations are promulgated. On the other hand, this it does not necessarily require that other organizations outside the forestry sector, such as environmental groups, be consulted, which means those entities might be less likely to hear about these regulations than those stakeholders who would be directly constrained by new rules or regulations; instead, environmental groups would need to conduct at least some monitoring to ensure that they know about potential voluntary negotiations and can therefore request to take part in them.

In addition to consultations, many of the major interest organizations - especially economic interests - have had members on the lay boards that govern most of the public agencies, some with only advisory power, but other with actual decision-making powers (Olsen 1982: 203). Micheletti (1991: 153) notes that there is a wide enough range of interests on the boards that they act to balance each other, forcing the board members to compromise with each other in order to make decisions; this increases the chances that decisions will be in the public’s interest, rather than just for narrow special
interests. However, this system has been critiqued, and for some agencies it has been dismantled, because some argued that these interest groups should merely act as advisors, rather than having a formal decision-making role (Micheletti 1991: 153). The predicted effect of this change is that groups will have less incentive to cooperate and compromise and to consider the public interest, and will instead solely pursue narrow interests. Being on the governing board would clearly provide groups with more information, but those groups who do not hold seats would be at a disadvantage.

Sometimes, implementation can also be directly handled by organizations. The Instruments of Government states that “administrative functions may be delegated to a limited company, association, collective foundation, registered religious community or any part of its organisation, or to a private person. If such a function involves the exercise of public authority, delegation shall be made by virtue of law” (Sveriges Riksdag 2008g). In other words, if enshrined in law by the Riksdag, interest groups might be delegated the administration and implementation of particular policies and programs. Of course, if this were the case, the delegated groups would have perfect information about its own implementation; other groups might be less fortunate.

The extensive contacts between groups and the executive agencies, in all these various forms, makes the final stage of the policy process fairly transparent. While, formally, the agencies have discretion in the way they inform groups about the implementation process, in practice they systematically dispense information through the numerous methods of consultation. In fact, Olsen’s interviewees identified their direct contacts with agencies as important channels of information and influence, and even characterized these interactions as information exchanges (Olsen 1982: 254-255).

Ombudsman

Finally, if all else fails, the Swedish system provides one additional avenue for gathering information from administrative authorities. The Swedish Riksdag supports the office of the Ombudsman which is tasked with monitoring how laws and statutes are implemented in order to
provide an avenue of redress for aggrieved citizens. In particular, the Ombudsman has “full access to records and official documents of public authorities” and “central and local government officials are obliged to disclose information” to it (Petersson 1994: 75). The main purpose of the Ombudsman is to look into “complaints concerning illegal or unjust administrative acts”, particularly by individual citizens; however, it has jurisdiction only over administrative authorities, which does not include the ministers but does include civil servants within their ministries (Schiff 1975: 84). In particular, the ombudsman is a relatively cheap route for citizens to pursue justice that would otherwise be too costly and time consuming, say, if it were pursued through the courts (Rowat 1982: 63).

But its legal right to full information about administrative decisions means that it can gather information that might have slipped through the cracks otherwise. With these rights, the Ombudsman can be “an agent for the citizen” in the pursuit of information about a particular issue (Rowat 1982: 60). The Ombudsman takes the role of information intermediary very seriously (Milner 1989: 171). In part, this is because the Ombudsman has little power to initiate redress for wrongs, and instead serves to publicize failings of the bureaucracy in order to pressure them to change their behavior (Schiff 1975: 85; Anderson 1973; Rowat 1982: 63).

While this is a reasonable method of last resort, it is not necessarily a very timely one. The office of the Ombudsman can take up to six months to complete an investigation, and its decisions are likely to be made when it is too late to have an immediate effect for the complaint itself (Schiff 1975: 86). For there to be a complaint of some sort, the bureaucracy has usually already made and

48 The office was originally “created to provide an approved channel for ordinary citizens to air grievances against the royal bureaucracy” (Heclo and Madsen 1987: 11). First created in 1766, and cemented in the 1809 constitution, the Ombudsman was conceived as an additional avenue to ensure the “principle of administrative publicity” that also includes the extensive Freedom of Information laws (Wennergren 1970; Wennergren 1983; Rowat 1966). Indeed, Sweden was the first country to create such a position, and other countries have based their own Ombudsmen on the Swedish model (see, for example, Ireland’s Ombudsman’s office: http://www.ombudsman.gov.ie/en/AboutUs/Introduction/. Accessed July 13, 2011).

49 One interesting corollary is that all of the documentation and deliberations of the office of the Ombudsman are themselves made public under Sweden’s Freedom of Information laws (Schiff 1975: 88).

50 These complaints can be initiated by “any member of the public” including “foreigners and persons not directly affected by the complaint”; the office of the Ombudsman is required to look into every complaint it receives (Schiff 1975: 86).
implemented their decisions. In short, groups may contact the Ombudsman if they have missed all opportunities for influence or complaint before an executive agency makes a decision; however, this is the latest information that a group can have about the policy process, and therefore is unlikely to be very helpful in deciding lobbying strategies.

The Impact of the Implementation Stage on Policy-Making Transparency

At the very last stage of the policy-making process, groups will find that the options on the table will have narrowed considerably. Both the government and the Riksdag will have set the bounds on policy, which means that any influence over outcomes will be limited. Nevertheless, the way that a policy is implemented is not unimportant to those who feel it will affect their interests and the interests of their members and constituents.

The implementation stage in Sweden is marked by a high level of transparency, fairly similar to the transparency of the elaboration stage. The separation of executive agencies and ministries acts to decrease the discretion of any one decision-maker over the relevant information. In addition, the tradition of extensive, and fairly systematic, consultations greatly increases the certainty that groups can have about what is going on during this stage. Indeed, as noted, groups even perceive their relationship with agency officials as one of information exchange. So, while it is very late in the policy-making process, groups can know that even on the slim chance that they completely miss information about a policy change during the first three policy-making stages, they still have a chance to be in the loop at the end, with enough forewarning to be able to construct their lobbying strategies.

Conclusions

The Swedish system provides numerous formal institutions that ensure groups will gain information early about possible changes to both policy and regulation. Groups in this system still have the many informal procedures available in other countries, such as personal contacts with policy makers, and the possibility of private meetings with important deciders, and these are seen as important venues for influencing policy outcomes (Olsen 1982: 204, 258-9). And these informal interactions do allow groups to gather information about the policy process. However, the formal institutions guarantee
that even those groups without close contacts are able to get early information about the process, and
the systematic nature of information release means that groups can be reasonably sure that they will not
be surprised by policy issues coming out of that process.

While not all stages of the Swedish policy-making process are transparent - deliberations in the
Riksdag being particularly secretive - interest groups are particularly advantaged by the structure of the
most transparent parts. The critical elaboration stage produces actionable information for interest
groups very early in the decision process, making intent and content of policy deliberations clear even
before the executive begins to draft its policy proposals; in addition, this information is released with
very little discretion on the part of policy-makers. In addition, the similarly high levels of transparency
of the final, implementation stage ensures that groups have a way to counteract the effects of the
Riksdag’s process; any potential surprises in the output of the Riksdag committee system can be
gathered through the official publications of those items as well as the extensive information exchanges
with agencies tasked with implementing it.

The relative openness of the Swedish system also ensures that small or new organizations will
be able to understand the workings of government more quickly; they will not be excluded from
available information, even if they are not on the government’s lists of organizations to be consulted.
Indeed, some have noted that it is fairly easy for such groups to get involved, particularly at the remiss
stage (Olsen 1982: 245). While these organizations may find it difficult to exert similar influence as
larger more established organizations (Olsen 1982: 225-6), the provision of information ensures that
they at least have the chance to choose a strategy that might increase their options. Without this early
information, these groups might have no option but to lobby late, when most decisions have already
been concretized. These channels may not, then, be reliable for exerting influence, but they are reliable
in their release of important actionable information about the policy-making process.

In the end, groups who face the policy-making process in Sweden can have very high levels of
certainty that they have very good information about the policy issues on the table, and they have many
avenues with which to gather information and pursue redress on the occasions that they were less well
informed. Groups, then, should confident that they can build their lobbying strategies with the
actionable information released for any particular policy issue, without the need for pre-planned
strategies to mitigate potential surprises. The Swedish policy-making process, for groups, is very transparent.
Chapter 5: France: Low Policy-Making Transparency

Overview of Transparency in the French Policy-Making Process

The internal workings of the French policy-making process are relatively opaque and uncertain. There are few requirements for systematic releases of information about the policy process, particularly during the earliest stages of the policy process; instead, information is divulged largely at the discretion of policy makers.¹ To make matters worse for interest groups who hope to influence policy outcomes, the process of policy making itself is highly changeable, depending on the desires and interests of current political actors. All of this plays out in an environment that has generally been fairly closed and secretive with its information, where even formal actors in the policy process may not have information about what others are doing and deciding. Thus, the French policy-making process is relatively non-transparent for the interest groups that face it.

Broadly, France is usually characterized as a strong state, due to its political centralization and powerful administrative apparatus, which generally dominates the policy process and can be relatively closed to influence by private actors (Kriesi, et al., 1995; Gaffney 2003).² This view is reinforced by the constitutional strength of the executive branch over the relatively weak parliament (Thiébault 2003; Knapp and Wright 2006). Much important policy making begins in the executive branch, where policy agendas are set and policy alternatives are specified and elaborated. Policy making does take place in the parliament, through debate and amendments, but the majority of bills passed through parliament begin as government bills (Thiébault 2003). In addition, the executive has tended to dominate the formulation of regulations and the implementation process at the national level, though the actual on-the-ground implementation may be carried out in a more decentralized manner by local and regional government actors.

¹ In some cases, even where certain types of information releases are required under law, the timing of those remain at the discretion of policy makers. For example, see below for a discussion of certain consultation practices during elaboration which are required, yet do not necessarily release information about the policy process in a timely manner.

² Though it is generally perceived as a closed system, groups still have at least some opportunities for influence, and thus still have an incentive to organize and lobby (Duyvendak 1995; Grossman and Saurugger 2006: 134)
Nevertheless, the presence of a strong executive does not mean that the French state presents a clear and certain environment for interest groups. Critically, the institutional relations between the major players of the policy-making process are often underspecified, in part because many of the key players respond to several different principals (Thiébault 2003). For example, the potential for institutional power shifts between the prime minister and the president, depending on the party configurations in government, means that there can be a great deal of uncertainty about where, exactly the decisions about a particular policy issue are being made (Ashford 1982).

In addition, the executive branch can be internally divided and balkanized, complicating the lines of responsibility and power over particular policy outcomes (Ashford 1982; Hayward and Wright 2002). Even when the prime minister and the president are of the same party, it may not be clear who is holding the reins about a particular policy issue; nor is it always evident which actors within a particular ministry may be most active in elaborating particular policy proposals. Indeed, multiple executive actors can compete against each other over policy production, even when they do not have the power to check each other; for instance, line ministers can compete with the prime minister’s aides over policy elaboration on the same policy issue (Hayward and Wright 2002). Thus, the pathways of policy-making may not be clear or permanent for a particular policy area, and the ‘normal’ procedures for policy-making can easily be overridden by competing policy makers.

While the dominant, yet balkanized, executive branch creates institutional uncertainty about the policy-making process, these difficulties are compounded by a general lack of transparency, particularly during the earliest stages of policy making. There are few requirements for disclosure to interest groups and societal stakeholders in the French system. Indeed, even parliamentarians may not

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3 Core policymakers have multiple principals pulling their loyalties: ministers are responsible to the prime minister and the president; the prime minister is responsible to the president and the parliament, and members of parliament are responsible to their local constituents and their political parties once in office (Thiébault 2003).

4 As Knapp and Wright (2006: 112) point out, “in practice … the president controls as much or as little of policy-making as he wishes;” to emphasize this point, they quote Mitterand’s 1983 observation that “it is up to the president to decide which policies should be decided by the president.”

5 For example, the president can make policy announcements to lock in ministers and prime minister without giving them advance warning; and the prime minister and his aides can override the ministers in the same way (Knapp and Wright 2006).
be able to discover what is being considered in the executive branch (Le Men 1984). Instead, it is entirely possible that groups will not know what the executive is considering until a written proposal of law has been deposed on the parliament’s agenda, and even then the groups have to keep a close eye on this agenda to ensure that they don’t miss something important. Such last-minute surprises mean that groups can be limited to lobbying on amendments and votes within the parliament, as they effectively missed the framing of the agenda and the elaboration of policy within the ministry; in other words, they may need to lobby fairly late in the game, when options they care most about may be off the table and difficult to reinstate.

Nevertheless, low transparency does not mean that groups never get information about the policy-making process. Indeed, many groups are reasonably frequently consulted by policy makers about current policy proposals. However, with the government’s broadly discretionary control over information releases, groups are very much dependent on the government, and its good will, for information. Within this context, the groups can get information from policy makers, but they can never be certain at any one time that they have all the information they need. In other words, uncertainty does not require a complete information blackout. Rather groups in France can sometimes get information and sometimes not, but they cannot be sure which of the two states they are in.

**Freedom of Information**

The French state does have Freedom of Information (FOI) laws in place, guaranteeing access to a wide variety of administrative documents. However, as the following discussion will show, these laws are not particularly useful for groups who need information about the current and immediate policy-making process. Instead, the French FOI rules are more useful for getting information about the government’s administrative decisions and actions, after they have been carried out. The types of information that groups need to lobby effectively — early information about the current process — are not covered by the FOI laws.

In 1978, France passed the Law on the Freedom of Access to Administrative Documents, which allows access to all administrative documents that are not of a personal nature (Thomas 1987: 140; Ducamin 1987: 349). In April 2002, the Conseil d’État additionally ruled that the rights
enumerated by the 1978 law are actually fundamental rights inferred from Article 34 of the French Constitution, considerably strengthening the force of the 1978 law (Banisar 2006: 72). Under the law, anyone has the full right to request administrative documents from the state, regional and local authorities, as well as any organization (public or private) that is tasked with managing a public service, such as airlines or railways (Thomas 1987: 147).

However, France has not had much of a history of formal government transparency. While access to budgetary information was included in the 1789 Declaration of the Rights of Man (Banisar 2004: 32), freedom of information has not been a particularly strong part of French political culture. Ducamin (1987: 348) notes that the precepts of the 1978 freedom of information law had been somewhat anathema to French authorities and the usual ways of politics and policy making:7

The tendencies of the French administration, however, are totally contrary to this notion [of freedom of information]. The administration is a closed milieu; its members are held to professional secrecy, as justified by the fact that they are privy to confidential information concerning people's lives and economic activities. Moreover, civil servants are part of a hierarchy and are ever fearful of the disapproval of their superiors should they show any initiatives. The result is the use of an obscure language intended to convey the least possible information and, more broadly, a general reluctance to inform...Consequently, instead of individual citizens feeling as if they are dealing with 'their' administration, they have the impression that they are running into a brick wall (Ducamin 1987: 348).

Indeed, when the proposal for giving citizens a right to access administrative documents was first broached in 1976, the then Prime Minister, Raymond Barre, said:

Administrative secrecy is necessary, for it protects the interests of State security at the same time as the rights of the citizen. It ought not however to serve as an alibi or a mask for the true basis on which public decisions are made. It is therefore right to enlighten the nation on State decisions. A precise deontology of administrative secrecy and of the means of informing the nation about the major collective choices will be worked out (Errera 1987: 89n7).

In other words, yes, the government should probably generally tell the public why it has made particular decisions (with the implication that it will be after those decisions have been made), but there are still very good reasons for secrecy.

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6 As a point of contrast, Swedish Freedom of Information laws explicitly exempt any corporations that “operate under civil law or in a commercially-competitive environment” (Thomas 1987: 147).

7 Indeed, the law was originally created by “jurists and persons close to, but not actually forming part of, the administration” (Errera 1987: 87), and was initially formally proposed by Parliament (Errera 1987: 118). In particular, it was suggested as an antidote to “the practices of secrecy in the administration” (Errera 1987: 88).
In 2004, this preference for secrecy was still apparent, as the “largest problems [with implementing the Freedom of Information laws in France] stem from the failure of bodies to recognize that the Act applies to them or still have traditional notions of secrecy and excessive delays (80 percent of bodies do not meet the deadline [for providing requested information])” (Banisar 2006: 74). Thus, while laws are in place to require disclosure of government documents, there has not been a long culture of transparency among public authorities in France; nor have the laws led to a full change in their preferences for secrecy.

Indeed, it is not even clear that the French government is more broadly committed to freedom of information. For example, developments in European Union information-access laws indicate that French authorities prefer less-expansive access to information. The French government insisted, and was granted, an exception under the Amsterdam Treaty provisions for access to EU documents; this exception, in Declaration no. 35, asserts that Member States can deny the EU’s release of a document created within that Member State unless they give prior agreement for its dissemination (Öberg 1998: 13). The French government, along with the UK, has also declared that EU treaty law does not require a general right to EU documents; instead, they argue, the policy should be to allow documents to be requested, but only released at the discretion of the Council (Öberg 1998: 11). In addition, the French government has been cited for failing to live up to its transparency obligations under other EU laws. Though France formally implemented the Aarhus Convention and EU Directive requirements that environmental information will be made available to the public, the European Court of Justice ruled in 2003 that France had not actually done enough to ensure their faithful implementation; and in 2005, the European Commission started legal proceedings against France for this failure (Banisar 2006: 74-5). Thus, while French law does require freedom of information, the French authorities have not particularly acted to expand that right beyond the scope of the laws.

Nevertheless, while the culture may not be there, the law still is. The 1978 law provides for a right to access to a wide selection of documents, including: “files, reports, studies, records, minutes, statistics, orders, instructions, ministerial circulars, memoranda or replies containing an interpretation of positive law or a description of administrative procedures, recommendations, forecasts and
decisions” (Banisar 2006:72). Thus, anyone can access a large variety of types of information emanating from a range of government administrative activities.\(^8\)

However, there are a number of limitations on what is actually considered a document. At the most basic, to be considered a “document” the item does need to be written down, or be material in some form, such as a recording (CADA 2009a). For instance, one cannot request information that is not necessarily in an actual document, such as information about the identity of those who have taken some action towards the state (i.e. a doctor who gave information about the requester, or a person who paid the water bill for a particular property), or explanations of motives and reasons for reaching a particular administrative decision (CADA 2009a). In addition, this means that the law does not cover information that has not been recorded or that was only transmitted orally (CADA 2009a). And of course, one cannot request an item that does not yet exist, or that no longer exists; nor is the administration required to create a document that does not currently exist, unless the requested information could easily be accessed such as by searching an available database (CADA 2009a). In other words, freedom of information requests are limited to information that is actually accessible in permanent form and transmittable to the requester.

For interest groups, however, there is an additional limitation that has a very large impact on their ability to use the law to gain access to actionable information about the policy-making process. Article 2 of the 1978 law explicitly does not provide any right to documents that are in the process of elaboration or that are being used to prepare another decision. In other words, it only applies to finalized documents. Thus, documents are not available if they are in draft form and do not yet fully reflect what they are intended to convey; for instance, informal annotations are not considered “documents”. Nor are finished documents available if they are being used as part of the preparatory process in reaching another decision, though once the decision has been reached and formalized, those documents do become available (CADA 2009a; Banisar 2006: 73). Some specific examples of

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\(^8\) However, documents are only considered administrative documents if they are actually administrative, as the law is specifically intended to increase transparency for those who are being administered, but not necessarily to increase transparency of all aspects of government. Thus, this law does not cover material produced during parliamentary proceedings (which are covered by their own legal statutes); nor does it cover recommendations issued by the Conseil d’États or administrative jurisdictions, or documents from the State Audit Office, for example (Banisar 2006: 73).
incomplete documents are: draft administrative reports or reports that have not been submitted to their formal recipient; a draft of an official report that has not yet been completed; a draft of a law that may still be modified from ongoing deliberations within the government at the time of the information request; and documents that must be signed or validated and have not yet been (CADA 2009c).

When there is some tension between what is considered a preparatory document vs a document that is complete and can be made public, the authorities tend to defer to the former. This is because there might be deleterious effects if preparatory documents are released too early during the course of a decision; for example, the early release of information into the public sphere might make administrative decisions more difficult to reach (CADA 2009d). It also ensures that the administration has “liberty of action” and that “consultations are meaningful” (Errera 1987: 101); in other words, for the administration to be able to effectively consult with other actors (such as experts or interest groups), it needs to be able to consult them, at its discretion, on drafts that are not otherwise disclosed to the public. Indeed, Article 6 of the 1978 law explicitly exempts documents whose disclosure would cause harm to “the secrecy of deliberations of the Government and executive authorities.” In short, the government has the right to keep all of its decision-making information private until a decision has been made. Groups do not have any rights to administrative information about the current policy-making process. Thus, the rights to access granted under French law do not lead to actionable information about the policy process.

However, the government itself is allowed to grant access to information that is not covered under the 1978 law. Government actors have the discretion to provide information to societal actors, even if that information has not been requested and is not in document form. In addition, the government has some limited rights to guarantee access to certain actors if it is necessary for the

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9 However, once it is clear that the government will not make a decision on the basis of a particular preparatory document, then that document must be made publicly available (CADA 2009d).
implementation of government policy. Thus, the law does not require systematic releases of information while decisions are underway, but it generally allows government discretion over whether it wants to release that information.

There are two other provisions that also have interesting implications for groups seeking information from government. First, if a group did choose to seek out certain types of administrative information from government, it would need to be careful that it did not overdo it. Article 2 explicitly states that the administration does not have to honor requests if those “requests are abusive, in particular because of the number of documents requested or because the requests are repetitive or systematic.” Thus, if a group were to always request a particular type of information, or tried to ask for documents on a too-regular basis, the administration could legally decide to stop providing them the information. Indeed, it is precisely those societal actors who need information most frequently, like interest groups, who are likely to run afoul of this clause. Second, a group would not be able to ask for information that may have already been published somewhere at some time. This is because Article 2 also states that the right to access cannot be invoked for documents that have already been “publicly diffused”. Thus, once the government has made the document public in some form, it can no longer be the object of a direct request. This suggests that it might be difficult or costly for groups to track down previously diffused, but missed, documents.

For example, certain exemptions from restrictions in the 1978 law can be built into other legislation and regulation, in ways that privilege the ability of certain organizations to gain particular information when needed to accurately and effectively implement regulatory decisions. The administration can contractually agree to provide documents to a particular person or organization as those documents are being prepared or according to some agreed upon time-table (CADA 2009a). One clear example of this is found in the Rural Code (Article L.632-7). In this case, the Minister of Agriculture contractually agreed that for certain inter-professional organizations seeking to create dues agreements between their members to pursue minister-approved goals, the minister could agree to provide information, such as the names and addresses of all declared goat farmers, that might otherwise be unavailable. However, this sort of contractual and guaranteed exception can only occur if the specific contractual arrangement to provide information is cleared in advance by the Commission on Access to Administrative Documents (CADA), which considers whether the particulars adhere to the French information laws. For the provisions in the Rural Code, discussed here, CADA agreed that the government could confer a special privilege and special access to information for only those organizations, but that it would determine future such exceptions on a case-by-case basis, because: 1) since the organizations are acting as administrators under the regulations, they cannot in principle rely on the information law of 1978 that applies only to those being administered to, and 2) the law of 1978 does not on its own guarantee information and documents unless they are requested, thus does not open the possibility that someone can systematically receive such documentation as they are being prepared (CADA 2009b). In other words, these special privileges were allowed because the organizations would not be able to carry out their assigned administrative functions without them.
However, beyond these restrictions, the physical costs of actually accessing government documents is relatively small. They can be requested in person, though they are held in a number of different locations; alternatively, they can be requested by correspondence. In addition, the documents themselves can be accessed for free, though any copies must be paid out of pocket (Thomas 1987: 147). Article 4 of the law also specifies that documents can be sent by e-mail if the document is already in electronic form. However, the greater potential cost is the amount of time that may elapse between when a document is requested and when it is provided. The French law gives authorities two months to respond to document requests (Thomas 1987: 150; Errera 1987: 104). And this two months is how long they have to respond, so they might send a letter at the end of two month stating that they are not going to provide the document. Thus, if an interest group wanted to request a particular piece of information, they would have to be willing to wait at least two months to get it, and possibly much longer. Thus, while it takes little money or effort to put in the request, it costs quite a bit of time; thus, there is every chance that putting in a request will be fairly pointless for any immediate decisions.

As noted, the group might also be denied access to the information it needs. However, there is recourse if authorities seem to be holding back on providing requested documents. The first line of defense is the Commission on Access to Administrative Documents (CADA), which plays the role of an independent ombudsman, tasked with representing those who are trying to get information (Thomas 1987: 159; Banisar 2006: 24). This commission has been explicitly set up to give requesters a reasonable chance of appealing denials of information. If the government states that a document does not exist, for example, CADA is empowered to call such claims into question if it believes that the administration is not being honest about the existence of a document (CADA 2009a). Any appeals are investigated by the Commission, which then makes a recommendation of whether or not the authorities should have released the information (Thomas 1987: 159). While this is often seen as a strong help to citizens seeking information, since it provides a formal means of appealing decisions, it can also be seen as a “filter protecting the administration”; in particular, it acts as a “filter” by preventing “abusive requests”, but also by shielding the administration of the responsibility of “making its own, perhaps

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11 In this advisory role, CADA also acts as a source of information for the authorities themselves, when they have questions about whether they need to or can release certain documents (see, for example, CADA 2009b).
mistaken, judgement” about whether a particular document should be released or not (Ducamin 1987: 349). That said, CADA does not have to be the final appeal for slighted requesters. If documents still being denied, even after CADA’s review, requesters can also take their case to an administrative judge (who has a six month window in which to act), or to any higher court (Thomas 1987: 159). As this suggests, however, pursuing an administrative document through this process is unlikely to be timely.

The Impacts of Freedom of Information Laws on Policy-Making Transparency

In conclusion, France’s rights to access administrative documents are not likely to be very useful for interest groups who need current information to be able to lobby effectively. While groups can request documents, there are a number of provisions that make it unlikely that groups can use these FOI laws to their benefit. Most critically is that documents about decisions that are “in process” are not part of the law’s mandate. Thus, by the time documents are finalized, and are available to be requested, it will be too late to impact the decisions contained in them. In addition, where documents are finalized, and thus available, the administration has several provisions it can use to discretionarily put off providing groups with the information, should it so desire. First, if a group uses its FOI rights too frequently for similar types of requests, the government can accuse it of abusing the right and legally cut it off from receiving documents. Second, the government has a two-month window before it must officially provide the group with either the document or a reason for refusing the document. In other words, there is plenty of discretionary delay possible that would make it difficult for groups to ensure that they get the documents in a timely manner. Thus, broadly, while the freedom of information rights may increase transparency more generally, they do not particularly increase transparency for lobbying groups.

Agenda Setting

The agenda setting process in France has many of the same issues of agenda setting as any other policy process. In particular, broad policy agendas are set during electoral competitions, when various political actors campaign on certain policy issues and policy directions. Groups can have some
idea of which policy issues are most important to the political actors who are elected, and they should have a reasonably good idea of the types of positions those political actors might prefer.

The French institutions, however, create some additional uncertainty about whose electoral agenda, exactly, will be pursued. Because of the dual executive in France, with a popularly elected president and a prime minister backed by a popularly elected parliament, “the locus of executive power is not clear” (Huber 1996: 24). In other words, it may not be obvious to interest groups whether the president or the prime minister holds the real agenda-setting power in a particular regime. Functionally, the prime minister and the cabinet have formal control over policy-making, a power given to them in Article 20 of the French Constitution. The periods of cohabitation, where the president and the prime minister hail from different parties, have also clearly shown the prime minister’s pre-eminence in this domain. The president has little institutional control over policy when political control is lacking, and even when there is political control, the president must exert his power over policy and the agenda through the prime minister (Huber 1996). Nevertheless, as President Mitterand’s 1983 quote indicates (see footnote 4, above), when the president does have political control, by being of the same party as the prime minister, he may have quite a bit of political power over the agenda. Thus, for an interest group hoping to take agenda-setting cues from the electoral campaigns, they may not be able to pinpoint the government’s policy-making plans as clearly as they would like.

In contrast to the executive, members of the French parliament have had relatively little influence when it comes to policy agenda, though recent constitutional reforms that modernized France’s political institutions have increased the parliament’s agenda-setting powers. Prior to the 2008 constitutional modifications, the government had the right to set the parliament’s daily agenda, making it almost impossible for private members’ bills to get the time to be discussed, debated, and voted on; in other words, the government’s policy agenda was the agenda, and the government proposed the majority of legislation (Knapp and Wright 2006: 145). Even members of parliaments’ rights to propose

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12 However, a professional lobbyist scornfully noted that all of the less-experienced interest groups flocked to lobby President Sarkozy upon his election, even though they should have known that institutionally, the prime minister and the cabinet ministers were the real powerhouses when it came to influencing policy (personal communication during an in-person interview, Fall 2007, Paris, France). Thus, those lobbyists and groups with the most experience know that neglecting the government is never a good idea if one hopes to impact policy outcomes.
amendments were seen less as a power to change the policy agenda, and seen more as a useful tool for causing delays and annoying the government (Maus 1989: 17); this is because the government had the power to choose which version of a bill would be voted on (Knapp and Wright 2006: 146). Thus, the legislature was not seen as an agenda-setter in its own right (Le Picard, Adler, and Bouvier 2000: 77).

However, since the constitution-amending law to modernize France’s institutions passed in 2008, the parliament has the right to control its own agenda, within certain limitations. This has increased the possibility that a private member’s bill can actually get on the legislative agenda and have at least a reasonable chance of being considered. While two weeks out of four are still reserved for the government’s agenda, there is much more time available for parliamentarians (and their party groups) to attend to non-government bills (Constitutional law of July 23 2008, Modifications to Title V, Article 48). In addition, the formal debate on bills in both chambers of parliament are now carried out on the versions of the bills proposed by parliamentary committees, rather than on the government’s preferred text, which was the case before the reforms (Constitutional law of July 23 2008, Modifications to Title V, Article 42). Thus, if groups want a chance to set the policy agenda themselves, by lobbying MPs to introduce bills or amendments on their behalf, it is much less difficult to do so than it used to be.13

On the other hand, this recent change also means that groups now need to expend more time monitoring the agenda being set in the legislature. Before, they could generally rely on the fact that the policy agenda would come almost solely from the government. Thus, there was a relatively narrower range of actors needing monitoring to ensure that the group might find out about what was on the policy agenda. With greater freedom of agenda in parliament, however, groups now need to expend resources monitoring the legislative agenda more closely since new agenda items can arise there too.14 In short, there is a broader range of information potentially available about the agenda, and more avenues for influencing it; but, it also means that there are more potential venues where groups may be surprised by agenda items that affect their preferences and constituents.

13 See Le Picard, Adler, and Bouvier (2000: 77) for a lobbyist’s view on the difficulties of influencing the parliamentary agenda under the previous constitutional rules.

14 The parliamentary agenda is published publicly. However, see Chapter 6 for an interest group’s perspective on the reliability of these publicly-available schedules.
Informational Asymmetries in Discovering the Government’s Agenda

The critical question to ask, here, however, is whether groups can actually find out about the government’s agenda, once it has been set, as the government still has a very large impact on policy outputs. In general, there are few standardized and regularized ways for groups to get information about the government’s agenda decisions at the beginning of the policy process. In fact, formal actors outside of the cabinet and executive have their own difficulties in gathering such information. Le Men (1984: 11) sums up the informational relationship between the government and parliament as follows: "The government deems it necessary to remain the master of the information that it has; facing it, the parliamentary assemblies express, notably through the voice of the opposition, their desire to receive the maximum of information on all subjects." In other words, the informational asymmetries with the executive exist for parliamentarians as well as for interest groups.

Under the French system, members of National Assembly or the Senate don't get information automatically from government; instead they usually have to explicitly request the information (Le Men 1984: 14). One specific way that members of parliament can try to get information about what the government is considering, is to ask the government formal questions, either written or oral. Different procedures are used for each, but the responses are published in the Journal officiel when they are provided to the MPs (Le Men 1984). Groups take advantage of this right of MPs by calling on sympathetic MPs to ask questions on their behalf. Indeed, they can even ask several MPs to present the same question to the government, making the question somewhat harder for a minister to ignore. If groups formulate their questions appropriately, they may be able to gather information about the government’s agenda and activities. However, this is not a foolproof method for gathering information; if the group doesn’t know what to ask, it will not be able to get the information it needs in return.

Members of parliament can also garner information from government ministers through their legislative committees, and particularly through the use of parliamentary rapporteurs, who are tasked with getting information from government and compiling it into report form for the use of parliament. For parliamentary committees, the process requires that the committee members request particular information directly from the government; for rapporteurs, who are acting as liaisons between government ministers and parliament on particular policy proposals, broader access is expected and the
rapporteurs have informal and formal discussions with relevant actors in the ministries, which have a better chance of getting information from government (Le Men 1984). However, it is worth noting that only rapporteurs working on budget issues have their informational rights written into law (Le Men 1984: 23). And Le Men emphasizes that even for formal investigations into executive actions, where the investigative commissions have special rights to information, the "efficiency of the investigation may depend in large part on the good will of the government," which has at its disposal the many "secrets" guaranteed under the law: such as secrets relating to national defense, fiscal issues, manufacturing, medical, or even administrative issues, this last "resulting from the reserve duties incumbent on civil servants" (Le Men 1984: 26). In sum, the obligations of the government to provide information to the parliament stem from its general responsibility to that body, but these responsibilities tend to be limited to the arena of the debates and votes within the parliament; and, even though there are requirements that the government share information with parliament, the government is difficult to force (Le Men 1984: 29).

In other words, it can be difficult to get information from the French government, even if one has formal rights to that information. If members of parliament cannot easily force the government to give them information, even with their constitutional role in the policy-making process and in holding the government accountable, it should be clear that other actors might find it equally difficult. In other words, the government has a great deal of discretionary power over the information it chooses to divulge; thus there is no guarantee that interest groups will be able to find out about the government’s agenda unless the government chooses to tell them.

The Impacts of Agenda Setting on Policy-Making Transparency

In short, the agenda-setting process is not inherently transparent in France. While broad agendas are likely to be released during electoral campaigns, the specific agenda of the government does not have to be released to all potentially interested groups. Indeed, the dual executive may make it even more difficult to guess exactly how the government intends to implement its electoral agenda. And unless the government and its ministers choose to divulge their specific agenda to a group, it is
completely possible that the group will not find out about the policy issues on the table until policy elaboration is well under way.

Nevertheless, groups do have better access to information about the policy agenda when it is set in the legislature. Since 2008, the French parliament has had greater control over its own legislative agenda, increasing the chances that legislative bills and amendments can actually be debated and passed. Thus, if groups monitor the publicly posted parliamentary agenda, groups have a good chance of getting information about policies that begin at this stage. However, it is important to note that once a bill is on the legislative agenda, even if it originated from an MP rather than the government, a group has effectively no chance to impact its framing or elaboration. Thus, whereas groups have a chance to keep tabs on the parliamentary agenda, for bills that originate there, it does not necessarily increase their ability to get lobby for the elaboration of those bills. Thus, it is likely much less useful for groups to get information about parliamentary agendas than it is for them to get early information about the government’s agenda.

Elaboration

Most policy elaboration takes place within the executive branch. The executive branch has traditionally had a large number of institutional powers that have given it a disproportionate impact on the outcomes of the policy-making process, though this has changed somewhat with the recent institution modernization act. Even so, the government still plays a major role in policy making. While members of parliament can introduce their own legislation, the cabinet and the administration have far greater resources at their disposal to fully elaborate the details of major legislation. Thus, the transparency of the policy-making process within the executive is critical for understanding how groups get their information about policy-making.

15 Unless a group is the original drafter of an MP’s bill, the bill will have already been elaborated and finalized before it is deposed on the parliamentary agenda.

16 Indeed, it is often the case that MPs do not write the bills they themselves introduce on the legislative agenda. For instance, many private member’s bills are actually government bills in disguise, where an MP presents, under his own name, a bill on the governing party’s behalf (Knapp and Wright 2006: 163). In addition, many interest groups generally find it fairly easy to get MPs to introduce a bill on their behalf (Le Picard, Adler, and Bouvier 2000: 77), though this is definitely not the case for all groups.
As noted above, the French government has a great deal of discretion over information about the policy process. While executive actors can release information about the current policy issues being discussed and elaborated, they have little obligation to do so early in the process. That said, ministers and their staff often do consult with groups about the legislation they are considering, but they are under no obligation to consult all groups who might have an interest in it; instead the minister decides which groups it wants to give information to and it decides which information it wants to give to or receive from those groups.

If a group is lucky enough to be consulted early in the elaboration process, then it will have a reasonable amount of information with which to construct its lobbying plan. However, if a group is not lucky enough to be consulted early, and the government has not decided to publicly provide information about its agenda, the groups will have to gather information about the policy process in other ways. Their primary line of attack will be to try to get discretionary information about the policy process from their allies in government. For instance, a group can try to contact its actual and potential allies within government ministries. However, the balkanized nature of the French executive means that one group’s allies may not have access to information about the policy process being carried out in a different ministry. Though ministry staff and officials need to coordinate their policy making with other relevant ministries, they may not do so very early in the process. Thus, by the time a group’s allies in government have information about what is going on, it may be fairly late in the elaboration process.

In addition, there are also several types of formal consultations that take place within the French government. One type is the mandatory consultation commissions that have been set up in various policy areas. While this may sound, in theory, like a useful and systematic method of gathering information about the policy process, in practice these mandatory commissions have no guarantee of seeing ministry bills until they are essentially complete. Thus, while taking part in a mandatory commission may give groups information about a bill before it is deposed in parliament, it may not be much before that moment and may be after the bill is fully elaborated by ministers and their staff, and even may be after it has been formally approved by the full cabinet in the Council of Ministers.

Another type of formal consultations are the large-scale ad-hoc commissions that are occasionally created by government actors. These tend to be called together before the government
decides to take on a particular policy issue, and effectively act to provide recommendations for what the government should do. Clearly, knowing about such a consultation or commission would give groups an early heads up about the government’s agenda. However, there is little guarantee that the government actually plans to pursue any of the recommendations proffered by the commissions; nor is it guaranteed that the government actually plans to take up the issues on the policy agenda. Indeed, groups can invest a great deal of resources into participating in such consultations, and in the end, find that the resources were essentially wasted.

Thus, there are methods and means for gathering information about the elaboration process in France. However, there are no early systematic ways of gathering information about the policy process. Government actors can decide at their own discretion whether they will release information by discussing and consulting with groups, and they can also decide which groups they will talk to. While there are mandatory commissions for some policy issues, which ensures some systematic release of policy information from government, these are not necessarily early releases of information, and can come fairly late in the elaboration process. Thus, the elaboration process for groups can be very uncertain; they may get information in time to put together a lobbying action, but they may not. And groups may not be able to tell whether they are missing information because there is no relevant policy going through the process, or whether they are missing information because policy-makers are simply not giving it to them.

Consultations and Discretionary Information From the Executive Branch

Groups have little guarantee of getting information released to them systematically during the earliest portions of the policy process. Again, this is not necessarily just a problem for interest groups. As Le Men (1984) demonstrates, the executive branch holds its information rather tightly, even from the legislative branch. This pattern is also reflected in the supposed “domestication” of the media by public authorities, where the media make sure to publish the “official truth” and many members of the press refuse to publish leaks (Hayward 1982: 124).

However, in French political culture, interest groups have had even less of a legitimate claim on information about the political process. The access and information given to groups during the policy
process remain at the discretion of policy makers, in part because the French have had a general
disapproval of private groups; they are often seen as at odds with the public good because of their
narrow interests, and have thus been seen as less legitimate actors in politics (Mény 1989: 91). But, the
French government does need the information that interest groups can provide about technical and
political outcomes of various policy options. So the government does, in fact, consult with groups
fairly regularly, though it does so as it sees fit (Hall 2006: 8-10; Le Picard, Adler, and Bouvier 2000:
67-8). Thus, while groups are definitely needed to give the government information about potential
policies, they have not traditionally been given strong formal access to the processes.

When groups are given access to the elaboration process, they tend to be groups that are deemed
“worthy” and are seen as “trusted social partners” (Hayward 1982: 117, 120). In other words, the
government and its ministers decide which groups are worth contacting for a particular issue, rather
than simply making it publicly known that they could use societal input. One of the most systematic
ways that such accepted interest groups can get information about the policy process in the executive
branch is by taking part in one of the formally mandated commissions that are tasked with giving
information and advice to government on its policy proposals. Numerous “superior councils” were set
up (beginning in the late 1800s) that were intended to formalize the ability for important interest groups
to provide information in their relevant policy domains (Lallement 2006: 54), though concerns about
group influence have meant that they are usually given no formal policy-making power (Dion 1972:
186). However, only some groups are allowed to take part, as the law sets out exactly which types of
interests, or even which specific groups, are given seats on these commissions. As Mény (1989: 95-6)
notes: “not all groups have access to these formal consultations. The discourse of the political and
administrative elites distinguishes the ‘wheat’ from the ‘chaff’, and the ‘valid interlocutors’ from the
groups considered unrepresentative.” Thus, the access to the information provided during these
commission meetings is limited at the discretion of policy makers.

Nevertheless, these commissions are not necessarily very useful for groups who are hoping to
influence the policy process, even when they have formal seats on the commissions. Not only do the
commissions have a fairly limited role in the policy process, they may not even meet until policies have
already been fully elaborated and written by the executive branch; thus they do not even necessarily
provide early actionable information to groups. As Wilson (1993) points out, there are many commissions but they wield little power. While groups can present their views and advice about policy to policy makers — and indeed, some such councils are legally required to review all proposed legislation and present their official opinion — those policy makers have no similar requirement to pay attention to that advice (Wilson 1993: 120-1). And even more importantly for interest groups, these legally required consultations do not necessarily ensure early actionable information, as these consultations usually come after the bills are essentially finalized and it is too late to have a real effect on them (Wilson 1983: 900). Instead of providing groups with useful information and influence, these commissions “serve to enhance the ability of government to make policy on its own while preserving the guise of consulting affected interests” (Wilson 1993: 121).

The French government also can call together a formal consultation on an ad hoc basis, for a single policy issue. For example, in 2007, the Sarkozy Administration put together a large broad-based consultation for reformulating and redesigning France’s approach to the environment. This particular consultation event was called the Grenelle de l’Environnement, and comprised several commissions on a series of environmental topics. While this particular consultation did result in several government bills — which meant that the many groups included in the discussions had real actionable information, well in advance of the government’s bill elaboration — it is not necessarily the case that all such consultations result in policy success. Nor indeed, are most consultations equally expansive and wide ranging as this one has been (Boy 2010). However, it is critical to note that these consultations are called at the discretion of policy makers, rather than as systematic consultations for every major new policy. Thus, while policy makers can create formal consultations that do provide important actionable information to groups, they need not do so every time.

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17 Examples of this type of occurrence can be found at the beginning of Chapter 1, and in quotations by French interest groups in Chapter 6 and Chapter 8.

18 Wilson (1983: 900) gives the example of a group’s representative who took part in “a committee meeting one day to discuss a proposed measure and then saw it printed the next day in the Journal Officiel suggesting that the decision was made and the measure sent to the printer before the committee even met.” This example mirrors the more recent one presented at the beginning of Chapter 1.

19 It is called a “Grenelle” to hearken back to the Grenelle Accords that came out of the historic negotiations between the government and societal actors in May of 1968, to respond to the social crisis that erupted in France that month (Boy 2010: 314).
Given that policy makers, then, have a great deal of discretion in the ways they provide information to interest groups about the elaboration process, interest groups have very little systematic early information that they can rely on. Thus, to get early information about the policy process, groups need to depend on policy makers to provide them with discretionary information about what is being planned and what is actually happening.

A Dominant but Balkanized Executive

While the executive has traditionally dominated the policy-making process, with a number of institutions that have given it inordinate power over the agenda and policy outcomes, it is nevertheless internally balkanized. In addition to the complication of divisions between the prime minister and president, discussed above, the French government is also marked by strong divisions both across and within ministries (Hayward and Wright 2002). As one researcher noted: “A French ministry is like a confederation of autonomous states...Not only are the divisions autonomous, but the bureaus within a division, too, often refuse to cooperate on common projects” (Lord 1973, quoted in Hayward and Wright 2002: 51).

In other words, even within ministries, there is a great reluctance to share information. Though ministries are required to coordinate with each other, to ensure that all policy areas potentially affected by a bill have a chance to comment on new policy proposals, this communication does not necessarily take place in a timely manner. The actors within ministries who are tasked with actually researching and writing particular bills engage in “turf wars” to maintain their own control over policy creation; thus there may be:

Deliberate as well as inadvertent denials of information to other parts of the same ministry as a way of protecting oneself from intrusion by others [and] such uncommunicative practices are much more evident when we move to inter-organizational communication, or lack of it. This behavior takes place both horizontally and vertically (Hayward and Wright 2002: 17).

In short, those who are actually putting together policy proposals exert their discretion over information as much as they can, sometimes refusing to provide information even to other political actors in the executive branch.
The implications of this behavior for groups is fairly large. Even if a group has favorable access to one set of policy makers within the executive branch, they may not get information about the full range of policies currently under consideration in government. Their allies can give them information about what *they* are doing, but may not have any information to provide about what everyone else is considering. Thus, even groups who have easy access to parts of the executive are likely to be surprised by the output of the executive branch as a whole.

The Impacts of the Elaboration Stage on Policy-Making Transparency

The elaboration stage is particularly critical for groups who hope to influence the policy process. It is during this stage of policy making that the policy frame and many of the critical policy details are determined. While later stages may give groups a chance to amend proposed bills, the bounds of the policy set during the elaboration stage will limit the options that groups have later in the process. Thus, it matters whether groups can get information about the elaboration stage early enough to be able to lobby effectively.

As this discussion indicates, information about the elaboration stage is released very much at the discretion of policy makers. Indeed, even when there are formal legal requirements that standing consultative committees be given a chance to inspect proposals and provide advice on them, government policy makers have every right to provide those proposals when they have already completed and finalized the elaboration process. Thus, the one systematic way that groups might get information about the elaboration process takes place at the very end of the elaboration stage, when it can be far too late for groups to act on any information they might acquire.

This means that early, actionable information, is generally only available at the discretion of policy makers. Some discretionary information is doled out directly from policy makers to groups, such as through ad hoc consultations, whether formal or informal. However, groups may also need to seek out discretionary information from potential allies in government. The problem, however, is that the French executive is very balkanized both within and across its ministries. While ministers and their staffs must eventually coordinate amongst themselves, one ministry may elaborate their proposal fully before discussing it with another. Thus, even if a group has a strong ally in one part of government who
wants to tell the group about all policy issues that might affect it, that ally may not have full information about all the issues on the table in other ministries. Thus, the balkanized nature of the French executive also serves to reduce the transparency for French interest groups. In short, groups face a relatively non-transparent elaboration process.

Decision

The decision stage of the policy-making process is relatively transparent, when compared to the stages that take place in the executive branch. Indeed, among lobbyists, “parliament has a reputation of being much more open than the government or the administration, as the members of parliament represent the whole nation, and all of its members” (Le Picard, Adler, and Bouvier 2000: 71). In general, the activity of parliament takes place in the public eye. Deliberations are often televised, groups are invited to hearings, and the agenda for formal parliamentary activities is generally posted online. Thus, if a group wants to have an influence on this particular stage of policy-making, they have a reasonable chance of finding out far enough in advance to put together an effective lobbying strategy.

Nevertheless, if the decision stage is the first point of information that a group has about a bill and its specific policy details, they will usually have to be satisfied with amendments that change the effects of the policy, but do not necessarily change the overall tenor or frame of the policy. Indeed, while parliament has gained expanded influence over policy in recent years, government bills still make up a majority of parliamentary business. Thus, a relatively open and transparent decision stage does not necessarily make up fully for the lack of transparency at the prior stages; it gives groups some opportunity to influence the policy process, but it is not necessarily a substitute for early lobbying.

The Government’s Constitutional Rights over Parliamentary Decisions

The simple story of policy-making in France is that there are two paths for policy to be made. The Constitution of 1958 sets out the basic steps for policymaking. In principle, bills can be proposed either by government or members of parliament. The prime minister sets the agenda for debate and decides whether the first reading of a bill will be in the National Assembly or the Senate. The first
chamber reads, debates, and proposes amendments, and then the bill is shuttled by the navette system to the other chamber for similar treatment. The two chambers attempt to reconcile the bill, and if necessary, the government convenes a joint committee to work out a compromise. The chambers vote by simple majority, and if passed, the law is sent back to the government for implementation (Assemblée Nationale 2009).

This basic description, however, belies the unequal power between the branches over legislation. In fact, the constitution of 1958 provides the government with numerous means of pushing its own agenda and policies through parliament (Huber 1996). While the French state is parliamentary in nature (Maus 1989: 13), the balance of power is strongly in the hands of the joint-executive, not the parliament itself, even though there has been a slight adjustment in favor of the parliament since the 2008 institutional modernization act.

Under the 1958 Constitution, the prime minister had the power to decide which version of a bill would be debated and voted on within the chambers of parliament, meaning that no matter what amendments or changes to bills were made in the Senate and the National Assembly, the Prime Minister had the prerogative to choose which amendments and proposals would be the baseline for the bill. This has changed under the 2008 institutional modernization act; now, it is the bill reported out of committee that is the baseline for debate on the floor for most types of policy proposals (Constitutional law of July 23 2008, Modifications to Title V, Article 42).

The government’s strong powers to pass bills without a positive vote in the legislature by presenting them as matters of confidence (Maus 1989), have also been reduced. The original provisions meant that it was incredibly difficult for parliamentarians to defeat bills placed under this power, and success meant that the government was likely to fall and the Assembly would be dissolved (Thiébault 2003: 338). However, the new constitutional modifications have severely reduced the government’s potential to use this power; now, the government can only impose this power in unlimited fashion for budget bills or bills relating to social security financing, or it can choose the use the power for any other

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20 The exceptions are budget bills, bills containing constitutional revisions, and bills dealing with the financing for social security. The prime minister can determine which version of these bills and which amendments will be the baseline for the floor debate.
government bill only once during a given parliamentary session (Constitutional law of July 23 2008, Modifications to Title V, Article 49).

Prior to these constitutional changes, then, the parliament was heavily dominated by government, even during the decision stage of policy making. With the constitutional revisions, parliament has a much greater chance of having real impacts on bills and policies, particularly through the committee system. Thus, whereas before, groups were almost entirely dependent on the government for having any influence on policy, now groups have a much better chance of exerting influence through parliament. Still, as Huber (1996: 33) argued, members of parliament have always had ways to “circumvent the government’s constitutional control over the agenda,” leading the government to act in a less authoritarian manner (at least most of the time).

That said, the government is still a major player at the decision stage, not least because the difference in resources available to ministers vs. members of parliament means that the government has a better chance of having its own fully elaborated bills under consideration during that decision stage. In addition, the government still has a great deal of influence over the legislative agenda. For instance, half of the parliament’s agenda and schedule is still devoted to the government’s business (two weeks out of four); with one more week out of four devoted to evaluating public policy and government oversight, there is still only one week left (out of four) reserved for each chamber’s own legislative agenda.21 Thus, even though the chamber now has more time to itself, it may not simply ignore the government and its agenda.

In addition, some of the government’s influence over parliament may simply have shifted somewhat due to these constitutional changes, rather than being completely reduced. One representative of an interest group that I spoke to in 2010 noted that, prior to the constitutional changes, the government was never involved in parliamentary committee proceedings; now, however, the government has become a strong player in committee work, as it interacts frequently with committee members and the all-important committee rapporteur (who acts as the committee’s agenda setter for

21 And one day per month is reserved on the agenda for initiatives proposed by opposition or minority groups (http://www.assemblee-nationale.fr/connaissance/procedure.asp).
committee amendments and information gathering). In short, the constitutional changes to the decision process do not mean that the government is no longer important to groups, as most major policy proposals still come from the ministers and the cabinet.

Systematic Releases of Information from Parliament

For groups interested in gathering information about the legislative process, the parliament is fairly transparent. Much information is available and posted online. Groups have the opportunity to monitor publicly available legislative information about the decision process. However, the information is not always completely reliable, nor is it always necessarily very timely. Nevertheless, information about policies under review is made publicly available during this stage.

Indeed, if a group has had no information about a government bill, they may find that the deposition of the bill in parliament will be their first chance to read the details of the proposal. However, they may have to wait between the moment when a government bill is formally filed (and put on the agenda) and when it is publicly diffused. The official documentation notes that parliamentary documents, including proposed laws, must go through a formal filing process before they need to be released. Indeed, the dépôt is the legal procedure where the President of the Assembly or Senate publicly attest, either in a parliamentary session or in the Journal Officiel, to the legal existence of a document or initiative. However, the actual document may not be provided for some time afterwards. This is because, after the official filing, the author of the document has a chance to do a final proofreading and must sign off on the official version that will be released.

For instance, the chronological list of documents that were officially filed and diffused under the 13th Legislature shows that there is usually a delay of at least several days between the official date of filing, and the date that the item is place online for anyone to read. Of the items posted online

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22 Personal communication during interview with environmental interest group representative, February 2010.

23 See Chapter 6 for a discussion of one interest group’s experience with the reliability of the legislative agenda.

24 The Assembly National actually has an explicit warning posted about this delay between official filing and distribution of documents (http://www.assemblee-nationale.fr/13/documents/avertissement.asp).
between February 25th and March 8, 2010, for example, many items were provided the day after they were deposed with parliament; however, several other items were posted 6, 8, or 12 days later, at least one was posted a full month after its filing, and one item had not yet been posted, due to “editing in process,” a full 22 days after its filing. In other words, even at this point, a group may know that a policy proposal exists, but still have to wait to find out exactly what the proposal says.

The Impacts of the Decision Stage on Policy-Making Transparency

In short, the decision stage of the policy-making process in France serves to greatly increase the transparency of the process for groups. Much of parliamentary activity takes place in the public eye and is reasonably easy for groups to get information about, as much information is fairly systematically released; for example, agendas and items under consideration are released to the public via official documentation and, now, the two chambers’ websites.

Nevertheless, a transparent decision stage is actually fairly late in the process for groups. They can put together lobbying strategies to push for amendments or possibly to convince the legislature to veto a bill. However, by the time government bills are deposed with parliament, they have been elaborated and finalized, and have the stamp of approval of the prime minister and the government. Thus, for groups, this late information about the policy process is not likely to be as useful as early actionable information before bills are elaborated.

Implementation

The implementation stage of the policy-making process is marked by a strong duality. It can closely mirror the relatively non-transparent elaboration process carried out in the executive branch; while the executive branch often consults with groups as it writes rules and regulations, it does not have to. At the same time, the French state has also decentralized a good deal of the on-the-ground implementation of those rules and regulations to regional and local governments. These territorial governments tend to be much more interested in participative governance, with strong consultations and collaborations with groups and interested stakeholders. Thus, national groups may find themselves

trying to get discretionary information about the national administration’s policy-making decisions about regulations, but then have more systematic information releases about the actual implementation of those rules and regulations at the local level; though, it does depend on the particular local government, as the extent of openness and consultation is decided at that local level, as well.

Domination by Government Ministries

Government broadly dominates the final stage of the policymaking process. The government and its ministries have a monopoly over the regulatory process, which give them decision-making power over the specific regulatory content and practical aspects of how legislation will be implemented on the ground (Assemblée Nationale 2009: 15; Le Picard, Adler, and Bouvier 2000). However, the ministers do not necessarily have independent authority to create regulations. The major forms of regulation — ordonnances (orders) and décrets (decrees) — must be deliberated by the Council of Ministers and signed by the president (Assemblée Nationale 2009: 15). Thus, the process for creating and writing rules and regulations takes a similar form to the elaboration process for new policy.

The government also has post-hoc powers to delay or distort original legislation since laws cannot come into effect unless the government passes an implementation decree (Knapp and Wright 2006: 144). For example, when the National Assembly passed a law making contraceptives legal in 1967, the relevant ministry was able to sit on the law until 1974 before it finally passed the decrees and regulations necessary to implement the legislation (Knapp and Wright 2006: 150). In other words, the government was able to delay implementation of the law for a full seven years.

As with the elaboration stage, the government can decide to consult and inform groups about the process, or it can simply write its rules and regulations and then announce them when they are essentially completed.

Devolution to Lower Levels of Government

While the creation of rules and regulations that takes place in the national executive is relatively non-transparent, and subject to many of the same transparency issues of the policy-elaboration process, the on-the-ground implementation of those policies takes place in more transparent
circumstances. In particular, the French state has decentralized much of the implementation and provision of administrative services to its local and regional governments. Thus, where the requirements of implementation may be broadly set at the national level, the actual implementation on-the-ground is frequently the domain of more local and territorial political actors, depending on the policy area (Reiter, et al., 2010; Le Galès 2006; Mazey 1989). Specifically:

The State defines rules, procedures, roles and settings, but it does not go into details as to how exactly these should contribute to a particular purpose: that task is left to local officials. The central government defines priorities and procedures to achieve these goals, while local actors are left to adopt the necessary means and concrete measures within that defined framework...but with a weaker grasp on what exactly goes on inside those defined procedures (Le Galès 2006: 214).

The contrast between centralized state policy-making and decentralized implementation is particularly marked in several domains of environmental policy-making (Szarka 2000; 2002; 2004).

To complicate matters, however, this devolved implementation process frequently involves a multitude of actors among whom coordination must take place (Reiter et al. 2010; Le Galès 2006). The potential for overlapping authority means that it is not always clear exactly who has jurisdiction over particular decisions, and may also mean that there can be contradictory decisions that may be difficult if not impossible for the administered to adhere to.26 This occurs horizontally — between local actors of similar powers — but also vertically between ministers and local policy-makers. As Le Galès (2006: 206), notes: “political rivalries between local governments and between ministries produce different parameters for each contract and each development strategy, although each of them presumes to provide coherence to the whole urban or rural area.” Thus, it is not necessarily easy for a national interest group to determine exactly which political actors are most relevant to lobby at this stage.

Nevertheless, Le Galès (2006) suggests that decision making at the local and regional levels is relatively more open than the national policy-making and administrative processes. In part, this is

26 Though different government actors generally deal with different policy areas, they can influence a wide range of policy outcomes: “Regions mainly deal with economic development, training, the building of secondary schools, culture, environment, and now, increasingly, railways. Départements have particular power and resources to manage social services, transport, and roads. Communes mainly deal with social services, their own roads and primary schools, basic services, environment, sports and culture. Inter-communal communities mainly work on utilities, waste management, transport, economic development and water. However, each level of government feels free to intervene in any domain: all have policies for the environment, culture, or economic development, for instance, hence there is a considerable amount of overlap” (Le Galès 2006: 203).
because the local policy makers tend to rely more heavily on consultations with stakeholders, both to
benefit from the expertise of those stakeholders and to increase the chances that those stakeholders will
accept the local government’s output (Le Galès 2006; Reiter et al. 2010). However, under the dictates
of the decentralization reforms, the local governments still largely have discretion to decide when or
whether they want to hear from particular interests (Le Galès 2006: 217). Thus, even though this stage
tends to be more open, it is not guaranteed that all local level implementation takes place with relative
openness.

The Impacts of the Implementation Stage on Policy-Making Transparency

In general, the implementation stage is reasonably transparent for groups. While the
government is not required to be open with interest groups, it does tend to consult rather widely at the
implementation stage.27 Thus, groups may be relatively more certain that they are getting important
information they need to effectively pursue their lobbying strategies. Nevertheless, it may be cold
comfort to groups to know that they will have a better chance to defend their interests at the last stages
of the policy process, if they have little chance to define the bounds and requirements of a policy at
prior stages.

Conclusions

In conclusion, the policy-making process in France is relatively non-transparent. While groups
can, and do, get information about the policy process, it is not provided systematically at the earliest
points in the policy-making process. Instead, early information about what is going on in the policy
process is generally only available at the discretion of policy makers. Thus, a particular policy issue is
sometimes dealt with in a way that gives interest groups actionable information; however, there is no
guarantee that actionable information will be provided in every case. Even if groups are not always
informed late about policy or are not always surprised, there is always the chance that they may be.

27 Though this may vary somewhat by policy area. As Szarka (2000; 2002; 2004) notes, environmental
policy tends to be relatively more open at the implementation stage.
Any one group may miss out on important information on policy they care about, even those groups who may be regularly given good information when government actors think to call them.

So, even though the later stages of the policy process tend to be reasonably transparent — such as the decision stage in parliament, or the on-the-ground implementation stage in regional and local governments — groups may not have the opportunity to lobby effectively at the critical agenda setting and elaboration stages for policy, nor for the elaboration of rules and regulations. Groups, then, must pursue their lobbying strategies in a state of uncertainty. They must make decisions about how to lobby, even though they cannot be sure that they, in fact, know what is being deliberated or decided within the policy-making process.
Chapter 6: Interviews: Interest Group Relational Strategies in France and Sweden

Introduction

Interest groups provide information to policy makers as a key part of their lobbying activities. This information is provided to sway and persuade policy makers, as well as to give supportive policy makers talking points with which to influence debates in the policy process. However, what is more often neglected in the lobbying story is that interest groups also need information about the policy process itself — actionable information — in order to lobby effectively.

In this chapter, I demonstrate the importance of policy-making transparency for interest groups, by showing its impact on cooperative lobbying behaviors.\(^1\) Through interviews with forestry interest groups in France and Sweden,\(^2\) I show that where there is low transparency (and therefore uncertainty about the policy-making process), groups institutionalize their cooperative lobbying behaviors over the long term; conversely, where there is high transparency (and therefore greater certainty), groups pursue ad-hoc and case-by-case cooperative lobbying behaviors. Sweden provides a case of the latter political context, while France provides a case for the former.

The Swedish policy-making process releases policy-making information early and reliably to groups, due in part to formal requirements; since forestry groups can anticipate government actions, they pay the transaction costs of negotiating joint lobbying actions on a case-by-case basis. In contrast, the French policy-making process provides policy-making information late and unreliably, as much provision of information is at the discretion of the government, particularly at the agenda-setting, elaboration, and implementation stages; since French forestry groups cannot be certain that they know what is going on in the policy process, they institutionalize relations amongst themselves, which reduces the transaction costs of negotiating cooperative lobbying actions when confronted by last-minute policy surprises.

\(^1\) As defined in greater length below, “cooperative lobbying behavior” indicates cooperation between groups in order to lobby together, such as through coalitions.

\(^2\) Due to IRB/UCSD Human Research Protections Program specifications, the interviewees were guaranteed confidentiality; under these conditions, all information from these interviews will be cited in-text as "a representative of a [type of] organization" or cited in parentheses by an anonymous interview code, as agreed to by the interviewees.
Interest Groups’ Relational Strategies

In this chapter, I focus on the impact of transparency on a single aspect of interest group behavior, namely, groups’ relational strategies. I define relational strategies as the range of lobbying actions that are carried out through cooperation between groups. More specifically, these are strategies to pursue lobbying through joint or coordinated actions by two or more groups; they include formal coalitions, both ad hoc and long term, but also coordinated lobbying actions without the formality of a coalition. These strategies are inherently relational because they require interactions and negotiations between groups in order to pursue them.

I focus on relational strategies because their various forms have been identified among most groups in many places. For example, studies suggest that there are no types of groups that always join coalitions or always abstain from them (Mahoney and Baumgartner 2004), though there may be some variation in which groups will join coalitions more often (Hula 1995; Hojnacki 1997); and they have been found across policy areas and across countries (Hula 1999; Mahoney 2008). Since relational strategies are universally observed but are not universally uniform, looking to variation in the form of relational strategies can provide some traction on the impact of various contextual factors.

The work of Carpenter, Esterling, and Lazer (2003) also suggests that it is reasonable to look to the ties between interest groups when studying the impact of informational availability. In a study of information transmission through interest-group networks, they found that informational uncertainty (about technical and political information) led groups to form strong ties with closer allies, rather than weak ties with more groups that were different from themselves. The study found this to be an outcome of uncertainty even when information might have been more effectively and fruitfully passed among groups who were loosely connected by weak ties. So, their work implies that a good place to look for the impact of transparency on lobbying strategies is in the relationships between groups.

In particular, in this chapter I look at the institutionalization of relational strategies. A relational strategy is institutionalized when joint actions are formalized and recurring across policy issues among a set of interest groups. On the other hand, groups’ relational strategies are not institutionalized if joint actions are chosen and negotiated in an ad-hoc manner on a case-by-case basis. As I will argue in the next section, the certainty or uncertainty of the policy-process, created by the level
of transparency of that policy-making process, should affect the institutionalization of relational strategies among interest groups.

**How Transparency Affects Institutionalization of Relational Strategies**

Groups can implement their relational strategies through a wide variety of joint actions. The key characteristic is simply that at least two groups are taking part in a particular lobbying action. Thus, lobbying on common issues or platforms through a formal coalition of interest groups is one clear way that a group can implement a relational strategy. But a group could also choose to pursue any lobbying tactic jointly. Thus, groups can jointly send letters, hold rallies, put out press releases, or meet with policy makers. In short, relational strategies can include any type of joint actions. But the question asked here is how will groups implement these joint actions across policy issues? A group’s relational strategy can be seen in their pattern of joint actions over time. Thus, it might be that one group’s relational strategy is only to send letters with other groups, but to do nothing else jointly. Another’s relational strategy might be to create permanent formal coalitions that tie several groups together across all issues over time. In this chapter, the critical variation in relational strategies is whether groups choose to institutionalize (i.e. formalize or regularize) their joint actions, or whether they choose to implement them in an ad-hoc manner.

Groups choose to lobby jointly with other groups for a variety of reasons. At its core, they are likely to choose joint-lobbying actions when they think it will increase their chances of successfully influencing policy (Hojnacki 1997; 1998; Mahoney 2007; 2008; Mahoney and Baumgartner 2004). For instance, lobbying with other groups increases the strength of the group’s message and makes it harder for policy-makers to ignore it, especially if there are many different interests competing for policy-makers’ attention (Loomis 1986: 259; Hula 1995; Browne 1988). In other words, joining with other groups can increase the chances of lobbying success, by strengthening the persuasive power of the joint message. Joint lobbying also has the potential for reducing the lobbying costs for each group by pooling together resources for a particular action (Bosso 1987: 249; Berry 1997: 188).
On the other hand, there are also potential costs to joint lobbying. As Hula (1999: 95) argues, “the desire to develop and maintain a strong reputation” increases the incentives for lobbying alone; a group’s reputation creates political capital, especially if that reputation differentiates the group from others. This political capital is important for distinguishing the group as a critical player in a particular policy area, affecting the chances that policy makers will see it as an important stakeholder; but it also is important if a group must compete with other groups for its membership and finances.3 Problematically, lobbying with other groups dilutes the credit for successful actions, and is therefore less effective for maintaining a group’s particular reputation or brand. Another cost is simply that the group will probably have to compromise on its preferred policy positions. Since common lobbying actions generally mean presenting a single, coherent, lobbying message, no one group is likely to get all of its favored policy positions.4 So, before deciding to pursue a joint action, a group will need to decide if the potential costs to its ideal points and reputation will be outweighed by the potential benefits of reduced resource expenditures and greater chances of lobbying success.

However, once groups decide they do want to pursue a relational strategy, for whatever combination of reasons, they still face additional hurdles. The first complication is figuring out which other groups to work with, a task that might require gathering information about potential allies and opponents (Hula 1995: 51). Though any groups who lobby fairly frequently in a small policy area (like forestry policy) may have a reasonably good sense of which groups are likely allies, they will not necessarily know all groups’ exact positions on all issues; thus, even if they know each other, groups may still need to expend time and resources figuring out whether it is even possible to work with another group on a joint lobbying action. Once this task is complete, however, and a group has chosen its partners for a joint action, it will still need to work out the details of that action.

It is this second set of hurdles that is particularly important for theorizing the impact of policy-making transparency on interest groups’ relational strategies. To negotiate a joint action takes

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3 A group that depends on its reputation for attracting members and donations, for example, will need to be more conscious of the drawbacks to lobbying with others. It will have more difficulty selecting a relational strategy that permanently binds it to other groups, or permanently impacts on the group’s particular “brand”.

4 Indeed, joint actions such as coalitions are commonly seen as the “preference aggregators” of societal interests (Costain and Costain 1981).
considerable transaction costs: groups need to decide what position they will jointly pursue (including what issues they will not touch), and what actions they will actually take. It can be difficult to negotiate a joint position if groups need to give things up — like their ideal preferences over policy — in order to reach a compromise. For joint action against a government proposal (i.e. seeking to get a policy proposal vetoed) groups should be better able to reach this agreement quickly: they are all in favor of stopping the bill. But to propose a new alternative or to articulate exactly what should be placed on the policy-making agenda, the groups will need to negotiate amongst themselves to find where they can stand together. All of this will take the basic transaction costs: resources, effort, and time. And, of course, it is also possible that groups will incur these transaction costs and still fail to reach an agreement amongst themselves, either on policy or specific actions.

These potential difficulties in choosing a particular relational strategy will be compounded by any uncertainty about the policy-making process. As discussed earlier, the policy process proceeds in steps, from agenda setting through alternative specification to decision making and, finally, implementation (Kingdon 1984). And, if a group needs to precisely tailor its message so that it is concise, relevant, and timely to the needs of policy makers at a given point in the process (Bradley 1980; Sabatier and Whiteman 1985), then groups must have at least some lead time to negotiate their joint action before a particular stage passes. In other words, the policy-making process is a temporal process that may not wait for groups to get their acts together. Successfully negotiating a joint action for a particular policy moment requires that groups have the resources and time to put in the effort to negotiate their approach. This means that groups need actionable information early, so that they have time to respond to the policy process, whether it is catching an open window for proposing new policy ideas for the political agenda, or providing timely information about a potential policy alternative while the alternatives are being debated.

Assuming that groups are strategic actors who are able to respond and adapt to their environments, at least in the long run, I argue that groups will adapt their relational strategies to the levels of transparency that they habitually face in their policy-making environment. Under ideal

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5 Transaction costs are the “costs of doing business” (Shepsle 2010: 358), which include the costs of negotiating and reaching an agreement, as well as the costs of maintaining or carrying out that agreement (Williamson 1985).
conditions of full transparency, groups would know what issues are being considered for the policy-making agenda, and what potential policy alternatives are being considered, as well as when and by whom these will be considered. When groups have this information early, they can more effectively work through the negotiations for joint actions with their potential allies. Groups have the time to expend transaction costs on negotiating all the details of a joint action: which groups to work with, and which joint positions and actions to take. In other words, with no uncertainty about the policy process, groups know that they will probably not be taken by surprise by the policy process, and that they can get their act together in time to affect any policy decisions. In this situation, groups would have the incentive to use a relational strategy based on ad-hoc selection of joint lobbying actions, choosing the best approach for the group on the spot, for each policy issue as it comes up. In other words, groups facing policy-making contexts where surprises are unlikely can take their time tailoring their joint actions to accurately match the requirements of each policy issue, with little fear that last-minute problems will arise (which would necessitate last minute negotiations between groups). Thus, their strategic approach to inter-group relations can be ad hoc, setting up joint-lobbying actions on a case-by-case basis.

On the other hand, under conditions of low transparency, where actionable information is not revealed with any certainty, groups face a different incentive structure for their relational strategies. Since groups might not find out until the last minute, if at all, about what is going on at a particular stage of the policy-making process, groups need to be more ready to act at any moment if they hope to lobby effectively on issues that concern them. This has implications for relational strategies that require longer-term negotiated compromises; if time and resources are needed to reach compromises, then groups must find ways to streamline their joint-action negotiations when they regularly have uncertainty about the policy process.

I hypothesize that one way groups will streamline their relational strategies under uncertainty is by institutionalizing them. Creating regular, institutionalized, processes for making decisions and for lobbying together will reduce the transactions costs associated with joint lobbying. At its core, institutionalization means setting up regular procedures or a division or specialization of labor (Shepsle 2010: Ch. 11). This is because a recurring event — in this case, needing to respond quickly to surprises
or late information about the policy process — is not likely to be efficiently dealt with in an ad hoc manner; instead, institutionalization, or “develop[ing] routines, [i.e.] standard ways of doing things,” is the most appropriate way to respond to “recurring consequential problems” (Shepsle 2010: 355). In other words, groups will find institutionalized solutions to the difficulties of negotiating joint actions over time.

A relational strategy that institutionalizes the means of implementing joint lobbying ultimately will provide groups with a baseline for action that can speed up the decision process when needed. When there is plenty of time to respond to a policy change, then the baseline action does not need to be used, but it is there as a springboard when necessary. For groups in policy-making environments that make obtaining actionable information difficult and uncertain, institutionalized relational strategies will maintain their ability to lobby effectively.6

Hypothesis: Under conditions of high transparency, groups will not institutionalize their relational strategies, choosing instead to implement ad-hoc joint lobbying actions on a case-by-case basis. Conversely, under conditions of low transparency, groups will institutionalize their relational strategies, setting up long-term structures that provide a baseline for future joint lobbying actions.

A Note on Forestry Interest Groups

There are two different types of interest groups active in forestry policy: producer groups and environmental groups. The producer groups focus on the interests of those active in the economic sectors of forestry, including logging and wood industries. Environmental groups, on the other hand, are focused on conserving forests, and particularly the biodiversity that forests can contain; in general,

6 One might ask why groups wouldn't always institutionalize their relational strategies, whether they face uncertainty or not. The response to this is that institutionalizing locks in relationships over time, and can make it more difficult to do things differently if it is needed or desired in the future. In other words, there are costs that will discourage institutionalization when it is not needed. As noted in Chapter 2, all else equal, there are strong incentives for groups to select their lobbying behaviors on a case-by-case basis, since even a fully transparent policy process is not likely a perfectly predictable one.
this means they support the interests of a broader public that is not likely directly involved in forestry. The nature of these different constituencies has real implications for the kinds of institutionalization that each type of group can most easily pursue.

The producer groups generally represent forest owners or professional foresters, who are members of the organizations for many different reasons. The members do care about national policy decisions about property rights or regulations about how forestry should be done, and they expect the producer organizations to lobby and protect their interests in the policy arena. But these members also tend to receive non-political goods from producer organizations, such as technical assistance on the best new logging techniques, research about new drought resistant tree varieties, or best practices for managing forests for the long term. For the most part, each of the producer groups has a narrowly defined set of members (i.e. private individual small-forest owners; private cooperative forest owners; municipal forest owners; large industrial loggers, etc.); thus the groups do not particularly need to compete for members.

Broadly, this means that producer groups may find it easier to undertake regular joint lobbying actions with other groups; a permanent political alliance between two such groups is unlikely to damage the “brand” of either of them, since this “brand” is maintained more directly through the groups’ other services (as long as the permanent alliance does not require either group to forsake the political interests of its specific constituents). While joint lobbying will require the groups to make compromises on common messages, the groups in a permanent alliance can decide not to lobby together if their immediate interests are not adequately aligned. Thus, even if producer groups may occasionally worry about angering their constituents, they don’t particularly need to worry about losing them to a competitor if they do need to compromise with other groups to increase their chances of lobbying success. Nor do they have to worry about their reputational “brand” being reduced by taking part in joint actions.

The environmental groups, on the other hand, tend to have members who join voluntarily because they care about environmental issues and policies. While each group has a slightly different

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7 For instance, urban dwellers who enjoy activities in forests, but who do not personally own them or make a living from them.
focus or approach, they are essentially competing for the same set of environmentally-aware supporters. This means that environmental interest groups face potentially strong disincentives for pursuing joint actions, in a way the producer groups may not. The environmental groups benefit if they can show that their own specific policy focus and lobbying approach (i.e. their reputation or brand) leads directly to the outcomes its members seek.\(^8\) Thus, while it is very possible that they increase their chances of lobbying success if they lobby with other groups and present united support for particular policies, there are also potential drawbacks to lobbying together. In particular, taking joint actions with a differently branded environmental group might weaken a group’s own brand or reputation in the eyes of its own supporters. In addition, lobbying together dilutes the credit for achieving a policy victory. Thus, if the group lobbies alone, it can claim full credit, but it may be less likely to succeed; on the other hand, if the group lobbies jointly with another group, it loses full credit, but it may increase its chances of success. In other words, environmental groups will need worry that they need lobbying successes to maintain member support, but that getting those successes by diluting credit or brand identity may open them to member defection.

Simply put, producer groups have more freedom to permanently and publicly ally themselves. Environmental groups, however, need to be much more careful that their relational strategies do not cause them to lose members to competing organizations in the long term. Thus, if environmental groups do institutionalize joint actions with each other, they may need to do so in a far less obvious and public way than the producer groups. In other words, while groups under low transparency should pursue institutionalized relational strategies, the exact nature of that institutionalization may not necessarily be exactly the same across all types of groups in that low-transparency system.

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\(^8\) While the environmental groups can provide small “services” to attract members, these are usually equally well provided by each of the environmental groups. For instance, all of the groups can fairly equally provide t-shirts, tote bags, or cute stuffed animals depicting endangered species; they also all provide a similar warm fuzzy feeling that a member’s donation is going to a good cause. In other words, groups that are in competition for membership and resources may have little else to recommend themselves than a clear and independent identity; maintaining this “identity” thus becomes critical to a group’s survival (Gray and Lowery 1996).
Transparency and Forestry Group Relational Strategies in France

In Fall 2007 and February 2010, I conducted interviews with several representatives of French forestry interest groups. The statements by these interviewees show that they perceive the French policy-making process as a low-transparency environment. Though groups do get information about policy making, it is usually provided at the discretion of policy makers. In addition, the groups’ representatives described many instances where they were surprised by the policy process or were excluded from receiving policy-making information about an issue on the table. In other words, these groups are very aware that the French policy-making process does not provide them with all of the information they need in a timely manner, and they must frequently deal with the consequences of policy-making uncertainty.

As the discussion below shows, French groups also describe institutionalized relational strategies. While not all of their joint actions are conducted through these institutionalized channels, they nevertheless have recurring structures or patterns of action that hold across policy issues. In particular, both producer and environmental groups describe two basic patterns of institutionalization (though they implement them slightly differently). The first type involves permanent coalitional or contractual structures that formally link groups together in pursuit of common goals over time. The second type involves a long-term division or specialization of tactical labor across lobbying actions. In both types, these institutionalized structures and patterns provide a concrete starting point from which to implement joint lobbying actions; while the groups can prolong negotiations when they have plenty of time and forewarning, these structures also make it possible to respond more quickly and efficiently to more immediate lobbying imperatives.

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9 All interviews were carried out in Paris. Of the nine interviews I conducted, four were with producer groups and five were with environmental groups. Six interviews were carried out in Fall 2007 (F.PF.1, F.PF.2, F.PF.3, F.A.1, F.E.1, and F.E.2), and three were carried out in February 2010 (F.E.3, F.E.4, and F.E.5). Eight interviews were conducted in person, and one was conducted over the phone (F.E.4). As the interviews were all carried out in French, all quotes are my own translations of the interviewee’s statements.
How French Forestry Groups Perceive Policy-Making Transparency

French groups perceive the French policy-making process as fairly non-transparent. While the policy process is not completely opaque — groups do get information about policy making — there are few standardized and regularized ways of getting information about the policy process in a timely manner. Instead, groups generally get most of their information at the discretion of policy makers. In addition, many of the representatives I interviewed freely detailed instances when they were surprised by or excluded from policy-making, in ways that caused them real problems.

Currently, the Minister of Agriculture, with some help from the Minister of Ecology, controls the core of national forestry legislation and regulations. A few of the other ministries can get involved for specific issues, such as the Ministry of the Interior for forest fire prevention, or the Minister of Industry for heavy wood industries (Guyon 2005). While there are some jurisdictional conflicts between the Ministers of Ecology and Agriculture over certain issue areas, the forestry administration is formally controlled by the latter (Hellström and Rytilä 1998). Overall, the distribution of competencies is relatively stable and institutionalized. As I found in my interviews, forestry interest groups were very clear on which government actors were relevant to their interests, and those representatives who had been active in politics the longest even explained many of their lobbying actions in reference to the institutional structures of the policy-making process (F.E.2 2007; F.PF.1 2007; F.PF.2 2007).

These institutional structures suggest that forestry policy-making in France is quite centralized. I emphasize the structure of the ministries for forestry policy because the balance of power is strongly in their hands in the overall policy process, which is critical if they also control policy-making information.\(^{10}\) The government — the Prime Minister plus the cabinet ministers — sets the policy agenda and proposes the text of the majority of legislation (Knapp and Wright 2006, 145). Thus, while the Assembly must vote on laws, the proposed laws and their content are more often the work of the ministers. And the forestry interest groups confirm this balance of power. Some environmental groups don’t even bother with lobbying legislators, as they find it to be a waste of resources and time (F.E.2 2007). The producer groups do lobby the legislators, but they most often do so with the tacit consent of

\(^{10}\) Other political actors beyond interest groups, such as members of parliament, are also at a severe informational disadvantage vis à vis the executive branch (Le Men 1984).
the Minister of Agriculture; in other words, they rally support among legislators to give the minister a
good reason to include group preferences in policy, but they often do so at the suggestion of the
minister. One group described an occasion when it lobbied the legislature to fight a ministerial
decision, and even then the goal was to get the minister to change the policy, not to convince the
legislators to do so (F.PF.2 2007). Nevertheless, groups do pay attention to legislators, particularly in
order to lobby for amendments to bills (S.E.5 2010; F.PF.2 2007). As with French policy making in
general (Keeler 1993), the balance of normal policy-making power in forestry is very much in the hands
of the ministers and the government. Since they control their own information closely, this is deeply
relevant to groups who need information about the policy process.

Government also dominates the final stage of the policy-making process. The ministries have
a monopoly in the implementation of bills, which gives them decision-making power over the
regulatory content and practical aspects of how legislation will be put into practice. The government
also has post-hoc powers to delay or distort original legislation since laws cannot come into effect
unless the government passes an implementation decree (Knapp and Wright 2006, 144). Thus, for
understanding policy outcomes in French forestry politics, it is important to note that the ministries
have a near monopoly on most of the stages identified by Kingdon (1984). They set the agenda, work-
up most of the policy alternatives, and implement the decisions; and they even have formal strong-arm
tactics for the decision stage. Since the number of ministries involved in most forestry policy is very
small, power over forestry policy making in France is relatively highly centralized.11

With a tight control over information and centralized policy-making processes, groups are very
much dependent on the government for information. Within this context, the groups can get policy-
making information in a variety of ways, but they can never be certain at any one time that they have
the information they need; in other words, uncertainty does not require a complete information
blackout. Rather, groups in France can sometimes get information and sometimes not, and they will not
be sure which situation they are in. The key is that this information release is very much at the
discretion of policy makers. So it really matters whether a group is lucky enough to be a regular

11 However, this does not necessarily mean that a key minister — here, Agriculture or Environment —
is always privy to the policy work being done in other ministries (Hayward and Wright 2002). See
Chapter 5 for a discussion of ministry balkanization in France.
receiver of information from a particular set of policy makers. So, one group can say that they are
“usually sent texts of bills, with the question ‘what do you think?’” from the forestry bureaucracy, and
that they are fairly often involved in consultations about bills or regulations (F.PF.3 2007). But, no
group is free of the danger of surprises or exclusion. One representative laid out this exact tension
between how nicely things work for the groups when they are included and given early information, but
also how disastrous it can be when they are not given information on bills under consideration:

On the last forestry bill, in 2001, we were associated with the elaboration of the bill
well in advance — it’s true that that administration was a bit different from the one
we have now, it was much more open and it understood our positions — So, on that
bill, our point of view was taken largely into account. I would even say that the final
version kept almost exactly the architecture we proposed for the bill. So that
happened under practically ideal conditions. It was really impeccable … [But] that
law was specialized [in forestry]. So there, the government naturally turned to us and
we were able to bring our point of view … I think that the fact that we were brought
in very early in the process, and we were thus able to freely and correctly, with all the
authors of the bill, express our point of view, that was really something very good.
But this is where it gets complicated. That bill was strictly a forestry bill; so
obviously you bring in the foresters. But there were two other laws that followed this
one, and well, they really made us gnash our teeth. Because, first, we weren’t
associated with any part of it, and second we were basically just put in front of a fait accompli …
Why? Because the forestry aspects in these laws were secondary to the
main goals of the law, so the policy makers didn’t think to turn towards the foresters
… So we really had to jump to try and get our needs met. The only problem is that by
the time we are brought up to speed about what is going on, well, in general, the
carrots are cooked, the text is deposed. That’s how we know it exists, and then we
have a problem to fix it. Fine, we can lobby in parliament to fix these types of things,
but not every time. And then there are conceptual frames [in the bills], that are really
important to us, that we can’t get fixed at that point, even if the ministers involved are
willing to help us in the end (F.PF.2 2007).

So, when government policy-makers think that a particular group may be helpful in making a new
policy, they directly contact that group for input. In that case, the group will likely get information
reasonably early about the policy and will have a good chance of lobbying for their preferences.
However, when a group is not approached by government, they may not find out about a government
bill until it is essentially done; at that point, even if they can get changes made to the bill in parliament,
there may be many aspects of the bill that are beyond the reach of lobbying.

The problem is even worse if the groups aren’t natural allies with particular ministers. So,
forestry producer groups may be more likely to get information if a bill is going through the Ministry of
Agriculture, while environmental groups are more likely to get information through the Ministry of
Ecology:
Another reason [why we don’t get information early] is for laws that are not from the Ministry of Agriculture, but directly concern the forest, like those that are written by the Minister of Ecology. There our relations with the Minister of Ecology are a bit — how can I describe it? — it’s a bit tense. That doesn’t mean we don’t get along, just that there is always a bit of wariness on their part about foresters, and thus it’s mutual (F.PF.2 2007).

Thus, groups are less likely to get early information from policy makers who they are less closely aligned with.

In addition, groups also need to be careful about another problem that occurs when information is distributed at the discretion of government actors: groups can be more easily excluded from the process. Some groups may not even be considered by the government, if, for whatever reason, they are not thought to be useful partners. Indeed, groups who are not considered reasonable partners by the government are effectively excluded from everything; to change their access, they need government actors to start seeing them as useful and constructive. For instance, one environmental group noted “it [used to be] impossible to meet with the Minister of Ecology, impossible to meet with many deciders” in government, because the group wasn’t considered necessary for making policy. However, once the group had been included once — in the Government’s broad environmental concertation, the Grenelle de l’Environnement — they found that their access improved greatly. After that point, “we have much better access to the Minister of the Ecology or to the cabinet, than we had before. So we are less in mode of confrontation than before, because we have an interlocutor in government” (F.E.3 2007).

Thus, groups’ fortunes can change at the discretion of policy makers, who decide whether they are in or out, when it comes to policy making and information about the policy process.

It is also possible that groups who are usually granted access to information may suddenly be cut off. One group had been involved in policy discussions over a particular forestry issue, but had been unhappy with the direction the proposal had taken; they put out a press release noting their unhappiness, to put some pressure on the government, and:

All of a sudden, there the government just folded in on itself. They refused to associate us with the law, or the regulations to implement it. We asked, and we asked, and we asked...to give our point of view, to give commentary on the proposals. It was a total black box. They wouldn’t give us anything. For six months we saw nothing, and then all of a sudden the regulation came out. It was even worse that what we had been unhappy with in the beginning! (F.E.2 2007)
Thus, by upsetting government actors, who were otherwise willing to share information about the policy process, groups can find themselves at a severe information disadvantage compared to groups who are not excluded.

The groups even have problems of access when they technically guaranteed some information through legally mandated advisory committees, where the groups can consult and give opinions on some new legislation. A good number of the producer and environmental groups actually have permanent seats on these committees. One such committee:

The *Conseil supérieur de la forêt*, brings together all of the actors in forestry: public forests, private forests, industrialists, etc.; all those who are concerned about the forest. This committee is tasked with giving its opinion to the Minister, on forestry matters; that is what is set up by the law. The committee doesn’t meet very often, but it is the means, usually, for the forestry professionals in France to give their opinions, and to ask their questions directly to the government (F.A.1 2007).

The problem is that there is no clearly defined pattern for when or how the government will provide these committees with the texts of their bills, or even its agenda. For instance, (as described in Chapter 1), an environmental group was taken aback to find that a particular bill they cared about would be formally presented and discussed in the Council of Ministers (i.e. the full cabinet meeting), mere hours before the *Conseil supérieur d’orientation agricole* (CSO) was supposed to vote on it; this effectively meant that the bill had already been written and finalized, and the chances that the CSO would have any real ability to change it seemed low. Another representative detailed a similar event that occurred during the creation of the Natura 2000 network; the Minister of Ecology presented an already complete bill, that was already essentially finalized by the time it was given to the *Conseil national de la protection de la nature* (F.PF.2 2007). In other words, in both cases, these committees were to be given the bills to read over at the very end of the elaboration process, just before the bills were deposed in Parliament. Even worse for the groups, these committees are often run by majority rule, which means that a group that is particularly poorly served by a new bill may have no recourse to amend it in the consultation committee. If the committee meeting was the first that the group had heard of the bill, they would have very little time in which to mount a lobbying campaign to influence the bill. Thus, even though the government is legally required to give these committees some consultative rights over

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12 See Chapter 8 for a detailed discussion of the Natura 2000 process in France.
bills, they are used in such a manner that the groups may still not have any information about the bills until the very last minute. Again, groups may get information from these mandated committees, but they cannot rely on them for timely information.

Groups may also get information from ad-hoc consultation committees set up by the ministries. For instance, in the context of President Sarkozy's broad conference on the environment in 2007, the *Grenelle de l'environnement*, many groups were invited to discuss broad directions and specific proposals for forestry, along with a host of other environmental concerns. Within the context of this broad conference, the Minister of Agriculture also hosted an *Assises de la Forêt* conference, which was set up to elaborate on the forestry project that came out of the *Grenelle* discussions. In this context, the groups were able to give their views and ideas for forestry policy (F.PF.3 2007).

However, one representative pointed out that there is no clear procedure for the government to use the findings of such panels and committees. For instance, groups have no way of knowing whether the time and effort they put in to government-created commissions will have any impact at all. It could be dangerous to refuse to take part if it does actually lead to something, but it could be a terrible waste of resources if nothing comes out of it (resources that could have been used to pursue a more fruitful lobbying approach). In other words, groups may make serious mistakes in allocating their lobbying resources, since they have little clear information from government about how the ad-hoc commission results will be used. For example:

There was a national group put together to study tropical forests, that was supposed to bring together all the actors: governmental, non governmental, scientific, businesses, etc. The goal was to put together a white paper on tropical forests, in other words a recommendation report or synthesis on what we think should be done in France, and what each of the actors should do. In other words, it was to put together a big collective goal for everyone. We put in two years to write this white paper, with all sorts of meetings on protected sites, on financing, on social aspects, on management plans, on plantations, etc. It was a huge investment [for us], because the government folks, they have their salaries, but us, it’s a huge investment of time, effort, etc. And the white paper is really really good. It came out, but [then nothing] … I mean, if there had been a minimum of ‘ok, so on your white paper, we [the government] are going to consider these priorities, and we will put together an investigation on how to implement these priorities that we have chosen.’ But we didn’t even get that for the white paper … Nothing. Nothing is happening. It’s dead … It’s really disappointing. Well, what we hoped is that there would be at least some exchanges, some back and forth, that they would tell us, even if the white paper wasn’t taken into account, so we could at least know what France’s policy would be. Because we told them what we would like to do collectively, but they don’t tell us what they’re doing (F.E.2 2007).
In other words, this group put in two years of work and had absolutely no information at the end of it about whether or when the government would even pick up the output of the commission. In hindsight, this group made a real error in taking part and that led to wasted resources, since it would have been better off not investing time and effort into a fruitless commission. However, they would not have been able to anticipate that outcome from the beginning. In short, an ad-hoc consultative committee might indicate that the French government is serious about working on a particular topic; but it is neither a clear nor certain signal that the government is actually considering alternatives or putting an issue on the policy agenda.

In addition, the groups also have to deal with potential misinformation by government ministries. Some of the forestry groups have found this to be a problem when dealing with issues that overlap with EU directives (such as with biodiversity or agriculture issues). In some cases, “the government gives us national positions [on forestry issues] and they tell us that there is no choice about it because it comes from Brussels,” but if the group checks with forestry interests who are actually active at the EU level, they find that it’s not as closed off to discussion as the French government suggests (F.PF.3 2007). Another echoed this lack of clarity:

The ministers often play this game, because they say: “we can’t do anything; it’s Europe; it’s Europe’s fault. So you see, it’s finished. The directive said it; we can’t do anything about it.” And then on the other side, the European Level says to us: “No, not at all. It’s all done during transposition [of the directive into national law]; we didn’t ask [your government] for anything.” What are we supposed to do in response to that? This happens to us pretty often between the levels. There’s a little game of sending back the elevator, which is very useful for both sides (F.PF.1 2007).

So, groups can also be given incorrect information about potential agendas and alternatives that may cause them to miss opportunities for lobbying and influencing policy outcomes.

Finally, even in the decisional stage that is the most transparent — within parliament — information can still be unreliable and uncertain. One representative noted that the officially published information was not to be trusted, and that the lack of information about the legislative schedule caused groups a good deal of angst:

I regularly call [administrators] to get [legislative] calendar information, on the date that texts will be examined and on the administrators’ availability [for meetings]. So, calling is one method of getting details...[the ease of getting information] depends on the administrators. Some are more available than others...[but to get information] you already have to know which text you want information on. Because, in fact, on the internet there is an agenda, but that agenda is not necessarily complete; and it can
be revised at the last minute, and the administrators definitely have other information. For us, the calendar is always very important, to anticipate the best we can which date a text will be examined [in committee or on the floor]. It’s even more important [when we need to coordinate between groups], so we really need to have our concertation done well before the text is examined. We need to anticipate the date that the text will be examined so that we can be ready early enough to propose our amendments and meet with the rapporteurs [in charge of reviewing amendments]. This is really an essential point. It’s true that the calendar is often deferred, changed, etc., so I’m always afraid of bad surprises at the last minute, that the government’s bill will be discussed on a day that was not planned or announced. So it’s true that I often call to get more information about this...Yes, bad surprises, yes, yes, that happens to us...[for example] on a government bill we think “ok, it’s going to be examined a long time from now, and finally, the government bill was actually going to be examined in three weeks!!!” So, we have to be attentive!! … We really have to take the time for our concertation, take the time for modifying our amendments, and take the time to meet with the rapporteurs [of the committees]. So, we really need to get it ahead of time, in fact. (S.E.5 2010).

While a three week head start may sound like plenty of time, this representative explained why it is a nasty shock to find out you only have a three-week head start for lobbying parliament:

    The night before a bill is examined, it’s absolutely not possible [to propose alternatives]. You really have to be ready a minimum of 15 days ahead of the bill’s examination in committee...And if you want to do really serious lobbying, you have to get started a long time in advance. You can’t call MPs three days before a text is examined in committees, because there is already a delay in when MPs can propose amendments for you in commission, which is 5 days ahead of time, and then they also need time to work on them and think about them (S.E.5 2010).

In other words, finding out about a bill’s examination date only three weeks ahead of time means that the group has only about a week to figure out what they don’t like about a particular bill, to come to agreement on common language with their allied groups, and to actually do the lobbying work of contacting MPs and committee members to introduce their amendments. In fact, the representative really pinpointed some of the critical uncertainties that the lack of systematic information about the legislative process caused the group. Though there is a semblance of systematic information release — through the legislative agenda — the group’s experience is that relying on that public agenda is not a good idea. Instead, they need to get their information from formal actors in the legislative process, who may or may not be equally informed; and they need to know what to ask about in order to get information from them. Then, while they may be able to get discretionary information, it doesn’t always mean that they are well informed. Instead, the group finds itself reacting to last minute legislative actions that are really difficult to respond to effectively. In other words, even the legislative
stage of the policy process can be fairly opaque for groups, and can give them nasty surprises about policies under consideration.

In short, groups get policy-making information largely at the discretion of policy makers. When a ministry seeks technical and political information from groups, it will contact them to ask for it (F.PF.1 2007; F.PF.2 2007; F.E.2 2007), and the groups will get information about the policy process as a side effect. But this means that the groups have to hope that the government thinks of them as an interested party who is likely to have useful information for a particular issue. It also means that certain types of interests may be more likely to find out about some issues rather than others; groups on both sides of the environment-producer divide find that they get more information, and better information, from more sympathetic ministries. The Minister of Ecology is more likely to call the environmental groups, and the Minister of Agriculture is more likely to call the producer groups (F.E.1 2007; F.E.2 2007; F.PF.2 2007); though, again, this is not always the case. What all of this means, then, is that groups have to be generally active across a wide range of activities, such as professional panels or debates, conferences, general meetings, and the like, so that they keep themselves in the government's view as active and important actors within the sector (F.PF.3 2007). To stay in the loop, groups need to be extra vigilant and make sure that government actors think they are indispensable enough to be kept in the loop (F.PF.3 2007).

The key to transparency in French forestry policy making is that there is information, but that it is very uncertain. Since there are few systematic ways to get information about what the government may be considering for policy and regulations, or when these items will be decided, groups can never be 100% certain that they actually have all the information. They are in danger of being shut out of discussions with no means of knowing what sorts of technical or political information would be most relevant and timely in order to influence the process. And they are in danger of being completely taken by surprise by a government proposal; if a government ministry does not decide to divulge information to groups, those groups will not find out about what is being planned or decided until the formal law is proposed on the agenda and docket of the legislature; at that point, it might be too late for groups to have much influence over it without some sort of dramatic action.
French Forestry Groups’ Strategic Responses to Policy-Making Transparency

What this discussion suggests is that groups in France have some discretionary channels for acquiring information, but that this type of information does not necessarily increase the groups' overall certainty about the policy process. Groups know that they will find out about some issues with enough time to respond appropriately, but it is always possible that the government is considering something important and relevant to the group that they will not hear about until it is almost too late. According to the argument presented above, we should expect French interest groups to institutionalize their relational strategies; we should see permanent and regularized processes to streamline joint cooperative lobbying actions by reducing the transaction costs of last-minute negotiations.

My interviews with French forestry groups show that groups are institutionalizing their relational strategies in several ways that reduce their transaction costs for cooperative lobbying. The representatives of both producer and environmental groups pointed to two distinct ways that they structure their joint actions with other groups. The first is through the creation of permanent formal structures that moderate joint actions between groups, such as long-term coalitions or contracts. The second form of institutionalization is through informal tactical specialization, where groups who frequently lobby together consistently specialize in particular tactical approaches. The two forms of institutionalization are not mutually exclusive, though they are not always carried out by all groups in the same way.

The first type of institutionalized relational strategy is the creation of formal structures, tying groups together and providing clear rules governing their interactions. For example, the forestry producer groups in France have a set of formalized institutions to help them organize the various interests in the forestry sector. The stated purpose of these institutions is to increase the scope and weight of the foresters’ decisions, but it also provides regularized channels of interaction, as well as basic ground rules for negotiations. Rather than simply maintaining informal contacts and meetings, they have institutionalized their cooperation into several formal and permanent coalitions. In addition, these formal coalitions are nested so that smaller coalitions of more closely aligned interests take part in broader coalitions that bring together a wider set of forestry interests.
At the narrowest level, several interest groups representing private small-scale forest producers have joined together as the *Forêt Privée Française*. At the next level up, a coalition brings together private forest producers (including the groups of the *Forêt Privée Française*) with public forest owners and producers (such as groups representing municipal forest owners); this grouping forms the organization, *France-Forêt*, with the goal of harmonizing their common ideas and demands, and their preferred steps for achieving them. Within this structure, they attempt to create a unified and coherent position for wood producers in the national policy arena. This organization, *France-Forêt*, then nests within a broader organization called *France-Bois-Forêt* that brings together the producers (from *France-Forêt*) with the wood industries (i.e. paper and pulp mills); this is a broad interprofessional organization that brings together the entire timber/wood sector.\(^{13}\)

This complex set of nested coalitions streamlines groups’ negotiations over joint lobbying positions and actions. Rather than seeking out common ground with all potential allies at once, the groups use their formal institutions to negotiate common positions first with their closest potential allies, and then move up from there. For instance, once the private foresters come to agreement at the lowest level, they come together with the public foresters at the next level; then, if all the producers have harmonized their own ideas at those first two levels, they bring their ideas to the higher-level organization to try and pull together a clear common message with the industries (F.PF.2 2007; F.PF.3 2007). For example, the whole sector used these formal structures to reach a common position and present a unified set of propositions for the *Assises de la Forêt*, a conference held by the government to lay out potential directions for future forestry policy (F.PF.3 2007).

Importantly, this set of associations was constructed to provide a clear structure to help the various groups actually reach a common plan and message that they can pass along to policy makers (F.PF.3 2007). In other words, these groups have created permanent institutions for reaching their negotiated common message. Rather than build the connections and compromises from scratch each time a relevant issue comes up, these groups have institutionalized their means and methods for

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\(^{13}\) Just for clarity: *Forêt Privée Française* is nested inside *France-Forêt* which is in turn nested inside *France-Bois-Forêt*. Each level up increases the number and types of forestry-producer groups involved in the organization.
reaching the compromises on joint actions. They still have to negotiate their approach, but they have streamlined the process by creating institutionalized steps for achieving agreement.

Note that this does not mean that the forestry groups always work together or that they always reach agreement. But it does mean that they don’t need to waste time trying to negotiate common positions with other groups who are more distant from them, if they cannot first reach agreement with those who are most likely to agree with them. Of course, as might be expected, when the producers cannot reach a common message on shared interests, then the various groups are likely to lobby alone. However, having the institutionalized structures means that where common ground exists, there is a structure for finding it more effectively.

In addition, the potential expansiveness of this coalition structure suggests that the French producer groups have found a way to increase their ability to put together lobbying actions that policy makers cannot easily ignore, particularly in the face of nasty surprises. A formalized and streamlined structure increases the likelihood that groups can react more quickly than they might if they kept all their interactions informal and ad hoc.

My interviews with environmental groups indicate that they too use long-term and formalized institutions to structure their joint lobbying actions. One representative described the particular form of long-term joint action employed by her group (S.E.5 2010). This representative’s group and three others have a very formal structure for jointly lobbying parliament. The four groups created a legal agreement to help them harmonize and increase the impact of their lobbying efforts. ¹⁴ This agreement specifies that the groups jointly pay for at least one person whose sole job is to deal with legislative lobbying, implementing the joint positions that the groups take. In addition, there is a permanent steering committee that governs the agreement between the groups, and in which discussions can take place about the exact lobbying approach that they take. The four groups are still independent, however. For each issue that arises, they discuss and negotiate the precise content of the amendments and proposals that will be presented to members of parliament. Though it does not happen often, it is

¹⁴ The motivation for this agreement, the representative explained, is that “the groups are much more credible to parliamentarians when we present our ideas together, with common positions; if we were apart, and each of us deposed our own proposals on our own, we would have much less chance of success than when we’re together” (S.E.5 2010).
agreed that “if the four groups are not able to come to a consensus on a particular amendment, we will pull that amendment from the common position, and the association that wants it can present it to parliament on its own” (S.E.5 2010). Thus, the groups have a formal structure that coordinates their joint lobbying actions, but does not supersede the independent reputations and goals of each.

By having a formal structure, the groups’ ensure that they can effectively lobby, even when the legislative agenda is uncertain. To actually implement their joint lobbying strategy, the common employee of the four groups monitors bills and proposals as they make their way through parliament, drafts amendments to proposed legislation, and coordinates contacts with important parliamentary actors to get those amendments considered across the various legislative stages (S.E.5 2010). However, the groups need to have enough time to agree on their joint positions and still do all of the technical parts of legislative lobbying (as mentioned above, having only three weeks to organize a legislative lobbying action is reason for the groups to panic). Thus, with a formal agreement on how they will organize their decision-making and negotiations, the groups have institutionalized their negotiation process, making it easier to respond more quickly to surprises at the legislative stage.

It is worth noting, however, that this particular agreement of environmental groups is not trumpeted in public. While policy makers who are lobbied by the coalition know that the four groups are presenting common positions, and the groups do publish joint letters and statements, their long-term formal connection is not acknowledged in their online information. While the groups are not particularly trying to keep this agreement secret, they nevertheless do not advertise it as a key aspect of their organizations; this is very different from the producer groups who have many official pronouncements about their coalitions. It is likely that this is due to the organizational imperatives of the environmental groups. By not heralding their agreement in public, the groups can maintain their public independent reputations, while simultaneously increasing their legislative successes.15

15 Another environmental representative gave an example of an institutionalized relational strategy that they had stopped using, precisely because it was potentially damaging their organization: “There was a point in the past when we systematically released all of our press releases on tropical forests with several other environmental groups. And then, in the end, our internal communications division told us that we were in the process of drowning our own image, getting assimilated into the others, and losing our own notoriety vis a vis the general public, and thus we were in danger of losing our influence, our members” (F.E.2 2007).
The second type of institutionalized relational strategy described by French groups exists both within and outside these formalized coalitional structures. Representatives of both environmental groups and producer groups indicated that their organizations specialized in their lobbying techniques, and consequently in their “official” reputations, in order to pursue joint policy goals with other groups. As one respondent explained, French environmental groups divide into two types: “those who propose and those who denounce” (F.E.2 2007):

What is interesting in the [group] landscape in France — and perhaps it functions like this similarly in other countries, I don’t know — is that there is a strong complementarity between [groups] that, let’s say, focus more on denunciations, and then other [groups, like us] that focus more on solutions, as they say ‘solution oriented’, and one doesn’t function, doesn’t work without the other. In other words, we come with our propositions, saying ‘This is what should be done, we have the reports, we have the [proof], etc.’ And then, since sometimes it’s not enough [to tell them our solutions], we also need to hit them hard [to make them pay attention]. 16

But what is clear is that it has not been possible to hit hard and to work together in a partnership [with government] or to be seen as constructive. So the landscape is divided strongly between those who denounce and those who propose. Even if I think sometimes that the lines of force might change, because [denouncer] groups can sometimes have proposals, and [proposer groups like us] can be firm too, but globally it works like that, and so we have gained a lot this way. We would not have been able to get them alone; we got them with the coordination and help of other groups who have the same goals, but with methods that frighten more than ours do (F.E.2 2007).

Thus groups who denounce specialize in forcing potential issues and problems to the attention of policy makers: in forestry, this is usually the Minister of Agriculture or the Minister of Ecology. These “denouncers” make the demands for change, and try to push their interests onto the agenda, by emphasizing to policy makers that there is a problem and that it needs fixing. In other words, the denouncers are the ones who “hit hard” to get their issues paid attention to (F.E.2 2007). Once the issue is in the spotlight, the “proposers” give the details for getting it done. They bring forward their proposals for how exactly to deal with the problem their complementary denouncers have identified.

The proposers will have the documents and evidence and the concrete details of potential “new” policy options. They present these directly to the policy makers as feasible and credible policy alternatives (F.E.2. 2007; F.PF.1 2007).

16 The same respondent also noted that the division in tactics can also work in the opposite order: the denouncers can go first, pointing out that the government needs to do something; and then the proposers are ready with all of the documentation and argumentation that give concrete solutions to the problems identified by the denouncers (F.E.2 2007).
Thus, the denouncers push a policy idea onto the agenda, and the proposers provide the concrete and practical solutions that will be discussed by policy makers. The group representatives made it clear that this division of labor is a critical factor in lobbying for policy change. One environmental group’s representative stated that these “complementary forces” were an important part of the group “landscape” in France and that “one [type] doesn’t work without the other” (F.E.2 2007). Another representative, from a producer group, explained that this clear distinction in the “modes of action” of French groups was like using “multiple cannons at the angles of a fortress” to get things moving (F.PF.1 2007). This form of tactical specialization, then, is an important part of forestry-group strategies in France, and it takes the form of cooperation between groups to push for common policy goals.17

This tactical specialization or division of labor is an institutionalized relational strategy because it is a pattern of cooperative lobbying that lasts across any individual lobbying action. While groups sometimes act out of character (F.E.1 2007; F.E.2 2007; F.PF.2 2007), these specialized modes of action clearly delineate which group will usually do what in a joint lobbying action. In other words, when there is little or no time to negotiate what a joint action should be, these groups have a clear institutionalized baseline from which to act; this reduces transaction costs for groups to jointly lobby when they must act quickly.

In addition, tactical specialization may have another advantage in the low-transparency French policy-making environment. As argued in Chapter 2, groups who rely strongly on the goodwill of policy makers in dispensing discretionary information may need to guard against upsetting those same policy makers. Thus, a group who takes lobbying actions that anger or embarrass policy makers might find itself cut off from information about the policy process. However, if allied groups divvy up the task of “hitting hard” and proposing politely, they can increase the chances that at least some of the allies maintain their access to policy-making information for a given policy-making moment.

It is important to emphasize here that this institutionalized distinction between denouncers and proposers is not the same as a characterization of insider vs. outsider tactics. Insider lobbying is direct

17 But again, the environmental groups are still concerned that such coordination, if made public, might have a negative impact on their reputations and cause the general public or government to be less persuaded by their messages and actions.
contact with policy makers while outsider lobbying focuses instead on indirect pressure through the grassroots, media campaigns or street protests (Kollman 1998; Grossman and Saurugger 2006: 82-92). However, this is not the relevant division for the denouncer/proposer split singled out by the French forestry groups. An environmental group identified as a denouncer brought its issues to the agenda by using outsider tactics; however, a producer group identified as a denouncer focused almost exclusively on insider tactics. What the groups have institutionalized are the divisions in tactics brought to bear during joint lobbying actions. While the groups do deviate from this division when the need arises, there is a clear pattern of behavior that provides a coordination point for groups to fall back on when they have less time to respond to government actions. If they do not get information about what is being considered by government until the last minute, these groups have an institutionalized set of behaviors that should reduce the transaction costs for deciding how they will complete a joint lobbying action.

In addition to these examples of institutionalized relational strategies, the groups also indicated that they also make ad-hoc decisions on joint lobbying actions at least some of the time (F.E.1 2007; F.E.2 2007; F.E.3 2010; F.E.4 2010; F.E.5 2010; F.A.1 2007; F.PF.1 2007; F.PF.2 2007; F.PF.3 2007). This illuminates one of the key strengths of institutionalizing relational strategies: it is an additional approach, rather than a restrictive one. The groups, when they have reasonably early information, can still make joint lobbying decisions for a particular policy moment; they can take the time and resources to find reasonable lobbying partners, and they can incur the transaction costs of negotiating a common position. However, when the need arises they have their institutionalized relational strategies that allow them to set up joint lobbying actions much more quickly. Institutionalized structures do not completely remove the need for discussion and compromise, but they create a clearer starting point for negotiating their joint actions.

In sum, these interviews indicate that groups in France have institutionalized relational strategies to deal with negotiating joint actions. First, forestry producer groups have institutionalized a set of nesting coalitions to help them reach a compromise on common lobbying positions in a clear and orderly way; environmental groups also have their own forms of long-term coalitional agreements (See Figures 6.1 and 6.2). This streamlines the process for the groups in their pursuit of common ground.
Second, both producer and environmental groups have institutionalized a division of labor that helps them determine how their common positions will be presented to policy makers (see Figures 6.1 and 6.2). The groups do not need to sit down and renegotiate who will do which task for each lobbying action; instead, they have a "status quo" for their tactical approaches. This means that they can negotiate a different approach if they have the time and resources to do so, but that they can avoid these transaction costs if an immediate response is required. While the groups retain their independence of action outside of these structures, they expand the strategies available for lobbying effectively.

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18 French forestry producer groups construct their relational strategies through institutionalized long-term divisions of labor and formal permanent coalitions, as well as through informal ad-hoc cooperation.
Thus, this confirms what I hypothesized we should find under the low levels of transparency in France. Groups can never be completely easy that they know about government policies or proposals that might affect their interests. Instead, it is always possible that they will be caught off guard and will need to quickly pull their lobbying strategies together if they hope to influence policy. Within this context, groups have institutionalized several relational strategies, putting regularized processes into place to make it easier to reach common agreements on positions and actions. Rather than working up their decision process from scratch, depending on the issue, these institutionalized relational strategies provide a baseline status quo for action when it is needed.

Transparency and Forestry-Group Relational Strategies in Sweden

In September 2008, I conducted in-person interviews with several representatives of Swedish forestry interest groups. The perceptions these interviewees have of their policy process confirms the characterization of Sweden as a high-transparency policy-making environment; the groups have high

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19 French forestry environmental groups construct their relational strategies through institutionalized long-term divisions of labor and formal permanent coalitions, as well as through informal ad-hoc cooperation.

20 The interviews took place in Stockholm over a two-week period. Of the six interviews I conducted, five were with forestry producer groups and one was with an environmental group. All interviews were carried out in English, thus all quotes are in the interviewee’s own words (with some cleaning up of filler “ums” and of sentence structure, if needed to clarify what was said).
confidence that they get access to the information they need about the policy process, and that they have little fear of surprises or missing information.

As the discussion below shows, the groups also described their relational strategies as very ad hoc. They do pursue relational strategies with other groups, but they do so on a case-by-case basis, even if negotiating these relations takes time or occasionally results in failure. While the Swedish forestry groups maintain regularized channels of communication between groups, they show no indication that they have institutionalized any of their relational lobbying strategies.

How Swedish Forestry Groups Perceive the Policy-Making Process

In Sweden, groups perceive their policy-making environment as fairly transparent and open with information. In other words, they generally feel that they get information about the policy process before they need it, and they feel that have time to respond appropriately. This is as expected, since much information about policy making is automatically and directly available to groups very early in the policy-making process, namely at the agenda-setting and elaboration stages. While executives are usually much less transparent than legislatures, the Swedish policy-making process provides the exception to the rule; even though the cabinet does dominate parliament in the proposal of new bills (Bergman and Bolin 2011), the Swedish government is constitutionally prompted to include a variety of societal interests in the early policy elaboration stages, and it does so in part by releasing information about the policy making process early and often.

The representatives I interviewed indicated that they received information about the early stages of the policy process in three major ways: through Commission procedures, through the remiss process, and through direct communication with policy makers. As discussed in great detail in Chapter 4, Sweden often uses Commissions of Inquiry to investigate and elaborate potential policy proposals, and often include a variety of government actors, civil society actors and experts on the policy issue (Ruin 1996: 67; Heclo and Madsen 1987: 13; Bergman 2004: 214). These Commissions are announced and formed publicly, so groups have a clear heads-up about the political agenda. Indeed, since commissions take place before a Ministry drafts the government’s official proposals, groups have time
to prepare their own arguments and strategies for influencing government actors, whether or not the groups are formally included in the commission process.

Forestry groups report that they often have the opportunity to serve on or at least consult with these Commissions. They may be directly asked to take part, but if not, they can request a seat on their own behalf. When asked whether they had ever been invited to serve on a commission, the representative of one group said pointedly, that "they call us, or we make sure that we are called" (S.PF.1 2008). The likelihood of such requests being granted, however, may depend on the type of group. The representative of one forestry organization noted that when they asked to be included in such meetings they were occasionally denied (S.PF.4 2008). Nevertheless, not being included in the commission does not mean that groups have no access to information (as elaborated below).

When forestry interest groups are included in the Commission process, they find it to be fruitful. One group’s representative emphasized that "there are always, before bills, big bills, there is some governmental inquiry, and we have the possibility to have an expert in that inquiry. And of course, the inquiry is the baseline for the bill" (S.PF.2 2008). This means that group representatives “participate in meetings, and then read the texts as they are being produced, adding comments” (S.PF.2 2008). The process can still be fruitful even if a group does not have explicit membership on the committee. For example, a forestry producer group was invited to take part in a reference group set up by a Commission rapporteur to discuss proposals for improvements to the Forestry Act, in 2008. Their representatives found themselves at the table with representatives from other groups such as "different heavy stakeholders" in the forest industry and "nature conservation societies." The comments of all of the groups were included in the formal report to the government; and the representative felt that there had been some good possibilities to influence the findings of the report (S.PF.1 2008). Another group’s representative noted that they tried to influence Commission reports when their outcome was likely to impact the group’s interests (S.PF.3 2008). Thus, even when groups are not officially included in the Commission report, they still have some informal access to the process.

While taking part in the commission process, either formally or informally, gives groups early access to information about the policy process at this earliest elaboration stage, even those groups who are not involved get important information. For example, the very fact that groups are able to request to
take part in these commissions clearly indicates that groups know ahead of time that they will take place on a particular issue. In addition, groups have forewarning about the likely timelines for the commissions. One representative, who was interested in the output of a commission report on a topic important to his organization, noted that he thought the report was likely to be released in the upcoming month (S.PF.5 2008). In other words, the group representative knew that the recommendations of the commission in question would be publicly released, even before the government started writing their formal proposal.

The second way that Swedish forestry interest groups get early information about policy making is through the remiss process. During this process, interest groups, members of government, party representatives, and other stakeholders are given the opportunity to read and provide comments on several aspects of the policy process: proposals for creating the commissions, the directives for the commissions, and the finished commission reports, as well as the proposals produced by the Ministries and executive agencies (Heclo and Madsen 1987: 13; Bergman 2004: 214). The comments, then, are used by the government to draft their final policy proposals (Ruin 1996: 67), though if most of the comments are critical or negative, it might convince the government to create a new commission to revise the proposal (Heclo and Madsen 1987: 13). In other words, the remiss process provides early information about the content of policy proposals.

It is important to note that this Swedish process is not the same as a simple "notice and comment." The reports are not just published or announced together with all of the other issues the government is dealing with, for groups to find if they have the resources to keep an eye on the official record; instead, it is directly sent to all those organizations that have been identified as stakeholders (S.PF.2 2008). Though Heclo and Madsen (1987, 15) suggest that this sometimes seems to be simply a ritualistic, pro forma, consultation of stakeholders, it nonetheless provides reliable actionable

21 It is worth noting, that the definition of stakeholders identified for remiss comments is very broad, indeed. In forestry, not only are economic and private producer interests included, but also a range of NGOs with environmental concerns. All are directly sent proposals for comment (S.E.1 2008; S.PF.1 2008; S.PF.2 2008; S.PF.4 2008; S.PF.5 2008).

22 In other words, groups do not necessarily have to constantly monitor government activity in order to take part in the remiss process. If the government considers them a relevant stakeholder, they are directly contacted to take part.
information about the government's agenda and proposed policy alternatives. The groups themselves note that it "is a fairly normal procedure when it comes to this type of evaluations of policies" (S.PF.1 2008) and that “it is very common” (S.PF.5 2008). Pro forma or not, the clear, and often direct, provision of information to organizations even before government proposals are drafted reinforces the transparency of the early stages of the Swedish policy-making process.

In addition, this actionable information is provided to a very wide range of interest groups. The lists of official stakeholders are usually very inclusive. All of my interviewees indicated that they had taken part in the remiss process. For instance, the representative of an environmental group noted that “everyone is allowed to comment” and invitations to comment are sent to NGOs, as well as other organizations and authorities (S.E.1 2008). In addition, as with the commissions, groups who are not included on the official list at first have the option to request that they be included. One group’s representative noted that: “Mostly we are [included in the remiss process], and then sometimes they forget to send [it] to us and then we call [to say]: ‘We want to give an opinion on this as well, so please include us in the list of official [stakeholders], those on the list that are supposed to leave comments’” (S.PF.4 2008). Another added that “they call us or we make sure that we are called...You actually invite yourself and say that ‘We think we can contribute’” (S.PF.1 2008). Again, the fact that groups are easily able to “invite themselves” indicates that the request for comments itself is done reasonably publicly; groups still find out about it, even if they are not formally invited at first.

Groups are even included in the remiss process to comment on proposals that they originally helped to draft through the commission process (S.E.1 2008). For example, during the 2008 Forestry Act revisions mentioned above, the group that had taken part in the commission meetings was also directly sent the government's proposal (distilled from the commission report) for comment. Even though the representative had taken part in creating the initial commission report, this remiss step was seen as an important opportunity to go through it again and evaluate this iteration and provide new comments (S.PF.1 2008).

And the remiss process is not simply an occasional procedure. The groups I interviewed noted that they received requests for comments very often, on a whole range of government proposals and activities. One group representative said, “there are always small changes or proposals that we have the
possibility to comment one. We get sent one or two papers a week that we are supposed to comment on," which come out of the commissions of inquiry, or are "suggestions from the Forest Agency to the Minister or from the Ministry to the Forest Agency" (S.PF.2 2008).

Broadly, the groups found the _remiss_ process to be very useful and effective. Two representatives noted that their comments were often taken into account, though they emphasized that they were not always followed (S.PF.1 2008; S.PF.2 2008). Indeed, one representative stressed that it was quite “an advantage” that they often had the chance to evaluate the proposals informally before they were fully written, and then again once the government had a more finalized draft, before the final proposal is sent to Parliament (S.PF.1 2008).

In short, both the commission and the _remiss_ processes provide systematic releases of information very early in the policy process. The announcement of commissions makes it clear what issues are on the government’s agenda. Both the commissions and the _remiss_ process give groups a very clear sense of the decision timelines for elaborating policy options on a particular policy issue. Finally, the fact that report and proposal drafts are publicly and directly released to interest groups for comment, even before cabinet ministries draft their formal bills, means that groups also have direct and incontrovertible information about the actual _content_ of policy proposals on the table. While it is possible that some information falls through the cracks, these two institutions of the Swedish policy making process create very high transparency _early_ in the policy-making process for a wide range of interest groups. 23

Even though there is early systematic information released through these more formal institutions, groups also have many informal avenues for gathering even more information about the policy process and government activity (i.e. discretionary information). For instance, group representatives identified using direct contacts and talking with policy makers as a key component of much of their lobbying work (S.E.1 2008; S.PF.5 2008). Many of these direct contacts are with executive branch actors at the agenda setting and elaboration stages of policy making.

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23 It is worth noting, here, that both commissions and _remiss_ are also used during the creation and implementation of regulations. In other words, groups also get early information about the regulatory stage of the process, just as they do about the law creation process.
Groups reported having various informal meetings with ministers. These can take the form of informal dialogues among many members of the forestry sector (S.PF.4 2008), but can also be smaller subsets of groups; either way, the groups find these meetings to be useful for presenting the groups actions and needs to government (S.PF.5 2008). For example, the Minister of the Environment has occasional meetings devoted to a specific topic, where one or two members of several groups are invited to discuss their points of view directly; this is set up so that the groups are able to share their technical and political information directly with the minister and government on an issue that the minister finds important. As the Minister sets the agenda, groups can know what the government considers important, though the groups don’t really have much room to bring in topics or issues that are not on the Minister’s agenda (S.E.1 2008). The frequency of this type of meeting, however, depends on the minister (S.PF.2 2008). Nevertheless, the easy access suggests that groups have access to discretionary information in addition to the systematic information that is released early in the process.

In general, the groups found ministers and their staff to be reasonably accessible. One group representative felt that it didn’t seem difficult to meet with ministers and their colleagues if the group wanted to (S.PF.2 2008). Still, speaking with a Minister is not an everyday tactic; one representative pointed out that he was sure that his organization could get an appointment with the minister if it asked for one, but that it isn’t a good tactical choice to speak with the minister for every issue of “lesser importance” (S.PF.5 2008). In other words, it is not difficult to get an audience with a minister, but it is better to save it for when the group, or the minister, really cares about a particular issue. For less important matters, the minister’s staff is a better choice (S.PF.5 2008).

All of these types of elaboration-stage information releases (both formal and informal) are mirrored at the implementation stage. There are commissions, the *remiss* process, and informal meetings with policy makers in the executive agencies. Groups are often invited to meetings and hearings in the Forestry Agency about potential methods of implementation. Formal interactions usually take place in writing, but the informal interactions tend to be face-to-face (S.PF.4 2008). And if groups hear about agencies doing something that will affect them without having been invited, they usually demand, and are granted a consultation on the subject (Olsen 1982, 203). For example, an environmental group was invited by the Forest Agency to discuss a method of conserving forests that...
had originally been tried in Finland; the environmental group preferred a Nature Conservation Agreement that was already in place in Sweden, however, as the group felt it would protect more forests in the longer term. The group was able to present this argument directly to the Forest Agency in a consultative meeting (S.E.1 2008).

Swedish forestry groups also find parliament to be an important place for lobbying, though perhaps less important for gathering information. All groups — both environmental and producer groups — speak relatively frequently with members of parliament (S.E.1 2008; S.PF.1 2008; S.PF.2 2008).\(^\text{24}\) Parliament’s is seen as important because it decides on policy, even if the government writes the text of bills and implements them (S.PF.5 2008). However, when the groups lobby MPs it is not generally aimed at influencing their votes:

> Most of the time they [MPs] are voting according to if they are Social Democrats or other parties. But they don’t have that much possibility to vote against their party. So, it’s more if we had thought that something in the bill was very very bad, you would tell that to as many as possible in the Parliament and hope that they would convince the Minister to change a specific wording or something like that (S.PF.2 2008).

In other words, much of the discussion with MPs is aimed at given them the information and arguments needed to put pressure on government and its ministers. Thus, when the groups ask MPs to present questions and interpellations to cabinet ministers, or to present their own amendments and policy proposals, the ultimate target is usually to change the ministers’ opinions (S.E.1 2008).

There are a number of parliamentary seminars and working groups held on a variety of subjects where interest groups can meet with parliamentarians to present them with information about forestry issues. For forestry groups, there is a group in the Riksdag for "anyone who is interested in forests and forest industry issues"; members of this group "get e-mail and invitations to meetings and we have meetings actually four times a year with this group and they are from all political parties" (S.PF.2 2008).\(^\text{25}\) However, these are often relatively formal, where groups are allowed to give fairly brief presentations on a particular subject (S.PF.4 2008). The groups can also set up their own

\(^{24}\) Groups, however, do not particularly talk with party leaders; instead, they focus on MPs who are members of committees relevant to forestry issues; however, those committees are fairly non-transparent, so it can be difficult for the groups to know exactly how the policy information the groups give to the committees is actually used in the legislative amendment and revision process (S.PF.2 2008).

\(^{25}\) Groups can invite themselves to these meetings, as well (S.PF.4 2008).
meetings with MPs. For example, environmental NGOs invite MPs to attend meetings about forestry conservation, though the representative I spoke to suggested that often only MPs from sympathetic parties (i.e. usually the Greens or the Left) show up (S.E.1 2008). The representative of one forestry group added that they also have very informal meetings with MPs from all parties, such as over dinner, where they “get to know each other and have the opportunity to lift issues of interest for us, and inform them about our standpoint and what we expect from them” (S.PF.5 2008). These various meetings provide an opportunity for groups to provide their own lobbying messages to MPs, though they also provide some opportunity for gathering information from parliament.

Finally, while groups did not explicitly bring up Sweden’s Freedom of Information (FOI) laws, one environmental group did suggest that it was able to expand the usefulness of its right to certain types of official documents through targeted lobbying demands. For example, when individuals or companies want to cut down trees for commercial sale, they need to provide a logging management plan to the Forest Agency (Skogsstyrelsen), which then has six weeks to approve the plan and grant a logging permit. In the past, this information was only available to the public if an individual could ask for the specific logging plan number; if you knew the number, you could get the proposed plan, but the numbers were not easily obtainable. This system made it very difficult for environmental NGOs to monitor the conservation value of proposed logging areas and ensure that they were consistent with sustainable certification standards. However, environmental groups lobbied to have this information made publicly available (even without knowing the plan number), and now the Forest Agency lists the logging plans openly on their web page. This makes it possible for NGOs to look up, at will, all the proposed logging locations and to object if the proposed plans touch on high conservation-value areas with high biodiversity or environmental value (S.E.1 2008). This change, through lobbying actions on the part of environmental NGOs, demonstrates that Sweden has a system in place that allows for the expansion of information available in the public sector, and but also that information is not necessarily automatically or easily accessible under FOI laws (i.e. if you don’t know what to ask for, you can’t get it, even if it is technically “free”). Instead, the information that groups use to lobby, in Sweden, tends to come from the policy process itself.
In short, groups feel fairly confident that they know what is going on in the policy process, and they are comfortable with the idea that they get information when they need it. One representative articulated this explicitly, saying that they felt that they had a pretty good sense of what Ministries and the Forest Agency were thinking about doing, and that there were many ways to get information about it, if needed (S.PF.4). In addition, groups are in contact with a fairly wide range of policy makers: they speak with civil servants in government departments — particularly in agriculture and environment, but also in other ministries — as well as with politicians in each of the branches (S.E.1 2008; S.PF.2 2008). Of these, groups suggested that their meetings with executive-branch actors were most useful for influencing the elaboration and implementation of policy, but that legislative-branch actors were also important in policy making (particularly decision making).

These interviews with forestry-group representatives show that Swedish forestry groups do avail themselves of the early information available about the policy process. Indeed, Swedish groups immediately identified several formal institutions that structured their access to information about the policy process. Though, they did indicate that much of their lobbying took place through direct meetings, their comments showed that their information about the policy process came through systematic releases as much as through policy-maker discretion. Forestry groups in Sweden not only have many opportunities to discover and gather actionable information about the policy-making process on their own, but they are also given information directly and fairly automatically from very early in the policy process. The groups seemed confident that they received good information at many points in the process, and well in advance of important decisions, such as those made by the executive branch. In addition, these perceptions were fairly uniform for all types of groups: both producer and environmental groups described similar levels of transparency at all steps in the process. Thus all groups perceive the policy process as open and reasonably predictable, and they have little reason to fear that they will be surprised by the policy process.

\[26\] i.e. finalized government proposals ready to be deposed with parliament.
Swedish Forestry Groups’ Strategic Responses to Policy-Making Transparency

Since Swedish groups lobby in a high-transparency environment, my hypothesis predicts that they will not institutionalize their relational strategies. Instead, their relational strategies should be ad hoc, focusing on informal interactions and the negotiation of joint lobbying actions on a case-by-case basis. My interviews with Swedish forestry groups show that this is, in fact, what we find: forestry groups in Sweden have not institutionalized their relational lobbying strategies.

Swedish forestry groups approach their own cooperative lobbying in an informal manner, planning for joint actions on a case-by-case basis. This pattern holds for both forestry producer groups and environmental groups. This is not to say that groups do not pursue relational strategies, as there are many ways that groups lobby together. For instance, groups often coordinate informally on their participation in commissions and the remiss process (S.PF.1 2008; S.E.2 2008). They also work to align their lobbying messages for more informal meetings with policy makers (S.PF.2 2008). However, the Swedish groups choose to pursue such joint actions when they think it is important for a particular issue. One representative noted that “you can find different types of alliances in different issues, depending on what it is” (S.PF.1 2008). Another stated that “we try to build the alliances that is necessary for a certain issue” (S.PF.5 2008). In other words, these groups take an ad-hoc approach, depending on the particular situation they face.

The groups often seek out joint actions because they think it will help them lobby more effectively on a specific policy issue. For instance, one representative noted that they usually do quite a bit of lobbying on their own, but they turn to other groups “if we feel we need a stronger alliance, and that it would promote our intentions if we make an alliance with [other groups]. So it depends on what it is and how urgent it is to get them involved” (S.PF.5 2008). The key reason for choosing a relational strategy is that putting together a common message and approach makes it more difficult for policy makers to ignore. Thus, one representative noted that “we try to talk together before we meet with the Minister, because the Minister meets us, then the [other groups] on the same day. And we think that it’s very important to at least try to have the same message. And if we can agree on one message, then it’s a stronger message” (S.PF.2 2008). The groups generally acknowledge that joint actions are a useful way to increase the impact of their lobbying messages.
When they choose to go that route, the process for pursuing joint lobbying actions with other groups is actually fairly drawn out. One group’s representative noted that this process begins with an evaluation of the current situation:

Usually we have an internal discussion first, here [at our organization]…to see what [the director] thinks is the best way to do it: if we should do it by ourselves or if we should do it together with someone else. And it depends on where we think we can influence the most, I guess; if it’s better to do it by ourselves, or it’s better to be 2 or 3 [groups] on it; so it differs from each situation (S.E.1 2008).

The actual negotiation process with other organizations then works out the common positions and the actions to take. One pointed out that they have “meetings with [other groups] all together, as well, to see where we can cooperate” (S.E.1 2008). This kind of approach means that the groups can determine whether it is really in their interests to lobby together. For one representative, it really did depend on whether there was common ground or goals: “So, in some questions, we go along and we do things together, and we write things together, and in some questions, we have totally different views and then we do something separately” (S.PF.4 2008). To be successful, this process requires that the various groups “send a lot of e-mails, sending documents forth and back and everybody makes alterations and suggestions, and then we, eventually, get something that everybody agrees on, and then we send it” (S.PF.4 2008). In other words, the groups take their time, with a fairly lengthy process of internal discussion of the best approach to take, followed by discussions with other groups to find out whether they can agree on this particular issue, and finally they negotiate the lobbying messages and actions.

Several of the group representatives also indicated that some attempts at constructing joint lobbying strategies ended in failure. For instance, the representative of an environmental group noted that efforts to lobby together can fall apart and cause tensions between groups. The representative’s group had been working with another environmental organization to investigate and file a complaint about forestry code violations. But the other group suddenly filed the complaint on their own and did not include the representative’s group, which felt that the other had tried to take all credit for the action by themselves and left out the representative’s own group’s part in it. Even though the exclusion might have been unintentional, several members of the slighted group wanted to do the next action alone to take full credit and explicitly exclude the group that had originally slighted them (S.E.1 2008). Other failures to coordinate are less tense. More than one representative noted that sometimes you try to
negotiate a compromise between various groups, to come up with a joint lobbying strategy, but the negotiations simply fail because an agreement just can’t be reached (S.PF.2 2008; S.PF.5 2008).

The potential for failure illuminates the tension in taking joint lobbying actions. Part of the reason why the Swedish forestry groups prefer to think about each lobbying action *de novo*, is that there are frequently competing incentives for working alone vs. working with others. One representative agreed that writing a common article or proposal for a minister together with other organizations can result in a stronger message that is harder for policy makers to ignore; *but* the representative added: “Sometimes, I think, it’s always easier when you are alone, because you can decide everything; it’s easier [to be alone] because you have to compromise when you are several signers” (S.PF.2 2008). And it is not just the need to compromise on their own preferences that might discourage relational strategies: groups are also very conscious that the credit for a particular action is diluted when more than one group is involved in lobbying. Another group’s representative pointed out that:

> Maybe it would be more highlighted if we were two organizations on that than just being [alone]. But, of course, sometimes maybe it feels better if you get the credit for doing something if they have not been around...I know that [other organizations] have been thinking like that as well: that it’s better to do it [alone], because it’s their thing and then it’s better if they do it; then they get the credit for it, and not [us] because we have not really been involved in it (S.E.1 2008).

In other words, there are real drawbacks to taking joint actions and negotiating them with other organizations: the groups have to make compromises on their interests and goals, and they may have to share the benefits of taking an action.

Broadly, while these groups do have things to say about their relational strategies, they gave little evidence pointing to the institutionalization of their joint lobbying actions. The groups do “have regular meetings and talk about everything that’s on the table, and coming issues and so forth” (S.PF.2 2008). But they leave the actual planning of joint actions for when it is needed; and the representatives did not identify any instances of pre-planning of their relational strategies for future actions.

For instance, the comments from group representatives indicated that they had no identifiable long term specialization in the roles they played during their joint actions. One representative identified his organization as having “a rather pragmatic approach” to lobbying with other groups, stating that:

> Sometimes we do things together...sometimes we agree that both should work with this issue but maybe through different platforms and so and so. At least, my
impression is that this organization I work for is relatively good at, how should we say it, finding a solution from moment to moment (S.PF.1 2008).

That representative added that “when it comes to giving this type of comments to the government, for instance, sometimes we agree that we should answer a little bit different...we can agree upon the end product, but maybe we want it for a little bit different reasons” (S.PF.1 2008). The representative of an environmental group mirrored these sentiments, noting that one of the topics covered when negotiating joint actions was “how to partition the different tasks” (S.E.1 2008). In other words, when groups do decide to divvy up different parts of lobbying actions, they make these decisions on a case-by-case basis, depending on the particular issue at hand.

In short, these interviews indicate that forestry groups in Sweden pursue their relational strategies through informal, ad-hoc, cooperation. Among the forestry producer groups, there is a great deal of communication and discussion of the various policy issues on the table, as well as potential issues that the groups would like to see on the agenda in the future. But the groups do not have institutionalized means of implementing their relational strategies (see Figure 6.3). Instead, they wait until the need arises, and then they decide to negotiate the full details of a particular joint-lobbying action.

![Figure 6.3: Cooperative Ties between Swedish Forestry Producer Groups](image)

27 Swedish forestry producer groups construct their relational strategies through informal ad-hoc cooperation.
The environmental groups active in forestry issues follow essentially the same pattern as the producer groups. They too pursue informal, ad-hoc, cooperation with each other (see Figure 6.4). They negotiate their joint actions on the spot, if they think it will help them pursue their goals. However, it is worth noting that the environmental representative I spoke to was the only one who explicitly mentioned the concern of losing “credit” when taking joint actions. This is likely due to the particular position of the environmental groups in the public eye; unlike the producer groups, environmental groups are much more dependent on voluntary membership and contributions. Nevertheless, it is instructive to note that even with this difference in organizational imperatives, there is little to distinguish between the relational strategies of the environmental and producer groups in Swedish forestry politics.

Thus, what we find in the Swedish case is a policy-making process that makes information regularly and directly available to groups at early stages of the process. This means that there is a high level of certainty surrounding the policy process, as groups have a pretty good idea of what is being considered at the various stages. The hypothesis presented above is supported by Swedish forestry groups’ relational strategies. The groups are not institutionalizing their relational strategies, and instead are leaving their joint lobbying actions to on-the-spot negotiations when they seem to be the best option for successful lobbying. So, in Sweden, we see a forestry policy-making process that is characterized

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28 Swedish forestry environmental groups construct their relational strategies through informal ad-hoc cooperation.
by high transparency, with information availability and high certainty, and we find forestry interest
groups negotiating their cooperative lobbying strategies on a case-by-case basis.

Conclusion

In this investigation, low transparency is correlated with the institutionalization of relational
strategies, while high transparency is associated with ad-hoc relational strategies. I found that forestry
groups in Sweden do not institutionalize their joint-lobbying actions; instead they cooperate on a case-
by-case basis. As Swedish interest groups face a policy process that provides clear and direct policy-
making information, they have the luxury of considering the costs and benefits of each action as each
policy issue arises. For French interest groups, who face a policy process with uncertain policy-making
information, waiting until an issue arises to begin constructing a joint-lobbying action could be
disastrous. Instead, French forestry groups institutionalize their relational strategies; they have created
permanent structures that give them a baseline for action when the alternative — starting from scratch
— might mean lobbying failure. In particular, French forestry groups have created formal and
contractual coalitions to help streamline the process of reaching a common lobbying position; and
French forestry producer and environmental groups have also created specialized tactical reputations
among allies, which provide an automatic division of labor for joint lobbying actions. Again, the
French groups do not necessarily use these structures for every lobbying action, but they remain in
place to be used when needed.

These finding support the idea that transparency is important for interest groups as they
navigate the policy process. They need it for successful lobbying, but not all policy processes
automatically provide the information groups require. While groups faced with high-transparency
policy processes can approach lobbying in an ad-hoc manner, groups under low transparency need to
adapt their relational strategies to deal with recurring surprises in the policy process. The strategic
approach of these low-transparency groups helps them mitigate the potentially negative consequences
of lobbying without enough information to be sure that they are making the right decisions.
Chapter 7: Content-Analysis of Forestry Press Releases from Greenpeace France and Greenpeace Sweden

The core question asked, in this dissertation, is how the transparency of policy making affects the behaviors of politically active interest groups. Previous chapters lay out the institutional arrangements that create the patterns of transparency facing groups when they lobby. Using these criteria, I have argued that Swedish policy-making institutions are relatively transparent; groups within the Swedish polity can be reasonably certain that they know what policy the government is considering, and that they will not be surprised by government decisions. On the other hand, the French policy-making institutions are relatively opaque; groups within the French polity have greater uncertainty about which exact policies governments are considering, and they are more likely to be surprised by government decisions. These differences in institutional contexts lead French and Swedish groups to adapt their lobbying strategies differently.

In this chapter, I study one particular lobbying action employed by interest groups: the dissemination of public lobbying statements through press releases. While using press releases is not usually a stand-alone strategy for groups, they are one of the explicitly public tactics that groups can choose. Critically, for my research question, however, I expect that the patterns of press release dissemination and content should vary with the level of policy-making transparency across countries. In other words, the overarching lobbying strategies implemented through the press releases are tailored to the informational imperatives of the policy process. By undertaking comparative content analysis of interest-group press releases in France and Sweden, we can test this theory. In other words, focusing on a single interest-group lobbying activity — the press release — provides a way to test the broader theory that levels of policy-making transparency will affect interest group strategies in predictable ways.

The Press Release as Communication Genre

Press releases are carefully curated statements by organizations or individuals that are intended for public consumption. Taken together, they embody the overall rhetorical strategies pursued by those
organizations and individuals, and therefore we can study and compare corpora of press releases to better understand those strategies. Before delving into the specifically political uses of press releases, however, it is useful to consider the communicative genre as a whole.

Press releases were, originally, specifically constructed as a means to convey information to a larger audience through the media (Jacobs 1999b; Walters, Walters, and Starr 1994: 346). In this context, the press release has been explicitly defined as a “routing channel by which information reaches the journalist” (Sigal 1973, qtd. in Van Hout and Jacobs 2008: 63). This is in part to ensure that information gets out to a wider public, but also because organizations want to gain the legitimacy that they believe is imparted by a formal imprimatur from the media (Walters and Walters 1992: 31-32).

As a genre of communication, the press release presents a “preformulation” of the news by providing information in a style and format that makes it easy for journalists to incorporate it into their published work (Van Hout and Jacobs 2008; Jacobs 1999a; Jacobs 1999b; Sleurs and Jacobs 2005). In particular, the press release is “meant to be retold by [journalists] as accurately as possible — preferably even verbatim — in their own news reporting” (Jacobs 1999a: 219; see also Sleurs, Jacobs, and Van Waes 2003: 193; Jacobs 1999b: 304), though this aim is not always achieved (Walters, Walters and Starr 1994).

More recently, technological innovations such as the internet, have expanded the reach of the press release, making it available directly to an intended audience (McLaren and Gurău 2005: 13). While the perceived importance of the media as a shaper of public opinion and as a political agenda setter means that it remains important for organizations that disseminate press releases (Walters and Walters 1992: 32), it is no longer the only way to reach an audience. Using the internet to publish a press release means that it becomes directly available to public, “reducing the gatekeeping role traditionally played by journalists in handling paper press releases” (Strobbe and Jacobs 2005: 290). Now, press releases can be e-mailed directly to members or followers of an organization, and they can

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1 Press releases have particularly been studied in the fields of communication, linguistics, and public relations.

2 As a potential source for press-ready “news”, press releases have also been seen as an “information subsidy” for the media, where various groups and organizations gather and disseminate information about the world that would not otherwise be gathered by those media outlets, or at least would have been much more costly for those media outlets to gather (see Walters and Walters 1992: 33-34).
be made available to search engines for audiences that are not directly connected to or known by the organization; it also means that press releases can be permanent records of an organizational statement, rather than simply for immediate usage for today’s news (Strobbe and Jacobs 2005: 290).

Even where organizations are not actively or consciously constructing their releases to be picked up by the media, the genre itself has converged on a particular style well suited to that end (Sleurs and Jacobs 2005). In form, press releases provide a brief, informational statement that is intended for a particular audience. The basic structure begins with the exposition of an issue or initiative, follows with elaboration and supporting statements, and often concludes with contacts for further information, though the specifics vary by the purpose of the press release (Lassen 2006; McLaren and Gurau 2005; Catenaccio 2008). Thus, the form of the press release is public in nature, and is specifically constructed to call attention to a particular piece of information.

As a means of conveying an organization’s activities, goals, and frame to some broader audience, the press release is inherently self-referential and “egocentric” (Jacobs 1999a; Jacobs 1999b). However, the one-sided and purposeful nature of the press releases can make them seem inherently suspect and thus they are perceived as biased by outside observers, including journalists. To overcome this, the press release genre has developed certain methods to recreate the appearance of objectivity present in the mainstream media. The organization putting out the press release is usually referred to in the third person, to suggest that it was written by some objective ‘other’ (Jacobs 1999a; Jacobs 1999b). Pseudo-quotes, attributed to third parties such as organization representatives, are also used to suggest

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3 A lobbying organization (or other organization) can increase the weight of its message if it “cascades” through the internet from smaller specialized blogs up through to the mainstream media (Andres 2009: 128-131). However, organizations who use the internet as the means to disseminate information can be hampered by the nature of the online audience; users have control over which sources to use on the internet, and the groups’ dissemination of information cannot guarantee that particular audiences will necessarily see their announcements (Lusoli, Ward, and Gibson 2002: 105). Still, the importance of the internet as a venue for publishing press releases is so entrenched that professional advice for public relations specialists now emphasize it. For example, a manual for effective online writing suggests that the internet has greatly expanded the scope for press releases, since they can be accessed by anyone and can potentially stay online forever, as compared to the narrow audience (just journalists, the media) and life-span (within days of receipt) of traditionally disseminated print press releases; thus, they should be written with this “new life” of press releases in mind (Redish 2007:163-4).

4 Press releases have even been classified as propaganda, since they are written from a particular entity’s own perspective while providing and promoting a one-sided view of a particular issue or event (Walters, Walters, and Starr 1994: 345).
authority beyond the writer of the release (Jacobs 1999a; Jacobs 1999b; Sleurs, Jacobs, and Van Waes 2003).

The evidence suggests that these methods of simulating objectivity are often successful. While many journalists and news editors may show skepticism about the worth of press releases (see Jacobs 1999a: 232), there is considerable evidence that press releases are often relied upon in the media; this is the case even where those journalists exert considerable discretion over the way they construct and write their news stories (Aronoff 1976; Van Hout and Jacobs 2008). For instance, in one study of corporate press releases about hostile takeovers, Ohl, et al., (1995) found that the media even mirrored the tone of the press releases they used: a company that sent out neutral-tone press releases was covered in a neutral way in the press, while another company which sent out releases that were positive and favorable to its position was covered more positively and favorably in the press. However, whether such promotional framing is copied likely depends on the type of media outlet (Maat 2007).

Nevertheless, certain types of releases are more likely to be picked up by the media: those that present consumer information, upcoming events, analysis of current news topics, or results of research projects are most likely to be used; those that present a discussion of past events, activities or accomplishments of the organization, or personal-interest stories about the organization are least likely to be used (Morton 1986).

While the form of the press release holds throughout the genre, press releases vary greatly in their content and rhetorical goals, and as such are a means of conveying information for a range of motivations; (Lassen 2006). The specific purpose of a particular press release is determined by the intended audience and the informational objective of the content. The audience is the set of persons or entities that the press release writer hopes to alert or convince with a particular piece of information. The audience may be, for example, the government, the general public, a group’s members or supporters, a group’s potential members or supporters, or a particular private entity, such as an industry sector or a specific company; or some combination thereof.

The actual goals of a press release are pursued through its content, which contains the points of argument and the information that an organization wanted to make public. For example, a press release may call for mobilization, either for or against something; it may denounce or praise a particular action,
actor, idea, or item; it may promise or warn of particular consequences; it may be “purely” informative and neutral (though there may be debate on whether choosing to call attention to a piece of information can be neutral); it may reply to or reframe some controversy or debate in the public sphere; and it may be self-promotional, highlighting activities or products of the press-release producer. Of course, more complex press releases may combine several audiences and objectives into a single release. However, given the nature of press-release forms, which is brief and informative, they may not be able to successfully include too many different audiences and objectives. Together, the audience and content objective make up the overall purpose of the press release.

This research on press releases provides a basis for comparison. While there are certain structures and forms that should be apparent across all press releases, there is little reason to expect that the content will converge. Thus, the press release provides a narrow structure through which to observe organizations’ rhetorical strategies, without the fear that the form of discourse will shape the results.

**Rhetorical Strategies for Lobbying with Press Releases**

While much of the literature on press releases focuses on their creation by corporate or other private entities, these releases are also very relevant for politics. Since the press release is a tailored message intended to reach some audience, a wide range of political actors — from policy-makers to non-state actors — use it to call attention to the particular activities they have pursued; to present information about what is going on in the political arena; and to present alternative frames or policy options on a range of issues.

For non-state actors such as interest groups, press releases can be used as one approach for lobbying governments. In particular, we can consider press releases targeted at governments as one way to do informational lobbying, where particular information is provided to policy makers through a public message. Groups can use the press releases to complement or enhance their lobbying efforts, either to directly influence policymakers who might read them (as written in the media or the original
press release) or to indirectly influence those policy makers by reaching their constituents. The purpose of such a press release, then, is to pressure policy makers to act in line with a group’s preferences.

However, the very public nature of the press release adds an additional layer to such lobbying efforts. Targeting a broader public audience with the lobbying message makes the press release part of an inherently “outsider” lobbying strategy. They serve to widen the audience, and thus potentially increase the salience and visibility of an issue. In particular, by highlighting political issues and government actions in public, they are specifically designed to expand the scope of the conflict — to bring more actors into the political discussion and increase the salience of the issues for citizens at large (DeGregorio 2009; Bakir 2006; Kollman 1998; Schattschneider 1960). Such audience widening is usually sought when groups want to increase the pressure for their point of view by mobilizing supporters for their positions, or at least raising the specter of mobilization (Baumgartner et al. 2009: 156; DeGregorio 2009).

This means that the press-release strategy is more useful when insider strategies — dealing directly with policy-makers — have been unsuccessful (Bakir 2006). Baumgartner, et al., (2009) found that, in general, insider strategies such as personal contacts with policy makers were pursued by a much higher proportion of lobbyists when compared to outsider strategies like press releases or press conferences. For example, press releases are one of the two most used outsider tactics in Washington, D.C., and they are still only used by “about a third of all advocates” even though they are a “basic (and low-cost)” lobbying approach (Baumgartner, et al., 2009: 156). Thus, while using press releases is not necessarily a dominant tactic for all (or most) lobbyists, it is still important option when an outsider strategy is implemented.

In other words, the benefits of using press releases in a lobbying strategy are more likely to accrue when other, more direct, means of lobbying are already being or have already been used. There is little reason to use press-releases if direct lobbying actions are having the desired impact on the

Press releases from groups are not, of course, limited to lobbying governments. It is also possible that groups may pursue other goals, such as persuading and pressuring other non-state actors, highlighting critical issues, or simply to further the group’s organizational survival by reaching out to current or prospective members. These goals are not necessarily mutually exclusive.
policy-making process. Instead, press releases can be used to pressure policy makers to take actions that they are not inclined to take without the possibility of greater public interest and involvement. This means press releases are more likely to be useful in calling attention to the failings of government actors, since there is little need to bring in the public if the government is already behaving as desired.

While the goal of government-targeted press releases is to increase the incentives for government actors to take action on particular policy issues, these incentives are created by reaching several different audiences. Most simply, press releases can be read by government actors directly, and can inform them of the group’s particular preferences. However, unless a government actor is inherently sympathetic to the group, this is not likely to create strong incentives to act on the group’s behalf. Instead, groups can target the government by reaching a broader public, whether the government actor’s constituents or the group’s constituents. Either way, the threat to the policy maker is that some subset of the public may be moved to act by the group’s message. In addition, if the press release is picked up and its content disseminated by journalists and news organizations, the strength of these incentives are likely to increase; media attention broadens the public impact and increases the chances that government actors will be pressured by more than just the group itself.

The potential benefits of pursuing a press-release strategy, then, may depend on how well groups are able to put pressure on government actors through their statements. The greatest benefits are likely to occur if groups can get their statements picked up by the media; this suggests that groups need to maintain an “objective style” to increase the chances that journalists pick up the press-releases for the news (see previous section). However, greater pressure will be exerted through the general public if the content of the press releases points out information that might inflame public sentiment to demand that the government change its behavior. Thus, the greatest benefits are likely to accrue if groups can walk the fine line of presenting negative statements about government actors and actions in the most objective tone possible.

However, there are also potential costs to pressuring government by bringing negative attention to the government actors and actions. Groups who do use press releases in their strategic toolkit, have to take an explicit decision to make a particular issue or grievance public when they publish a press release. Instead of bringing the issues directly, and privately, to the relevant government
official, they present them for everyone to see. Thus, press releases about policy-making and
government actions inherently have a *confrontational* edge to them: they reveal government actions and
behavior, which might otherwise remain less well-publicized, and they lay out policy and issues with
the clear implication that government actors are not paying them the attention they deserve. They are
intentionally putting the spotlight on government, and to be most effective, are doing it with the intent
of embarrassing government into taking action.

Thus, there may also be real costs to pursuing press releases a strategy, especially if they cast
policy-makers in a negative light. Confrontation may be mistaken as intransigence or an unwillingness
to compromise, which could cause government actors to see them as less attractive to include in policy-
making negotiations. In addition, they may alienate potential allies in government, which may increase
the chances that a group will be denied access to future information about the policy process. For
example, Browne (1998: 75) notes the example of an American agricultural organization that lost its
access following a disruptive protest on the National Mall; the groups actions so irritated
“Washingtonians” that policy-makers shut them out. Saunders (2009) adds that groups that have
“constructive relationships” with government actors are unlikely to want to compromise those
relationships by being excessively confrontational or critical of those same government actors.6

In other words, the groups who are most likely to seek the benefits of government-targeted
press releases are those who are already losing an argument on a particular policy issue or who are
already excluded from the policy process. Groups who are productively engaged in insider lobbying
should be less willing to bear the costs of producing press releases, because they have no need for the
potential benefits of press releases. However, groups who *need* the benefits that press releases provide
will need to factor in the potential costs when writing them.

These potential dangers mean that we can consider the content of the press release as a
*strategic* message on the part of interest groups. Once a group has decided to use press releases, their
goal is to gain the benefits of additional lobbying, by either directly or indirectly pressuring government

6 Indeed, Saunders (2009) notes that this is very likely to be a consideration even for groups with only a
tenuous relationship with government. For example, groups like Greenpeace which specialize in public
protest strategies may still be unwilling to appear too radical, lest they jeopardize their credibility for
constructive dialogue even more.
to act (via the public and government constituents), without incurring the potential costs of confronting
government directly and publicly. Groups should therefore tailor their government-targeted rhetoric to
best achieve this goal.

That said, there are limited set of statement types that a group can use to convey its messages
to government. Press releases can be used to *explicitly* lobby governments in two basic ways: by
informing the public about what government *is* doing or by informing the public about what
government *should be* doing.\(^7\) In the former case, the dominant rhetorical strategy will be descriptive:
the group reports on current and future government actions. By their very nature, descriptive statements
are inherently judgmental. Simply deciding to call attention to a particular government actor means that
an interest group is providing some sort of judgement about the acceptability of their actions, whether
positive or negative, explicit or implicit. The alternative rhetorical strategy is to be prescriptive: the
group presents its own preferences for what government should do. Such statements can be general or
specific about what actions government should take, and they can emphasize new paths for government
to take or simply advocate that a government cease a prior activity.

While the broad statement types are limited, however, the particular choices within each can be
strategically tailored by groups to achieve their goals of maximizing the benefits while reducing the
costs of using press releases. The pattern of choices made across press releases, then, shows the overall
rhetorical strategy that groups pursue through press releases. These strategies should match the
demands of the policy-making processes that groups face. Indeed, studies of the political uses of press
releases show quite clearly that the specific content and language of press releases vary as a function of
the political environment, as well as with the attributes and goals of the press release authors.\(^8\) Policy-
makers in the US, for example, tailor their messages to the core characteristics of their districts
(Yiannakis 1982; Grimmer 2010), while international organizations, such as Amnesty International,

\(^7\) It is also possible for groups to *implicitly* lobby governments simply through the general education of
the public on a variety of issues. In other words, merely by pointing out some event or issue, a group
can hope to sway public opinion on the matter. However, in this chapter I focus exclusively on explicit
lobbying, where groups directly address government actors through their press releases, in order to
more accurately tease out the impact of transparency on rhetorical lobbying strategies.

\(^8\) This is also considered true for non-political texts. As Riffe, Lacy, and Fico (2005: 11) note:
“Communication content may be viewed as an end product, the assumed consequence or evidence of
antecedent individual, organization, social, and other contexts.”
tailor their use of press releases to the characteristics of the targeted countries and the international arena (Ron, Ramos, and Rodgers 2005). Because the content of press releases varies based on the political environment in which they are produced, they can be used to investigate the positions and actions of actors in different political environments (cf. Constantelos 2004; DeGregorio 2009). Thus, the specific content and language used by groups in their press releases — their rhetorical strategy — should reflect the lobbying environment in which groups find themselves. In particular, groups should balance the potential costs of exclusion and alienation from the political process, that might arise from confronting or embarrassing policy makers, with the potential benefits of presenting a public message that effectively pressures those policy makers to implement the group’s preferences during the policy-making process.

Policy-making Transparency and Rhetorical Strategies

The question, then, is: how should the transparency of policy-making institutions affect the rhetorical strategies of interest groups in their press releases? Since interest groups must make their lobbying decisions based on the policy-making environment they face, the strategies they use in their press releases should follow the same pattern. The content of press releases, particularly as they relate to discussions of government, should follow a particular rhetorical strategy that is adapted to the level of transparency of the policy process. Differences in rhetorical strategy should be apparent in the focus and extent of discussion about government actors in the press releases, as well as in the tone and form of the descriptive and prescriptive statements that groups put forth. As in previous chapters, I compare groups in a high-transparency and low-transparency environment, Sweden and France respectively.

H1: Characteristics of the Press-Release as Genre

The fundamental structure of press releases, as discussed above, is the brief informational statement, written in an “objective” style that nevertheless promotes the organization (through self-referential content) and its preferences (through its tone and content). While previous studies suggest that tone and the content should vary with policy-making context, there is no reason to expect variation in brevity, “objective” style, or self-references since these latter characteristics are linked to an
increased chance of getting press-releases picked up by the media. Thus, I anticipate that both French
and Swedish groups will conform to the basic patterns for press releases in general [H1]. For example,
groups in both countries should present press releases that are heavily self-referential in the third
person, with their own group names figuring heavily in the text. In addition, both should have press
releases that are relatively short, no longer than a page or two in length. Finally, groups in both
countries should at least aim for a veneer of objectivity in their press releases, even while using them to
pursue information about actual government activity and present alternative proposals for government
actions. Since audiences are less likely to consider explicitly one-sided statements as “objective”, I
expect that press releases from both countries should be more likely present descriptive rather than
prescriptive statements, and more likely to use implicit rather than explicit statements, when presenting
information about government actors and actions or about the group’s own preferences. By making
judgments and prescriptions implicit, the content of the press release may appear more like a
dispasionate rendering of events, rather than a biased treatment that is trying to push a particular
perspective on its audience.9

H2: Focus on Government Actors

Groups in each country should focus their lobbying on important government actors in the
relevant policy-making domains. Those actors who are most likely to have information about the policy
process and are most influential should be the more salient targets. Thus, the government actors
mentioned in group press releases should reflect the structure of the policy-making process in France
and Sweden [H2]. While the transparency of the policy process is different in each country, both have
executive-dominated policy processes. Thus we should see groups in each country focus more
rhetorical attention on executive actors than on actors in other parts of government. However, the
different approaches to executive policy making in the two countries suggests that groups should
emphasize different parts of the executive branch. In Sweden, the executive is marked by collective

9 This is particularly important for groups who hope to be taken seriously by a media that is, itself,
trying to present a balanced view of the news. That said, an implicit judgement still presents the content
in a particular frame, which may be mirrored in journalistic copy (see Ohl, et al., 1995). Being implicit
does not negate the intended point of a particular press release, though it may make it less obvious.
responsibility of the cabinet, and thus the executive branch is highly consensual and coordinated. In France, on the other hand, the executive is highly balkanized between different ministries, and also to some extent between the cabinet and the president. Thus, we should expect French groups to be relatively more attentive to specific individual actors within the executive branch, while Greenpeace Sweden should be relatively more attentive to the executive as a whole.

H3: Extent of Press Release Use

The transparency of the policy process should impact the amount of attention groups pay to government through their press releases. Groups under conditions of low transparency should use press releases more frequently to lobby government than their counterparts under conditions of high transparency [H3]. Under high transparency, where information is released early and reliably, groups will have more time and opportunity to construct insider lobbying strategies to attempt to influence the policy process. They can organize informational and persuasive lobbying to move policy towards the group ideal points. While high transparency does not guarantee lobbying success, it does increase the chances that groups can influence the process before major decisions are taken. Thus, there should be relatively less need to pursue outsider strategies, such as focusing on government actions and actors in press releases.

On the other hand, where information is released late and with uncertainty, groups will have fewer opportunities to construct insider lobbying strategies while policy is still inchoate. Instead, they will be more likely to have to lobby once major decisional stages have passed and it is more difficult to change that policy with simpler informational and persuasive lobbying techniques. In such cases, we would expect more focus on government actors and actions in press releases, as groups try to call broader attention to policy decisions late in the game.

Thus, we should expect French groups to produce more press releases than Swedish groups about government actors, and also to spend more time discussing those government actors within the press releases. As argued above, producing press releases is an explicitly strategic decision, and it has potentially damaging costs. Thus, there is little reason to produce more releases about government than
is strategically necessary.\textsuperscript{10} However, where the benefits may potentially outweigh the costs, groups will strategically use press releases. All else equal, French groups should have greater need to use press releases to lobby government.

H4: Tone of Press Release Statements

The transparency of the policy process should have a strong impact on the tone used by groups in their press releases. The statements used by groups in both France and Sweden should use their press releases to call out the failings of government actors; however, French groups must be more wary of the negative consequences of appearing confrontational, and so should seek to counterbalance negative statements with more positive statements [H4].

As argued above, press releases are explicitly outsider strategies that are more likely to be used if groups consider it necessary to appeal to the public, namely when insider lobbying has failed to produce desired results or when constituent mobilization is needed to pressure government actors. Thus, we should expect press releases to be used particularly when groups are unhappy with government actors and actions or suspicious that they are being shut out of policy-making processes. This means that groups in both countries should particularly use their press releases to make negative statements about government, such pointing out what they are doing wrong or what they are ignoring.

However, public confrontations may also anger or embarrass the government actors who are the targets of the press releases. While naming and shaming may be an effective way to bring pressure to bear on government, it can also lead to a loss of goodwill, cooperation, or access to policy-making information and decisions. However, these costs are not the same in low transparency and high transparency environments. Since French policy making is relatively opaque, groups are more dependent on discretionary information about the policy process (and on the government actors who dispense that discretionary information); with mandatory information releases only occurring very late

\textsuperscript{10} There are few costs to producing press releases on subjects other than government, unless they alienate current or potential members and donors. Composing a release takes some time and resources on the part of the organization, but they can be posted online and distributed to the media fairly cheaply (or for free, if done via the internet). While some have suggested that sending out too many press releases makes the media pay less attention to an organization over time, Aronoff (1976: 52) found the opposite to be true: organizations which sent out more than one press release a week were more likely to be published at the newspaper he studied than organizations which sent out fewer.
in the process, groups can be more easily excluded from the policy process if government actors choose not to divulge information to a particular group. In contrast, Swedish politics is relatively transparent; groups can rely more on the automatic releases of policy-making information early in the policy process, and thus do not need to depend as highly on policy-makers for discretionary information. The implication is that French groups can be effectively shut out from policy-making information if policy makers choose not to share; thus, they must be more cautious about antagonizing policy makers into excluding their group and more attentive to supporting their allies to maintain access. Swedish groups, on the other hand, do not need to overly prepare for exclusion, since it is much more difficult for them to be shut out of policy-making information.

In other words, French groups will need to be more wary of excessively antagonizing government actors. Given that some amount of negative judgement is probably necessary to make the press releases useful, French groups will need, instead, to strategically temper the confrontational edge by also presenting the positive actions of government actors and framing their prescriptions somewhat more positively. For instance, groups could present at least some positive information about important government actors. 11 They could also frame their prescriptions as constructive feedback, by emphasizing what government actors could start doing better rather than by emphasizing what government actors are doing wrong. 12 By framing their public statements in a less confrontational manner, groups under low transparency can better hedge against the serious costs of being cut off from discretionary information about the policy process.

It is important to note that this hypothesis is counterintuitive when applied to France and Sweden. In general, French politics is considered conflictual and confrontational, while Swedish politics is considered highly consensual (see Premfors 1981). The broader literature would thus lead us to expect that French groups should be more confrontational than Swedish groups. However, if the

11 For example, a purely confrontational message might read: “Minister X has completely failed to address issue Y.” A less confrontational message might include something positive to temper a negative statement: “Minister X has done a really great job with issue Z, but has failed to address issue Y.”

12 For example, a constructive prescription framing what government could improve might read: “Minister X could better protect forests by implementing Y.” A less constructive prescription would emphasize what government actors are doing wrong: “Minister X needs to stop doing Z because it is not protecting forests.”
implications of policy-making transparency are correct, then exclusion from the policy-making process under low transparency will mean that groups may be at a strategic disadvantage. To counter this, French groups will need to consider the drawbacks to public confrontations in a way that Swedish groups will not. Thus, we can expect the former to be relatively less confrontational in their press releases than the latter.13

H5: Form of Press Release Statements

Finally, the transparency of the policy process should also affect the form of press-release statements. Groups faced with conditions of high transparency should be more likely to present specific statements in their press releases, while groups faced with low transparency should use relatively more general statements [H5].

Interest groups provide information and prescriptions to policymakers in the hopes of influencing policy. To be successful, however, that information needs to be carefully tailored to the matter at hand. Since policymakers are busy, they want lobbying messages to be to the point, relevant, timely, and useful (Sabatier and Whiteman 1985; Bradley 1980). This means that groups must frame their statements carefully, to most accurately match the immediate needs of policy makers. For example, policy makers considering whether or not to include a policy issue on the agenda may need a message grounding an issue in societal problems; at the alternative specification stage, however, policy makers considering the best way to address an issue may need more focused information to elaborate one possible solution compared to others; and even later, at a voting stage, policy makers may need more information about the likely political consequences of voting for or against a particular policy proposal. What is timely and relevant to policy makers can change from moment to moment.

If groups had perfect information, we would expect them to provide specific statements at all times, narrowly tailored to particular points in the policy process. On the other hand, without perfect

13 Note that this does not mean that French groups will shy away from conflict. As argued, using press releases as a lobbying tactic is inherently confrontational. Instead, this hypothesis states that French groups must be more conscious of the potentially negative consequences of confrontation, and will therefore be more likely to strategically temper the confrontational edge to their press releases when possible (given that the press release is already confrontational). Swedish groups, on the other hand, can use the inherently confrontational press release without worrying that it is too confrontational.
information, providing specific statements can be dangerous; providing a statement that is narrowly
tailored to the wrong aspect of an issue or the wrong point in the process could lead to its easy dismissal
by policy makers. Under less than perfect information, a good compromise is to present information
more generally; the general statement may not be as appropriate for any one moment, but it will be
more applicable to a wider swathe of the policy process. In other words, groups who face high
transparency environments should present a relatively greater number of specific prescriptions than
groups in low transparency environment. Thus, I expect that Swedish groups will tend to use specific
prescriptions, while French groups will use general prescriptions in their press releases.

Content Analysis Design

To test these hypotheses, I focus on the press releases of Greenpeace, which lobbies on behalf
of environmental causes in both Sweden and France. This organization, in particular, provides an
excellent case to test for national institutional differences because its internal structure provides a
control for organizational-level variables, such as organizational culture, agenda, approach, and policy
preferences. Greenpeace is an international organization with a strong internal hierarchy. While the
organization has national branches in many countries, the agendas and campaign methods are set by the
international directorate, and the national groups are simply expected to carry out that agenda at the
local level. Leaders of the national branches are selected because of their adherence to the goals and
methods of the international organization, reducing the likelihood that they will stray. In addition,
defying the international directorate means running the risk of losing the right to use the Greenpeace
name and resources (Auger and Ferrante 2004). Thus, each national branch can be seen as a close
approximation of the international branch, with far less variation between them than would be expected
for more-independent organizations. Because of these intrinsic controls, differences in strategic
behaviors of Greenpeace France and Greenpeace Sweden can be more fully attributed to the national
context, rather than to the internal characteristics of the groups.

The corpus under investigation includes all publicly available press releases in the forestry
campaigns of Greenpeace France and Greenpeace Sweden published between October 2007 and April
Focusing on a common campaign controls for substantive content that is not directly related to the national political sphere (such as a common focus on biofuels and old-growth tropical forests), as well as for possible variations in institutional effects across different policy areas. Matching the time frames for the corpus of press releases for each country makes it possible to control for any international events or international-directorate prescriptions that might skew the rhetoric used by each organization. International events that might have concerned Greenpeace, for example, are the UN climate change conference in Copenhagen (December 7-18, 2009), the Deepwater Horizon oil spill in the Gulf of Mexico (beginning April 20, 2010), and the Fukushima nuclear disaster (beginning March 11, 2011). The specific time frame, covering 43 months between October 2007 and April 2011, also helps control for national- and EU-level events. Both Sweden and France were governed by center-right parties over the duration of the time frame: the UMP in France held both the Presidency, under Nicolas Sarkozy, and the Prime Ministership, under François Fillon; the Moderate Party in Sweden held the Prime Ministership under Fredrik Reinfeldt. In addition, both France and Sweden held the EU Presidency during the selected time frame. National governments are thought to have agenda-setting powers while they hold the EU Presidency, which might give groups — with policy interests at the EU

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14 In this content analysis, I use purposive, rather than random, selection of the press releases included in the study (Riffe, Lacy, and Fico 2005: 100-1). While a random sampling of press releases across all groups and topics would allow for greater generalizations, such a broad approach would have made it much more difficult to control for critical variables that might have biased the results, such as organizational characteristics or substantive-policy focus. In addition, since the total number of Greenpeace forestry releases was small enough for manual coding, I selected the full set of releases available, rather than sampling from within those releases. Thus, the corpus is a census, not a sample, of Greenpeace forestry releases.

15 For example, if the international office puts out a statement, it may be picked up by both organizations and reprinted in their own national press releases.

16 However, none of these events were actually covered by the forestry campaigns.

17 The time period does cover a national election in Sweden on September 19, 2010. Prior to the election, the Moderate Party held power as a coalition government (2006-2010); after the election it maintained control of the government, but as a minority government. It is unlikely that this introduces bias into the variable counts from the corpus, however, as the Greenpeace Sweden forestry campaign posted no press releases from June 2010 through April 2011, a much longer period than can be attributed to the political changes from the election alone, especially as it did post press releases for its other campaigns during this time period.

18 France held the post from July 2008 to December 2008, and Sweden held it from July 2009 to December 2009.
level — an incentive to put greater pressure on their own governments. Finally, the time frame also includes European Parliament elections held in both countries in early June 2009. Since these political events are equally represented in each country over the time frame, it reduces the chances of biased results due to major political events.

This research design — comparing the rhetorical strategies of the same group in two different countries — makes it possible to investigate the impact of national political contexts. In particular, I focus specifically on each Greenpeace branch’s mentions of their own government and political actors. This allows a detailed comparison of the ways that each branch lobbies its government through its press releases, both in the way it discusses those actors and in the way it presents its own policy preferences to those actors.

I use quantitative content analysis to compare the government-focused rhetoric of the two groups’ press releases. Neuendorf (2002: 1, 10) defines content analysis as “the systematic, objective, quantitative analysis of message characteristics,” which “relies on the scientific method” and “is not limited as to the types of variables that may be measured or the context in which the messages are created or presented.” Riffe, Lacy, and Fico (2005: 23) define content analysis as “the systematic and replicable examination of symbols of communication, which have been assigned numeric values according to valid measurement rules and the analysis of relationships involving those values using statistical methods, to describe the communication, draw inferences about its meaning, or infer from the communication to its context, both of production and consumption.” In other words, it is the quantification of text, through the measurement of textual variables, such as the counting of particular words or concepts that appear in the text. However, the exact nature of those textual variables, or units of analysis, vary depending on the questions at hand. To be truly quantitative, content analysis must focus on the counting and measurements of variable units in the texts, with a goal of summarizing the critical and relevant features of a particular corpus of texts (Neuendorf 2002: 14-15; Carley 1993).

Thus, texts can be compared on the frequencies of single word use, and also on the frequency of word families with common meanings or similar conceptual categories (Krippendorff 2004: 283-4). While this is can be done automatically by computer, using a researcher-constructed “dictionary” that classifies conceptually related terms into theoretically relevant categories, it can also be done manually.
Manual coding side-steps the potential difficulties of computer-software identification which can conflate words that are used differently in different contexts. For example, the term “government” may equally be used to refer to one’s own government or the government of another country; by manually coding, one can distinguish between the two more accurately.

In my analysis, I coded own-government mentions manually and then grouped them into the relevant government-related categories; I then coded the content of the statements surrounding each government mention.\(^\text{19}\) I use syntactical units (words, paragraphs, and press releases) to measure the incidence of references to government actors within and across the press releases. I also use referential units (text around references to government actors) to measure the substantive content about government actors.\(^\text{20}\) In all cases, I focus exclusively on content that either directly addresses or discusses government actors. When using syntactical units, I analyze how frequently the group’s own-government actors are mentioned. When using referential units, I analyze the content immediately surrounding the government mentions; this approach makes it possible to get at the underlying “conceptual models” of the writers (White and Marsh 2006: 29). This approach means that press-release content that is not directly linked to a government actor is not included in the analysis, such as content that is focused on companies and businesses. This approach makes it possible to narrowly examine a single aspect of the press releases: statements aimed at government (for example, see Green 1991).

As this study compares the differences between two corpora of press releases, it lends itself to bivariate statistical analyses, an approach that is widely used in content analysis (Neuendorf 2002: 178-180). Most of my analyses use categorical variables constructed by counting particular units (words, paragraphs, press releases, instances of particular substantive content, etc.), and then comparing

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\(^\text{19}\) To assist in the coding, I used mark-up software that is more often used in qualitative analyses, TAMSanalyzer (Weinstein 2011). Neuendorf (2002: 82) notes that putatively qualitative programs can be very helpful in cataloging and coding by allowing for extensive and complex text mark-up, which can then be used for counting and measuring the relevant variables for quantitative analysis.

\(^\text{20}\) Syntactical units are “discrete units in a language or medium” and referential units are “when some physical or temporal unit (e.g., event, people, objects, etc.) is referred to or alluded to within content” (Riffe, Lacy, and Fico 2005: 76-77)
the counts across the two sets of releases.\textsuperscript{21} For the statistical analysis of these variables, I perform either the Pearson’s chi-squared statistic, with Yates’ continuity correction, or the Fisher’s exact test (Horton and Kleinman 2011: 78).\textsuperscript{22} These tests indicated whether a difference between the two releases is statistically significant, and thus reasonably interpreted.

\textbf{Greenpeace Forestry-Campaign Press Releases}

In the corpus, covering 43 months between October 2007 and April 2011, Greenpeace France [GPFr] published 101 press releases and Greenpeace Sweden [GPSw] published 22 releases, for each of their forestry campaigns (see Table 7.1) The number of press releases varied from zero to eight releases per month (see Figure 7.1). The output patterns also vary over time, which is to be expected as Greenpeace in general maintains a campaign-based activity, with greater output as certain actions and events occur.\textsuperscript{23} Both organizations, however, show greater activity in 2007-2008 and have a drop off in the creation of forestry related press releases over time. This, in part, is due to fewer explicit short-term

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\textsuperscript{21} Results are shown in contingency tables, which present frequency counts of the co-occurrence of two or more variables (Stockburger 1996; Agresti 2002: Chapter 2; Knoke and Bohrnstedt 1994: 155). To be accurately analyzed, contingency tables require the variable categories to be exclusive and exhaustive; no observation falls into more than one category (Dallal 2000). Contingency tables are specifically used to test whether categorical variables are independent of each other (Logan 2010: 469-70).

\textsuperscript{22} The chi-squared test is a common statistical test for the independences of two (or more) categorical variables (Reynolds 1984; Blalock 1979; Knoke and Bohrnstedt 1994). Specifically, the chi-squared test calculates the statistical difference between the observed distributions and the expected distribution (based on the row and column totals), to determine whether the differences in totals could be explained by chance; if the difference is significant, it indicates that it is reasonable to interpret the results as real differences in the relevant variables (Neuendorf 2002: 180; Stockburger 1996; Logan 2010: 467-9). Statistically, however, the analysis of contingency tables does not specify which variable is causal variable; the likely driver of any differences must therefore be determined theoretically (Logan 2010: 470; Agresti 2002: 80).

Both the Yates’ continuity correction and Fisher’s exact test are only applicable when using 2x2 contingency tables (Logan 2010: 473). While for large samples the differences in p-values between the two tests are negligible (Dallal 2000), the Yates continuity correction performs less well for very small frequency counts. The Yates continuity correction modifies the chi-squared calculations to improve the accuracy of estimating observations when the frequency count is small (Dallal 2000; Blalock 1979: 290-2). However, when the frequency counts are extremely small (or zero), the Fisher’s exact test provides a true expected observation count (Agresti 2002: 91-2; Blalock 1979: 292-7), whereas the Yates’ continuity corrected chi-squared test merely provides an estimation; thus, where the chi-squared estimates are likely to be inaccurate—when expected observations are very small—it is more reliable to use Fisher’s.

\textsuperscript{23} http://www.greenpeace.org/international/en/campaigns/
campaign actions, which require quick bursts of publicity, in the later portion of this set of releases. The almost-total forestry press-release silence after July 2010 is likely due to the passage that month of an illegal-timber ban in the EU, which Greenpeace had lobbied for in a ten-year campaign at both the EU and national levels.\textsuperscript{24} It is likely that the national branches redirected their resources towards other policy issues after that major victory for the forest campaign.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|}
\hline
 & \textit{France} & \textit{Sweden} \\
\hline
Total Releases & 101 & 22 \\
\hline
Mean Releases per Month & 2.35 & 0.51 \\
\hline
\end{tabular}
\caption{Total Forestry-Campaign Press Releases}
\end{table}

The raw counts of press releases lends some support the hypothesis [H3] that Greenpeace France should use press releases more frequently than Greenpeace Sweden. On average, GPFr produced five times more releases per month than GPSw. However, these basic counts do not clarify whether these differences in production are related to each branch’s government. Simply looking at the overall counts does not distinguish between releases that are government focused and those that, for example, are focused entirely on private enterprises or Greenpeace’s actions in other countries.

\textsuperscript{24} http://www.greenpeace.org/international/en/campaigns/forests/solutions/Political/
To analyze the content of these press releases, I take three basic approaches. First, I conduct a word-frequency analysis across the full set of press releases for each branch, which provides a basic comparison of the most important topics covered by each. Then, I statistically compare each branch’s focus on government actors with counts of press releases with own-government mentions and of paragraphs with own-government mentions; by analyzing government focus across both types of textual units, I can compare how often and how much each branch focuses on government, as well as which government actors are mentioned most. Finally, in order to illuminate the substantive context of government mentions, I statistically compare the ways in which each Greenpeace branch discusses its own government through its descriptive and prescriptive statements.

**Word Frequencies**

As a first cut at the analysis of these texts, I compare the terms that appear with the greatest frequency in each set of texts. Looking at the top word frequencies provides a simple way to compare the dominant substantive focus of different sets of texts. This is the most basic of quantitative measures.
using simple word counts (Neuendorf 2002: 131; Weber 1984: 129-30). While a focus on the top frequency words leaves out the nuance of more rare but important terms (Brier and Hopp 2011: 110), it nevertheless gives a general sense of the most common concepts addressed in a set of texts. The word counts were carried out using the \textit{tm} package for the \textit{R} statistical software to calculate word frequencies within and across the press releases. Figure 7.2 provides a quick visual representation of the most frequent words in the French and Swedish releases, while Tables 7.2 and 7.3 present the top 50 most frequent words in each branch’s press releases.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{Figures/fig7.2.png}
\caption{Weighted Distributions of the 50 Most Frequent Words in French and Swedish Greenpeace Press Releases}
\end{figure}

\textsuperscript{25} Raw or proportional word frequencies are a frequent first analysis in content analysis studies (see, for example, Salisbury 2001). They make it possible to get a quick overview of the most critical concepts appearing in any given text. While the information in a word-count frequency list can be statistically analyzed, it is also possible to simply compare it visually for a rough sense of similarities and differences in texts (Lowe 2007).

\textsuperscript{26} The \textit{tm} software package makes it possible to transform the texts, by converting all words to lower case, removing numbers and punctuation, and removing “stop words”. These stop words are generally important in language for structural and grammatical functions, but add little substantive meaning (Krippendorf 2004: 265; Manning, Raghavan, and Schütze 2009: 27; Lowe 2006: 3); the lists of words removed from the texts can be found in Appendix 7A. The “cleaned” texts that remain are then broken down into their component words (or “tokens”) which are tallied by the software package; this provides a count of which words (and their counts) are used in each individual text within the collection. These frequencies can then be tallied across all texts, and an ordered list of most frequent to least frequent term is extracted (Feinerer 2008a; 2008b; 2011a; 2011b; Feinerer, Hornik, and Meyer 2008).

\textsuperscript{27} The size of each word is directly determined by its relative frequency. The figures were created using the \textit{wordcloud} package for \textit{R} (Fellows 2011).
At first glance, it is clear that both branches are similarly self-referential in their press releases, with the term “Greenpeace” appearing as a dominant term for both. This supports the hypothesis [H1] that both groups will equally use the normal structures of press releases, including a strong tendency to refer to their own organization in the third person. Given that both Greenpeace branches are part of the same organization and have the same organizational requirements to bolster their national-level memberships and donations, it makes sense that both groups would frequently refer to themselves in the press releases; any release that is picked up by the media for news reports, then, would be more likely to reference the organization by name.

There are clear differences and similarities between the two lists, however. GPFr is disproportionately likely to mention forests (forêts), wood (bois), and deforestation (déforestation). GPSw, on the other hand, is particularly like to discuss palm oil (palmölja) and the verb “say” (säger). Some of the difference in the very highest frequency words is likely due to grammatical differences in word forms. Nevertheless, looking at the top 50 words still gives a useful picture of the two sets of releases.

28 A major difference is that Swedish attaches many parts of speech directly to the root of the word, whereas French does not. The word for “forest” illustrates this nicely. In the French releases, a search for “forest” gives two variations: the singular forêt and the plural forêts. In Swedish, the singular skog is accompanied by the definite form skogen, the plural skogar, the definite plural skogarna, and the definite plural possessive skogarnas. In addition, there are also the compounds: urskog, gammelskog, regnskog, and naturskog (virgin forest, old-growth forest, rainforest, and natural forest, respectively), each of which can also have the definite, plural, and possessive suffixes that can be attached to the root skog. The use of the Swedish word for “forest” is thus diluted across many types of word forms, whereas it is not so diluted in the French word counts.
Table 7.2: Word Frequencies in Greenpeace France Press Releases

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Word</th>
<th>Translation</th>
<th>Frequency</th>
<th>Word</th>
<th>Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>395</td>
<td>forêts</td>
<td>forests</td>
<td>78</td>
<td>produits</td>
<td>products</td>
</tr>
<tr>
<td>339</td>
<td>greenpeace</td>
<td>Greenpeace</td>
<td>76</td>
<td>forestière</td>
<td>forestry</td>
</tr>
<tr>
<td>328</td>
<td>bois</td>
<td>wood</td>
<td>75</td>
<td>climat</td>
<td>climate</td>
</tr>
<tr>
<td>272</td>
<td>déforestation</td>
<td>deforestation</td>
<td>75</td>
<td>serre</td>
<td>greenhouse</td>
</tr>
<tr>
<td>190</td>
<td>plus</td>
<td>more</td>
<td>71</td>
<td>congo</td>
<td>Congo (DRC)</td>
</tr>
<tr>
<td>167</td>
<td>france</td>
<td>France</td>
<td>70</td>
<td>biodiversité</td>
<td>biodiversity</td>
</tr>
<tr>
<td>150</td>
<td>contre</td>
<td>against</td>
<td>70</td>
<td>européen</td>
<td>European</td>
</tr>
<tr>
<td>126</td>
<td>forêt</td>
<td>forest</td>
<td>70</td>
<td>forestières</td>
<td>forestry</td>
</tr>
<tr>
<td>116</td>
<td>européenne</td>
<td>European</td>
<td>69</td>
<td>europe</td>
<td>Europe</td>
</tr>
<tr>
<td>112</td>
<td>émissions</td>
<td>emissions</td>
<td>66</td>
<td>monde</td>
<td>world</td>
</tr>
<tr>
<td>106</td>
<td>gouvernement</td>
<td>government</td>
<td>65</td>
<td>exploitation</td>
<td>exploitation, use</td>
</tr>
<tr>
<td>105</td>
<td>pays</td>
<td>country(ies)</td>
<td>61</td>
<td>environnement</td>
<td>environment</td>
</tr>
<tr>
<td>98</td>
<td>destruction</td>
<td>destruction</td>
<td>61</td>
<td>loi</td>
<td>law</td>
</tr>
<tr>
<td>98</td>
<td>huile</td>
<td>oil</td>
<td>60</td>
<td>rdc</td>
<td>RDC (DRC, Congo)</td>
</tr>
<tr>
<td>94</td>
<td>illégal</td>
<td>illegal</td>
<td>58</td>
<td>protection</td>
<td>protection</td>
</tr>
<tr>
<td>91</td>
<td>climatiques</td>
<td>climactic</td>
<td>57</td>
<td>aujourd'hui</td>
<td>today</td>
</tr>
<tr>
<td>90</td>
<td>effet</td>
<td>effect</td>
<td>57</td>
<td>chargé</td>
<td>charged</td>
</tr>
<tr>
<td>85</td>
<td>agrocarburants</td>
<td>biofuels</td>
<td>57</td>
<td>climatique</td>
<td>climactic</td>
</tr>
<tr>
<td>85</td>
<td>changements</td>
<td>changes</td>
<td>57</td>
<td>lutte</td>
<td>fight</td>
</tr>
<tr>
<td>82</td>
<td>amazonie</td>
<td>Amazon</td>
<td>56</td>
<td>millions</td>
<td>millions</td>
</tr>
<tr>
<td>80</td>
<td>indonésie</td>
<td>Indonesia</td>
<td>56</td>
<td>union</td>
<td>Union</td>
</tr>
<tr>
<td>80</td>
<td>palme</td>
<td>palm</td>
<td>55</td>
<td>brésil</td>
<td>Brazil</td>
</tr>
<tr>
<td>79</td>
<td>tropicales</td>
<td>tropical</td>
<td>55</td>
<td>commerce</td>
<td>trade</td>
</tr>
<tr>
<td>78</td>
<td>campagne</td>
<td>campaign</td>
<td>54</td>
<td>européens</td>
<td>european</td>
</tr>
<tr>
<td>78</td>
<td>gaz</td>
<td>gas</td>
<td>54</td>
<td>rapport</td>
<td>report</td>
</tr>
</tbody>
</table>

Substantively, both organizations are particularly focused on the threats to forests in tropical countries, such as Indonesia, Brazil, and the Democratic Republic of Congo, particularly with respect to the production of palm oil and the illegal timber trade. This similarity is to be expected, as the broad focus of each Greenpeace branch’s forestry campaign is set by the organization’s international office of the organization. Thus, we can see from the frequency lists that both branches are active on the same international campaigns. This confirms the research design of this chapter, as it indicates that the two branches are focused on substantively similar campaigns, making any differences in discussions of government actors more reliably attributable to differences in the political environment rather than to differences in substantive focus.
While the content of the campaigns is largely top-down, however, the particular approach within each country is left to the greater discretion of the national office. Thus, from the top-50 word frequencies, we see that the Greenpeace France seems particularly focused on governments, Europe (especially the European Union), and laws, making up 7 out of the top 50 terms; there are no terms specifically targeting the private sector (See Table 7.2). In contrast, Greenpeace Sweden is much more oriented towards the private sector, with 7 of its top 50 words calling out companies individually or collectively; two political terms are included — government and the climate commission — but there is no reference to Europe in the top 50 (See Table 7.3). This difference lends some support to the hypothesis [H3] that GPFr should focus more on government through its press releases, and devote more space to discussions of government, than GPSw. As with the raw counts of press-releases, however, this analysis does not directly focus on own government mentions, and thus is not strong support for H3. More importantly, however, these differences suggests that there is a difference in political focus between the two branches.
Table 7.3: Word Frequencies in Greenpeace Sweden Press Releases

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Word</th>
<th>Translation</th>
<th>Frequency</th>
<th>Word</th>
<th>Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>90</td>
<td>greenpeace</td>
<td>Greenpeace</td>
<td>16</td>
<td>fsc</td>
<td>FSC</td>
</tr>
<tr>
<td>77</td>
<td>palmolja</td>
<td>palm oil</td>
<td>16</td>
<td>största</td>
<td>largest</td>
</tr>
<tr>
<td>55</td>
<td>säger</td>
<td>say</td>
<td>15</td>
<td>diesel</td>
<td>diesel</td>
</tr>
<tr>
<td>31</td>
<td>svenska</td>
<td>Swedish</td>
<td>15</td>
<td>eco20</td>
<td>OKQ8 biodiesel brand</td>
</tr>
<tr>
<td>29</td>
<td>okq8</td>
<td>Swed. fuel company</td>
<td>15</td>
<td>företaget</td>
<td>the company</td>
</tr>
<tr>
<td>26</td>
<td>måste</td>
<td>must</td>
<td>15</td>
<td>genom</td>
<td>by</td>
</tr>
<tr>
<td>25</td>
<td>regnskog</td>
<td>rainforest</td>
<td>15</td>
<td>nya</td>
<td>new</td>
</tr>
<tr>
<td>24</td>
<td>kommer</td>
<td>will, come</td>
<td>14</td>
<td>amazonas</td>
<td>Amazon</td>
</tr>
<tr>
<td>22</td>
<td>företag</td>
<td>companies</td>
<td>14</td>
<td>får</td>
<td>may</td>
</tr>
<tr>
<td>22</td>
<td>idag</td>
<td>today</td>
<td>14</td>
<td>flera</td>
<td>more</td>
</tr>
<tr>
<td>21</td>
<td>andra</td>
<td>other</td>
<td>13</td>
<td>drivmedel</td>
<td>fuel</td>
</tr>
<tr>
<td>21</td>
<td>ska</td>
<td>should</td>
<td>13</td>
<td>nestlé</td>
<td>Nestlé Corporation</td>
</tr>
<tr>
<td>21</td>
<td>stora</td>
<td>large</td>
<td>13</td>
<td>procent</td>
<td>percent</td>
</tr>
<tr>
<td>20</td>
<td>indonesien</td>
<td>Indonesia</td>
<td>13</td>
<td>regeringen</td>
<td>the Government</td>
</tr>
<tr>
<td>19</td>
<td>okq8s</td>
<td>Swed. fuel company’s</td>
<td>13</td>
<td>vill</td>
<td>to</td>
</tr>
<tr>
<td>19</td>
<td>timmer</td>
<td>timber, wood</td>
<td>12</td>
<td>använda</td>
<td>use, adopt</td>
</tr>
<tr>
<td>19</td>
<td>världens</td>
<td>world’s</td>
<td>12</td>
<td>bland</td>
<td>among</td>
</tr>
<tr>
<td>18</td>
<td>därför</td>
<td>therefore</td>
<td>12</td>
<td>efterfrågan</td>
<td>demand</td>
</tr>
<tr>
<td>17</td>
<td>illegalt</td>
<td>illegal</td>
<td>12</td>
<td>palmoljediesel</td>
<td>palm-oil diesel</td>
</tr>
<tr>
<td>17</td>
<td>nesteoil</td>
<td>Finn. Fuel Company</td>
<td>11</td>
<td>hotade</td>
<td>threatened</td>
</tr>
<tr>
<td>17</td>
<td>sverige</td>
<td>Sweden</td>
<td>11</td>
<td>klimat-beredningen</td>
<td>the Climate Commission</td>
</tr>
<tr>
<td>17</td>
<td>växthusgaser</td>
<td>greenhouse gases</td>
<td>11</td>
<td>länder</td>
<td>countries</td>
</tr>
<tr>
<td>16</td>
<td>andershellberg</td>
<td>GPSw spokesperson</td>
<td>11</td>
<td>palmoljediesel</td>
<td>the palm-oil diesel</td>
</tr>
<tr>
<td>16</td>
<td>avverkat</td>
<td>harvested, felled</td>
<td>11</td>
<td>utsläpp</td>
<td>emissions</td>
</tr>
<tr>
<td>16</td>
<td>finns</td>
<td>are</td>
<td>11</td>
<td>världen</td>
<td>world</td>
</tr>
</tbody>
</table>

By looking at the 50 most frequent terms in each set of press releases, then, it is clear that the substantive content of the forestry press releases is very similar while the political focus differs. Broadly, this supports the theoretical arguments that there should be real differences in the press-release strategies of the two national Greenpeace offices, and that it is reasonable to delve more deeply into the discourse each uses to focus attention on the actions and decisions of government.
Coding and Counting Own-Government Mentions

To more accurately gauge the government-focused rhetoric used by the two Greenpeace branches, I identified all formal mentions of government-related entities in the press releases. This includes all mentions of executive, legislative, judicial, and general actors, in addition to mentions of their own delegations to the European Parliament, and their country’s term holding the Presidency of the EU. The categories of government mentions, as well as examples of what the categories contain, can be seen in Table 7.4. My coding identified each own-government mention, and categorized each according to the type of government actor it represents.

<table>
<thead>
<tr>
<th>Category of Mention</th>
<th>Includes</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>President, Government, Ministers, Agencies, etc.</td>
<td>“Nicolas Sarkozy” “le gouvernement” “Regeringen Reinfeldt” “l’ADEME”</td>
</tr>
<tr>
<td>Legislative</td>
<td>Parliament, Legislators, Parties, etc.</td>
<td>“Riksdagen” “riksdagsledamöter” “miljöpartiet”</td>
</tr>
<tr>
<td>Judicial</td>
<td>Judges, Courts, etc.</td>
<td>“Le Procureur de la République”</td>
</tr>
<tr>
<td>General</td>
<td>Use of country name as political referent, general mentions of politicians, etc.</td>
<td>“la France” “Sverige” “svenska politikerna” “décideurs politiques”</td>
</tr>
<tr>
<td>European Union</td>
<td>Own presidency of the EU, Own EUMPs, etc.</td>
<td>“députés européens françaises” “svenska ledamöter i Europaparlementet” “la présidence française de l’UE”</td>
</tr>
<tr>
<td>Other</td>
<td>Government Committees and Commissions, State-Owned Companies</td>
<td>“klimatberedningen” “Grenelle de l’Environnement” “Sveaskog”</td>
</tr>
</tbody>
</table>

29 I manually coded each mention of the group’s “own government” using the TAMSAnalyzer qualitative content analysis software (Weinstein 2011).
Once all own-government mentions were identified, I used these codings to count the number of mentions by press release and by paragraph. Since raw totals might be misleading — i.e. multiple references to the President in consecutive sentences — I instead use these larger textual units as a more comparable standard in the following analyses. I count press releases or paragraphs with at least one mention of a government actor. This reduces the potential for skewed results if one press release writer is more fond of, say, reusing formal titles rather than pronouns in subsequent sentences.

The implications of this counting schema is slightly different for counts by press release vs. paragraphs. A press release with at least one mention of a government actor indicates that one topic warranted a political mention. On the other hand, a paragraph with at least one mention of a government actor indicates that there is at least one argumentative point to be made about a government actor. The latter shows whether government actors are merely mentioned in passing in a given press release or whether they are a particular focus of that press release. It is useful to look at multiple unit measures (counting as a proportion of releases and paragraphs), because it highlights the distribution of political mentions both within and across the press releases (cf. DeGregorio 2009: 474).

For both the press releases and paragraphs, I compare the use of own-government mentions across content categories to determine whether Greenpeace France and Sweden demonstrate different patterns of strategic attention. To test whether these differences are statistically significant, I compare the counts and their proportions using a Pearson’s chi-squared test with the Yates continuity correction, or, if the count for either country is particularly small, the Fisher’s exact test.30 Essentially, these tests determine whether the actual counts are significantly different than what might be expected from the row and column totals (mostly in 2x2 contingency tables) for each category.31 If the tests are significant, they indicate that the proportions are not independent, or in other words, that the difference in proportions is statistically large enough not to be simply due to chance and that it is reasonable to infer a relationship between the variables.

30 Specifically, the Fisher’s exact test is used when the chi-squared test is likely to be inaccurate due to particularly low expected values (usually below 10 for 2x2 contingency tables). In any case, the p-values for the two are usually fairly similar.

31 See Tables 7.20 and 7.22 for explicit examples of contingency tables showing both the observed and expected values used to calculate the chi-squared statistic.
Comparison by Press Release

For each category of “own government” mention, I count press releases that have at least one mention of the relevant category. Thus, a press release with a single mention is counted as equivalent to one with 15 mentions. This approach allows for a closer look at the focus of Greenpeace releases across all topics. For example, not all press releases mention a home government; some focus entirely on businesses, events, or even foreign governments. This cut at the data makes it possible to see the global comparisons: when each national branch decides to produce a press release, how often is their own government a focus? How do the two Greenpeace organizations compare on this dimension?

At the most basic, Greenpeace France [GPFr] has almost 3 times more press releases that mention its own government than Greenpeace Sweden [GPSw]. However, it is GPSw that has a greater proportion of its press releases focused on its government, at almost 60% of its total, compared to less than 40% for GPFr (See Table 7.5). This difference is statistically significant at a 90% confidence level. Importantly, this implies that though GPSw is less prolific in its press-release publication, it is using its press releases to publicize government-related topics.

When counting by press release, then, the hypothesis [H3] that GPFr should have more press releases focused on its own government than GPSw is not supported. This may be due, however, to the large difference in the overall number of releases that each branch has produced. It is possible that the lower press-release publication rate by GPSw is due to less discussion of other topics, such as foreign governments, compared to GPFr. In part, this is also likely due to GPSw’s less frequent use of news items and releases from other Greenpeace branches than is the case for GPFr, which publishes more releases discussing events in, for example, Canada or Brazil. In other words, it may be that a greater percentage of Greenpeace Sweden’s press releases are government focused because they are not using press releases as often to address other actors and issues that do not relate to their own government.

\[32\]

All percentages are “calculated within categories of the independent variable” (Knoke and Bohrnstedt 1994: 157). In other words, the percentages are calculated using the the totals for either the GPFr or GPSw releases. Where 36.6% of the French releases have own-government mentions, the residual category (not included in the table) is the 63.4% of releases which do not have own government mentions.
Table 7.5: Total Press Releases with Own-Government Mentions

<table>
<thead>
<tr>
<th>“# of Press Releases with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own Government*</td>
<td>37 (36.6%)</td>
<td>13 (59.1%)</td>
<td>0.0884 (Pearson’s)</td>
</tr>
</tbody>
</table>

This pattern continues when the results are broken down by category of government actor. Table 7.6 presents the findings for the main branches of government, as well as more general mentions that implicate the government as a whole. Across all press releases, GPSw has a higher proportion of press releases with at least one mention of each type of actor, except for judicial actors, driving the pattern found in Table 7.5 for all own-government mentions. However, these differences are only statistically significant for the difference between mentions of legislative actors.

The proportions do indicate that the Greenpeace branches are most focused on actors who are critical for influencing the policy-making process, which supports the hypothesis [H2] that both organizations will focus more on the executive than on other political actors. Approximately 30% of French releases and 40% of Swedish releases mention an executive actor. The difference is even greater when comparing executive actors excluding mentions of the head-of-state. Legislative actors are mentioned in only 3 Swedish press releases and are never mentioned by GPFr, while judicial actors are only mentioned in one press release from GPFr. The greater emphasis on executive actors mirrors what we should expect. In policy making, it is the cabinet, including the ministers and the head of government, who are most critical for influencing policy outcomes, while legislative and judicial actors are less attractive lobbying targets.

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33 * = 90% CI, ** = 95% CI, ***= 99% CI

34 For example, general mentions take the form of: “France should pursue policy x,” or “Swedish politicians should change law y.” These appear as descriptions or prescriptions about the political sphere. General mentions do not include statements such as “France imports illegal timber,” as such phrases do not clearly implicate political actors or behaviors.

35 Sweden’s head of state, the king, is not mentioned in any of the Swedish press releases, whereas the French head of state, the president, appears frequently.
While GPSw has proportionally more press releases with at least one mention of an executive actor, the results are more mixed when the specific types of executive actors are considered (See Table 7.7). This shift is in large part because GPFr has more press releases that mention multiple types of executive actors, whereas GPSw is more likely to mention one type per release. Thus, GPFr has greater proportions of press releases that mention all types of executive actors, except the Prime Minister. Thus, when looking at call-outs of particular government actors, the hypothesis [H3] that GPFr should focus more on government actors appears to be supported.

The results also mirror what we should expect given the patterns of policy-making in each country, supporting the second hypothesis [H2]. GPSw focuses its attention on the cabinet as a collective entity: it has no mentions of individual ministers in its press releases. Indeed, the only instance of an explicitly named executive actor comes in the context of a cabinet mention: “Reinfeldts regeringen” which, by naming it as the Prime Minister’s Cabinet, still puts the emphasis on the cabinet.

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\(^{36}\) * = 90% CI, ** = 95% CI, *** = 99% CI

### Table 7.6: Total Press Releases by Types of Government Actors

<table>
<thead>
<tr>
<th>“# of Press Releases with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Actor (Including President)</td>
<td>28 (27.7%)</td>
<td>8 (36.4%)</td>
<td>0.4444 (Fisher’s)</td>
</tr>
<tr>
<td>Executive Actor (Excluding President)</td>
<td>24 (23.8%)</td>
<td>8 (36.4%)</td>
<td>0.2831 (Fisher’s)</td>
</tr>
<tr>
<td>Legislative Actor***</td>
<td>0</td>
<td>3 (13.6%)</td>
<td><strong>0.0051</strong> (Fisher’s)</td>
</tr>
<tr>
<td>Judicial Actor</td>
<td>1 (1.0%)</td>
<td>0</td>
<td>1.0000 (Fisher’s)</td>
</tr>
<tr>
<td>General Actor</td>
<td>32 (31.7%)</td>
<td>9 (40.9%)</td>
<td>0.4576 (Fisher’s)</td>
</tr>
<tr>
<td>Executive, Legislative, Judicial, or General Actor</td>
<td>36 (35.6%)</td>
<td>12 (54.5%)</td>
<td>0.1598 (Pearson’s)</td>
</tr>
</tbody>
</table>
as a whole rather than an individual actor. In comparison, GPFr calls out individual executive actors explicitly by name in nearly 20% of their press releases; their focus is primarily on the Ministers of Agriculture and the Environment, as well as the President. This is what we should expect given the more balkanized nature of French executive policy-making; the most important actors for groups to lobby are the individual heads of cabinet ministries as well as the prime minister and president.

Table 7.7: Total Press Releases by Types of Executive Actors

<table>
<thead>
<tr>
<th>“# of Press Releases with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Named Executive Actor</td>
<td>20 (19.8%)</td>
<td>1 (4.5%)</td>
<td>0.1187 (Fisher’s)</td>
</tr>
<tr>
<td>Cabinet***</td>
<td>9 (8.9%)</td>
<td>7 (3.2%)</td>
<td>0.0091 (Fisher’s)</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>1 (0.99%)</td>
<td>1 (4.5%)</td>
<td>0.3269 (Fisher’s)</td>
</tr>
<tr>
<td>Minister*</td>
<td>14 (13.8%)</td>
<td>0</td>
<td>0.0723 (Fisher’s)</td>
</tr>
<tr>
<td>President</td>
<td>9 (8.9%)</td>
<td>0</td>
<td>0.3602 (Fisher’s)</td>
</tr>
<tr>
<td>Agency</td>
<td>6 (5.9%)</td>
<td>1 (4.5%)</td>
<td>1 (Fisher’s)</td>
</tr>
</tbody>
</table>

Perhaps less predictable is that there is no significant difference in the proportion of press releases that mention government consultative committees or commissions, though GPSw has almost double the proportion of mentions than GPFr (See Table 7.8). The major difference here is in the type of commission or committee that is discussed. The Swedish releases focus on the klimatberedningen or Climate Commission, made up of MPs from each of Sweden’s seven political parties, whose mandate

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37 The prime minister, in this case, is Fredrik Reinfeldt.

38 * = 90% CI, ** = 95% CI, ***= 99% CI
was to make recommendations for the government’s future climate policy by February 2008. The press releases provide Greenpeace Sweden’s recommendations to the Climate Commission while it was in progress, several months before the February deadline (see Figure 7.3).

The French releases, on the other hand, focus on the conclusions of the *Grenelle de l’Environnement*, a comprehensive consultation on multiple environmental issues (and in which Greenpeace France took part), that concluded in late October 2007 and set out a list of proposals in several domains. The press releases, which post-date the end of the commission, remind the government of the proposals and commitments that were made during the committee meetings. Several of the releases, for example, point to the (as-yet unmet) commitments to fight against the importation of illegally logged wood from tropical forests or to revisit government support for biofuels, while others emphasize President Sarkozy’s commitment to make France the European leader in environmental protection. In particular, the timing of the GPFr releases seem to line up with the legislative agenda (though legislative actors are never mentioned); several releases were produced prior to the deposition of the French government’s *projet de loi* (for the implementation of the *Grenelle* recommendations) for a first reading in the National Assembly in June 2008 and in the Senate in October 2008. Several more releases were produced prior to the actual passage of the law in August 2009. Thus, GPFr’s discussion of the consultation came after the conclusion of the consultations, while the government was considering how to transform the recommendations into law and while it was under consideration by the French National Assembly and Senate, rather than during or prior to the consultation itself.

39 The official government statement on this commission’s conclusions can be found at: http://www.regeringen.se/sb/d/10226/a/98386.
Figure 7.3: Frequency of Press Releases with Mentions of Consultative Committees/Commissions

These references to commissions are what we might expect given the policy-making patterns of the two countries. In Sweden, groups have many opportunities to find out early about Commissions and government policy options, and therefore we see GPSw in a position to make recommendations to a relevant commission before it completes its work. Though GPSw was not invited to take part directly in the Climate Commission, it had prior information about its activities and mission which allowed it to publicly propose its position on the topic. In France, on the other hand, Commissions are often held with less reliable information about how their findings may be considered by formal policy makers, even when an organization is able to take part in the proceedings. Thus, we see GPFr focused on publicly reminding government actors about the Commission’s conclusions and evaluating the progress in implementing them, even though it was directly active in these large-tent consultations. While GPFr’s releases come after the conclusion of the Grenelle consultations, they do come during the implementation of the proposals through the executive and legislative branches; though, again, the press releases do not mention legislative actors at all. The continued reliance on outsider lobbying techniques

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40 Chart shows number of press releases, by month, with mentions of consultative committees or commissions for each Greenpeace branch.
— as public statements via press releases — long after the conclusion of the meetings indicates that the long-term success of formal consultations can not be taken for granted in France, and that groups must repeatedly pressure the French government to live up to its public commitments.

### Table 7.8: Total Press Releases by Commissions and State-Owned Companies

<table>
<thead>
<tr>
<th>“# of Press Releases with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultative Committees / Commissions</td>
<td>8 (7.9%)</td>
<td>3 (13.6%)</td>
<td>0.4127 (Fisher’s)</td>
</tr>
<tr>
<td>State-Owned Company</td>
<td>0</td>
<td>2 (9.1%)</td>
<td>0.03079 (Fisher’s)</td>
</tr>
</tbody>
</table>

Greenpeace Sweden also devotes two press releases to the Swedish state-owned forestry company, Sveaskog (see Table 7.8). These are focused on a specific dispute in which GPSw accused the company of breaches in Forest Stewardship Council (FSC) regulations during logging activities. Thus, the press releases lay out GPSw’s claims of Sveaskog’s wrongdoing as well as GPSw’s own actions to bring the state-owned company’s wrongdoings to light. Greenpeace France does not identify a similar government actor in their releases, no doubt because the ownership and logging of French public forests is structured differently.

Finally, GPSw and GPFr show very different responses to their own government’s formal role within the European Union. During the time period under study, both France and Sweden held the rotating presidency of the European Union for a 6-month period. France held the post from July through December 2008, while Sweden held it from July through December 2009. While both branches of Greenpeace mention their own members of the European Parliament only once — a non-significant comparison — their different attentions to their own EU presidency is striking (see Table 7.9).

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41 * = 90% CI, ** = 95% CI, *** = 99% CI
Table 7.9: Total Press Releases by Own-E.U. Actors

<table>
<thead>
<tr>
<th>“# of Press Releases with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own MP of European Union Parliament</td>
<td>1 (0.99%)</td>
<td>1 (4.5%)</td>
<td>0.3269 (Fisher’s)</td>
</tr>
<tr>
<td>Own European Union Presidency*</td>
<td>14 (13.8%)</td>
<td>0</td>
<td>0.0723 (Fisher’s)</td>
</tr>
</tbody>
</table>

Greenpeace France mentioned their own government’s role as head of the EU Commission in nearly 14% of press releases, while Greenpeace Sweden does not mention it at all. Though this large discrepancy may be due to these releases’ focus on only forestry campaigns, the Swedish EU Presidency was not devoid of potentially relevant topics. The Swedish government made dealing with climate change (and the environment) one of the two main tasks of its presidential agenda. In addition, the EU law on the illegal timber trade had still not passed (it would pass in July 2010). During that time period other major international events might also have focused attention on Sweden’s position as EU president. For example, during the last month of the Swedish EU Presidency, the United Nation’s COP-15 climate conference was held in Copenhagen, from December 7-18, 2009, and it was a major international event that included discussions of forestry issues. However, as can be seen in Figure 7.4, there is no mention of the EU Presidency by the GPSw forestry campaign. Had they followed a similar pattern to GPFr, we should have expected to see a surge in mentions at the beginning of 2009, tapering off towards the end of the Presidency.

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42 * = 90% CI, ** = 95% CI, *** = 99% CI

43 The other task was dealing with the economy (http://www.se2009.eu/en/the_presidency/work_programme/work_programme_for_the_swedish_presidency_of_the_eu.html).

44 For example, the REDD+ Program (Reducing Emissions from Deforestation and forest Degradation) was a major discussion topic of this international conference (http://www.un-redd.org/UNREDD_events_in_COP15/tabid/2418/language/en-US/Default.aspx).
The difference between the two organizations in their attention to their own EU presidency suggests different relationships to the national political process. Greenpeace France is using their press releases to pressure their own government to take certain actions for the environment from the EU level, while Greenpeace Sweden does not take that strategy in their own forestry campaigns. This implies that GPFr sees the EU as a potentially useful venue for pressuring their own government to implement national and international policy. On the other hand, GPSw does not appear to need to use the supranational political sphere to do the same; instead, GPSw focuses more exclusively on national-level politics unless there is a specific law that is of interest under review at the EU level (causing one release to mention Swedish members of the European Parliament). Overall, the greater attentiveness of GPFr to alternative lobbying venues should be expected given the more opaque and risky national policy process in France, which would require more options for countering future surprises or defeats in national policy-making outcomes.

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45 France held the presidency of the European Commission from July to December 2008. Sweden held the presidency from July to December 2009.
In sum, the analysis of own-government mentions by press release provides mixed support for my hypotheses. Contrary to the expectations presented in hypothesis three \([H3]\), Greenpeace France has a smaller proportion of press releases with some focus on its own government than Greenpeace Sweden. As discussed above, this is likely due to the low total number of releases for Greenpeace Sweden, possibly because they less often reproduced news from other branches of the international organization. In the comparison by paragraph in the next section, however, I control for these effects of differential production of non-government focused releases, which allows a clearer picture of the extent of government focused rhetoric from the two Greenpeace branches.

However, the results strongly support the hypothesis \([H2]\) that government-focused rhetoric will be tailored to match the dominant policy-making processes, and that the most important and relevant actors in national policy-making will be targeted. Both organizations are particularly likely to focus their attention on the executive branch, with little mention of legislative or judicial actors, which confirms the dominance of the executive in policy-making and as a critical target for lobbying. However, GPSw is far more likely to consider the cabinet as a whole and is very unlikely to call out individual members of government, which parallels the cabinet’s collective responsibility in policy making. GPFr, on the other hand, is very focused on individual actors, particularly the ministers of agriculture and environment, as well as the president, which mirrors the balkanized nature of French executive policy making.

The focus on government entities beyond the executive, legislative, and judicial branches also supports hypothesis two \([H2]\). While each Greenpeace branch brings up one consultative commission or committee in its press releases, they way they are targeted supports what we should expect given the relative levels of transparency of the policy-making processes. GPSw produced its releases while the commission was in session, while GPFr discussed it after the committee had completed its work. This confirms the earlier characterization that Swedish organizations have access to information about government commissions and their missions, even when they are not directly involved in the proceedings; at the same time, it suggests that French organizations must work hard to pressure the
government to keep commitments made during consultations, even those pronounced very publicly.\textsuperscript{46}

In addition, the two branches’ very different attention to their own-government’s presidency of the EU suggests that that supranational level of politics is more important for the French group than the Swedish one; this may be due to French organizations’ greater need to seek out alternative political venues through which to exert pressure when the national political process produces undesired outcomes.

Comparison by Paragraphs

While the analysis of own-government mentions by press releases provides evidence on government-focused rhetoric \textit{across} all possible topics of publicity in the releases, it does not give a sense of how much emphasis is placed on own-government rhetoric \textit{within} the releases. In order to get at this aspect of the texts, I focus this next set of analyses only on the releases that have \textit{at least} one “own-government” mention, creating a corpus subset of 37 releases from Greenpeace France, and 13 from Greenpeace Sweden (see Table 7.5, above). This makes it possible to examine how much attention the organizations pay to government actors once they decide to create a press release that addresses them.

As an appropriate within-text measure in this subset of the press releases, I counted the paragraphs that had \textit{at least one} own-government mention.\textsuperscript{47} The analyses below provide the raw counts of paragraphs that mention a particular type of own-government actors, as well as the proportion of total paragraphs that contain mentions. The proportions are based on the total number of paragraphs in this subset of forestry-campaign press releases.

Overall, Greenpeace France produced 252 paragraphs in the 37 release while Greenpeace Sweden produced 99 paragraphs in 13 releases (see Table 7.10). As can be seen by the mean

\footnotesize{
\textsuperscript{46} See Chapter 4 and Chapter 5 for in-depth discussions of transparency in the Swedish and French policy-making processes.

\textsuperscript{47} I use paragraphs as a single unit of argument, as each marks what the writer of the press release considered to be natural breaks between topical points. This is more reliable than using the sentence as the unit of analysis, since several sentences may be used to make a single point about a particular set of government actors. Thus the larger unit, the paragraph, provides a better measure of argumentative attention on the part of the organizations.}
paragraphs per press release, the press releases are relatively short (a maximum of 1-2 pages in length), and are fairly similar in average length between the two branches. This supports the hypothesis [H1] that the Greenpeace releases will adhere to the general characteristics of press releases as a communication genre.

Table 7.10: Total Paragraphs in Press Releases with at least one Own-Government Mention

<table>
<thead>
<tr>
<th></th>
<th>France</th>
<th>Sweden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Paragraphs</td>
<td>252</td>
<td>99</td>
</tr>
<tr>
<td>Mean Paragraphs per Press Release</td>
<td>6.8</td>
<td>7.6</td>
</tr>
</tbody>
</table>

Looking at the paragraph counts of own-government mentions reveals the patterns of attention to government within these press releases. When all types of own-government actors are taken into account, nearly half of all GPFr paragraphs include at least one mention while over a third of GPSw paragraphs do (see Table 7.11). While this difference is not statistically significant, the proportions indicate a reversal of the pattern found, above, when only individual press releases were considered. The analysis in the previous section indicated that GPSw has a greater proportion of total press releases with at least one own-government mention; however, GPSw has a smaller proportion of space allocated to discussing its own government within those releases than GPFr has. This suggests that GPFr is using its press releases to discuss its own government in greater depth, once it has decided to address its own government at all. This finding supports the hypothesis [H3] that the French group would spend more space discussing its government than the Swedish group would.

Table 7.11: Total Paragraphs with Own-Government Mentions

<table>
<thead>
<tr>
<th>“# of Paragraphs with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own Government</td>
<td>114 (45.2%)</td>
<td>35 (35.4%)</td>
<td>0.1173 (Pearson’s)</td>
</tr>
</tbody>
</table>
Across almost all actor types, GPFr also spends a greater proportion of paragraphs discussing specific government actors than GPSw (see Table 7.12), supporting hypothesis three [H3]. However, the types of actors emphasized by both organizations is the same as the prior analysis, with more space devoted to executive actors than to legislative or judicial actors. This result supports hypothesis two [H2] that the organizations will focus more on the executive. GPFr has, proportionally, twice as many paragraphs covering executive actors, and three times as many paragraphs using a general term to refer to its own government. GPSw, however, still has more discussion of legislative actors.48

<table>
<thead>
<tr>
<th><strong>&quot;# of Paragraphs with at least one mention of:&quot;</strong></th>
<th><strong>France Count (Proportion)</strong></th>
<th><strong>Sweden Count (Proportion)</strong></th>
<th><strong>p-value (Test)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Actor**</td>
<td>59 (23.4%)</td>
<td>11 (11.1%)</td>
<td>0.0144 (Pearson’s)</td>
</tr>
<tr>
<td>Legislative Actor**</td>
<td>0</td>
<td>3 (3.0%)</td>
<td>0.02195 (Fisher’s)</td>
</tr>
<tr>
<td>Judicial Actor</td>
<td>2 (0.8%)</td>
<td>0</td>
<td>1 (Fisher’s)</td>
</tr>
<tr>
<td>General Actor***</td>
<td>79 (31.3%)</td>
<td>11 (11.1%)</td>
<td>0.00016 (Pearson’s)</td>
</tr>
<tr>
<td>Executive, Legislative, Judicial, or General Actor***</td>
<td>111 (44.0%)</td>
<td>20 (20.2%)</td>
<td>0.000055 (Pearson’s)</td>
</tr>
</tbody>
</table>

Broadly, these results support the hypothesis [H3] that French groups are more likely to use press releases to pressure government than Swedish groups. While a greater overall proportion of the GPSw press releases had “own-government” mentions, the paragraph counts show that GPFr is using the press releases to cover its own government actors far more. Indeed, part of the reason why the paragraph difference across all mentions is not greater is that GPFr is more likely than GPSw to

48 Nevertheless, we can see that it only devotes one paragraph to mentioning legislative actors per release (as there are three releases and only three paragraphs that discuss them), suggesting that legislative actors do not merit in-depth coverage for either organization.

49 * = 90% CI, ** = 95% CI, *** = 99% CI
mention multiple different types of actors in a given paragraph, an observation that is lost in the aggregate count. Thus looking at any own-government mention, as in Table 7.11, the comparison is not quite significant; however, when we look only at paragraphs with at least one mention of an executive, legislative, judicial, or general actor, the comparison is highly significant. For these, GPFr has more than twice as many paragraphs dedicated to major government actors than GPSw, indicating that the French organizations do emphasize their government in their press releases more than their Swedish counterparts. This strongly supports hypothesis three [H3].

The executive-only results also strongly support hypothesis two [H2], that own-government mentions will reflect the dominant policy-making processes. GPFr has nearly 10% of its paragraphs containing a reference to the president, and just under 8% containing a reference to a cabinet minister (see Table 7.13). However, GPSw is almost twice as likely as GPFr to have a paragraph that discusses the cabinet as a whole (i.e. regeringen vs. gouvernement). This is because GPFr focuses on individual actors within government, seen in the relatively high percentage of paragraphs with an explicitly named actor. GPSw, on the other hand, discusses the executive almost solely as a collective actor, naming the Prime Minister only once and then in the context of the full cabinet (see previous section). The paragraph counts for executive-actor types mirror the results from the press-releases counts above; the difference is that, when within release coverage is considered, GPFr uses more space discussing executive actors than does GPSw.

50 While this particular comparison is not statistically measured, here, the intuition can be seen fairly easily by looking at the totals for Executive, Legislative, Judicial and General actors in Table 7.12. Greenpeace France’s counts total (59+0+2+79 =) 140, which is greater than the total number of paragraphs with at least one mention of any actor — 114 — shown in Table 7.11; this indicates that some of those paragraphs must have more than one actor type mentioned. On the other hand, Greenpeace Sweden’s counts total (11+3+0+11 =) 25, which is lower than the total own-government paragraph count of 35; in other words, it would be possible for each of these to be the only own-government mention in a given paragraph.
Table 7.13: Total Paragraphs by Types of Executive Actors

<table>
<thead>
<tr>
<th>“# of Paragraphs with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Named Executive Actor***</td>
<td>28 (11.1%)</td>
<td>1 (1.0%)</td>
<td>0.0009005 (Fisher’s)</td>
</tr>
<tr>
<td>Cabinet*</td>
<td>13 (5.2%)</td>
<td>10 (10.1%)</td>
<td>0.09854 (Fisher’s)</td>
</tr>
<tr>
<td>Prime Minister</td>
<td>1 (0.4%)</td>
<td>1 (1.0%)</td>
<td>0.4851 (Fisher’s)</td>
</tr>
<tr>
<td>Ministers***</td>
<td>20 (7.9%)</td>
<td>0</td>
<td>0.001519 (Fisher’s)</td>
</tr>
<tr>
<td>President***</td>
<td>23 (9.1%)</td>
<td>0</td>
<td>0.0005077 (Fisher’s)</td>
</tr>
<tr>
<td>Agency</td>
<td>11 (4.4%)</td>
<td>1 (1.0%)</td>
<td>0.1908 (Fisher’s)</td>
</tr>
</tbody>
</table>

The attention to other government actors supports hypothesis two [H2], as well. As noted previously, both organizations discuss a consultative commission or committee. The paragraph counts indicate that GPSw spends a far greater proportion of press-release text discussing their commission than does GPFr (see Table 7.14). In other words, when GPSw brings up their commission, they are likely to discuss it in relatively greater depth (as 10 paragraphs spread over 3 releases), while GPFr is more likely to refer to it in passing (as 10 paragraphs spread over 8 releases). This pattern is to be expected, given that GPSw focuses on providing recommendations to their commission prior to the completion of its report to the government, and thus the organization takes the space to elaborate its demands. On the other hand, GPFr is harkening back to an already completed meeting, and thus does not need to do more than refer to the conclusions and commitments taken at that time in order to remind the government of its obligations.

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* = 90% CI, ** = 95% CI, *** = 99% CI
The paragraph counts for references to their own-government actors at the European Union level also reflect the earlier findings. Neither organization refers to their EU-MPs with much frequency (see Table 7.15). And Greenpeace France still devotes more time to its own EU Presidency, though with 19 paragraphs spread over 14 releases, it is clear that the branch does not spend a great deal of argumentation in any one press release on the subject. This implies that it is more likely to be discussed as an additional means of pressuring the French government to take particular actions, instead of as a deep discussion of the French EU presidency, itself.

Table 7.15: Total Paragraphs by Own-E.U. Actors

<table>
<thead>
<tr>
<th>“# of Paragraphs with at least one mention of:”</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own MP of European Union Parliament</td>
<td>2 (0.8%)</td>
<td>2 (2.0%)</td>
<td>0.3164 (Fisher’s)</td>
</tr>
<tr>
<td><strong>Own European Union Presidency</strong>*</td>
<td>19 (7.5%)</td>
<td>0</td>
<td><strong>0.002668 (Fisher’s)</strong></td>
</tr>
</tbody>
</table>

In sum, counting by paragraph provides some new insights and confirms several of the conclusions from previous section. There is some additional support for hypothesis one [H1], that the

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52 * = 90% CI, ** = 95% CI, ***= 99% CI

53 * = 90% CI, ** = 95% CI, ***= 99% CI
press releases from each branch will conform to the basic characteristics of the press-release genre. When looking at the average number of paragraphs in the press releases, GPSw’s releases are only slightly longer than GPFr’s releases, and both are reasonably short (an average of 1-2 pages in length).

This section’s analysis also shows that support for hypothesis three [H3] is stronger when counting by paragraph than when counting by press releases. GPFr spends a greater portion of its textual arguments discussing government actors. This comparison is particularly clear when looking at mentions of the major government actors (executive, legislative, judicial, or general), where the difference between the two organizations is highly significant. Thus, the hypothesis that Greenpeace France will be more likely to use press releases to discuss and pressure its government is reasonably well supported.

The paragraph-count results also confirm the hypothesis [H2] that differences in policy-making processes between France and Sweden will be reflected in the releases. Both groups are much more focused on the executive branch than on other branches. However, GPSw is more likely to refer to the cabinet as a whole, while GPFr is more likely to call out individual political actors, particularly ministers and the president. This reinforces the views of the Swedish government as a collective entity with general responsibility for policy and of the French government as a balkanized collection of more independent ministries in policy making. In addition, we see that when GPSw discusses its commission, it is more likely to do so in greater depth than when GPFr does the same.

The paragraph-count analysis also hints at support for hypothesis five [H5], that French groups will need to be more general (rather than specific) in its attempts to pressure government actors, while Swedish groups have greater leeway to be very specific in pursuing their preferences. In the paragraph counts, GPFr appears to take a more scatter-shot approach to using press releases to pressure its government, as it tends to discuss more than one government actor in a given paragraph, and it seems to mention other political entities — such as commissions and the EU presidency — in passing. This implies that the French organization tries to bring pressure to bear from a variety of angles, once it has decided to use the press release to bring a political matter to the public. The releases produced by the Swedish group, on the other hand, appears to be much more specific in its targets; it is more likely to
focus on one government actor at a time, suggesting that GPSw has a clearer idea of particular
government entity to pressure at any given moment.

Substantive Context of Own-Government Mentions

To get at the differences in how the groups discussed their own governments, I also performed
a content analysis on the substantive context of the own-government mentions counted in the previous
sections. For each mention, I coded several contextual variables about the sentence or argument thread
in which the mention occurred. In all, the Greenpeace France (GPFr) press releases had 235
mentions, compared to 62 in the Greenpeace Sweden (GPSw) press releases (see Table 7.16).

Table 7.16: Total Own-Government Mentions

<table>
<thead>
<tr>
<th></th>
<th>France Count</th>
<th>Sweden Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Mentions</td>
<td>235</td>
<td>62</td>
</tr>
</tbody>
</table>

For all mentions, I coded whether the context was descriptive or prescriptive. All statements
fell into one of these two categories. Descriptive statements described actions or events that had
already occurred or would occur in the future; for example: “the Minister of Agriculture will be
attending a meeting of agricultural ministers in Brussels.” Prescriptive statements described actions or
events that should or must occur (or should have occurred); in other words, they either overtly or
implicitly point to actions that the particular political actor should take. For example: “the Minister of
Agriculture needs to emphasize the dangers of deforestation during his meeting in Brussels.”

Statements were coded as prescriptive if they at least clearly implied that action should be taken, even if

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54 To ensure a narrower reading of the context, I limited my coding to the 150 characters before and
after the mention in the text; I only extended the context to the end of an otherwise truncated sentence if
the narrower context was too indeterminate, and thus uncodable. I used the TAMSAnalyzer software to
identify the 300 character margin around each mention (Weinstein 2011).
that statement did not explicitly lay out a specific action to take, such as: “What will the President do to prevent climate change?” or “We hope that France will take the correct path in future negotiations.”

Both types of statements can act as pressure on a government, because they present information to the broader public about what government actors are or should be doing; either way, they can serve to expand the audience for a particular issue and increase the incentives for government actors to do as the group prefers. Prescriptions are more direct, laying out what Greenpeace wants from government actors. Descriptions, on the other hand, provide information about government actors’ behaviors and often also pass judgement on government action or inaction, and thus can indicate approval or disapproval. While a description does not directly provide a path to gaining Greenpeace’s approbation, it can name and shame government actors to the recipients of the press releases. Either type of statement can be effectively deployed for lobbying.

For both Greenpeace organizations, more government-focused statements were descriptive rather than prescriptive (see Table 7.17). In other words, both were far more likely to describe or report the behavior or actions of particular government actors than they were to lay out particular measures the government actor should take. However, GPSw was significantly more likely to couch its own-government mentions in descriptive statements than GPFr, while the latter was significantly more likely to have prescriptive statements than the former. This indicates that Greenpeace Sweden was relatively more likely than GPFr to use description (and judgements) to convey their preferences in press releases, while Greenpeace France was relatively more likely to recommend policy measures to government actors than GPSw. Again, however, in absolute terms both use descriptive statements far more often than prescriptive statements.

55 The former example implies that the President should do something, while the latter implies that there is a correct path that France should take.

56 Assuming, of course, that a relevant (and preferably important) subset of the general public actually agrees with the organization. Though it is not part of this analysis, the actual pressure exerted by a press release should depend on the perceived reception by its audience. If the government actor does not believe that the group’s position is also supported by the general public, for example, the government actor will probably have little incentive to act on the group’s wishes.

57 All analyses in this section are based on the proportion of total own-government statements in the dataset.
Comparison by Descriptive Statements

As noted, the majority of both Greenpeace branches’ mentions of their own-government are in a descriptive context (see Table 7.17). These statements could be judgmental (positive or negative) or neutral; in addition, the judgement could be explicit or implied. An explicit judgement uses language to express approval or disapproval of particular events or actions being described. Implicit judgements, on the other hand, use language that could be interpreted as more neutral by the reader of the press release. However, I coded statements as implied positive or implied negative if a judgement could be construed from Greenpeace’s positions on the subjects in question. For example, the statement “the Minister has committed to policing the certification of the legality of imported timber” is an outwardly neutral statement, but can be coded as implicitly positive, since Greenpeace is against the importation of illegal timber. Similarly, the statement “France would like to permit industries to emit greenhouse gases in the name of forest protection” is also outwardly neutral, but can be coded as implicitly negative, since this action runs counter to Greenpeace’s publicly stated preferences.

Both groups have a greater proportion of implicit than explicit judgements (see Table 7.18). This suggests two implications. The first is that both groups are reasonably certain of their audience. The writers of the press releases are confident that their readers will know which types of government actions are “good” vs. “bad” without needing to rely on explicitly saying so. The second is that general reliance on implicit judgements also makes it possible to appear reasonably un-biased and objective for the general public and any outlets that re-publish the material presented by Greenpeace. This lends

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* = 90% CI, ** = 95% CI, *** = 99% CI
support to the hypothesis [H1] that both groups are likely to try to impart at least a veneer of objectivity to their press releases, to make them look more like news rather than opinion.

Table 7.18: Total Descriptive Statements with Implied Judgements

<table>
<thead>
<tr>
<th># of Total DESCRIPTIVE Mentions with:</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implied Judgement***</td>
<td>75 (52.8%)</td>
<td>13 (27.1%)</td>
<td>0.00346 (Pearson’s)</td>
</tr>
<tr>
<td>Explicit Judgement</td>
<td>30 (21.1%)</td>
<td>10 (20.8%)</td>
<td>1 (Fisher’s)</td>
</tr>
</tbody>
</table>

That said, Greenpeace France is significantly more likely to make implicit judgements of its own-government actors in its press releases than Greenpeace Sweden. As a proportion of all descriptive statements, over 50% of GPFr’s are implied, while just under 30% of GPSw’s are. However, there is no significant difference in the proportion of explicit judgements on the part of the two groups. In other words, they are equally likely to come right out and give an explicit opinion about a particular government action or government-related event, but GPFr is more likely to present its descriptions in way that implies their approval or disapproval.

Indeed, when we expand the results for all types of judgements, the reasons for this discrepancy become more clear. There is no significant difference in the proportion of either positive and negative explicit judgements or negative implied judgement on the part of the two organizations (see Table 7.19). In other words, both organizations were equally likely to suggest disapproval of government actions in their press releases, though GPSw was slightly more likely to make that judgement explicit while GPFr was slightly more likely to make it implicit. And both were equally likely to make an explicitly positive judgement, though this particular type of judgement was fairly rare.

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59 * = 90% CI, ** = 95% CI, *** = 99% CI

60 All analyses in this section are based on the proportion of total descriptive statements in the dataset.

61 The residual for these two categories are fully neutral descriptive statements, neither explicitly nor implicitly judgmental (see Table 7.20).
However, where the two significantly differ are in their use of implied positive vs. neutral statements. GPFr was considerably more likely to present descriptions that were implicitly positive, with nearly 15 times more than GPSw which had only one instance of this type of descriptive statement. On the other hand, GPSw was significantly more likely to present neutral descriptive statements, with twice as many such statements as GPFr.

<table>
<thead>
<tr>
<th># of Total DESCRIPTIVE Mentions with:</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive Explicit Judgement</td>
<td>6 (4.2%)</td>
<td>1 (2.1%)</td>
<td>0.6813 (Fisher’s)</td>
</tr>
<tr>
<td>Positive Implied Judgement***</td>
<td>39 (27.5%)</td>
<td>1 (2.1%)</td>
<td>0.000056 (Fisher’s)</td>
</tr>
<tr>
<td>Neutral Judgement***</td>
<td>37 (26.1%)</td>
<td>25 (52.1%)</td>
<td>0.001651 (Pearson’s)</td>
</tr>
<tr>
<td>Negative Implied Judgement</td>
<td>36 (25.4%)</td>
<td>12 (25.0%)</td>
<td>0.8858 (Pearson’s)</td>
</tr>
<tr>
<td>Negative Explicit Judgement</td>
<td>24 (16.9%)</td>
<td>9 (18.8%)</td>
<td>0.8262 (Fisher’s)</td>
</tr>
</tbody>
</table>

These results are also confirmed when a chi-squared test is performed on all categories at once.63 As can be seen in Table 7.20, the expected values if the two were perfectly comparable would necessitate a very different distribution for the implied positive and neutral categories, while the other three are almost exactly what we should expect. In other words, the major difference between the two groups is that GPFr is using implied positive statements — pointing out what government is doing that fits with its own preferences — at a much higher rate than GPSw; at the same time, GPSw is focusing on presenting descriptive statements of what government actors are doing without implicitly tying it in to its policy preferences.

62 * = 90% CI, ** = 95% CI, ***= 99% CI

63 All previous tables present pairwise comparisons of the French and Swedish counts.
Table 7.20: Observed vs. Expected Counts of Judgement Types

<table>
<thead>
<tr>
<th></th>
<th>Observed (Expected)</th>
<th>Positive</th>
<th>Implied Positive</th>
<th>Neutral</th>
<th>Implied Negative</th>
<th>Negative</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>6 (5.2)</td>
<td>39 (29.9)</td>
<td>37 (46.3)</td>
<td>36 (35.9)</td>
<td>24 (24.7)</td>
<td>142</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>1 (1.8)</td>
<td>1 (10.1)</td>
<td>25 (15.7)</td>
<td>12 (12.1)</td>
<td>9 (8.3)</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>7</td>
<td>40</td>
<td>62</td>
<td>48</td>
<td>33</td>
<td>190</td>
<td></td>
</tr>
</tbody>
</table>

Collapsing the explicit and implied categories provides a cleaner interpretation of the types of judgements that the two organizations are more likely to make (see Table 7.21). The results show that both organizations are equally likely to make negative judgements in their press releases, a finding confirmed by comparing the observed and expected values in all categories (see Table 7.22). Given that press releases are intrinsically outsider strategies, I hypothesized that the groups should use them to point out government actions and political events which displeased them, and which they felt needed additional public pressure to change. Thus, these results are in line with the hypothesis [H4] that both groups would use their press releases to call out government actors when they are not doing what the groups prefer.

I also hypothesized [H4], however, that French groups would need to appear somewhat more even-handed with their own government, as their information about the policy process is much more dependent on the goodwill of formal policy makers. Thus, they would need to balance out negative statements with acknowledgements of the good things the government had done. On the other hand, Swedish groups would have less need to placate government officials in the press releases, as their access to policy-making information is not as dependent on government officials; much of that important information is provided automatically and very publicly, which makes it difficult for government actors to shut out individual groups.

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64 Pearson’s Chi-squared test for a 2x5 contingency table: chi-squared = 18.9437, df = 4, p-value = 0.0008062
Table 7.21: Total Descriptive Statements by Collapsed Judgement Types

<table>
<thead>
<tr>
<th></th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive Judgement***</td>
<td>45 (31.7%)</td>
<td>2 (4.1%)</td>
<td>0.00003732 (Fisher’s)</td>
</tr>
<tr>
<td>Neutral Judgement***</td>
<td>37 (26.1%)</td>
<td>25 (52.1%)</td>
<td>0.001651 (Pearson’s)</td>
</tr>
<tr>
<td>Negative Judgement</td>
<td>60 (42.3%)</td>
<td>21 (43.8%)</td>
<td>0.9901 (Pearson’s)</td>
</tr>
</tbody>
</table>

The results show that this hypothesized dynamic is very much the case in the press releases. GPFr is significantly more likely to point out positive behavior on the part of government officials, even though common wisdom suggests that French groups should be more confrontational than Swedish groups. Indeed, GPSw was particularly unlikely to positively frame government actions, with only 2 examples of such statements. Instead, GPSw was much more likely to present statements that were purely informative, without either explicit or implicit judgements of government behavior.

Table 7.22: Observed vs. Expected Counts of Collapsed Judgement Types

<table>
<thead>
<tr>
<th>Observed (Expected)</th>
<th>Positive</th>
<th>Neutral</th>
<th>Negative</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>45 (35.1)</td>
<td>37 (46.3)</td>
<td>60 (60.5)</td>
<td>142</td>
</tr>
<tr>
<td>Sweden</td>
<td>2 (11.9)</td>
<td>25 (15.7)</td>
<td>21 (20.5)</td>
<td>48</td>
</tr>
<tr>
<td>Total</td>
<td>47</td>
<td>62</td>
<td>81</td>
<td>190</td>
</tr>
</tbody>
</table>

In sum, the use of descriptive statements supports two hypotheses. Greater reliance on implicit judgements fits with the hypothesis [H1] that press releases are intended to appear at least

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65 * = 90% CI, ** = 95% CI, ***= 99% CI
66 Pearson’s Chi-squared test for a 2x3 contingency table: chi-squared = 18.4519, df = 2, p-value = 0.00009845
reasonably unbiased, to increase the chances that their content will be picked up by news media as objective information. In addition, the implicit judgements suggest that Greenpeace is confident that their target audiences (government actors, but also Greenpeace members and journalists) will know their positions, and can thus rely on those readers to make the desired inferences about the government actions described.

The descriptive statements also confirm the hypothesis [H4] that groups faced with less transparent policy settings will need to appear more even-handed in their public statements, in order to avoid overly upsetting policy-makers. Even though French politics is generally characterized as much more confrontational than Swedish politics, the Greenpeace press releases show that the organizations in each setting are equally likely to use implicit and explicit negative judgements in their press releases. However, the French group is much more likely to use implicitly positive statements. In other words, GPFr is actively using its press releases to point out the positive actions of government, even while exerting pressure on government by pointing out the negative. This suggests that they are more attentive to the dangers of purely negative characterizations of government policymakers, which might lead to exclusion from policy making in the future. The Swedish group, however, does not appear to temper its negative statements with more positive ones, and instead couches its descriptions in neutral terms. This suggests that GPSw may not be concerned that a negative or accusatory tone might lead to its exclusion from policy-making. In other words, while GPFr and GPSw both use their press releases to point out the failings of government, GPFr actively softens the confrontational edge by also pointing out the positive actions that government actors have taken.

Comparison by Prescriptive Statements

The other form of public statement is prescriptive. In these, both Greenpeace branches propose particular solutions or actions that they think should be taken. In other words, they go beyond mere description — and judgement — of the way the world is, and lay out ideas for how the world should be, through the actions of particular government actors. While a greater proportion of the press releases for both branches focus on description and judgement, a good proportion is dedicated to prescription. However, GPFr was significantly more likely to use this rhetorical technique than GPSw;
in all, almost 40% of all GPFr statements focused on own-government actors were prescriptive, while only 23% of GPSw’s own-government focused statements were (see Table 7.17).

Not all prescriptive statements are equal, however. Some present much more specific recommendations for government actions than others. A general prescription is one that makes it clear that something should be done about an issue, but does not lay out precisely what path to take; for example, “the government must act quickly to prevent further deforestation in the Congo” is a general prescription. On the other hand, specific prescriptions make exact recommendations, such as “the French authorities must immediately prevent the unloading of the ship until it has received credible documentation from the Brazilian government that the timber is legal.” A specific prescription gives concrete steps to achieve a desired end, while a more general prescription demands only that anything be done to reach some goal. In other words, the latter may be more reasonably described as agenda setting, by laying out issues that should be addressed on the political agenda; the former, however, is more akin to alternative specification, by laying out policy proposals and actions to take on a particular issue.

The two organizations show very different patterns in their prescriptions. As a proportion of all prescriptive statements, just over two-thirds of prescriptions from GPFr are general, while more than 70% of GPSw’s prescriptions are specific (see Table 7.23). This supports the hypothesis [H5] that groups faced with greater uncertainty about the policy-making process should present more general rhetoric, while groups under greater transparency can be more specific. While GPFr does present some specific prescriptions, it has far more general prescriptions focused on government actors. On the other hand, GPSw has a far greater proportion of specific prescriptions in its government-focused rhetoric.

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67 All analyses in this section are based on the proportion of total prescriptive statements in the dataset.
Table 7.23: Total Prescriptive Statements which are General vs. Specific

<table>
<thead>
<tr>
<th># of Total PRESCRIPTIVE Mentions with:</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Prescription***</td>
<td>63 (67.7%)</td>
<td>4 (28.6%)</td>
<td>0.007166 (Fisher’s)</td>
</tr>
<tr>
<td>Specific Prescription***</td>
<td>30 (32.3%)</td>
<td>10 (71.4%)</td>
<td>0.007166 (Fisher’s)</td>
</tr>
</tbody>
</table>

However, there is little difference between the two organizations in their likelihood of making a prescription implied, rather than explicit (see Table 7.24). Overall, only about a quarter of all prescriptions were implied for either Greenpeace branch. To be implied, a prescription points to actions to be taken, without explicitly coming out with either a specific or general prescription. For example, “The Slovenian Presidency failed in the Council of Ministers; France must succeed” insinuates a general prescription that Greenpeace would like the French government to pursue the issues that were under consideration in the previous EU presidency (climate change mitigation, in this case), but it does not explicitly say that France must do something about climate change; instead, the prescription is implied. There is little theoretical reason to suppose that GPFr and GPSw would be differentially likely to imply their prescriptions. If both are using press releases to pressure governments then prescriptions are by nature an effective way to convey exactly what the group prefers. An implied prescription may make that message less clear, and perhaps make it less effective in putting pressure on government actors. Thus, it is reasonable that there is little difference between the two organizations on this dimension.

Table 7.24: Total Prescriptive Statements with Implied Prescriptions

<table>
<thead>
<tr>
<th># of Total PRESCRIPTIVE Mentions with:</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implied Prescription</td>
<td>24 (25.8%)</td>
<td>3 (21.4%)</td>
<td>1 (Fisher’s)</td>
</tr>
</tbody>
</table>

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*68 * = 90% CI, ** = 95% CI, *** = 99% CI
There is, however, a significant difference in the content of the prescriptions proposed by each Greenpeace branch. GPSw was significantly more likely to demand that the government actor should stop doing something, while GPFr was significantly more likely to demand that the government actor should start doing something (see Table 7.25). For example, GPSw requested that the government stop providing subsidies for biofuels, such as those derived from palm oil, because of their role in deforestation. On the other hand, GPFr requested that their government begin acting in support of legislation against illegal logging. This is, in part, a question of framing; GPFr frames many of its prescriptions as opportunities for French government actors to start protecting forests in a variety of ways. As a counterfactual, GPFr could have framed the statements differently, such as “The government must stop preventing environmental protection through its inaction!”; while some statements did take that form, most did not. Thus, GPFr’s statements come across as somewhat less confrontational than GPSw’s statements. As with the positive descriptive statements, this result is counterintuitive, given the usual characterization of French and Swedish politics. However, the results also support the hypothesis [H4] that groups in France must be more attentive to the possibility of alienating government by through their public rhetoric. It does not mean that they cease confrontation completely, as Greenpeace France does perform its particular brand of public demonstrations in France as the other branches do elsewhere. However, more positive framing of its prescriptions indicates that GPFr is making an effort to temper that confrontation when possible.

<table>
<thead>
<tr>
<th>Prescription that Government Actor should STOP doing something***</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 (24.7%)</td>
<td>12 (85.7%)</td>
<td>0.0000235 (Pearson’s)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prescription that Government Actor should START doing something***</th>
<th>France Count (Proportion)</th>
<th>Sweden Count (Proportion)</th>
<th>p-value (Test)</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 (75.3%)</td>
<td>2 (14.3%)</td>
<td>0.00001843 (Fisher’s)</td>
<td></td>
</tr>
</tbody>
</table>

* = 90% CI, ** = 95% CI, ***= 99% CI
In sum, the analysis of the prescriptive statements supports the hypothesis [H5] that French organizations will be relatively more general in their prescriptions to government than Swedish organizations. Where there is lower transparency in government policy-making, we should expect that groups will have more difficulty presenting specifically tailored messages to policy makers; on the other hand, where information is more freely available, it will be easier for groups to more narrowly tailor their prescriptions to specific points and actors in the policy process. The prescriptive statements by both Greenpeace branches do suggest that they follow this logic in their rhetorical strategies.

In addition, the prescriptive statements provide further support for the hypothesis [H4] that Greenpeace France takes a less confrontational path in its press releases than might be expected given the usual characterization of French politics. Indeed, it is GPSw that is more likely to frame its prescriptions in terms of what the government should stop doing, while GPFr is more likely to phrase them as government actors beginning a new approach. In other words, GPFr’s prescriptions are framed much more positively than GPSw’s.

Conclusions

The content analysis of Greenpeace forestry press releases indicates that groups adapt their rhetorical strategies to the level of transparency in the policy-making environment. Since the internal structure of Greenpeace limits and constrains the organization and pursuits of its national branches, the differences in rhetoric by the Swedish and French branches can be more readily attributed to the political context.

The analysis confirmed that the aspects of the press releases that should have been similar between the two branches were, in fact, similar. The word frequency analysis showed that both Greenpeace France (GPFr) and Greenpeace Sweden (GPSw) were focused on the same substantive forestry issues, as expected. The analysis of own-government mentions also confirmed the hypothesis [H1] that both branches would produce press releases that conformed to the dominant characteristics of press releases in general; for example, they were both heavily self-referential and they were relatively short. In addition, the greater emphasis on implied, rather than explicit, judgements in the press releases supported the idea groups would try to present their releases with a veneer of objectivity;
implicit judgements make it possible to appear outwardly objective, while still informing the audience of the failings or successes of government actors.

In the press releases, both groups focused their rhetorical attention on the government actors who were most relevant to them, given the dominant policy-making processes that they face [H2]. These results were strong when analyzing by two different types of textual units, both by press release and by paragraph. Both GPFr and GPSw were predominantly focused on executive actors, but they differed significantly in the type of executive actors they targeted. In both countries, the executive branch is critically important in the elaboration and presentation of most policy proposals, and groups must persuade executive actors in order to have much impact on policy outcomes. However, GPFr was far more likely to discuss individual actors in government and call them out by name; it particularly discussed the ministers of agriculture and environment, as well as the President. GPSw, on the other hand, was far more likely to discuss the cabinet as a whole and had almost no instances of addressing individuals by name. In general, the pattern of own-government focus in the press releases fits perfectly with the decision structure of the policy-making processes in both countries.

The support for the extent of press release use by both branches of Greenpeace was more nuanced, however. While I hypothesized that French groups should use press releases to pressure government actors more frequently than Swedish groups, both in the absolute production of press releases as well as in the amounts of space devoted to discussing those actors [H3], only the latter claim was strongly supported in the analysis. When looking at the raw counts of press releases, GPFr clearly has produced far more than GPSw; however, when comparing the proportion of those press releases that mentioned own-government actors, GPSw had more of its press releases with government mentions than GPFr. As discussed, this may be because GPFr was more likely to have press releases that discussed international events outside of France, while GPSw produced more releases that were narrowly focused on Sweden; thus, the number of press releases focused on French government actors were diluted in the greater number of overall releases. Indeed, when the amount of focus on government actors within the press releases was analyzed, by looking at paragraph counts, the findings were reversed; GPFr was more likely to use focus on government actors, in terms of total space devoted to government actors. In fact, the results indicate that GPSw was more likely to mention single
government actors briefly in their press releases (i.e. mentioning one actor in one paragraph of the release), while GPFr was more likely to mention multiple government actors in multiple paragraphs of their releases. Thus, while the evidence of own-government focus across press releases is weak, the hypothesis is confirmed within the press-releases: Greenpeace France devoted more space to discussing its own government actors, once they had decided to produce a press release that addressed their government actors at all.

I also hypothesized that the tone of the press releases would vary with the transparency levels of the policy-making environment \[H4\]. Specifically, I argued that French groups, who are more dependent on government actors for discretionary information about the policy process, will need to be more cautious about alienating their potential allies through strong confrontations. Swedish groups, on the other hand, have sources of information about the policy process that do not depend as heavily on policy-maker discretion, and therefore would not need to be as cautious. I hypothesized that this would manifest itself in the rhetorical strategies of French groups through a tempering of confrontation by using more positive statements and framings in their press releases. They would still use negative statements, and would not simply avoid conflict — since the use of press releases suggests that groups need to put pressure on governments that are not following group preferences — but they would temper the confrontational edge by \textit{adding} positive discussions of government actors, rather than subtracting negative comments. The content analysis strongly supported these hypotheses. While both GPFr and GPSw were similar in their use of negative judgements of government actors, GPFr was significantly more likely to include positive judgements of government actors and actions. In addition, GPFr was significantly more likely to use positive framings of its prescriptions — by framing prescriptions to point out what government actors could do better, rather what they should stop doing — while GPSw was more likely to do the opposite. The results strongly support the counterintuitive finding that French Groups, usually seen as the product of a highly confrontational political culture, are actually more likely to temper their rhetoric to appear less confrontational in their press releases.

Finally, I hypothesized that groups faced with lower transparency would be less able to use specific statements (because low transparency makes it more difficult to tailor messages directly to immediate events in the policy-making process when there is little available information about them),
and thus would be more likely to more general statements than groups faced with high transparency environments [H5]. The analysis by paragraph presented some early evidence that GPFr uses a more general approach to pressuring government actors than GPSw. Namely, GPFr seems to aim its releases more widely, discussing multiple actors in a given paragraph; this suggests that GPFr is trying to use its press releases to exert pressure on government actors from several different angles; GPSw on the other hand is much more specific in its targeting of government actors. The hypothesis is supported even more strongly by the differences in specificity of predictions between the two Greenpeace branches. GPFr was significantly more likely to frame its prescriptions to government actors in general terms, while GPSw was significantly more likely to frame its own prescriptions specifically.

In conclusion, the content analysis of Greenpeace forestry press releases supports the argument that groups should adapt their rhetorical strategies to the dominant patterns of transparency in the policy-making environment they face.
## Appendix 7A: French and Swedish Stop Words

French stop words from the *tm* package for the *R* software environment (Feinerer 2011a).

<table>
<thead>
<tr>
<th>French Stop Words</th>
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Chapter 8: Case Study of the EU Habitats Directive and the Implementation of the Natura 2000 Network in Sweden and France

Introduction

The previous chapters have demonstrated that groups have adapted their lobbying strategies to the dominant patterns of policy-making transparency in Sweden and France. However, this raises a further question: how well are groups able to respond to changes in the dominant patterns of policy-making transparency? In particular, are groups able to effectively respond to decreases in transparency with strategies outside their usual repertoire, or does the dominant pattern of transparency lead them to limit the range of potential strategies available to them?

In order to explore these questions, I look at the ways groups respond to an exogenous shock in dominant transparency patterns. I focus specifically on a European Union environmental directive, the 1992 Habitats Directive, that mandated the implementation of a network of sustainably and ecologically managed sites called the Natura 2000 network. In practice, each EU country would select and manage sites on their territory that would best ensure the conservation of critical habitats and species across the European continent.

In this case study, the Habitats Directive was implemented with externally-imposed low transparency in both Sweden and France. While this meant that French groups were faced with a policy-making environment that was very similar to their usual environment, Swedish groups were faced with a new low-transparency policy process. This case study provides an excellent opportunity to see whether Swedish groups, accustomed to high transparency, are able to adapt to lowered transparency; French groups, accustomed to such low transparency, provide a control case for the behavior of groups accustomed to more opaque policy making.

1 With special thanks to the UCSD Political Science Department’s Comparative Workshop, Fall 2010, for useful comments that helped me refine several of the ideas in this chapter.

2 Specifically, the Directive required that Natura 2000 network sites be selected on purely ecological criteria, effectively denying the legitimacy of economic, cultural, or social interests in the process. This meant that the national processes for selecting sites were inherently opaque for the vast majority of societal interests.
This case study makes it clear that while French groups were able to respond successfully to extremely low transparency, as expected, Swedish groups were not effective in countering the lowered transparency they faced. Though we might have expected that the Swedish ad-hoc approach to lobbying strategies would still be effective under lowered transparency, this was not the case; Swedish groups did not reformulate their usual strategies to meet a policy process with reduced transparency. This suggests that a fully ad hoc response is only effective when there is adequate forewarning and information about policy options and procedures, and when the strategic choices available to groups are broad enough to include low-transparency targeted options.

This result is counterintuitive. We might have expected that Swedish groups would be better able to protect their interests, as they operate in a much more open system that gives more opportunities for groups to reliably present their preferences. However, this case study suggests that groups who tailor their strategies to high-transparency policymaking environments may be ill prepared to pursue their interests when particular policies are passed and implemented with less openness and transparency. Indeed, they are likely to be outperformed by groups that routinely face uncertain and opaque policy environments that require a wider range of lobbying strategies.

How Groups Respond to Changed Transparency Levels

In this case study, policy-making transparency for a particular policy issue is reduced due to the requirements of European Union Habitats Directive. Procedural requirements were imposed on both France and Sweden, providing similar contexts for comparing the responses of national interest groups. In particular, I look at whether groups were able to (1) adapt to the change in transparency, and (2) successfully defend the interests of their members and constituents.

Immediate Adaptation to Change in Transparency?

There are two main scenarios for groups facing an exogenous shock to their lobbying environment: the first is that groups are able to quickly adapt and respond to any policymaking environment, even though they may specialize in particular lobbying strategies most of the time. The second is that their specialization may hamper their ability to respond to new policymaking
environments, and that they will not be able to effectively adapt to a new situation, at least in the short term.

Both of these scenarios imply that groups have “toolboxes” of strategies from which they select their lobbying actions. Under the former scenario, groups maintain a maximal toolbox, which includes all possible lobbying strategies. While they might not use all of them regularly, they are prepared to use any strategy that might be appropriate at any given time; this would mean that groups routinely consider their potential responses to all possible policy-making developments, even if some rarely or never occur. The second scenario implies instead that groups maintain pared down toolboxes to fit the policy-making environment they face; strategies that are not regularly needed are not included as go-to options if new situations are encountered. In other words, certain strategies are not automatically considered, or are perhaps not even known, because they are not generally needed.

To make this more concrete, consider, for example, whether groups would include in their “toolkits” a strategy of constantly monitoring the policy-making process. Pursuing constant monitoring might mean that a group would expend resources — of time, personnel, political capital, etc. — to gather information about the policy process on, say, a daily basis. Such activity could ensure that the group will have a good chance of knowing what is going on and when something affecting its interests is on the policy table. Thus, we might expect groups to keep a “constant monitoring” strategy in their strategic toolbox. However, if the group faces a policy-making environment where it is directly informed by policymakers about all policy issues early in the process, it could be a poor use of resources to undertake constant monitoring; if they get the information regardless of their decision to monitor, there is little need to do so. Thus, in such an environment, we might not expect groups to pursue such a strategy on a regular basis. The question, then, is whether such a group would still keep this strategy in their “toolbox” of go-to strategy options; if the need arose on a particular policy issue, would they immediately recognize it and apply “constant monitoring” as a relevant strategy? Or would they need time to reintroduce that strategy to their toolkit?

More broadly, there is reason to expect that groups in low-transparency policy-making environments will have broader, more maximal, toolkits than groups in high-transparency environments. This is primarily because policy-making processes that are marked by low transparency
are not necessarily always perfectly opaque. Instead, groups will sometimes get information early, if
policy-makers use their discretion to tell groups in the earliest stages about a policy issue that is on the
table. This means that groups under low transparency are likely to need a highly diversified toolbox of
strategies: they clearly need to be adapted to low-transparency events (i.e. surprises!), but will also need
to respond to the moments when information is provided early. Thus, while they cannot count on
policy-making transparency, they will at least occasionally need to adapt their strategies to a higher
transparency event. Thus, groups under conditions of low transparency should have a broader toolbox,
allowing them to respond to a broad range of policy-making conditions.

On the other hand, high transparency policy environments are less likely to provide groups
with the incentive to institutionalize strategies for responding to surprises; as surprises should be much
more infrequent, there are few incentives to undergo the costs of institutionalizing mitigating strategies.
If it is very rare that groups suffer from low transparency surprises, then there may be little reason to
have strategies that allow them to anticipate and respond to such events. On the other hand, the groups
would have every incentive to pursue strategies that depend on early and reliable information.
However, this means that groups under conditions of high transparency are likely to have a narrower
range of strategies in their usual lobbying “toolbox”. In high-transparency environments, then, groups
may have the incentive to maintain a more pared-down toolbox of lobbying strategies. Still, the
question remains: would groups that appear to use a pared-down set of strategies still be able to respond
effectively to a new environment?

The literature on group behaviors suggests that both scenarios might be plausible. Since policy
making is inherently uncertain and difficult to influence definitively, given the great number of actors
potentially involved in any policy decision, groups may need to “make do the best they can, reacting to
the ever-changing policy environment” by selecting strategies that fit the policy issue they face
(Baumgartner et al. 2009: 111). Thus, groups who want to increase their chances of success will
carefully tailor their strategies to achieve their goals at any given moment.

Studies focused on interest groups and their lobbying patterns in single environments suggest
that they use a wide range of tactics to influence policymaking, regardless of how they are combined
into broader lobbying strategies. American interest groups, for example, usually report using many
tactics, such as insider or outsider techniques, for getting the attention of and persuading policy makers (see, for example, Schlozman and Tierney 1983; Nownes 2006; Baumgartner et al. 2009; Wright 1996). Though groups may only use a subset of these on any given issue, there are a large number of tactics that are used by all groups at some point (Baumgartner et al. 2009: 152). On specific strategies, such as forming ad hoc coalitions, no groups always use them, but no groups always avoid them (Mahoney and Baumgartner 2004). These suggest that it is rare for groups to limit themselves to only certain types of tactics.

With evidence that groups maintain a wide tactical repertoire, it is also possible that all groups may also maintain a broad range of strategies to respond to any environment they face. While the previous chapter indicate that groups do tailor their responses to the transparency environment they face on a daily basis, it is possible that they are also prepared to deal with changed circumstances. Thus, we might expect groups to be ready to lobby under any condition. Though they may have dominant approaches to lobbying, conditioned by their environment, they would still be capable of adapting to new circumstances.

On the other hand, research on groups in changing environments suggests that they may not be as adaptable as their tactical repertoires might suggest. Grossman (2002; 2003; 2004) argues that interest groups have had difficulty adapting their strategies to the inherently uncertain structure of European Union policymaking. His research challenges the idea that interest groups, as rational actors, will always act in the way that best supports their interests, or more specifically, he contradicts the assumption that groups will immediately choose the best strategy out of all possible strategies. In a study of business interests, Grossman (2002; 2003; 2004) found that it was not necessarily the case that groups would quickly adapt their strategies when the rules of the game are changed; instead, time and effort may be needed to re-tool lobbying strategies to effectively respond to a new policy-making environment. He found that financial interest groups, for example, did not get involved in the EU’s early monetary policies — even though their own preferences were deeply implicated in the outcomes — because they were not able to adapt instantaneously to new institutions and policy-making processes, and instead needed time to learn the new rules of the game and institutionalize their strategic responses to them. Indeed, the “exogenous shock” of the new EU institutions placed these interest groups in a
position that demanded adaptation, but without a clear path for what that adaptation should be; constructing strategies required trial-and-error over time to figure out how to effectively lobby in this new and uncertain environment (Grossman 2003: 743; 2004: 641-2). In addition, in the absence of solid information on the best strategies to pursue in a new environment, groups instead relied on their traditional strategies, in this case reinforcing their national-level lobbying patterns (Grossman 2003: 748).

The implication of Grossman’s work is that exogenous changes to institutions and policy-making processes do not lead to immediate adaptations by interest groups. Instead, groups rely on their traditional strategic ‘toolbox’ until they are able to adapt through trial-and-error and the institutionalization of new strategies for pursuing policy preferences.

These arguments suggest two competing hypotheses. One is that groups will adapt their lobbying strategies immediately to changed policy-making environments; the other is that groups will not adapt immediately, and instead will need time and experience with the new environment before they are able to adapt their lobbying strategies. What do these imply, then, for Swedish and French groups faced with an exogenous reduction of policy-making transparency?

In the first scenario, as transparency decreases, groups should immediately respond using appropriate strategic tools. As discussed in previous chapters, low transparency provides incentives for groups to mitigate policy-making uncertainty by preparing for potentially costly late lobbying actions to counteract surprises and deleterious policy outcomes. If groups react and adapt immediately to changed policy-making environments, and thus have a “maximal toolkit”, we should expect all groups to adopt such lobbying strategies as soon as transparency is reduced. French groups, already well-versed in low-information lobbying, should respond to transparency in these ways, as they usually do. Swedish groups, however, who are used to high-transparency policy-making, should also pursue such strategies when transparency is reduced, if they adapt immediately. Thus, when transparency is decreased in Sweden, we should see groups anticipating surprises by preparing for costly later lobbying actions (such as large protests or grassroots campaigns) that take planning to prepare.
Hypothesis 1: Both Swedish and French groups will respond immediately to reduced transparency by preparing for potentially costly later actions.

On the other hand, if we understand group responses as a “pared-down toolkit” of strategic responses, specifically tailored to the dominant policy-making patterns, then we should expect groups to respond with same strategies that they usually use, even when circumstances change. As the previous chapters have argued, Swedish groups face a policy-making environment marked by high transparency, and thus groups are able to put together their lobbying strategies with low uncertainty about the issues and formal actors involved in the formal policy process. French groups, on the other hand, face low transparency, and thus relatively high uncertainty about the policy process, leading them to pursue mitigating strategies to lower the costs of potentially costly mistakes and surprises. This means that under normal circumstances Swedish groups face lower lobbying costs and are less likely, than French groups, to make mistakes in their interactions with government.

However, as great as this advantage may be during normal times, Swedish groups may be at a distinct disadvantage if the expected transparency of the policy process were to suddenly decrease. While French groups must be highly alert to the possibility of surprises, Swedish groups may be complacent about lowered transparency and thus be less able to respond effectively to changes in their policy-making environment. If this is the case, Swedish groups should not have the tools to respond effectively to lower transparency, and will not undertake the strategic actions associated with low-transparency dominant contexts. The hypothesis suggested by this idea is that the French groups, with long exposure and experience with low transparency, should have pre-existing structures to help them respond to surprises. The Swedish groups, on the other hand, have far less exposure and experience with surprises, and therefore should not use strategies that are more suited to low-transparency environments.

Hypothesis 2: French groups will respond immediately to reduced transparency by preparing for potentially costly later actions. Swedish groups will not respond immediately to reduced transparency by preparing for potentially costly later actions.
and instead will pursue their usual pattern of response (constructing ad hoc responses when information becomes available).

Successful Response to Exogenous Shocks?

Whether or not groups are able to adapt immediately to changing circumstances leads to a further implication: whether or not groups can lobby successfully when transparency levels change. If groups do not adapt immediately, but are still successful at defending their preferences and interests, then the previous hypotheses are trivial. Thus, we must also ask whether changing transparency environments have a real impact on a group’s capacity for lobbying “success”.

Most simply, group success means actively lobbying, when necessary, on behalf of its constituents and effectively changing policy outcomes. For a group to be successful in defending their constituents’ interests, then, means that they are able to both provide relevant information their members, reducing the uncertainty caused by the policy changes, and, ultimately, reduce the burden of these new policies by limiting the costs and increasing the benefits of new rules and regulations. What such “success” looks like in this particular case study, specifically, will be discussed in greater depth below.

Given that groups tailor their strategies to dominant transparency patterns in order to increase their ability to effectively respond to the policy-process, we should expect groups to be most successful when facing a level of transparency that they are familiar with, regardless of how quickly they adapt to exogenous shocks. Since French groups have long experience with low transparency policy-making processes, they should be better able to successfully defend the interests of their constituents in a low-transparency environment. On the other hand, Swedish groups with much less experience under low-transparency should be relatively less effective at defending their constituents under such conditions.

Hypothesis 3: French groups should be more successful than Swedish groups in defending the interests of their constituents under conditions of low transparency.
Using a European Union Directive for a Structured Comparison

This chapter uses a European Union policy to structure the comparison between group responses in France and Sweden. There are several reasons for doing so. The main benefit for looking at national-level responses to a European directive is that it controls for a number of different factors that might otherwise confound a comparison. Nevertheless, there are also several reasons that caution against this approach, so I will explain why the Habitats Directive, in particular, provides the characteristics of a good case study.

The first beneficial control comes from the nature of policy-making in the EU. Policy is made with the input, and agreement, of the Council, the European Parliament, and the Commission. While individual governments, and national interests, can have input and influence over outcomes, they must do so in concertation with the governments and interests of the other member states. Thus, policies from the EU are at least somewhat exogenous to the exact constellation of interests and balances of power at the national level of any one country. This means that any one country, and its national interest groups, will not be able to control every (or possibly any) policy imposed from the EU level. The Habitats Directive, specifically, was not tailored to the needs and demands of France and Sweden; the latter was not yet a member of the EU when it was drafted and passed, and the Directive was not particularly well-tailored to the former’s needs, as many would later complain (Pinton 2001: 337-8).

Second, the types of policies emanating from the EU provide member states with varying levels of flexibility in their implementation. For example, EU regulations are inflexible and must be implemented as written in all member states. Directives, on the other hand, provide more wiggle room in their implementation; directives require a particular outcome in each member state, but each government has some flexibility in the exact way the requirements will be transposed into national law. However, some directives are much closer to regulations in their writing, in that they may limit the amount of flexibility that member states have in their implementation (Hix 2005: 116).

When implementing directives, then, there is room for the traditional patterns of policy-making in each country, within the limits set by the EU. In practice, this has meant that each directive may be

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3 The influence and standing of that input and agreement depends on the issue and the institutional actor. Over time the role and influence of the European Parliament has increased, for example, though at different rates for different policy areas (Dinan 2005: 256-61; Ginsberg 2007: 189-90).
more or less easily implemented in any given member state, depending on whether there is a “serious ‘mismatch’ between what the EU laws require, and what the national government is able or willing to do” (Knill 1997: 5). Nevertheless, even when a “mismatch” occurs, the member states must achieve the policy outcomes set out in the directive, as well as abide reasonably faithfully to the details of the EU’s policy prescriptions and procedures.

In the current case study, the stated goals of the Habitats Directive effectively circumscribed the acceptable processes for each stage of implementation within the member states; in practice, the member states had less flexibility in implementation than they had anticipated. In particular, the Directive made clear which interests should be involved in each stage of national implementation, as well as the outcomes of each stage; the practical result was a reduction in transparency during the first stage of the process, as is described in great detail, below.

Third, it is also useful to look at the implementation of EU policy in the member states because it controls for the content of the policy, and thus for the types of interests activated by the issue. In other words, any given policy is likely to affect similar interests in each member state, and potentially raise comparable stakes for those actors. For example, an EU policy focused on agriculture will likely affect farmers in all member states, and may have similar ramifications on comparable types of farmers, such as large industrial farms or small organic farms. Thus, comparing the implementation of a EU policy that does have these characteristics makes it possible to control for the interests involved. For the Habitats Directive, each country was required to implement the same biodiversity protections by designating and managing conservation areas on lands under use by various rural interests. This meant that rural-interest groups, in forestry, agriculture, hunting, etc., as well as environmental-interest groups, in all member states were equally concerned with the implementation and outcomes of the Directive.

Nevertheless, it cannot be said that the member states and the EU are fully independent. Indeed, when looking at the behavior of interest groups, it is important to consider that they are, in fact, able to lobby at the EU-level as well as at the national level, and thus it is not always possible to perfectly disentangle the two. In other words, there may be differences in group behavior due to potential differences in influence by various parties before a directive passes.
For groups, however, politics at the EU level are not a given. While the EU Commission often pursues transparent policy-elaboration through extensive consultations, the power of the Council to radically amend or re-write legislation means that outcomes and influence are never certain for groups taking part in the process; indeed, the structure of EU policy-making is inherently uncertain (Grossman 2002; 2003; 2004). In addition, it is not necessarily a given that groups will focus their lobbying on the EU itself. This is particularly the case for any group that has experience lobbying at the national level, since groups create ties to national-level actors which decreases their incentives to start again at a new level of government; the difficulties of creating new avenues of influence at the international level means that many — even most — groups keep lobbying their own governments (Ladrech 2010; Beyers and Kerremans 2007; Greenwood 2007).

Thus, there is no general expectation that groups will focus on the EU to influence the implementation of directives. Instead, a group’s decision to lobby the EU, instead of its national government, very much depends its resources, needs, and expectations (Ladrech 2010: 162; Beyers 2002; Eising 2007a; Woll 2006; Pleines 2011). This suggests that a reasonable case study should document whether groups chose to lobby at the EU or national levels, and what their incentives were to do so. As will be seen in the next sections of this chapter, during the creation and implementation of the Habitats Directive, environmental groups demonstrate a different pattern of EU-level interaction than rural groups. Environmental groups were involved in the formulation and passage of the Habitats Directive, as well as the policy process in the member states; rural-interest groups, on the other hand, were not involved at the EU level and were instead very dependent on the national-level processes.

Nevertheless, once a directive has passed at the EU level, the policy-making process moves to the national level. The member-state’s government must determine how to transpose the directive into national law, as well as how to achieve the goals of the directive, within the constraints set out by the EU. This means that a narrow focus on how the directive is implemented and how various actors behave during the implementation process is still possible, even if interests and actors had a hand in the creation of the directive.

Thus, while the Habitats Directive can be studied at several steps of policymaking taking place across several levels of government, I particularly focus on the implementation process that took
place within each nation state. The last stage of the typical policy process can still rightly be considered as active policy-making (cf. Brodkin 1990), though the range of options on the table are considerably narrower than at the inception and elaboration of a policy idea. For the Habitats Directive, stringent requirements for the national-level implementation process narrowed the range of procedural options for national governments, which in this case, this implied reduced transparency for national groups. But, even though the national process was focused on implementing a Directive already set at the EU level, there was still plenty for national-level groups and political actors to struggle over. Indeed, the implementation of the Habitats Directive caused conflict in member states across the EU (see Haila et al. 2004; Sairinen and Lindholm 2004; Flynn 2004; Hovik, Harvold, and Joas 2009; Siebert, Toogood, and Knierem 2006; Paavola 2004; Bergseng and Vatn 2009; Scholl and Chilla 2005; Leibenath 2008).

In short, the implementation of the Habitats Directive provides an excellent case for comparing the behavior of national groups, particularly rural-interest groups. Because the Directive imposed a narrow set of policy goals on EU member states, it is possible to more cleanly compare how groups react to reduced transparency, as well as how successful they were at defending the interests of their constituents. The following sections lay out the details of the Directive, its impacts on transparency, and the reactions of environmental and rural groups in both France and Sweden.

The Habitats Directive and Natura 2000

The European Union’s Habitats Directive (92/43/EEC), which passed in 1992, mandated an ecological network of protected land — called Natura 2000 — to ensure the preservation of species and their habitats and to enhance biodiversity across the European continent. This directive — in conjunction with the extant 1979 Birds Directive (79/409/EEC) — sought to increase the absolute amount of land (and water) managed with goals of natural diversity and conservation. To do this, the EU provided a list of ecological habitats and species that needed protection across Europe, and the member states of the EU were to designate and manage sites within their national territories to ensure that a large enough range of those habitat- and species-types were preserved (European Council 1992).

To adequately sustain habitats across the Europe-wide “Network”, an ecologically viable quantity of land needed to be included, far beyond what most states were currently protecting. It would
not be possible, however, to transform all of this additional land into pristine nature parks where other societal uses, for example economic or cultural, would be fully excluded. Indeed, many of the important habitats and species were intermingled with, and in some cases supported by, human activity (Rosa and da Silva 2005: 116-117).

Thus, this directive created a new approach to European nature conservation by requiring the sustainable management of lands by landowners and users rather than through nature preserves taken out of the human domain, in line with the concept of sustainable development taking hold in the international arena at the time (Unnerstall 2006; McCauley 2008; Palerm 2006). The innovation of the directive was to reconceptualize nature conservation: from a system of isolated parcels of land completely removed from human activity, to a system of integrated and networked habitats that reconciled human and natural activity in order to best support and sustain both (European Commission 2005: 4-5; Alphandéry and Fortier 2007: 428; Krott et al. 2000: 359). While past nature preserves in the various European countries had completely removed parcels of land from all but the most benign human activities, this new system would combine sustainable human activities and protection of land, with the understanding that much land requires human activity for its health and maintenance. By allowing for continued human use, a much larger percentage of land could be considered “protected” since there would not necessarily be blanket requirements that farmers stop cultivation, hunters stop chasing game, or outdoors-enthusiasts stop hiking.

Nevertheless, this new approach did not mean that human activity could continue as before. Instead, the EU determined that nature could be preserved in conjunction with human activity if there were certain constraints on use that ensured the maintenance of local biodiversity (European Council 1992; Mehtälä and Vuorisalo 2007). Thus, it was clear that any land designated as part of the new Natura 2000 network would likely require at least some changes in human behavior; non-sustainable agricultural practices, clear-cutting forests, or hunting vulnerable animals, would most likely not line up with the ecological goals of the new network (Barberán, Egea, and Pérez y Pérez 2005).

These probable, but unspecified, changes to on-the-ground activity raised concerns from several quarters. The rural landowners and users were worried about the likely changes to their traditional modes of life or work and the new costs those changes would entail, heightening their anxiety about the
consequences of having their lands selected as part of the network (Krott et al. 2000). On the other side, the environmental community was apprehensive that rural resistance would sway national decision-makers, and that the network would not be fully or effectively implemented (WWF 1999).

In light of the potential conflicts raised by their proposal, the EU conceived a multi-stage process for implementing the Natura 2000 network. It was meant to ensure that all interests were taken into some account to increase the chances of public support, but also to ensure that ecological goals were not so watered down that they inadequately protected the habitats and species considered important. Each stage of the implementation process would explicitly deal with a different key decision in the Natura 2000 process, and would be based on a different set of considerations and decision-making goals.

The Implementation Process

It is the top-down definition of this implementation process, and the constraint on national action that it created, which makes the Habitats Directive a particularly good case to use in investigating the impacts of changes to policy-making transparency. In particular, the specific procedures and outcomes for each of the implementation stages created real consequences for the timing of information release and set the boundaries for discretion on the part of policy-makers.

The two major phases of implementation, each comprising one national-level and one EU-level stage, were 1) the selection of sites to be included in the Natura 2000 Network, and 2) the creation of management plans to formalize the allowable behaviors and uses for each protected site. A stark separation of the two, in particular, heightened the stakes for interest groups while also setting out the transparency levels they would face during the process, as I explain below.

During the first phase of implementation, the national-level selection of sites to be included in the Natura 2000 network, each country was to select sites that fit the ecological criteria laid out in the
directive (see Figure 8.1). More strongly, governments were to consider only scientific and environmental information during their selection process, choosing sites exclusively based on the habitats and species present on any given piece of territory. Formally, these requirements were intended to restrict the ability of governments to make political decisions about which sites to choose, as governments should have included all possible sites that fit the criteria (Beijen 2009: 107). This phase of site selection was to originally supposed to be completed by June of 1995 (Krott et al. 2000: 358; Scholl and Chilla 2005: 3; Diaz 2001: 288)

![Figure 8.1: Site Selection Process]

Once compiled at the national level, member state governments were to send their lists of proposed sites to the EU Commission for evaluation and designation. To achieve the desired coherence and conservation benefits of the Network, the Commission was expecting the member states to provide

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4 Annex III of the Habitats Directive set out the explicit criteria for site selection, and for the creation of the lists to be sent to the EU for formal designation. These criteria focus only on the habitats or species present at a site and the assessment of the site conservation levels and values. Member States were to propose all sites that were “eligible for identification...according to their relative value for the conservation of each natural habitat type in Annex I or each species in Annex II”, and rank them based on their relative value for achieving the directive’s conservation goals (European Council 1992: Annex III). The EU, then, would formally designate all sites that the Member State had listed as having priority value as “sites of Community importance”; sites that Member States listed as having lower conservation values would then be considered and chosen by the EU authorities based on their potential impact on the various goals of the Habitats Directive and the Natura 2000 Network (including national-level importance, migration routes, cross-border ecosystems, size, uniqueness, and biodiversity) (European Council 1992: Annex III). The implications of these instructions were that Member States should propose more rather than fewer sites, including sites that might have lower conservation levels due to prior degradation. The lists would then be pared down at the EU level during the designation process, rather than preemptively by the member states during selection.
comprehensive lists from which it could select the most appropriate locations. Specialized committees would review the proposals to determine if they were sufficient to protect the required habitats and species and achieve the Directive’s goals. This meant evaluating national proposals both in terms of number, and territorial expanse, but also in terms of the natural importance of the sites. It was up to these Commission committees to consider the cohesiveness of the cross-national environmental Network when formally designating the proposed sites as “sites of Community interest” under Natura 2000 (Beijen 2009: 107; Papp and Tóth 2007). This EU designation phase was to be completed by 1998 (Scholl and Chill 2005: 3; Diaz 2001: 289). This completed the “site selection” process.

After the EU Commission officially approved and designated a given list of sites, the second phase — the creation of management plans — would begin (see Figure 8.2). National governments were required to set up management plans to protect each of the sites on their territory. These plans were to be created on a site by site basis, taking into consideration economic, cultural, and societal needs. Implicitly, these plans were to be prepared through consultations with all local stakeholders. However, the exact form of the plans was left up to the member states, and they could undertake a variety of different types of consultation (see Unnerstall 2008), as long as the general conservation goals were met. Nevertheless, these management plans were required to take into account any potential impact on the site’s environment (habitats and species) when formalizing the allowed uses of the land. Thus, the goals of the directive had to be met and could not be overridden by non-ecological concerns. In addition, if anyone wanted to do something, at a later date, that was not included in the original management plan, that new use would have to be approved by the authorities; if the possible impact was great enough, it might even require approval by the EU Commission, itself, before the use was allowed. Importantly, this also suggested that uses near a Natura 2000 site might also be implicated, if those uses impacted the protected area (Nowag 2007). Thus, even if current uses were not curtailed by a management plan, property owners and users were not free to choose their future uses independently of government or EU approval. The management plans still had to prioritize the protection of the critical habitats and species.
Finally, the management plans would be approved by the Commission if they were deemed to meet the Natura 2000 network goals, and the member states were expected to monitor that the management plans were being faithfully followed. However, it is important to note that the commitment of EU funds to support this site management was only discussed *after* the implementation process was well under way. In other words, the member states, and those impacted by the sites, were expected to select sites and set up management plans without knowing the extent of any financial support or offsets for changes in use patterns, because the promise and specifics of funding were not included in the Habitats Directive itself (Krott et al. 2000).

**Implications of the Implementation Process for Transparency**

This process for selection and formal designation has important implications for the potential *outcomes* of the process. While the Directive gave fairly vague directions for many aspects of Natura 2000 implementation, it was nevertheless “very much a classic top down measure in terms of the adoption process and a traditional (‘command-and-control’) regulatory tool in terms of the implementation process” to take place in each of the member states (Wurzel 2008: 265). By suggesting that member states needed to provide an expansive list of sites, more even that would ultimately be included in the Network, the Directive effectively reduced the influence the member states, and their rural constituencies, would have over site selection. In addition, it ensured that the physical outcome of the process — the specific sites and the extent of the network — would be fixed at the EU level, again
reducing national-level discretion considerably. In addition, giving the EU committees the final, and permanent, say on the site designations ensured that end of the site selection would definitively set the boundaries of protected space within the Network. In other words, the main implication of the implementation procedures was that member states were not given much room for maneuver in the way they would set up the Natura 2000 network (Beijen 2009).

Critically, the limitations on implementation procedures had an important impact on the transparency of the process at the national level, particularly during the site selection stage. In fact, the requirements of the implementation procedure for the Directive effectively set boundaries on the levels of transparency within the member states during the site selection process. The Directive’s preamble stated that social, cultural, and economic interests would be considered, which was taken to mean that some interaction with those stakeholders would be needed during the implementation process. Indeed, such interaction or consultation implied some need for transparency at some point. However, the directive’s requirements for site selection did not include these interests; indeed they were not explicitly included in the directions for choosing sites.\(^5\) Instead, as discussed above, the selection and designation of sites were to be carried out only on the basis of scientific information, and each country was instructed to provide a complete list of all sites that fit the species and habitat criteria laid out in the annexes to the directive. In other words, the procedures for the site selection process indicated that no transparency would be necessary, as there would be no need to empower societal interests to take part during that stage; in fact, the ecological focus implied that there was a need to explicitly exclude non-ecological interests.

The strict emphasis on scientific considerations for the site selection process limited the potential debate, and indicated the legitimate types of expertise that would be required for making decisions. Valid arguments for or against particular sites would be based on biological and ecological surveys of species and habitats. This meant that those with an interest in site selection would be best served if they could provide these types of evidence about the particular site in question. Environmental organizations had built up their credibility as holders of this form of information about

\(^5\) In fact, the Directive only explicitly mentioned non-ecological consideration in four places (European Council 1992).
the land, but rural actors in general had far less credibility for having “unbiased” expertise about the natural world. In addition, as the latter’s interests were seen as having economic, social or cultural motivations, rather than strictly environmental, they were not recognized as relevant to site selection.

Altogether, this meant that there was little incentive to inform or consult rural actors during site selection. Environmental organizations, likewise, were not seen as directly consultable, from the terms of the Directive, since they were free to provide their information about the natural world but were not necessarily where it should be sought out. Instead, scientists and similar experts were asked to provide the local information for site selection, but would not themselves be making the final decisions about the lists. They would give their recommendations to the member state’s government, which would combine and coordinate the proposals across the national landscape. Thus, the provision of information about the national site selection process, whether locally or nationally, was fully discretionary for national decision-makers, and the goals of site selection implied that providing information to those without ecological expertise would not be encouraged. This mean that the site selection process was likely to be non-transparent.

After the Commission officially designated the sites that would best ensure a coherent Europe-wide network — from the complete list proposed by the member states — the member states would be responsible for creating the management plans for each of those official “sites of Community interest”. It was at this point that local stakeholders would be able to present their case for the particular use and management of the land selected for the network. While the directive does not explicitly state that management plans must be created through local consultation with relevant stakeholders, the need to include those aspects of land use implied that the member state governments would need to discuss with locals to find out how land was actually being used. \(^6\) In other words, the goals of the management plans implied a very different level of transparency for the management stage of the process; while site

\(^6\) The directive does not directly specify that information or consultation must occur at the management phase. The only full mention of such openness is that “public consultation” \(migh\) take place is if a site is to be later impinged on by some project (European Council 1992: Article 6-4). However, the site selection process is explicitly limited to scientific considerations while the management phase is conspicuously not limited in the same way. In addition, the suggestion that economic, social, and cultural considerations be taken into account implies that the relevant interests must be considered.
selection would be carried out with low transparency, successfully completing the management plans stage required greater transparency.

In sum, the requirements of the Habitats Directive suggested that there was no real need to discuss with or inform the users of a particular site until it has been selected and designated, and the management phase has begun. However, the Directive left room for states to consider and consult these other interests during the management phase, as long the management plans provided clear ways to protect the habitats and species required.

Implications of Site-Selection Transparency for Rural Actors

These implied patterns of transparency would have a real impact on the ground for those interested in the outcomes of the process. They become clear when considered from the point of view of an interested party. We can picture a landowner whose land may have ecological value under the Habitats Directive, and deduce the critical “information points” and their likely transparency. At each stage, the landowner has certain actions available, but others that are effectively precluded by previous decisions (see Table 8.1). The impacts are clearest if we start with the end of the process (management-plan implementation) and work our way back to the beginning (site selection).

Starting with the implementation of the management plan, suppose the landowner’s property has already been included in the Natura 2000 Network within a larger site that holds several property-owners’ parcels, and that the official management plan specifies that this landowner will need to change his use of the land: for example, he may no longer be able to harvest the timber on his property, in order to preserve a particular habitat. At this very last step, the injunction is appealable only with difficulty. If the management plan specifies that he must cease logging, he may only continue logging if he can convince the government, and possibly the EU Commission, to re-open discussions of the management plan, and if the government can demonstrate credibly that the habitat is being adequately protected elsewhere (i.e. perhaps even by designating a new site elsewhere that includes that habitat, likely on someone else’s property!).
Table 8.1: Landowner Options for Influencing Natura 2000 Network Creation at Each Stage

<table>
<thead>
<tr>
<th>Implementation Stages (in Reverse Order)</th>
<th>The Situation</th>
<th>What Can Be Done</th>
<th>What Can’t Be Done</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management-Plan Implementation</td>
<td>Sites already selected. Management plans already chosen.</td>
<td>Can implement plan and abide by any land-use restrictions.</td>
<td>Can’t change plan without major appeal process involving both national government and EU Commission, until the 5-year plan review.</td>
</tr>
<tr>
<td>Management-Plan Creation</td>
<td>Sites already selected and formally accepted by the EU Commission</td>
<td>Can influence content of the plan if one knows the land is included and when/where the plan is being created.</td>
<td>Can’t remove land from the network without major appeal process involving both national government and EU Commission.</td>
</tr>
<tr>
<td>Site Selection</td>
<td>Requirements of Directive already set.</td>
<td>Can influence site selection if one knows that selection is taking place and who is making decisions. Also, need ecological information about site choices.</td>
<td>Can’t make arguments for or against sites based on economic, social, or cultural factors; only ecological or scientific considerations allowed.</td>
</tr>
</tbody>
</table>

Therefore, the landowner would have been well advised to take part in the original creation of the management plan, to try to mitigate the restrictions on his property-rights, rather than trying to overturn a completed management plan, after the fact. This is particularly the case because management plans, once completed, are not only validated by national law but by EU law as well. In theory, however, he should have had the option to be a participant in this final phase, since the Directive was widely interpreted to mean that stakeholders, including property owners, would be included in the creation of the management plans. This moment, then, is one critical information point for the landowner, for him to have a reasonable chance of influencing the proceedings. He must know his land has been included in the Network, and when/where the management plan is being constructed to have a chance to take part in an influential manner. Effective influence over the management plan also likely includes having enough lead time to 1) try to get on to the management-plan committee, 2) gather up his evidence in favor of particular management plans over others, and 3) coordinate with similarly-
minded neighbors who are also impacted by the future plan. It should be clear that this means the landowner needs this process to be transparent. Transparency would mean that information is provided early enough for him to take action (timing): in other words, actionable information is needed. And as argued previously, it would be far more transparent if that information is provided automatically rather than in a discretionary manner. For our illustrative landowner, however, it is relatively likely that he would have been given some notice that the management committees was convening, at the very least through some public announcement; if so, he might have a reasonable chance of attending and influencing the proceedings.

However, given that the management plans must serve to protect and preserve the natural habitat and species on a given site, even having perfect transparency and plenty of forewarning does not ensure that the landowner will be able to avoid major changes to the traditional usage of his land. The only foolproof way to protect against changes would be to prevent his land from being part of the Natura 2000 Network in the first place. But, to have this form of influence, the landowner would have needed to get involved prior to the designation of his land as a Natura 2000 site. This means before the EU formally designated the site, and before his government sent the list of sites to the Commission for approval. This, then, is another critical information point for our interested landowner. He would need to know that the site selection process was underway, and who was making decisions. In addition, to effectively influence the process, he would probably also need to know that his land was even under consideration; if any site could conceivably be included, he would waste his time and effort lobbying against his land’s inclusion if his land wasn’t even on the table.

The problem for the landowner at this early selection phase of the process is that his expertise is not considered relevant to the task at hand; a purely scientific approach valued only ecological expertise by those with credible claims to hold it. Thus, landowners could not count on any transparency at this stage. They had no Directive-prescribed claims on actionable information during the selection process. Indeed, there was no guarantee that they would even be informed that their land was selected until it had already been designated by the EU. The process was set up to have very low transparency for the landowner. The timing of information about the selection process was potentially very late — even too late, if the site were already designated before the landowner was informed. And
the provision of information was completely discretionary. For the landowner, then, influence over the site selection process was likely to be very difficult. Therefore, a landowner who wanted to avoid any changes would need to lobby to prevent his land from being selected in the first place. But the process of site selection made it very unlikely that he would get the information he needed until it was much too late to be able to lobby.

While the Directive had been written with the idea that all stakeholders would participate before it was over, their active inclusion in only the last management stages meant that they would have very little ability to avoid its impact if their land was selected. By starting from the end of the process, we can see that it is the selection process that would be the critical decision point for many stakeholders, but its procedures implied very low transparency. It is this potential for very low transparency during the site selection process that makes it particularly useful for studying the responses of groups in the member states.

“Success” in the National Site Selection Process?

Within the context of this Directive, it is possible to define what success would look like for groups with interests at stake in the site selection process, as well as their options for pursuing those interests. Once the requirements for the Natura 2000 network were decided at the EU level, through the Habitats and Birds directives, national-level groups were left with relatively narrow options for influencing the outcomes of the site selection process. It became a given that national governments would implement the network on their territory, to protect the habitats and species chosen by the EU Commission. While the European Forest Owners association (CEPF) had publicly stated its desire to revise the directives at the EU level, this was unlikely to be successful without major political shifts in the EU (Weber and Christophersen 2002: 2). Thus, the actual parameters for “successful” lobbying action at the national level were constrained by the Directive itself.

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7 Essentially, a majority of the European Parliament (EP) would need to request that the Commission revise the Directive’s requirements (Weber and Christophersen 2002: 2). This is unlikely without a major change in the make-up of the EP, as it has been an active supporter of EU biodiversity and habitats policy (Coffey and Richartz 2003: 7).
For example, interested parties could have little hope of reducing the list of habitats and species that had to be protected on their national territory. These were set out in the Directive, and any land where they were found was supposed to be included on the national lists. So, while these lists were later amended by the EU Commission to expand their coverage, specifically to incorporate those habitats and species of new EU members that were not previously considered, they were not open to discussion at the national level. Indeed, some in France complained that there had not been enough attention to French habitats and species during the original EU negotiations, meaning that some species that were abundant in France (but not in Europe as a whole) had to be protected, while other that were more threatened in France (but, again, not in Europe as a whole) were not on the table for the Natura 2000 network (Pinton 2001: 338).

Instead, the national-level interest groups with a stake in the Directive’s outcomes, had a limited range of outcomes that they could actually influence during the site selection process, which in turn limited their options for effective ways to lobby. Within each country, most group’s best option for exerting influence over the Natura 2000 Network would be to try to impact the exact locations and boundaries for the proposed sites. While the Directive implied that each country should present all sites that fit the formal criteria, the member states still had some flexibility to put together the list of sites using its own resources and institutions. At the very least the member states could try it their own way, and then find out later — via EU Commission warnings or European Court of Justice rulings — that they had been going about things incorrectly.

Given the constraints, there were essentially two ways that these national lists might have been influenced (see Table 8.2). The first would be to impact the lists at the national level, by convincing the government to expand or limit the extent of the Network on the national territory. In essence, limiting the extent would mean simply proposing fewer sites or less overall land in the list sent to the EU; expanding it would mean proposing more sites and more overall land. The second would be to impact the lists at the local level, by trying to influence the specific locations and boundaries of individual sites. This latter approach would directly influence the types and numbers of landowners and users that would be impacted by a particular site choice.
Table 8.2: Groups’ Informational Needs for Pursuing “Successful” Outcomes

<table>
<thead>
<tr>
<th>Desired Outcomes</th>
<th>Informational Needs for Pursuing Desired Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expand or limit the extent of national territory included in the Natura 2000 network (by lobbying the national government).</td>
<td>• The EU’s “minimum” sufficiency standards that each country must reach.</td>
</tr>
<tr>
<td></td>
<td>• The likely outcomes of the selection process, to tailor specific lobbying messages of minimum (or maximum) coverage.</td>
</tr>
<tr>
<td>Influence the specific locations and boundaries of individual sites included in the Natura 2000 network (by lobbying the local deciders or the national government).</td>
<td>• Who is gathering and analyzing ecological data about potential sites, and where to send additional data.</td>
</tr>
<tr>
<td></td>
<td>• Current scientific data held about potential sites, and the current site list, to be able to present effective scientific counter-arguments to site options (to lobby for site removal).</td>
</tr>
<tr>
<td></td>
<td>• Requirements for “scientific credibility” to ensure that data is accepted by deciders.</td>
</tr>
<tr>
<td>Change the national process for site selection, by increasing transparency of, and group access to, selection process (by lobbying the national government).</td>
<td>• At least some details of current site-selection process.</td>
</tr>
</tbody>
</table>

As several countries would discover, however, the former option was not really on the table, though that was not necessarily fully apparent from the beginning of the process. The EU Commission, in the end, appears to have had target levels of territorial coverage that it expected each country to meet, regardless of national preferences. Since the Commission and its work committees had the final say as to whether each country was meeting its obligations under the Directive, they did not accept national lists as complete until they felt the habitats and species deserving protection had enough land in the Network to thrive; for the Network to be effective, it needed enough land across all countries to for protection to extend across the continent. So, while the Directive did not state that each country
had to include a certain percentage of their land in the Network, the decisions of the Commission and its evaluation committees effectively set a floor on territorial coverage.\footnote{The floor was determined with a “sufficiency” indicator, which measured the “extent to which Sites of Community Importance (SCIs) proposed by the Member States adequately cover the species and habitats listed in Annexes I and II to the habitats directive” (Eurostat 2009). The sufficiency indicator “calculates the sum, by biogeographical region and per country, of the proportion of Annex I habitats and Annex II species that are sufficiently represented in the pSCIs in relation to the number of species and habitats on the Commission's Reference lists of habitat types and species for each biogeographic region. The sufficiency of a Member State is weighted by the proportion of the biogeographical region's area within the Member State. The weighting compensates for the relatively higher burden of a large biogeographical area in the country. This is because it is more demanding to propose sufficient sites for a large biogeographical area than for a smaller biogeographical area in the same country” (European Environment Agency 2011). In other words, sufficiency depends on how many of the species and habitats \textit{should} exist in particular biologically designated regions (such as Alpine, Boreal, Continental, or Mediterranean regions) that are found on a country’s territory; thus, the number of required sites to be “sufficient” is tied to the total amount of land protected across Europe for a given biogeographical region, with some extra leeway given to countries that have heavier representation of regions that may not be particularly represented in other countries. However, this also implies that it \textit{might} be possible to reduce the extent of the Natura 2000 network by simply proposing smaller but denser (in habitats and species) sites, if the ecology on the ground makes that possible.}

For example, the Commission itself calculated and disseminated statistics on the whether each country had sufficiently met the standards for species and habitat protections under the directive. While the member states were supposed to provide their final lists to the EU by 1995 (Scholl and Chilla 2005: 3), only six of the EU15 states had actually reached 90% sufficiency by 2003 (see Table 8.3). By 2010, two of the EU15 countries still had not achieved it (Eurostat 2011).
Table 8.3: Year that EU15 Countries Reached 90% “Sufficiency” under Natura 2000

<table>
<thead>
<tr>
<th>90% Sufficiency Attained by:</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>Belgium, Denmark, Ireland*, Italy, Luxembourg, the Netherlands</td>
</tr>
<tr>
<td>2004</td>
<td>Greece, Spain, Sweden, United Kingdom</td>
</tr>
<tr>
<td>2005</td>
<td>Germany</td>
</tr>
<tr>
<td>2006</td>
<td>France</td>
</tr>
<tr>
<td>2008</td>
<td>Finland</td>
</tr>
<tr>
<td>2010</td>
<td>Ireland*</td>
</tr>
<tr>
<td>Not yet attained in 2010</td>
<td>Austria, Portugal</td>
</tr>
</tbody>
</table>

However, the actual level that would be needed for each country was not necessarily apparent until the Commission had made its calculations. The actual extent of the Natura 2000 sites on each country’s national territory actually varied widely (see Table 8.4). Though Spain had designated 24.5% of its national territory as Sites of Community Importance (SCIs) and 20.6% as Special Protection Areas (SPAs), it was still considered “incomplete.” On the other hand, Denmark was considered “largely complete” with 7.4% in SCIs and 5.9% in SPAs (European Commission 2010a: 8-9). Nevertheless, the Commission graded the member states on their ability to meet their conservation obligations under the Directive, whatever level that implied for each.

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9 Source: Eurostat 2011. Oddly, though Austria and Portugal did not have 90% sufficiency, the Commission did consider both to be “largely complete” in their designations (see Table 8.4). *Ireland dropped below the 90% threshold in 2004 and did not regain it until 2010.

10 Sites of Community Importance are sites designated under the Habitats Directive, while Special Protection Areas are designated under the Birds Directive; both types of sites are included under the Natura 2000 Network. However, since sites can be designated under both directives, the percentages of territory cannot be added together; because of site overlap, the actual total percentage of territory included in the Natura 2000 Network will be smaller than the two percentages combined.
Table 8.4: Percentage of National Territory under Natura 2000 Protections¹¹

<table>
<thead>
<tr>
<th>Country</th>
<th>% of national territory designated as Sites of Community Importance (SCIs)</th>
<th>% of national territory designated as Special Protection Areas (SPAs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>24.5</td>
<td>20.6</td>
</tr>
<tr>
<td>Portugal</td>
<td>17.4*</td>
<td>10.7*</td>
</tr>
<tr>
<td>Greece</td>
<td>16.3*</td>
<td>20.9</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>15.4</td>
<td>5.6*</td>
</tr>
<tr>
<td>Italy</td>
<td>14.3*</td>
<td>13.6*</td>
</tr>
<tr>
<td>Sweden</td>
<td>13.7</td>
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<td>Austria</td>
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<td>Ireland</td>
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<td>Belgium</td>
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<td>Netherlands</td>
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<td>Denmark</td>
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<td>United Kingdom</td>
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These statistics illustrate how the Natura 2000 requirements set out a minimum level of territorial coverage that members states had to meet in order to adequately conform to the Directive—though given the wide variation in what was ultimately considered “complete” or “sufficient”, it would have been difficult to know in advance what that minimum level should be. The Commission’s limits

¹¹ Source: European Commission 2010a: 8-9. Since the designations can overlap on the ground (i.e. a site may be included as both a SCI and a SPA), the percentages cannot be combined. *Starred percentages are considered “largely complete” by the EU Commission (The residual category is “incomplete”).
effectively meant that national-level interests would have not been able to conclusively or dramatically reduce the total territorial coverage without changes to the Directive itself.

Groups, then, could lobby their national governments to include only a minimum of sites and territory on the national list; however, their governments could not drop below the required level of “sufficiency”. Nevertheless, given the difficulty of knowing exactly where that level actually was, effective lobbying might convince a government to send small numbers of proposed sites to the Commission at a time,\textsuperscript{12} to decrease the chances of overshooting the bare minimum.\textsuperscript{13} Of course, to effectively lobby for the extent of the Network of protected sites, it would have been useful for groups to know the likely outcome of the selection process; arbitrarily lobbying for a particular percentage of territory might work acceptably, but it would be much more effective if it could be tailored more specifically to the actual outcomes on the ground (see Table 8.2). Specific and narrowly tailored messages require some knowledge of the proposals being argued for or against. All of this would make it relatively difficult to lobby for minimum levels of coverage.

In short, without a strong capacity for real reductions in territorial coverage across the board, the best way to influence the site selection process would be to impact the selection of individual sites, including their size and boundaries at the local level. The least controversial route to influence, given the parameters of the Directive, was through the scientific analysis and compilation of habitats and species within a given member state. Thus, interested parties could either expand or contest the technical information about nature and ecology on the ground, by bringing natural features to the attention of policy-makers or by providing evidence that particular sites did not, in fact, possess important habitats or species. Influence through ecological expertise was, indeed, the only legitimate

\textsuperscript{12} Although, technically, the original timeline for the Directive expected governments to provide their complete lists by 1995 (Scholl and Chila 2005: 3). In practice, however, few governments actually met the sufficiency requirements on the first attempt and instead presented additional sites on multiple occasions until the level was achieved.

\textsuperscript{13} For groups who hoped to increase the territorial coverage, then, the opposite would hold. These groups would need to convince governments to propose the maximum of sites, and would be well-served to have government propose them more quickly and in larger numbers to the EU Commission; this would increase the chances that the government would overshoot the sufficiency minimums calculated by the Commission.
means laid out in the Directive, a point that was reiterated several times over the following years (European Commission 2000; European Commission 2010b).

However, the ability to influence through ecological expertise would be affected by the transparency of the process, depending on whether groups sought to add or remove sites from the national list. At the most basic, a group would need to know who was analyzing the scientific data about a particular locale, to be able to know where to send their own technical information (see Table 8.2). If a group wanted to provide new information about sites that they thought should be protected, it might be enough simply to know who was in charge of compiling the data; and it would not necessarily be a waste of resources to provide information about sites that were already on the list, since additional information might strengthen the case for those locations. However, a group who wanted to contest information already gathered would probably need more information to be effective; for example, their scientific counter-arguments would be more convincing if they had access to the data already on the table. In addition, sending in counter-arguments about a particular site that was not already on the selection table might actually be counter-productive, if it motivated decision-makers to take a closer look. Therefore, the transparency needs for those seeking to keep sites off the lists would be higher than for those hoping to increase the number of sites.

In addition, this route might also be barred to those hoping to decrease the number of sites due to the credibility of the actors proffering scientific information. While scientists and environmental groups are generally thought to be legitimate actors for this form of expertise, those groups that are more closely associated with other types of expertise, such as economic, social, or cultural interests, are not seen as credible actors for the provision of scientific information. Thus, even with perfect transparency, it would be difficult for these types of interests to have their lobbying taken seriously, if it focused on scientific and ecological arguments; for instance, they might be seen as more biased or manipulative in their presentation of such information.

With the multiple limitations on the implementation process and its level of transparency, perhaps the most effective means for influencing site selection would be to lobby for changes to the implementation process itself (see Table 8.2). By lobbying for increased transparency and increased access to decision-making, groups could have the best chance of actually changing the on-the-ground
impacts of the Habitats Directive. As the previous discussion indicates, working within the original framework was not likely to provide many opportunities for successful influence. Thus, effective groups would lobby to change their national framework for selecting sites: in particular by increasing the transparency of the process to give themselves, and their constituents, a greater capacity to influence the narrow range of policy outcomes that were actually on the table.

Even with fairly specific limitations to process, imposed from the EU level, groups could potentially lobby their national governments to amend their decision-making procedures for implementing the Natura 2000 Network. While the Directive had limited the policy-making options available to national governments, each government still had some sovereignty to match their processes to national needs, and there is always at least some room for interpretation when applying new rules and regulations.\(^\text{14}\) By lobbying from this angle, groups could demand that the transparency of the process be increased, which would give them the information they needed to effectively lobby on the legitimate fronts discussed earlier (which would be difficult or ineffective without actionable information about the selection process). And as will be shown in subsequent sections, this approach was the most effective for groups seeking to lessen the impact of the Natura 2000 Network.

Increased transparency in the selection process could be achieved in two ways: by changing the timing of the information released about the process, or by reducing the discretion of policy-makers in the release of that information. For the former — timing — transparency is increased when information is released earlier in the process, well before decisions are taken. Thus, if groups were able to slow down the decision process or increase the amount of time before final decisions were taken on a particular site or set of sites, they would increase the chances that they could gain information about the process. In this way, there would be a far greater likelihood that the relevant group actors would actually get the information they need to put together their lobbying strategies: in this case, for example, by gathering counter-evidence to the scientific data on their particular plot of land.

\(^\text{14}\) Indeed, there is also always the option to “act now and apologize later”. Since any item of legislation is essentially an “incomplete contract”, it is up to the courts — the European Court of Justice in this case — to use their discretion to ensure enforcement (Hix 2005: 111). However, this provides potential wiggle room for member states who can act first, and then wait to see if the European Commission and Court of Justice bring charges against them for mis-interpreting or mis-applying the rules.
For the latter — discretion — transparency is when information is released due to formal requirements for informing stakeholders rather than at the discretion of individual policy-makers. Thus, to lobby for an increase in transparency, groups could demand either that policy-makers had to inform the public at large, including landowners and users, that certain land was being considered for the Natura 2000 Network, or they could demand that more actors be formally included in the decision-making process, which would increase the number of individuals with guaranteed access to information about the decision-making process.

By lobbying for, and gaining, an increase in transparency during the site selection process, groups, and their constituents, would have a better chance of lobbying for or against specific sites under the Natura 2000 Network. This suggests that we can recognize successful lobbying by an increase in the transparency of the site selection process. This is particularly critical since other factors, such as the total amount of land or percentage of territory included in the Network, cannot accurately indicate success or failure on the part of groups, due to the limits imposed on these outcomes by the Directive and the EU Commission. With specific outcomes constrained, groups who successfully defended their interests were those able to increase the transparency of the process, and thus empower their constituents and themselves to have a potentially real impact on specific site choices.

Different Success for Different Types of Groups

As implied from the previous discussion, however, the process, and its transparency, did not necessarily have the same impact on different types of groups with a stake in the outcomes. While both environmental groups and rural-interest groups could have benefited from increased transparency, the latter had a greater incentive to demand it. The effects of transparency, discussed above, and the strategic incentives they produced can be broken down in more detail for each of these group types. The differences stem, in part, from the different stakes that each type of group faced in defending its interests (see Table 8.5).
Environmental organizations sought the protection of habitats, species, and nature. They were motivated by the perceived degradation of Europe’s natural heritage (WWF 2000). For them, the Natura 2000 network provided a way to permanently lock-in nature protection across a wide swathe of territory, especially by enshrining legal requirements for protection well away from the local and national interests that were more likely take a narrow view of the common good. This “lock-in” would happen when the EU Commission officially designated sites as part of Natura 2000. And, these designations meant that environmental groups would thereafter have solid legal grounds for appealing any actions or decisions that might endanger those sites in the future.
In this context, environmental groups had an incentive to demand an expansive list of sites within each country. This implied that a major part of their lobbying task was to provide scientific and technical information about the locations of habitats and species on the ground, to highlight the locations that should be included within the Natura 2000 network, based on the Directive’s requirements. In other words, environmental group lobbying would naturally focus on proposals for sites, ensuring that the national decision-makers had full information about which sites should be included. This was not a trivial task, as full inventories of national natural assets were not necessarily complete or trustworthy, and therefore there was room for the additional expertise and knowledge of environmental groups.

However, environmental groups had something of a trump over their potential opponents: they were not completely dependent on the outcomes of the national site selection process. In fact, the major international environmental groups — who had national branches in the member states — were incorporated into the EU decision-making processes. They had been actively included in the drafting of the Habitats Directive, and they were guaranteed access to the monitoring committees that would officially designate sites and determine whether each country had achieved “sufficiency”: the Habitats Committee and the biogeographic seminars (Weber and Christophersen 2002; Papp and Tóth 2007; WWF 2000). This effectively meant that groups would have a back-up option if their national-level suggestions were not taken into consideration. Indeed, they could even provide their information directly to the EU committees, since the Directive included a clause that allowed the Commission to propose sites that the national governments had failed to mention, if they were considered important for the preservation of a “priority” habitat or species (European Council 1992: Article 5). Thus, for groups who hoped to increase the number and extent of sites for the Natura 2000 process, the national selection process was not the only option.

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15 The Habitats Committee is the main EU Commission institution responsible for “monitoring and steering the implementation process” (Weber and Christophersen 2002: 8). The bio-geographic seminars are tasked with deciding whether member-state site lists are adequately protecting the habitats and species in each of the major ecological zones; they are to consider the scientific data underlying the site choices (Weber and Christophersen 2002: 8; Papp and Tóth 2007: 15-16). They are the arbiters of whether a member state has achieved “sufficiency” (see above).
Nevertheless, action at the national level still made sense for environmental groups, as the most direct means of getting particular sites on the Natura 2000 list. Because of this, they were not immune to the levels of transparency in the national implementation process, even though their EU-level access lowered the stakes. Specifically, environmental groups would have benefitted from full transparency at the national level to more accurately pursue their lobbying tasks. To propose sites to the authorities, based on their scientific expertise, it would have helped to know which sites were already on the official national list (or under consideration), and thus which sites were not. This information might have helped reduce the resources expended in lobbying and collecting technical data on local nature in favor of sites that were already included, but it did not critically change the lobbying strategies that groups would have pursued. Thus, transparency would have been helpful, but a lack of transparency did not make it impossible to lobby.

The groups’ main strategy was to provide “shadow lists” of sites to all of the relevant authorities — local, national, and EU decision-makers — to ensure that all of the sites that fit the legal requirements of the Directive would actually be considered (WWF 2000; Krott et al. 2000; Arany and Tripolszky 2007). These shadow lists could be compiled independently of information about the implementation process itself, and could be provided to any decision-makers that the groups were aware of; though, clearly, it would be more effective if groups knew who the critical decision-makers actually were. Still, shadow lists could be created and disseminated in a fairly centralized manner, and the groups’ access to the EU ensured that their lists would be considered before final decisions were made (Weber and Christophersen 2002: 8). And perhaps even more helpfully, there was no time limit for adding new sites to the Network. If a site were missed, but was later determined to be critical for habitats or species, it could simply be added later.

Thus, the stakes of the national site selection process were less dire for the environmental groups. They had potential back-up options at the EU level, and the Directive would make it relatively easy to add, but difficult to remove, sites at a later date. In addition, transparency at the national level could help environmental groups use their research and lobbying resources more efficiently, but a lack of transparency would not prevent them from proposing sites for the Network.
Rural organizations, on the other hand, faced a very different situation. These groups sought to protect the rights of landowners and users to act as they saw fit, particularly on private lands. The Natura network, however, mandated that many landowners and users would have their use-rights curtailed and closely monitored by government. This was particularly concerning to forestry and hunting interests, though agricultural interests also had cause for concern.\textsuperscript{16} As previously noted, once the Directive had passed, the best rural groups could aim for was to mitigate the extent of constraints and costs on rural interests. In particular, they needed to reduce the amount of their member’s and constituent’s lands that would be “locked in” to mandatory nature protection; once a site was officially designated as a zone of community interest, under the supervision of the EU and national governments, it would be very difficult to change its status. Indeed, successfully removing one site would potentially require the inclusion of new land elsewhere (to maintain required levels of habitat coverage), potentially pitting rural interests against each other.

For rural interests site selection was the critical phase during the Natura 2000 process. Unlike environmental groups, they had very little recourse at the EU level once a site was officially designated. Rural groups had not been involved in the creation of the Habitats Directive, and they still were not allowed a role in the monitoring committees as late as 2001, when quite a bit of the selection process was already completed (Weber and Christophersen 2002). This meant that once a list of sites was sent to the EU for official designation, it would be too late for groups to have much impact. Thus, the stakes in the national selection process was very high; rural groups needed to have an impact on site selection if they were to have a real impact on the Natura 2000 Network.

As previously discussed, the impacts that groups could have were already fairly limited. They could not really change the overall extent of the Network on their territory, since a minimum coverage was required under the “sufficiency” measures, though this was not necessarily clear early in the process. Thus, rural groups needed to have an impact on the selection of specific sites and their

\textsuperscript{16} Hunters were very worried about limits to their activities. Most distressing was the requirement (from Article 6.2 of the Directive) that Member States “shall take appropriate steps to avoid...disturbance” of the listed species, especially since prior European Court of Justice rulings had “noted that any hunting activity is liable to disturb wildlife” (Krott et al. 2000: 365). In other words, the vagueness of the idea of “disturbance” implied that all hunting could be banned outright in and around Natura 2000 sites, even if listed animals were not themselves being hunted.
boundaries. The major difficulty with this approach, however, was that the site selection process became very much a local issue: about which specific sites would be chosen and which specific landowners and users would be affected. To effectively defend the interests of their members and constituents, then, groups would need to empower landowners and users to wield their local, site-specific, knowledge to challenge proposed sites.

For local actors to be able to defend their own interests, however, the process had to be transparent. Before they could mount a convincing case for or against particular site boundaries, those local actors would need to know whether their lands were proposed for the Network. In addition, they would need the time to respond to this information before the site was finally chosen and designated as a special protection zone by the EU Commission. In other words, the timing of site-selection information release would matter; if site proposals were revealed only as they were being sent to the EU, for example, it would be difficult, if not impossible to impact them. Similarly, landowners and users would be more likely to succeed across the board if information were released less discretionarily by decision-makers. In short, this meant that, to effectively protect their constituents' interests, rural organizations needed to ensure that those individual landowners received this information and had the ability to respond.

Thus, rural groups had the incentive to focus on the process for selecting sites. They could lobby nationally or locally to ensure that their constituents and members could get the information they needed to take part in the Natura 2000 implementation process. Without group actions to assure their inclusion in the process, individual landowners and users would be left to fend for themselves.

In sum, environmental groups would be less dependent on the transparency of national processes than rural-interest groups. The environmental groups had the benefit of greater access to decisions at the EU level, as well as a clearer path for centralized action; creating the shadow lists, to point out important sites to protect the relevant habitats and species, could be completed without immediate information about the site selection process. The Habitats Directive implicitly required sites selected based on scientific considerations, and the environmental groups were well placed to credibly provide that technical expertise to the authorities. In addition, since sites were difficult to remove once they were part of the network, and the directive's core principles suggested that more sites — and more
habitats and species — could be added in the future if their natural state required it, environmental groups had a longer time horizon for their success in adding sites.

Rural-interest groups, however, were much more dependent on the transparency of the site-selection process, and had a much shorter time horizon in which to avoid potential damages. With less a clear path by which to affect specific site selection at the national level, groups needed to ensure that their members and constituents could at least try to veto the inclusion of their land in the network. This meant that the landowners and users needed to be informed that their land was under consideration for the Natura 2000 Network. Thus, for rural organizations, the stakes were higher, and the national site selection process was more critical for any chance of success in defending their interests.

**Environmental Interests and Natura 2000 Site Selection in France and Sweden**

While environmental interests clearly had a stake in the Natura 2000 site selection process, they do not provide much traction for the question asked in this chapter. The environmental organizations were relatively unaffected by the national site selection processes in France and in Sweden. Environmental groups in both Sweden and France faced low transparency during the national site-selection processes. In neither country were groups explicitly consulted on specific proposed sites, nor were they considered stakeholders to be directly informed of any decisions, once made. Though groups in France should have anticipated the lack of transparency and been used to it, while the opposite would be true for groups in Sweden, their responses to the lack of transparency was effectively the same in both countries.

Their similar response is largely because the national environmental groups took their cues from the EU-level decision-making processes. Information gained at the EU-level was easily disseminated to national environmental groups, because the main environmental actors in the Natura 2000 process were international, with branches both in Brussels and at the national levels. Those EU-level branches, particularly the WWF, took the lead in coordinating the environmental groups’ lobbying strategies across the member states through the creation of the European Habitat Forum (EHF) in 1993. This EU-level coalition of environmental groups “was founded...by the main European conservation
and landscape-planning associations as a common platform to voice their interest during the [Natura 2000] implementation process” (Weber and Christophersen 2002: 7).

Since environmental groups had been active players in writing the Habitats Directive, and had representation on the Commission committees tasked with verifying and coordinating the supranational network, they had inside access to information about the site-selection process. First, they had early information about the requirements for selecting sites, since they were involved in writing up the habitats and species lists, which gave them a clear idea of their strategies for gathering the relevant technical and scientific data that national governments would need. Second, their formal role in accepting proposed national lists ensured that they would have direct access to information about which sites were being considered at the national level, even if they would not necessarily know about them before the national governments submitted their lists to the EU.

Once the Habitats Directive had passed, these groups focused on collecting, and providing, technical information about the location of habitats and species within each member state. This independent data collection began in 1992, as soon as the Directive was passed, and well before there was any chance of finding out about national site proposals (Weber and Christophersen 2002: 8). The various groups compiled “shadow lists” of the sites they hoped to see included in the Natura 2000 network, and provided these lists to the relevant authorities. The WWF, for example, published a master list of all sites they considered important across the EU member states, compiling the work of national WWF branches as well as other environmental groups (WWF 2000). At the local level in Sweden, regionally-tailored lists were also given directly to the County Administrative Boards (CABs) tasked with selecting sites at the regional level (Ebbesson 2006), and there is some evidence that the boards did, in fact, take them into account (Fuente Tomai 2010: 26). Shadow lists were also disseminated, much to the consternation of rural-interests (Krott et al. 2000: 361). Since, officially, countries were supposed to include a complete list of sites with the relevant habitats and species to the EU, simply releasing these shadow lists put pressure on national governments to include them.

While environmental groups faced a non-transparent national site-selection process, their formal access to information at the EU level mitigated the lack of information at the national level. In particular, their lobbying strategies — creating shadow lists and taking part in the committees deciding
whether national lists were sufficient — did not depend on information about which sites national
governments were actually considering at any given moment. Indeed, the requirements of the Habitats
directive itself virtually guaranteed that environmental groups would succeed in securing their preferred
policy outcomes: once the directive passed the EU, some minimum amount of land across the EU
would be protected even if they took no action. Thus, the national level processes, and the amount of
transparency there, did not force these groups to take action to mitigate against it. They were able to
secure the interests of their members and constituents largely through the EU Commission itself.\(^\text{17}\)

Thus, the behavior and strategic responses of environmental groups in Sweden and France
does not particularly help answer questions about the impacts of changing transparency patterns in
national policy-making. Since the groups were coordinated internationally, and had an alternative
means of gaining information and influence, the transparency of national policy-making had little
effect. As will be shown in the following sections, however, the same can not be said for rural interests;
in sharp contrast to the environmental groups, rural interests were very dependent on the transparency
of the site selection process at the national level for their ability to defend the interests of their members
and constituents.

Rural Interests and Natura 2000 Site Selection in France

The French process for choosing Natura 2000 sites was opaque, particularly for rural interests. The sites
were to be chosen based on purely scientific criteria and the landowners and users were given
little to no information about whether their land would be included in the network, and what the
consequences would be if it were. For French rural interests, as for rural interests across Europe, the
Natura 2000 network held the threat that they would have to drastically change their traditional uses of
land, while simultaneously paying the full costs of such a change.\(^\text{18}\) It was only when the final list of

\(^\text{17}\) A study of the role of transparency at the EU level in the creation of the Habitats Directive would be
interesting, but is not the purpose of this chapter.

\(^\text{18}\) For example, a farmer who may no longer use certain agricultural techniques might be at a
disadvantage when competing with farmers who have less restrictive requirements, or a forester who
may not longer clear cut his forests may need to invest in new equipment for more sustainable logging
practices. Or more simply, a particular land use could simply be halted if it were considered noxious
enough to habitats and species.
sites was released by the Ministry of the Environment that landowners and users, and their representatives in the rural-interest groups, had information about the full extent of the Natura 2000 network and the specific contours of the chosen sites.

However, as the Natura 2000 process mirrored the dominant pattern of policy-making transparency in France, French groups already had abundant experience with the low transparency procedures set out by this EU directive. Because of this, the rural interest groups were able to prepare for potential surprises. They were vigilant to the effects of having little specific information about how decisions were being made, and so they anticipated that the lack of transparency meant that their interests would be poorly served by the site decisions. They were able to quickly mount a strong campaign when the site list was eventually revealed, coordinating the nine most prominent national-level rural-interest groups to denounce the process and demand that the site list be revised. In addition, they had been able to build the salience of the issue among their members before the list release, increasing their ability to mobilize their constituents in support of their actions. Because of this, the French groups were able to successfully defend the interests of their members and constituents during the site selection process. The extent of the Natura 2000 network was greatly reduced, and rural-interest preferences were incorporated into the final list of sites presented to the EU Commission.

In this section, I lay out the details of this case, explaining the process for site selection, the response by groups, and the outcomes of this stage of Natura 2000 implementation in France.

The Process for Selecting Sites in France

The French Ministry of the Environment (MATE)\textsuperscript{19} was tasked with implementing the Habitats directive in France, and its strict interpretation of the directive fit well with French policy-making approaches. MATE, following the explicit (though not necessarily clear) requirements for implementing Natura 2000, determined that sites would be selected solely on the basis of scientific considerations. This meant that scientific data and analysis would be used, and scientific experts would be consulted, but local land holders and users would not be asked to contribute their practical expertise

\textsuperscript{19} MATE = Ministère de l’Aménagement du Territoire et de l’Environnement. The name of the ministry has since changed several times.
(Alphandéry 2002; Pinton 2001; Alphandéry and Fortier 2007). This was an explicit choice, because “the participation of socio-professional actors in the elaboration of site boundaries runs counter to an objective process; it would risk biasing the initial boundary choices by introducing socio-economic considerations” (Alphandéry and Fortier 2007; 430). In line with its interpretation of the Habitats directive, the ministry determined that socio-economic stakeholders would be included only at the later management stages, where those directly impacted by the site choices would be consulted on the best ways to manage the scientifically-chosen sites (Alphandéry and Fortier 2007: 429). In other words, the French process did not include any requirements to provide information to, or receive information from, the rural actors who owned or used the land under consideration. This exclusionary approach to implementing the Habitats directive aligned very well with the traditionally non-transparent methods of policy-making in France (McCauley 2008).

The actual implementation of the directive was delegated to certain sub-sections within the ministry, and their regional branches, but with coordination by national level entities; at all levels, it would be scientists and experts that had control over site selection. Within MATE, it was the Directorate of Nature and Landscape (DNP) that was specifically tasked with compiling the lists of sites. The DNP delegated national-level coordination of site lists to the Natural Heritage section (SPN) of the National Natural History Museum (MNHN), where the overall coverage of all national sites would be evaluated; the MNHN had been responsible for earlier national inventories of conservation zones (including the ZNIEFF, discussed below). The actual recommendations for sites would be made at the regional level, by the Regional Scientific Council on Natural Patrimony (CSRPN) and the regional arm of the ministry (DIREN). In each of these organizations, most of the staff could be considered naturalists and members of the scientific community (Alphandéry and Fortier 2007: 429),

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20 Instead it would be the later stages—such as the preparation of site management plans after the site selection process was complete—that were antithetical to the French government, since they explicitly required that all local stakeholders be included in the decision process (McCauley 2008; Alphandéry and Fortier 2007; Alphandéry 2002).

21 DNP = Direction de la nature et des paysages; SPN = Service du patrimoine naturel; MNHN = Musée National d’Histoire Naturelle; CSRPN = Conseil scientifique régional du patrimoine naturel; DIREN = Direction régionale de l’Environnement.
whose penchant was towards a scientific analysis of ecological and biological factors, but with no particular expertise in the social, cultural, and economic aspects of land use.

The fact that the Natura 2000 process would be carried out almost entirely through MATE (the Ministry of the Environment) and its sub-divisions had important implications for French interest groups who cared about the Natura 2000 outcomes. Traditionally, MATE and its sub-divisions controlled France’s pristine nature preserves, with the input of their natural constituents, the ecological-interest groups. On the other hand, land used for productive purposes, such as agriculture, forestry, or hunting, fell under the control of the Minister of Agriculture, with input from socio-economic rural interests (Alphandéry and Fortier 2007). However, while MATE had full control over the Natura 2000 process, the site list needed to explicitly include land that was currently being used by socio-economic interests, not just prior nature preserves, and meant that the newly selected land would require habitat protection management plans organized by MATE. In short, MATE was required to list lands that had usually been under the purview of the Ministry of Agriculture, even though it had fewer ties to the latter’s constituents, which implied a potential new turf war between Ministries over land management in France.22

More importantly for rural-interest groups, the government officials that they would usually have approached for discretionary information about policy-making were not directly involved in the Natura 2000 process. With the explicit exclusion of non-scientific considerations, the rural groups were at a serious informational disadvantage in this process. Not only were they not considered relevant for decision-making, but the decisions were being made by a ministry that they had fewer ties to. They were excluded from the sharing of any non-discretionary information, and their ability to gather discretionary information was greatly reduced. On the other hand, ecological-interest groups had the advantage that their traditional ally in government suddenly had a say over land being used for private purposes, such as agriculture, forestry, or hunting.

22 Some saw the whole process as an attempt by the Ministry of the Environment to “obtain by force a right of oversight and intervention on a significant portion” of the French territory (Alphandéry and Fortier 2007: 432), which had previously been under the purview of the much more sympathetic-to-rural-interests Ministry of Agriculture. Rural interests considered the constituency of the environmental ministry to be only technocrats, ecologists, and city dwellers who see the countryside as a landscape of idyllic calm rather than a critical zone of production and usage for those who live there year-round (Alphandery and Fortier 2007: 435).
The government organisms linked to MATE would make their Natura 2000 site choices based on prior national surveys and catalogues of the natural landscape, as well as new research into the existence and extent of the directive-specified habitats and species. With no input from rural actors, the dominant source of information was from a national inventory of “sites with ecological, faunal, or floral interest,” that had been conducted by MATE starting in 1982. Called ZNIEFF (Zones Naturelles d’Interêt Ecologique, Faunistique, et Floristique), these sites covered almost a quarter of territory in France (Couderchet and Amelot 2010). Given the extensive database of information about the natural characteristics of land around the country, collected by scientific experts, it made perfect sense that MATE would use it as a major source in determining which parcels of land should be included in the EU’s Natura 2000 network of protected sites.

However, the methods for constructing the ZNIEFF database were the source of considerable controversy, not least because the inventory was originally pitched as merely a knowledge-gathering exercise, with no indication that the results would become the basis for political regulations and restrictions (Alphandéry and Fortier 2007: 432; Couderchet and Amelot 2010).\footnote{Couderchet and Amelot (2010) call this a transformation from “zoning for knowledge” to “zoning for power”.

The notion that only scientific experts have appropriate information about land is, in itself, grating to those who consider local users as differently, if not equally, informed. But it was also a point of contention that the methods
and scope of the ZNIEFF survey called its results into question, and therefore reduced its legitimacy as the basis for decisions with broader socio-economic impacts.24

In addition to using the ZNIEFF information, new research was also conducted by the CSRPN and DIREN to help identify sites that fit with the Natura 2000 directive. In many cases, however, these scientific organizations relied on those without official scientific credentials, such as amateur naturalists or so-called “militant” ecologists, to gather data, which led to further questioning of the legitimacy of the decisions (Alphandéry 2002: 223n14). Ecological interest groups, who do employ many with either experience or interest in the natural fields, presented themselves as having scientific expertise; they, in many cases, collected their own data and conducted their own surveys of habitats and species, and presented this information to the authorities (see, for example, Papp and Toth 2007: 22-23). In all of these methods for surveying the French territory to determine which sites to include in the Natura 2000 special protection zones, socio-economic interests were not taken into consideration.

Rural groups were excluded from the process even though the political situation might have suggested differently. While the Habitats Directive was passed at the EU level when the Socialist Party was in power in France, a center-right party, the RPR (Rassemblement pour la République), won control

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24 The ZNIEFF database observations had originally been recorded at the regional level, rather than from the national level, which had a number of important implications. The first is that there was a disparity in the amount of territory included in each region, ranging from 7% to 50% of a region’s territory, which was not clearly correlated with perceived natural beauty; some regions that were heavily urbanized had high levels, while some that were more wild had low levels (Couderchet and Amelot 2010). Second, there was no reliability or validity testing of the reported observations, with no way of know if any one region’s classifications were the same as those of the other’s. This can be seen most easily at the regional borders, where a “zone of natural interest” appears on one side of the political boundary, but not on the other. Without natural boundaries that truly line up with administrative boundaries, such outcomes call the legitimacy of the survey results into question (Couderchet and Amelot 2010). Even more worrying is that the outlines of the zones were originally done in marker, by hand, on topographical maps of varying magnification, and with varying amounts of precision; the rough lines were then made “permanent” at the national level and inputted on computer. Those digital lines then became the official boundaries (Couderchet and Amelot 2010).

Couderchet and Amelot (2010) present this critique: “Rather than an inventory, the ZNIEFF zones appear to be a compilation of information on nature from very knowledgeable but non-professional individuals, with state authorization. Since the network of observers is not uniform and the level of investment and expertise of these amateurs is variable from one part of a region to another, some areas may be overrepresented, while others are ignored.” Thus for many, ZNIEFF was not seen as a reliable enough instrument to use as a source of information for a list of sites that would see their socio-economic uses curtailed or changed. In the end, however, it was heavily used for determining France’s Natura 2000 sites. For example in the Franch-Comté region, 70% of ZNIEFF sites were included on the Natura 2000 list (Couderchet and Amelot 2010).
of government in 1993. This means that the majority of the initial site selection process was carried out under a right-leaning government, which is a traditional ally of rural interests such as farmers, foresters, and hunters. However, while groups did have reasonable access to a sympathetic Ministry of Agriculture, the balkanization of French government meant that the agriculture-ministry officials had little information to share with them about the goings-on in the Ministry of the Environment. Having a potentially sympathetic party in power, then, was not enough to give groups access to information about the decision-making process for Natura 2000 site selection.

The lack of transparency meant that specific information about the site selection and its likely impacts was not revealed until MATE presented its final list to the government for approval. MATE had originally planned to have its list completed, accepted, and sent to the EU Commission for approval before June of 1995, but administrative and scientific difficulties in gathering the appropriate data had slowed down the process (Alphandéry and Fortier 2007: 431). Almost a year late, MATE finally released its list of sites in early 1996, presenting 1,316 sites covering 13% of France’s territory, and chosen exclusively through scientific considerations (Alphandéry 2002: 215; Alphandéry and Fortier 2007: 432).

The Response by French Groups

While the passage of the Habitats Directive by the EU was public knowledge, at least for anyone paying attention, rural groups had little information about the Ministry’s implementation that was under way. As one representative of a rural interest group told me in an interview:

Between 1992 and 1995, the Ministry of the Environment worked underground, without speaking to a single actor in the rural sector, whether farmers, foresters, hunters, fishermen, or anyone. No one was informed of the fact that it was having the CSRPN work on identifying Natura 2000 sites without speaking to anyone. We hadn’t discussed the Natura 2000 regime; we hadn’t discussed the areas that would be included as Natura 2000 sites; we hadn’t discussed anything at all. Then one day — it

25 Though, it did not win control of the presidency. The RPR held the Prime Minister’s post while there was cohabitation with President François Mitterand (of the Socialist Party) until 1995.

26 Some of these difficulties were blamed on France’s supposedly weak position in the original creation of the threatened habitats and species lists during the writing of the Habitats directive at the EU level. This meant that some of the species on the list that were abundant in France (though declining in other areas of Europe) were to be protected, while species in decline in France were removed from the list (Pinton 2001: 337-8).
was in February 1996 — the Ministry of the Environment had to speak about what it had done, because it was supposed to have the agreement of the National Council of Nature Protection (CNPN) — of which we were a part — on the list it had to give to Brussels; in other words, it was all finished, all ready, and it was at the stage to send the letter to Brussels. And there, we discovered that 14% of the national territory, and, obviously, more than 14% of forest lands, were implicated in the Natura 2000 zones: up to that point we knew nothing about it, and we had never heard it discussed (F.PF. 2 2007).

In other words, even though rural groups had active representation on a permanent committee that was specifically tasked with approving the list of Natura 2000 sites, they had almost no information about the process until MATE released its completed list.

Nevertheless, the groups were not naïve. They knew that the EU directive had passed in 1992, and they knew that the list of sites was due back to the EU within a set period of time. Thus, it was in 1994, two years after the EU directive had passed and at least a year after MATE had begun its work, that these groups began publicly criticizing the Natura 2000 process (Alphandéry and Fortier 2007: 431). The first rural interest groups to take up the cause of the Natura 2000 process, already underway in the Ministry of the Environment, were the national-level bodies aggregating forest owners groups from the regional and local levels: the National Association of Regional Forest Owners’ Centers (ANCRPF)\(^{27}\) and the National Federation of Forest Owners’ Unions (FNSPFS).\(^{28}\) At first, the opposition to the process was limited to the private forest-owners representatives, but it quickly spread to include other rural interests. Their first actions were to lobby both the Ministries of Agriculture and the Environment to make their positions known, to demand greater information about the process, and to request that they be included in the site-selection decisions (Alphandéry and Fortier 2007: 431). The Ministry of the Environment was not forthcoming with information about the process, and the Ministry of Agriculture did not have access to the information that they needed. Thus, a process where information release was discretionary put the groups at a serious disadvantage in influencing the process as it was underway.

\(^{27}\) ANCRPF = *Association nationale des centres régionaux de la propriété forestière.* This organization was replaced, in 2001, by the CNPPF (*Centre national professionel de la propriété forestière*) or National Professional Center of Forest Property.

\(^{28}\) FNSPFS = *Fédération nationale des syndicats de propriétaires forestier sylviculteurs*
Rural groups’ concerns and mobilization were fueled by their deliberate exclusion from the site selection process, which heightened their fears that the outcomes were certain to be detrimental to their interests even though the directive promised they would be consulted at the management stage. They were concerned about the process used to select the sites, as scientific uncertainty meant that it was unclear which sites would be chosen, as well as which sites should be chosen (Pinton 2001: 339). But they were also fearful about the likely repercussions of having one’s land included in the Natura 2000 network. Neither the French government, nor the EU directives, made it clear exactly what would be expected for sustainable management of land, nor, indeed, exactly how that management would be carried out; while it was clear that the directives suggests that land would not become pristine nature preserves, it also indicated that uses would be curtailed if they were thought to have a negative impact on the ecology or species in a given parcel. Thus these rural groups particularly voiced their concerns that huge zones would be set aside for protection, with the potential long-term consequence of reducing or removing any productive activities from those areas; these potential constraints on private property rights were particularly worrisome for the national organizations and their regional and local constituents (Alphandéry and Fortier 2007: 431). The long-term uncertainty as to the likely impact of management restrictions, once a site had been chosen, meant that hunters, farmers, and foresters found common ground in opposing the future restrictions on private property that the directive entailed (Pinton 2001: 339). While the promise of future involvement in the creation of management plans was supposed to soothe stakeholders and reduce their fear of an uncertain future — because those management plans would be narrowly tailored to local realities and local interests — these reassurances about future information and access were not enough to dissuade rural interests that their very

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29 While it was clear that sites would be selected and subject to changes in management practices, it was very unclear who would be funding these changes, and therefore who would bear the costs (Krott et al. 2000: 362). In the earliest years of the Habitats Directive, forestry interests in France could not identify any budgets or funds for the conservation network, and thus rationally concluded that the costs would be solely borne by land owners and users who were unlucky enough to find their properties included on the national list. Especially concerning were the economic implications for competition between, say, foresters on unconstrained land and foresters on Natura 2000 land, where production costs were assumed to be higher due to environmental constraints without clear counter-balancing measures to level the playing field (Krott et al. 2000: 362). Altogether, Pinton (2001) argues, it was this heightened uncertainty that particularly provoked the strong conflict over Natura 2000 in France.
livelihoods were at stake (Pinton 2001: 336). The groups wanted immediate information and access to ensure that they could adequately defend their interests, before it was too late.

Interestingly, the groups expressly framed their demands by the preamble to the Natura 2000 directive. While the EU commission intended, and the French government correctly interpreted, that the site selection process be completed by scientific means only, and that consultations with rural interests occur only for the creation of management plans after the sites had been selected, the Habitat Directive preamble also suggested that sustainable development required the blending of scientific considerations and human activity (Alphandéry 2002; Alphandéry and Fortier 2007). While the procedure laid out in the rest of the directive indicated that these interests should be relegated to different stages of the process, the preamble’s emphasis on the inclusion of socio-economic considerations in nature protection emboldened those socio-economic actors to demand access to all steps in the process. The groups, thus, attempted to frame their demands in terms of the transparency and inclusion that was implied by overall goals of the directive, even if it was not what was explicitly required for the site selection stage.

The revelation of MATE’s proposed list — and its subsequent confirmation on March 11, 1996 by the majority of the CNPN, against the position of the rural interests on the council30 — confirmed many of the worst fears of the rural organizations, and supported the claims that the forestry organizations had been making all along. The organizations and representatives of rural society were deeply against the sites, not least because their input had been ignored and denied (Alphandéry and Fortier 2007: 432-33). They were particularly angry that the information used to choose the sites seemed illegitimate, potentially gathered by non-experts without official scientific bona fides (Alphandéry 2002: 223n14); and even some of the scientific experts had suggested that the necessary expertise for selecting sites was not available in France (Alphandéry 2002: 215; Pinton 2001: 337; Alphandéry and Fortier 2007: 430). In addition, the ZNIEFF inventories had caused controversy when

30 The CNPN made its decision on the basis of scientific considerations (Alphandéry 2002: 215-216). Under Article R133-8 of the Environmental Code, which lays out the rules for the CNPN’s functioning, the CNPN’s advice is determined by majority rule within the council. Since rural interests do not make up a majority of the members on the Council (See Article R133-4 and R133-5 of the Environmental Code), they would have needed some environmental interests to vote with them in order to stop MATE’s list from proceeding. (For the text of the Environmental Code, see http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006074220&dateTexte=20110726)
they were first created, and now the French government was going to use those ZNIEFF inventories to impose potentially great constraints on the rural interests without informing or consulting them about it. The on-the-ground owners and users of the territories in question had a very different set of knowledge and expertise, which they thought contradicted some of the scientific knowledge base (Alphandéry 2002: 215; Pinton 2001).

On April 10, 1996, just a month after MATE made the site list public and the CNPN confirmed it, nine major rural-interest organizations — as the Group of 9 — released a declaration denouncing the process and elaborating their demands.31 While the groups insisted that they were not opposed to conservation or nature protection, they were fully against the way that the site list had been compiled, especially because landowners and users had been excluded from the process (Alphandéry 2002; Krott et al. 2000: 361; Alphandéry and Fortier 2005: 156). They noted that they particularly “regretted the quasi-complete absence of consultations, which meant that future Natura 2000 sites were chosen only by representatives of the CSRPN, and denounced that the real actors of the rural sphere had been held in ignorance during the process” (quoted in Alphandéry 2002: 216). They demanded that the amount of land included in the Natura 2000 network be reduced, that adequate compensation for any future economic losses be determined before they had to agree to particular sites, and that rural interests be included in selecting the sites (Alphandéry 2002: 216; Alphandéry and Fortier 2007: 433).

It was not necessarily a given that the Group of 9 would coalesce. The various rural actors had very different conceptions of what was needed to protect the environment, as well as what was needed to protect their own interests. In other words, the coalition was not homogenous in its interests or approach to rural concerns (Alphandéry and Fortier 2007: 437-8). Bringing together a range of different organizations into a coherent whole takes preparations and negotiation. However, because the organizations had begun to mobilize early against Natura 2000 (Alphandéry 2002: 215), they were able

31 The nine groups were: l’Assemblée permanente des chambres d’agriculture (APCA), le Centre national des jeunes agriculteurs (CNJA), la Fédération nationale des syndicats d’exploitants agricoles (FNSEA), la Fédération nationale des syndicats de propriétaires forestiers sylviculteurs (FNSPFS), la Fédération nationale des communes forestières (FNCF), l’Association nationale des centres régionaux de la propriété forestière (ANCRPF), L’Union nationale des fédérations départementales de chasse (UNFDC), la Fédération nationale de la propriété agricole (FNPA), and l’Union nationales des fédérations départementales de pêche et de protection du milieu aquatique (UNFDPPMA) (Alphandéry and Fortier 2007: 433n17).
to come out with a joint statement relatively quickly after the decision was released since the groundwork for the declaration had been done earlier, particularly by the foresters (Alphandéry and Fortier 2007: 433). Because the groups were alert to the possible consequences of having low information about the process itself, they began mobilizing earlier rather than later.

In sum, the national-level rural interest groups realized that their members and constituents were not being informed about or included in the process for selecting Natura 2000 sites. The lack of information about the process at the national level gave them an incentive to prepare for the possibility that their interests would not be adequately considered, and to consider the actions that would be needed to mitigate any damages. The groups, and particularly the forestry organizations, began mobilizing each other, and their constituents early, so that they were prepared to take coordinated action across all the major rural interest groups.

Outcome of the Site-Selection Process in France

The mobilization and counter-lobbying undertaken by the Group of 9 was very successful. By jointly lobbying their closest government contacts — many in the Ministry of Agriculture — and by mobilizing their constituents on the ground in a coordinated fashion, the rural interests convinced the prime minister, Alain Juppé, to order an eight month freeze of the Natura 2000 site selection process — starting in July 1996 — during which time the approach taken by the French government would be reviewed and re-organized (Alphandéry and Fortier 2007: 433; Alphandéry 2002: 216). They maintained their pressure, and when the process re-started in February 1997 it was with an agreement that the list of sites sent to the EU commission would have to be agreed upon by local interests and their representatives. In July 1997, the new Minister of the Environment, Dominique Voynet graciously acknowledged that “if the scientific community has found so many sites that are worthy of being included in the Natura 2000 network, it is because generations of farmers and foresters have, even perhaps unconsciously, managed their land in a way that left space for natural diversity” (qtd in

32 A new government, under Socialist Prime Minister Lionel Jospin, took power on June 2, 1997. Even though the freeze and re-launch of the new site selection process had been instigated by the right-wing government under Alain Juppé, the new left-wing government continued the process as Juppé had directed.
Alphandéry and Fortier 2007: 439). The rural groups had convinced the government to consider their local knowledge and expertise, and to include them in the site selection process.

This meant that the requirements set out by the EU directive—that the first stage of the process, site selection, be conducted with only scientific considerations—was effectively flouted. Instead, because of the organizations’ pressure and mobilization of rural interests, the process was changed so that scientific, economic, and social interests were all included in the process to come up with the new list of sites to give to the EU commission for approval (Alphandéry 2002: 215). The new site selection procedures were very open and consultative. Any proposed Natura 2000 sites would be subject to a two month review and comment process, organized by the local Prefect. The exact boundaries and the scientific motivation for the proposed site would be submitted to the affected communes and intercommunal committees, who would then have two months to provide an opinion.33 Only then would the proposed site be submitted to the Environment Ministry, for scientific review by the MNHN, and validation by other relevant ministries, such as Agriculture or Defense. In light of all of this information, the Environment Ministry would make its selection of sites to propose to the EU Commission.34 This new process, consulting landowners and users earlier than the Habitats directive suggested, effectively meant that sites that should have been included based on scientific criteria were removed from the list (WWF 2000: 17).

Even with the new consultative approach, many rural interests were still very concerned with the likely implications of the conservation network for their activities (Alphandéry and Fortier 2007: 435). They kept the pressure on, no doubt in part because there was a change in political power in the 1997 election, when right-leaning RPR was replaced by the Socialist Party in government. For example, on Saturday, February 14, 1998, French hunting interests gathered more than 150,000 to protest Dominique Voynet, the Minister of the Environment,35 ahead of the regional elections, under the slogan “In February, I hunt; in March, I vote” (Chevalier and Croize 1998). They were specifically

33 A non-response is considered as a favorable opinion of the site proposal.
34 This updated process is delineated on the Ministry of Ecology’s official Natura 2000 website (http://www.natura2000.fr/spip.php?article57)
35 Voynet was a founding member of the French Green party, and remained a member of that party while she was Minister.
rallying in favor of the National Front (*Front national*) and the Hunting-Fishing-Nature-and-Traditions (*Chasse-pêche-nature et traditions*) parties, whose platforms reject the EU regulations implemented to contravene local rural interests (Chevalier and Croize 1998).

Because of their coordinated action and their sustained pressure on government, the rural interests successfully represented their interests and their constituents. By the end of 1999, when the first list of sites was finally ready for submission to the EU Commission, the number and area of the sites had been reduced from the original list; the total French land area included under the directive had dropped to 5% of the national territory, down considerably from the original 13% (Alphandéry and Fortier 2007: 433, 436).

The demands of rural interests had ensured that the French government proposed a list that was four years late, and well short of what the EU Commission required for territorial coverage. Indeed, the French government incurred legal proceedings against France for its failure to adequately comply with the directive’s rules and timelines (Krott et al. 2000: 358); while many other countries were also reprimanded by the EU Commission, France was considered one of the worst offenders.

The EU demanded that the French government increase the extent of the Natura 2000 network. This was a slow process, however, given the extensive consultations required under the new process. As late as 2000, only 5.8% of the French territory had been proposed as Natura 2000 sites, and the WWF complained that most French sites were too small to be effectively protect threatened habitats and species; WWF identified strong resistance by landowners and users as the main cause of limited site boundaries and low site selection (WWF 2000: 59-61). France’s delay was bad enough that the EU Commission threatened that it would withhold the aid and funding for Natura 2000 for the entire 2000 to 2006 period “unless a sufficient number of proposed Natura 2000 sites had been put forward to the Commission” (Coffey and Richartz 2003: 18). Such a major threat forced the French state, and the various stakeholders, to accept greater territorial coverage for the Natura 2000 network.

In 2007, when the EU finally accepted that France’s site lists were complete, 12% of the French territory — including around 16% of French forest lands and 9% of French agricultural lands —
was part of the network. However, the critical success of the Group of 9 meant that all of these sites were included after consultation with the affected landowners; they forced the French government to release information about proposed sites well in advance of any finalization, and made it possible for the members and constituents of rural groups to have a say in the decision-making process. By forcing a much earlier release of information, landowners and users were empowered to contest the impacts of Natura 2000, both as individuals and within their representative organizations.

In the end, the French groups were very successful. They anticipated exclusion and lack of information from policy-makers, and were vigilant to counter it; they were ready and organized to demand that their interests be protected. They were able to increase their ability to influence the outcome of the decision process: namely, the selection of specific sites for the Natura 2000 network. Even though the traditional approach to policy-making in France might have led us to expect the opposite, French groups successfully increased their influence over the decision-making process.

**Rural Interests and Natura 2000 Site Selection in Sweden**

Sweden entered the EU in 1995, three years after the passage of the Habitats Directive, and the same year that the older member states were supposed to provide their list of sites to the EU Commission. This meant that Sweden had a reduced amount of time in which to implement the Natura 2000 process in order to catch up to the EU deadlines.

At first, the Natura 2000 site selection process was set up to follow the dominant pattern of policy-making transparency in Sweden, with openness through information-provision and consultation by the authorities. However, because of the reduced timeline and a re-interpretation of the directive’s requirements, the Swedish authorities changed their procedures in the middle of the site selection process, reducing the effective transparency of the process. While still formally transparent, since landowners were to be informed of site-selection decisions, in practice many landowners were not told

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37 Finland and Austria also joined the EU at the same time, and faced the same compressed timelines for Natura 2000 implementation.
of the status of their land within the proposed Natura 2000 network, nor about the likely impacts that
status would have.

Swedish rural-interest groups, however, were not on the lookout for the consequences of
lowered transparency for their members and constituents. Indeed, the full extent of the lack of
information did not even become really apparent until the site selection was completed and the next
stages of the Natura 2000 process were underway. While rural interest groups did eventually complain
to the government that the procedure had not been as transparent as promised, and that their members
had been poorly informed, they did not pursue lobbying actions to halt or reverse the site selection
process for the benefit of their members and constituents; instead they expressed their hope that the
landowners and users would have more information and a greater impact on the later stages of the
process.

In the Swedish case, groups depended on the formal assurances that the process would be
transparent, and did not react to ensure the interests of their members and constituents when the process
was less transparent than it should have been. The groups were not anticipating the reduced
transparency, and they did not respond to it in a way that clearly countered its effects. In the end, much
land was included within the Natura 2000 network without the knowledge of affected landowners; this
meant that many landowners had little choice but to accept the consequences of being part of the nature
conservation network.

The Process for Selecting Sites in Sweden

The Ministry of the Environment held ultimate responsibility for transposing the Natura 2000
directive in Sweden. Given the balance of resources between ministries and executive agencies in
Sweden, this meant that Naturvårdsverket, the Swedish Environmental Protection Agency (SEPA),
was put in charge of the implementing the directive and coordinating the network at the national level.
It, in turn, delegated site selection and management to the Länsstyrelserna, or County Administrative
Boards (CABs), at the regional level (Bouwma et al. 2010: 43; Fuente Tomai 2010: 26). The CABs

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38 Agencies have much greater staff and funding than the ministries. See Chapter 4 for an in-depth
discussion of the relationship between ministries and executive agencies.
would come up with the initial list of sites in their area, and propose them to SEPA (Bouwma et al., 2010: 46). The CABs, in their formal role within the administrative hierarchy, connect local authorities and citizens with the national government, and are usually tasked with implementing and supervising national laws and regulations at the regional and municipal level. As such, each CAB has its own set of specialized departments staffed with experts in particular fields, each of which is under the supervision of the relevant national agency; for Natura 2000, the CAB environmental departments were the major players in site selection (Monsalve Durán 2009). Finally, once the CABs had completed their task, SEPA would streamline the list and pass it on to the Government for final approval before the list was sent to the EU Commission. Both SEPA and the Government had the authority to add or remove sites from the list if they so chose (Ebbeson 2006; Bouwma et al. 2010; Fuente Tomai 2010).

The Habitats Directive, as with many other EU directives, required an implementation approach that ran counter to Sweden’s traditional method of transparent policy-making. Since EU law must be taken up by the member states, the EU can override national styles of policy-making, such as when they specify a particular process to follow for implementing a given law, or when they require different timelines for completing the process. In Sweden, where consultation and remiss are dominant practices, and ample time is taken to complete these procedures, EU directives that require a quick turnaround or less deliberative approaches make it difficult to implement with traditional Swedish policy-making. The Habitats directive imposed both of these limitations on its implementation; as Stenseke (2009: 220) noted, “powerful measures [of nature conservation] such as Natura 2000...stand in contrast with the principle of local involvement and public participation.” However, since member states have some interpretive leeway, Sweden tried to carry out the “first phase” of Natura 2000 site selection in the more traditional way, with relative openness and information provision to stakeholders (Eckerberg and Wide 2000: 9).

At first, the CABs were directed to draw up a list of Natura 2000 sites, and then notify and consult “the culture, environment, agriculture, and fisheries sector and municipalities, the national road administration, the national rail administration, the regional forestry institutions and landowners” (Bouwma et al. 2010: 46). Indeed, at this early stage, the CABs were supposed to take landowners’ preferences into account and remove their land from the site list if the landowner so
requested. This expectation that CABs would notify and consult local with interests meant that landowners were, at the very least, supposed to be provided the information that their land was being considered for the Natura network. Without such information, landowners would not have the opportunity to contest the CAB’s decision to include their land on the list of Natura 2000 sites or be able to influence the outcome (Bouwma et al. 2010: 46; Ebbesson 2006).

However, the timeline for the Natura 2000 process made the information and consultation procedure irrelevant. Even though Sweden only joined the EU on January 1st of 1995, the EU still insisted that Sweden had to provide its original list of sites by the end of the year with the other member states. Confusion about the criteria for including sites aggravated the difficulties. Thus, the CABs had to work extremely hard to get their proposals to SEPA before the deadline; but there wasn’t really enough time to actually select new sites with the traditional transparent processes. By the end of the year, the government decided to present the EU Commission with a list of 563 sites, all of which were already protected under the Swedish Environmental Code (Wärneryd and Gomér 2009: 18-19;

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39 National directives are implemented at the local level by the CABs as one part of a hierarchical chain starting at the National Administration; the CABs are supposed to implement the national decisions, as interpreted by the national agencies. While, traditionally, national-level politics in Sweden are relatively open and transparent, and consultation with potentially affected interests is common (See Chapter 4 for an in-depth discussion of consultation procedures in Swedish policy-making), the subordinate role of the CABs sometimes obscures whether its need to do the same. Thus, there is a tendency for the County-level officials to see their roles as informing local actors of national decisions, rather than actively consulting them on local implementation. For the environmental departments at the CABs, for example, some of this stems from the nature of their required tasks, such as protecting a particular species, which forces the CABs to simply impose decisions on landowners; it may also occur because many of the civil servants in such departments are trained as scientists rather than as political operatives, and thus are not as familiar or comfortable with consultative operations (Monsalve Durán 2009). So, even where CABs are instructed to “have an open and transparent process,” they may nevertheless follow a process of “hierarchical decision-making based on scientific knowledge only, [by] imposition, [and approach] communication as dissemination of information” and therefore not as truly consultative (Monsalve Durán 2009: 15). Nevertheless, they have a tradition of at least informing those affected by their policies and regulations, which allows local and regional interests to plan their responses to potentially adverse outcomes.

40 The Swedish government requested a three year extension, but the Commission refused (Wärneryd and Gomér 2009: 18).

41 Since Sweden and Finland entered the EU after the Natura 2000 directive had been drawn up and passed, the original directive had been compiled without considering the Nordic environments and habitats. When Sweden and Finland entered in 1995, they found themselves required to implement a directive that both ignored critical Nordic habitats, and used a habitat classification system that was based on continental Europe and had not been previously used in the Nordic countries (Diekmann 1997: 193). In 1997, the EU Commission amended the Habitats directive to include the relevant habitats and species for Sweden and Finland (Diaz 2001: 289).
Alriksson and Borglin 2006: 29; WWF 2000: 16). This effectively meant that any landowner affected by Natura 2000 was already operating under a state-run management regime. In response to this list, the Commission determined that the Swedish government had relied too heavily on already protected sites (i.e. they did not adequately increase the amount of land to be protected), and did not cover enough of the required habitat. This meant that Sweden needed to greatly increase the number of sites that had not been under prior protection, and provide sites that would affect landowners and users who were not already under environmental restrictions.

The process for selecting sites continued. However, it became increasingly clear to SEPA that the consultation procedure, and effective landowner veto, ran counter to the requirements of the EU Directive, which forced them to re-evaluate their earlier interpretations. A narrower reading indicated that the Natura 2000 process provided “low or non-existent incentives or possibilities for county administration executives to negotiate and communicate, as the regulations [are] mandatory, giving no room for adapting to and reaching compromises with local contexts and interests” (Stenseke 2009: 219). By 1997, therefore, the Swedish procedure was changed to remove a landowner’s ability to contest her inclusion in the Natura 2000 network. The CABs were instructed that they should now add sites without the agreement of the landowners. Nevertheless, the process was still expected to be open and consultative to some extent. Broadly, the boards were expected to inform landowners that their land might be included in the Natura 2000 network, as well as inform them of any possible consequences of this designation. If a landowner, or any other interested stakeholder, chose to submit any, her comments on the site selection would then be included along with the site proposal (Bouwma et al. 2010: 46). In addition, CABs would continue to have their proposed sites commented on by ecologists and scientists in their regions (Lagerstrand 2004), though other interests, such as NGOs were not specifically consulted (WWF 2000: 18, 198).

In many cases, however, this new approach was interpreted to mean that the County Boards could add sites without consultation. As a consequence, many landowners were poorly informed, both about the inclusion of their land in the network and about the possible consequences for their use in the future (Ebbesson 2006; Bouwma et al. 2010: 47; Nilsson 2007; Aulén 2009). For example, a Natura
2000 coordinator for the CAB in the southern Swedish county of Skåne,\textsuperscript{42} noted that a cause of significant problems in his district during the later stages of the Natura 2000 process arose because many of the stakeholders had not been informed at the site-selection stage that their land had been designated as part of the conservation network (Nilsson 2007).

The lack of expected transparency may have occurred for several reasons. One of the main causes for the lack of information to stakeholders was that the Swedish authorities in charge of the effort had been underfunded and understaffed (Bouwma et al. 2010: 51), even though they had to achieve the implementation of Natura 2000 on a relatively short time-table. This meant that in many cases, the CABs were unable to adequately carry out the required consultations (WWF 2000: 197-8). In addition, the basis for site selections were never very clear; Lagerstrand (2004) found that the CABs themselves did not necessarily have full knowledge of what the EU directive actually required in terms of habitats and species, though this improved over time as SEPA revised its orders, with some variation across the CABs. However, the uncertainty about criteria means it is unlikely that individual landowners would have been able to anticipate that their land might be included in the network if the CABs themselves did not have the information. Finally, the exact locus of decision-making was also somewhat unclear. This was made worse by the fact that each of the government levels blamed the others when the EU admonished Sweden for not completing its list in a timely fashion. SEPA blamed the CABs, who blamed both SEPA and the municipal governments, even though the latter had no administrative authority in implementing Natura 2000 (Lagerstrand 2004: 33-34). Altogether, this meant that the process did not have the transparency that many expected.

The fact that the amount of transparency changed in the middle of the implementation process has important implications. As noted above, the sites selected at the beginning of the process, when there was the greatest transparency, were the \textit{least} likely to have a negative impact on landowners. The Swedish government started by proposing sites that were already under environmental protection and conservation programs. However, the transparency of the process decreased at the same time that Sweden included more types of land. The later in the process a site was chosen, the more likely it was that the land was not already protected under Swedish law (Norrlin 2001: 27). In other words,

\textsuperscript{42} The Skåne CAB oversees 33 municipalities at the southern tip of Sweden.
transparency was less certain when landowners were more likely to be negatively impacted by the site selection.

The result, as noted afterwards by on-the-ground practitioners of Natura 2000 from both government and interest groups, was that there was less information and consultation at the site-selection stage than the formal procedures indicated should be the case. Even though the process was formally supposed to be reasonably transparent for rural interests, in practice it was much less so. Landowners and other constituents of rural interest groups often had little information about the sites selected for the process or the impacts that such selection would impose on them. Without this information, landowners and users were less able to counter the negative impacts of the Habitats directive on their own.

The Response by Swedish Groups

In the end, there was no coordinated action by Swedish rural-interest groups to protect the interests of their members and constituents. The process, as it unfolded, was far less transparent than it was supposed to be, but the groups — whose members were potentially harmed by it — did not effectively monitor the situation and counter its negative impacts. Indeed, this was the case even though the party in power during the implementation process was not necessarily the most sympathetic to rural interests; while the Social Democrats are not antithetical to rural interests, they are not as closely aligned to them as the Centre (formerly Agrarian) Party. Thus, in contrast to the French who were alert even with a sympathetic party in power, the Swedish groups were not particularly alert to difficulties even though they had a potentially less sympathetic government.

Instead of preparing and acting before site selection was finalized, these groups complained after the fact that many of their members had been given little information about the site selection, and that they were left in great uncertainty about the likely impacts of having their land included in the Natura 2000 network. Indeed, rather than trying to impact the site selection process to the benefit of their members, Swedish groups expressed their disappointment that the proposed consultation procedures had not been followed and stated their expectations that the government would be more forthcoming and consultative during the later stage of the process, the creation of management plans.
In their member journal, the Mellanskog forestry industries company noted that many of their landowner members had complained that they did not receive adequate information from the authorities, and that some of the information they did receive was unclear or difficult to understand; in addition, even though the formal requirements of the process were to consult with landowners, the EU timeline meant that it was not always followed. The response of the Mellanskog group to its members concerns, however, was to send letters to SEPA and the regional CABs demanding that information be provided in full, as specified in the national directive (Glöde 2006: 12).

The Chief ecologist and environmental manager of the Södra Forest Owners Association also noted several problems: that the Natura 2000 process for choosing sites had been too rapid; that many owners were not notified that their land was selected before the site list was sent to the EU commission; and that the Swedish authorities did not provide adequate information, or provided conflicting information, about the site selection and the likely consequences for future land use, which left forest owners with many questions about the potential impact of Natura 2000 on their landholdings (Aulén 2009: 24-25). Rather than demanding a re-do of the site selection process, however, Aulén indicated that both the government, and the text of the Habitats directive, promised that the later stages of the process were supposed to be more open and consultative than the prior stages.

Indeed, the lack of effective response during the site selection stage is most visible when it is contrasted with the conflicts and difficulties at the later site management stage of the Natura 2000 implementation. These later conflicts have been attributed to the inadequate information for landowners, top-down prescriptions from government, and uncertainty about the implications of being part of the network (Bouwma et al. 2010: 49). In particular, since many landowners and other stakeholders who were not adequately consulted or informed during the site selection process about the site choice or likely consequences of it, they only became aware that their interests might be compromised when it was time for the creation of management plans. In other words, they only found out about it when it was too late to have an impact on a site’s inclusion in the network. 43 This heightened uncertainty and lack of information was identified as a key source of conflict and discord by

43 Management plans are only drawn up after the EU Commission approves a particular site and officially designates it as a site of community interest.
landowners, hunters, nature groups, and even government representatives, once the management stage
began (Bouwma et al. 2010: 48).

Given that the early instructions from SEPA and the national government were that landowners
were to be consulted and informed about their land and the potential consequences of being chosen for
Natura 2000, the later conflict shows that these formal procedures were not followed. Instead, it
indicates that the many rural actors were not informed of the issues until presented with the Natura 2000
list as a finalized decision by the government and the EU. Indeed, even SEPA acknowledged that they
had not abided by their own rules, “since a large number of conflicts relate[d] to the poor
communication in the selection phase” (Bouwma et al. 2010: 51). However, national level groups
representing those rural actors did not react to protect their constituents’ interests at the national level.

The lack of coordinated response by groups cannot be attributed to a lack of consequences for
their constituents. For landowners and users in Sweden, as in other EU countries, the consequences of
having land in, or even near, the Natura 2000 network, have real implications for future uses. The
clearest evidence of these effects is that some landholders — finally informed during the management
stage that their land was on the official list of Natura 2000 sites — requested that their land be removed
from the network (Bouwma et al. 2010: 48).

Forestry lands were particularly likely to have adverse effects under Natura 2000, and most of
the opposition to site selection came from forested sites where forestry production was at stake
(Ebbeson 2006). This is because much forest production, whether sustainable or intensive, was deemed
incompatible with protection (Bouwma et al. 2010: 48; Norrlin 2001: 37). This meant that a
landowner’s forestry activity might have to cease entirely if his or her land were kept within the Natura
2000 network. On the other hand, there are more ways to farm that are in line with sustainable
conservation of habitats and species (Norrlin 2001: 37). While agricultural lands would have
limitations on the types of products that can be used in cultivation, forested lands are likely to have
management plans that force owners to waive all rights to cultivation or harvesting of timber (Norrlin
2001: 63-64). The life cycle of trees, measured in decades compared to the months or years for
agricultural outputs, accounts for some of this difference in restrictions (Norrlin 2001: 64); nevertheless,
this means that certain types of land owners are more heavily impacted by Natura 2000 restrictions than others.

Outcome of the Site Selection Process in Sweden

The Swedish government provided lists of additional sites to the EU Commission numerous times; in addition to the first list submitted in March 1996, they submitted additional sites in December 1996, January 1998, December 1998, May 2000, July 2000, May 2001, June 2001, January 2002, and again in 2003 and 2004 (Lagerstrand 2004: 27; Nordic Business Report 2002). The EU Commission finally deemed that Sweden’s list was complete in 2004 (Bouwma et al 2010; Fuente Tomai 2010). However, the Swedish government added still more sites in the following years in order to provide greater coverage to marine environments, and also to finish the designation process for several sites that had caused difficulties (Bouwma et al 2010: 43).

By 2008, there were more than 4,000 areas designated under the Natura 2000 directive (Esmerk 2008). Of these, almost half, around 1750, include privately owned land; this means far more landowners impacted than the number might imply since a single Natura 2000 site can include the property of hundreds of landowners (Bouwma et al. 2010: 43). The State owns about one fourth of the Natura 2000 sites, and the rest is held by other entities, such as communities or the church (Bouwma et al. 2010: 43). And the site choices also have an impact on users who do not hold titles to the land, such as hunters or fishermen. Sweden has very liberal public right-of-access laws (Stenseke 2009: 1; Tivy 1985; Skogsstyrelsen 1998), and thus activities that are limited on any given site could potentially impact a much wider public. In all, the total area in Sweden’s Natura 2000 network is around 60,000 square kilometers, or around 13%-15% of Sweden’s total surface area (Natursvårdsverket and Skogsstyrelsen 2008: 23; Bouwma et al. 2010: 43). This includes about 6% of total agricultural land and 8% of total forest land; the Ministry of Agriculture reports greater than half of the forest land included in the Natura 2000 network is “productive” (Bouwma et al. 2010: 45).

The selection of sites for Natura 2000, however, was much more top-down and much less transparent than many had expected. Stenseke (2009: 219) notes that, in Southern Öland, the Natura 2000 process was carried out “with no dialogue worth mentioning”, in sharp contrast to to other nature
conservation programs that had been implemented previously, and led to a sharp reduction in trust of nature conservation programs by farmers and other rural stakeholders. This eventually led to an increase in “local opposition” to Natura 2000 and was marked particularly by demands for greater “participatory rights to be extended to local groups in the designation and management of protected areas” (Hovik, Harvold, and Joas 2009: 216). However, most of these local conflicts occurred between individuals and the state, rather than through organizations (Bouwma et al. 2010: 51).

In the end, Swedish groups were relatively unsuccessful at defending the interests of their members and constituents. The groups expected transparency and inclusion in the policy process, and they were not prepared to respond when the process was not conducted as formally promised. The groups were not vigilant, and therefore had little response, to the loss of transparency over the course of the implementation process. By the end of the process, landowners and users had less influence over site selection than they had had at the beginning. Their representatives, therefore, did not effectively act to maintain, much less increase, their influence over the site selection process and the outcomes of the Natura 2000 network.

**Successful French and Unsuccessful Swedish?**

The Habitats Directive and the construction of the Natura 2000 network provide an interesting case by which to observe group responses under reduced transparency. In both countries, the selection process for Natura 2000 sites was implemented with lower transparency than the groups had expected. The Directive had indicated that economic, social, and cultural stakeholders should have some say, and have their interests considered, in the course of the Natura 2000 process. However, these interests were not well-informed of the process for selecting sites.

Since sites were selected at the local and regional level, effective action on the part of groups would be to ensure that their constituents — land owners and users — would have some opportunity to impact selection. This meant that the land owners and users would need to know that their land was being included in the network, they would need some access to the process through which they could present their perspectives, and they needed some way to know about the process and its requirements (broadly, that attempts at persuasion would need to be framed scientifically).
In Sweden, groups were not alert to the possibility of reduced transparency. While the process was begun with guarantees that their constituents would be informed, and even actively consulted on the choice of Natura 2000 sites, these guarantees were reversed as the process continued. In fact, landowners and users were often not provided with this information, and thus had little ability to contest it before it was too late (after the formal designation of the site at the EU level). However, groups were not alert to the reduction of transparency for themselves and their constituents, and as a result they did not adequately respond to it, and did not fully support the needs of their constituents. Instead, they became aware of it after the fact, as their members complained, and then the groups complained themselves that the government had not adequately done what had been expected.

In France, however, groups were very alert to the possibility of low transparency. They were suspicious early, and began their organization and mobilization before the French decisions were made. Indeed, they were able to bring together a coalition that had not previously been cohesive because they began their interactions in advance. Thus, they were able to jointly put pressure on the government to halt the process and significantly amend it. They successfully increased the transparency of the process for their constituents, by ensuring that the implementation process would explicitly include their interests and representatives at the local and regional levels.

What we see in this case study is that the French were well-prepared for a low-transparency policy process, and successfully lobbied to open up the process to their constituents. Swedish groups, on the other hand, were not vigilant to reduced transparency, and thus were less successful at maintaining the interests of their own constituents; instead, the amount of information available decreased for those constituents, and in most cases, land owners and users were left to defend themselves alone.

This case study indicates that while a pared-down toolbox of lobbying strategies may be well adapted to high transparency situations, it is less effective at responding to lowered transparency. Indeed, Swedish groups showed little adaptation to the changed circumstances imposed by the EU directive. This result indicates that Hypothesis 1 — that both France and Sweden would respond immediately to reduced transparency by preparing for potentially costly later actions — was not correct. Instead this case study supports Hypothesis 2, that Swedish groups would not respond to the reduced
transparency by preparing strategies to counter-act the potentially damaging consequences of policy choices they, and their constituents, were not informed about.

In addition, Hypothesis 3 was also supported, as French rural groups were more effective at defending the interests of their constituents than the Swedish groups. While we should expect that more experience with low transparency policy processes will cause Swedish groups to adapt their toolboxes in the long run, short run changes appear to put them at a disadvantage. This may explain why French groups were more successful at pursuing their interests, even though we might have expected that Swedish groups would have been.

The key to this chapter, then, is an interesting counterfactual. We might generally expect that Swedish groups would be better able to defend their interests: the transparency of Swedish policy making institutions suggests that groups will be able to decide their lobbying strategies on a case by case basis, depending on the particular issues at hand, and with little need to expend resources by extensive monitoring to avoid deleterious surprises, and by preparing for those potentially costly surprises in advance. In other words, Swedish groups can concentrate their attention on a reduced toolbox of lobbying approaches; they do not need to prepare strategies for surprises or last-minute actions, and they do not need to prepare strategies for mitigating potential disasters. The toolbox can be pared down to those strategies that can be constructed with adequate lead time (to make it through the range of transaction costs involved in joint lobbying, for example; of the lead time needed for research and implementing mobilization of the base, or letter writing, etc.).

However, what the case study in this chapter indicates, is that this more minimal “toolbox” of approaches to policy-making processes may be poorly adapted to changes in the environment. While French groups appear to be at somewhat of a disadvantage, due to the much higher occurrence of costly decisions, and the need to maintain costlier monitoring and coordination activities, their more diversified toolbox is better equipped to deal with changing circumstances. French groups have the tools to deal with low transparency, and so are less likely to be taken by surprise.

Thus, where transparency increases, there is no reason to expect that French groups would be less able to respond. However, decreases in transparency for Swedish groups, who face the policy process with a reduced toolkit, are likely to lead to suboptimal outcomes.
Chapter 9: Conclusions and Implications

The Conclusions

The goal of this dissertation was to determine whether looking at policy-making transparency can help us explain interest group behavior. In particular, I posited that groups facing low-transparency environments would need to pursue strategies to mitigate the potentially negative consequences of lobbying with poor information about current policy making; on the other hand, groups facing high transparency could simply implement an ad-hoc lobbying strategy of making decisions on a case-by-case basis. The empirical findings in the previous chapters indicate that this distinction is borne out on the ground. Groups do indeed have lobbying strategies tailored to deal with the levels of transparency they face in the policy-making process.

Theoretical Arguments

I theorized that the critical component of transparency, that should matter for lobbying groups, was the actionable information released during the policy-making process. Actionable information is information that is released before a group needs to make its lobbying decisions; and groups especially need information about what policy options are being considered and when policy decisions will be made, across all stages of policy-making.

The way such actionable information is released determines how transparent a policy process will be. No policy-making process is likely to be entirely opaque, particularly if it is democratic. However, more-transparent policy processes will systematically release information early in the policy process. Groups facing policy-processes where information is released reliably early in the process can depend on having the information they need to make their own lobbying decisions, well before they need to make those decisions. On the other hand, where information is released non-systematically, i.e. at the discretion of policy-makers, groups cannot be sure that they have the information they need to make lobbying decisions, nor when they will get the actionable information that they need. Thus, low-transparency policy-making processes exist where systematic actionable information is released late or not at all.
In short, groups faced with a low-transparency environment will need to make their lobbying decisions under conditions of uncertainty. However, making lobbying decisions under uncertainty means an increased likelihood that those decisions are not well tailored to the real situation at hand; in other words, groups may make mistakes or may be ill prepared to deal with surprises. To deal with this uncertainty, groups need to adapt their lobbying strategies to mitigate against potentially costly mistakes or nasty surprises.

There are three basic types of mitigating strategies that groups should adopt to reduce the possibility of incurring such costs under low transparency. First, groups will adopt strategies that aim to increase the amount of information available to them. One approach will be to invest more heavily in monitoring the political process, to increase the chances that they do not miss unexpected releases of information. Another strategic approach is to ensure that the group is not excluded from discretionary information released by policy makers; in other words, by taking care not to upset or embarrass policy makers, a group can mitigate against the possibility that those upset policy makers will decide the group is not a credible partner in policy-making (and thus is not a worthy recipient of discretionary policy-making information).

Second, groups can adopt strategies that decrease the chances of making lobbying errors. A lobbying error involves selecting a tactic, message, or target that is not particularly useful for a particular lobbying effort. For instance, there is little point in lobbying a policy maker who has no impact on a particular policy decisions, and will simply lead to wasted time, resources, and possibly political capital. One approach to avoid errors in messaging, for example, is to broaden the scope of lobbying actions to avoid narrowly tailoring a lobbying action in a useless manner.

Finally, low-transparency groups can adopt strategies to increase their ability to respond to surprises. Surprises occur when groups are confronted with late information about policy making, and, thus, may need a speedy lobbying response to have a chance at influencing the policy in question. To deal with surprises, groups need to be able to respond quickly at the last minute. Thus, one approach that groups can use is to institutionalize their responses; in other words, groups can prepare in advance for their lobbying actions, in particular those responses that may need additional time or resources to
prepare effectively. If they can institutionalize their lobbying responses, they can implement them more quickly at the last minute.

In contrast, groups who are lobbying under high transparency do not have to deal with these potential difficulties. They are systematically given information about the policy-making process _early_ enough that they do not need mitigating strategies. Instead, these groups can simply choose the lobbying actions that best fit the current circumstances, since they can be reasonably certain that they have all the information they need to accurately tailor those actions. In other words, groups under _low_ transparency need a range of additional strategies to deal with the potential for exclusion, errors, and surprises; but groups under _high_ transparency do not.

**Empirical Support**

The research in this dissertation confirms these theoretical arguments in several different ways. First, cross-national data support the argument that transparency for those interested in policy outcomes is more closely aligned with policy-maker discretion than with broader indicators of transparency. There is little correlation between the presence of Freedom of Information (FOI) laws and levels of transparency (as perceived by business actors interested in policy outcomes). Thus, FOI laws, a common broad indicator of general transparency, do not necessarily provide the _actionable information_ sought by actors interested in the policy process. On the other hand, there is a very strong correlation between levels of transparency and policy makers’ use of discretion in policy decisions. The more policy-makers use their discretion to favor some interests over others, the lower the level of transparency; and where policy-makers have discretion over policy outcomes, they likely have discretion over policy information, as well. Thus, these results indirectly support the idea that transparency is a function of _how_ exactly information is released _during_ the policy process, rather than simply whether it is released eventually.

Second, interviews with forestry interest groups in France and Sweden confirm that groups under low transparency institutionalize their relational lobbying strategies to prepare for surprises (and

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1 In particular, most Freedom of Information laws exempt information about decisions that are in process. Thus, Freedom of Information laws indicate only that information must be released _after_ decisions have been made.
to avoid exclusion), whereas groups under high transparency pursue ad-hoc lobbying strategies instead. The French policy-making process is prone to surprising groups with last-minute information about policies that are already fairly far through the policy-making process. Thus, French forestry groups have created structures for reducing the time and resources it takes to implement joint lobbying actions with other groups; in particular, they use long-term coalitions and contracts to structure their negotiations over joint lobbying messages, and they specialize in particular tactical approaches. While both institutionalized approaches help groups respond more quickly to last-minute surprises, the latter also guards against exclusion from discretionary information; specifically, while one ally takes the risk of telling the government what it is doing wrong (and potentially embarrassing it in public) in order to force policy-makers’ attention on a particular issue, another ally will maintain its working relationship with policy makers, increasing the chances that at least one of them will still be told what is going on in the policy process.

In stark contrast, Swedish interest groups — faced with a high-transparency policy-making process — do not show the same strategic behaviors. The Swedish groups show little advance preparation of their joint actions. Rather than institutionalizing their interactions with other groups, they negotiate each joint action ad hoc, on a case-by-case basis. The groups feel that they have good information about the policy process, and they have little worry that they will be surprised at the last minute. So, they simply respond to the policy process as it occurs. Thus, the relational strategies that groups pursue in France and Sweden support the idea that low-transparency groups will implement mitigating strategies that the high-transparency groups do not need. Specifically, the French groups institutionalize both to respond to surprises and to take precautions against exclusion from discretionary information by policy makers.

Third, content analysis of Greenpeace forestry press releases in both France and Sweden indicates that groups under low transparency pursue rhetorical lobbying strategies that mitigate against lobbying errors and exclusion by policy makers, while groups under high transparency do not. Analysis of the language used by these environmentalists shows that groups in both countries focus their public lobbying messages on the most critical actors in the policy process, whom they call out explicitly. In addition, the form of these lobbying messages — the press release — is essentially the same for both.
However, there are real differences in the way the groups use both descriptive and prescriptive language when addressing their own government’s policy actors.

The French group tailors its rhetoric to mitigate the potential for exclusion from discretionary information, as well as to mitigate the potential for costly errors in tailoring their lobbying messages. More specifically, Greenpeace France showed a tempering of confrontational rhetoric that might upset policy makers; while they did not refrain from pointing out what government actors were doing incorrectly, they spent more time pointing out the positive in what government actors had done, and they framed their prescriptions as positive steps that government could take. In other words, while the public nature of press releases makes them inherently confrontational, the French group adopted a rhetorical strategy that made more positive and constructive overtures towards the policy makers they hoped to influence. In addition, the French groups were much more likely to lay out their policy prescriptions in general rather than specific terms, suggesting that they were presenting policy ideas that could address a broader swathe of the policy process, rather than being narrowly targeted at a particular policy moment. Thus, Greenpeace France, faced with a low-transparency environment, where there are real dangers of exclusion and lobbying errors, has a public rhetorical strategy that takes steps to mitigate these dangers.

On the other hand, the Swedish group did not appear to tailor its rhetoric to avoid exclusion or costly errors. Greenpeace Sweden showed little effort to reduce the confrontation in their press releases. They used very few positive statements to counterbalance their negative ones, unlike the French group. Similarly, their prescriptions were framed far more negatively and confrontationally, pointing out what the government policy makers needed to stop doing (rather than framing it as positive steps the government could take). In addition, the Swedish group’s prescriptions were far more likely to be specific, suggesting that they were more narrowly tailoring their public rhetoric. In short, the French group — faced with a low-transparency policy environment — has a rhetorical strategy that is adapted to preventing exclusion and costly errors; the Swedish group — faced with a high-transparency policy environment — does not take steps to prevent such errors because it does not need to.

Finally, a case study of the implementation of the EU’s Habitats Directive in France and Sweden added a dynamic element to these empirical results. The procedural requirements for
implementing the Natura 2000 network (as specified in the Directive) created a low-transparency policy-making environment in both countries. While the French groups were able to use their usual strategic toolkit, namely by monitoring heavily to increase their chances of getting information and by preparing early for potentially costly surprises, the Swedish groups’ usual strategic toolkit was not well adapted to the new low-transparency environment (as they neither monitored heavily nor prepared early for surprises). Thus, while forestry groups in France were able to successfully lobby for changes to the way sites were chosen for the conservation network, and effectively increased their access to information about the process, the Swedish groups had very little direct impact on the selection process. In other words, the Swedish groups were poorly served by their usual ad-hoc approach to lobbying, as they were not able to successfully defend the interests of their members during the site selection process. This case study reinforces the empirical findings in the other chapters: that groups routinely faced with a low transparency environment will adapt their long-term strategies to mitigate its potential consequences. On the other hand, groups under high-transparency policy-making environments have little incentive to construct lobbying strategies to mitigate for costly errors and nasty surprises. While this serves them well under their normal high transparency, it may leave them ill prepared to deal with poor information about the policy process.

In Conclusion: Transparency Matters

This research shows that policy-making transparency does matter for interest groups. While groups give information to policy makers, they also need information about the policy process itself to be able to lobby effectively and efficiently, and with fewer costly errors. Thus, groups adapt their lobbying strategies to respond to the level of transparency they regularly face in the policy-making process.

Importantly, the research in this dissertation suggests that transparency matters above and beyond what we usually think of as “access” for interest groups in the policy process; nor is it simply a question of whether interest groups are consulted by policy makers. The empirical findings suggest that groups respond to transparency imperatives independently of their level of access or how much they are consulted. As the previous chapters indicate, groups are actually frequently consulted under both policy
processes discussed here. However, the Swedish form of consultation provides information to groups, about what is being considered, *systematically and early* in the policy-making process. Thus, groups learn about what is on the table far in advance of the elaboration of alternatives (in the executive branch, particularly) and far in advance of formal decisions made on policy and regulatory proposals (in both the executive and legislative branches). Groups know they will get information, and they can therefore pursue ad hoc strategies for selecting lobbying actions. In contrast, French consultations take place either through purely *discretionary* avenues, or *very late* in the elaboration process. Thus, French groups’ consultations do not necessarily provide groups with the information they need about what is on the table until it is almost too late for lobbying to have a real influence. Waiting until they get information about the policy process (a more ad-hoc lobbying strategy) would lead to greater errors and negative consequences, and thus French groups need to take strategic actions to mitigate these.

In addition, it is not simply whether or not groups get access. The interviews with groups in Sweden show that both producer groups and environmental groups are granted regular access to policy makers, and these two types of groups *do* show similar lobbying behaviors. However, in France, forestry producer groups are granted much greater access to policy makers than environmental groups, *but these two types of groups also show similar lobbying behaviors*. In other words, the lobbying behaviors and strategies of forestry groups are influenced by transparency but not necessarily just simple access to policy makers. Thus, while access and consultations do provide routes for gathering information, it still matters whether that information is granted *early* and *systematically*, or whether groups must rely on discretionary information to do their lobbying.

In conclusion, the transparency of the policy-making process — the way that actionable information is released — is an important factor for understanding how interest groups make their lobbying decisions. A full picture of interest group behavior thus requires moving beyond how groups provide their own information to policy makers, and instead requires that we also look at how groups *get information* about the policy-making process.
The Broader Implications

There are two main reasons why this research is important. First, it has broader implications about the role of interest groups in society and how they contribute to democratic policy outcomes. Second, it has important theoretical implications for our understanding of transparency, and how we can refine our use of the concept to better investigate its role for a variety of political actors. Both suggest avenues for further research and refinement of the concepts presented here.

For How We Understand the Role of Interest Groups in Democracy

Governments generally need information from interests groups in order to make better-informed policy choices. This is because many groups have specialized and on-the-ground information that policy makers may not have access to, if the groups do not or cannot share it. Thus, it matters deeply whether groups are enabled or disabled from effectively participating in the policy-making process, and whether groups are differently enabled or disabled.

Broadly, high-transparency policy-making environments would seem to more universally “enfranchise” a wider range of groups into the policy process. If more groups have early information, and thus have a greater chance of putting together an effective and informative lobbying campaign, policy makers are more likely to get a wide variety of information and opinions on which policy options are best. Low-transparency environments, on the other hand, may lead to policy decisions made with less information, and may end with a multitude of groups trying desperately to get their opinions into the process at the last minute. In addition, in the former high-transparency case, more groups may feel that they have a better chance of actually taking part in the policy process effectively, and thus they may be more accepting of policy outcomes that do not perfectly align with their preferences; on the other hand, groups in low-transparency environments who feel that they had little opportunity to really influence policy outcomes may be less willing to accept those outcomes. In other words, how information is distributed may impact both how good policy is, as well as how contentious the process is.²

² In other words, rather than needing to attribute contentious behavior to the French and consensual behavior to the Swedes as nominative cultural traits, we may be able to parse out the roles that information and transparency play in the behavior of actors in different political settings.
Further study of the impact of transparency on interest groups should also consider how it may differentially affect groups with different basic characteristics. Specifically, if groups are differentially impacted by policy-making transparency, then policy makers are more likely to get a biased sample of information about particular policies, rather than information that reflects the broad experience of all political actors. In particular, the information they get is likely to come from already privileged and well-resourced actors, at the expense of those societal interests who have fewer resources to devote to gathering and providing information. As briefly discussed in Chapters 6 and 8, there are real variations between types of groups, such as types of members or constituents, internal organization, or resources, to name a few. While the level of transparency and the mode of information release have general effects on lobbying behavior, they may also have more specific identifiable impacts on different types of groups.

For example, two policy processes that systematically release information *early* will both be relatively transparent. However, if one process provides that early information *directly* to groups, it would require fewer resources from groups than a similarly transparent process that simply makes the information available to the general public. In the latter case, groups would need to invest far more resources in monitoring the policy process than they would in the former case. For groups with limited resources, then, lobbying in the latter system may mean that they will not be able to keep tabs on all potentially relevant policy matters even though the information *is* available. Thus, groups with a greater resource base, who can put more resources into gathering information from disparate government sources, may be at a distinct advantage. Thus, under equally transparent systems that release information in different ways (though both release *early* and *systematically*), certain groups may be better placed to respond effectively than others.

Similar issues will come to play in opaque policy systems. In opaque policy processes, more information is released at the discretion of policy makers. Thus, groups may need an additional resource (beyond monitoring costs): namely *political capital and access* that will allow groups to get the discretionary information they need to lobby effectively. Groups with more and better-placed allies in government will have a greater chance of getting important information than groups with fewer or poorly-placed contacts. This also suggests that under low transparency, a group’s access to
discretionary information may also depend on the ideology or party of particular government actors, or on the group’s ability to command access-granting resources such as money or votes. Thus, low-transparency policy-making processes may increase the effect of inequalities between groups.

These impacts of transparency on groups can help us parse out more narrowly why certain groups may be more successful than others, why groups behave differently in different settings, and why policy outcomes are more accepted in certain cases than in others. In short, we can use the transparency of the policy process to get a fuller picture of interest group behavior, and as a consequence to get a fuller picture of exactly how groups contribute their own information to the democratic debate and process. For the big picture, then, this makes it possible to determine whether governments are getting the broad range of information they need to make better informed policy choices, and how they might increase the informative nature of interest groups, if so desired.

For How We Understand Transparency

This research also refines how we can think about transparency. In particular, it reconceptualizes transparency as actionable information, which focuses concretely on what kind of transparency is useful for political actors when they have decisions to make. The main implication of this new approach to transparency is that different political actors should have different informational needs, depending on exactly what kind of decisions they must actually make and when they need to make those decisions.

Thus, this concept of transparency can be applied to understanding both the behavior and needs of different political actors as they act within different political processes. For example, voters who want to hold their current representatives accountable will need information about how well those representatives are fulfilling their promises. Unlike interest groups, however, the voter may not necessarily need this information as early as possible, unless the voter wants to coordinate with and mobilize other voters; for a lone independent voter with a lot on her mind, it may be better to get this information far enough in advance of an election to be able to digest and make a decision about that information, but not so far in advance that she forgets about it. In other words, what constitutes
actionable information will vary depending on the actor, and the type of decision the actor needs to make.

Since transparency is often considered critical for holding political agents accountable, we can use this conceptualization to delineate when principals will need certain types of information in order to effectively select or sanction their agents. In short, we can use this concept to construct better transparency initiatives; for instance, by determining which actors are likely to be best served by the particular provisions of Freedom of Information laws, and how those laws might be tailored to increase actionable information for different types of citizens. In short, by refining how we use the concept of transparency, we can build a clearer understanding of how transparency can be implemented to improve democratic processes and help critical democratic actors improve their own chances of making good decisions.
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