A false start? French actors in European environmental policy in the 1970s

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Final Manuscript 16/09/2011


1. Introduction: A false start?

In the history of environmentalism, France surely deserves a prominent place. Not only was the country host to some of those international conferences where environmentalism was first defined as a comprehensive political concept1 – notably the UNESCO "Man and the Biosphere" conference in Paris in 1968, and the Strasbourg conference of the Council of Europe's (CoE) European Conservation Year 19702. It was also at a summit in Paris in October 1972, in the wake of the Stockholm "United Nations (UN) Conference on the Human Environment", that the Heads of State and Government of the European Communities (EC) decided to effectively establish a common environmental policy. France also saw comparatively early environmental mobilisation3. Not only did its traditional nature conservation movement undergo rapid politicisation under the influence of ecological ideas. Thus in 1968, the new French Federation of Nature Protection Societies (FFSPN) was founded as a new environmental umbrella organisation with a rapidly growing membership4. But also, as a new environmental organisation, Friends of the Earth established one of its first and most successful branches in France as early as 1971, mobilising 20,000 people for the "vélorution" protest in Paris in the following year. French activists staged sizeable anti-nuclear demonstrations as early as 1971 in Alsace and elsewhere, which inspired the nascent German

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3 Dieter Rucht, Modernisierung und neue soziale Bewegungen: Deutschland, Frankreich und USA im Vergleich, Frankfurt, Campus, 1994, p. 242.
anti-nuclear movement on the other side of Rhine. The founding of an environmental ministry, the first one in the EC and one of the first ones worldwide, operational in early 1971, seems to demonstrate that even the conservative Gaullist political establishment was willing to embrace the new political agenda.

Robert Poujade, a former Gaullist party leader and the first environmental minister, even claimed credit for having initiated the EC environmental policy, pointing to the French government's memorandum of early February 1972.

However, to what extent did this early and forceful arrival of environmentalism in France actually spill over into French engagement in Europe, notably in the EC? Did Poujade's self-styled image of French environmental leadership in Europe actually stand up to the facts? In other words, which role did French actors play in the emerging environmental policy of the EC in the 1970s and what were its goals? Did French European policy reflect the more ambiguous or pragmatic "light green" approach that Michael Bess found to be characteristic of French attitudes to the environment? Bess criticised French society for its "partial greening" that seemed "shallow and wide". While green rhetoric and ideas had become all-pervasive, green ideas had not thoroughly transformed French society, not least since they clashed with the dominant vision of post-war period French society, namely economic and technological modernisation, and mass consumerism. While many French people feared the loss of the natural world, of (rural) traditions and heritage they essentially glossed over these contradictions by compromise and pragmatism.

This contribution will examine the role of French state and non-state actors – notably from the environmental movement – in the emerging EC environmental policy in the 1970s. I will focus on two
cases: first, the role of the French government in the creation of the EC's first Environmental Action Programme (EAP) of 1973, which laid the basis for an EC environmental policy; secondly, the role of both government and non-state actors in actual legislation, namely the making of the Birds Directive of 1979. Contributing to the overall agenda of this volume, I will conclude by assessing the role of France and what Bess claims to be the spécificité française of a light green society by situating France in a broader European supra- and transnational framework. However, at first it seems necessary to clarify where did the new demand for environmental policy have come from.

2. The transnational rise of environmentalism

The creation of environmental policy in France as well as at the European level was closely related to the international emergence of the notion of the environment as a new comprehensive policy area at the eve of the 1970s.11 Clearly, concerns about nature were nothing new. At least since the late 19th century, people in Europe and North America had mobilised to protect the beauty of nature and wild animals, and occasionally also to protest against industrial pollution.12 However, what was novel about the concept of the environment was that it provided a new *generic* term which included issues as diverse as nuclear power, industrial and household waste, noise, air and water pollution, land use including soil erosion and urban sprawl, resource use and the more time-honoured issues of nature and animal protection. What was so revolutionary about the new concept? First, it was a *political* term. Environmental problems were to be resolved through policy-making, rather than through administrative or technical measures. Secondly, environmental problems required *scientific* assessment, relying on ecological ideas, which described the world as interlocking ecosystems that human action threatened to unbalance. Thirdly, the environment

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was immediately perceived as a *global* problem. Finally, ecology and environmentalism as a political idea and movement suggested that the environment was threatened and that *urgent* action was necessary.\(^\text{13}\)

This new notion of the environment had germinated in circles of experts and scientists meeting in the context of international organisations in the course of the 1960s, such as the CoE and the UN and its specialist organisations. Gathering comparative data as they conducted research in international programmes such as the "International Biological Programme", scientists not only became aware of the global scope of the problem and were also socialised into a transnational "epistemic community"\(^\text{14}\) that no longer simply called for additional research funds, but demanded political action.\(^\text{15}\) By the end of the 1960s, the public debate started to address the issue of pollution, health dangers and resource exhaustion.

International bestsellers – like Rachel Carson's "Silent Spring" about the abuse of DDT – translated into French in 1968 – and their domestic counterparts such as Jean Dorst's "Avant que nature meure" (1965) reinforced each others' impact in raising attention to the issue.\(^\text{16}\) The media started scandalising pollution. These warnings resonated with the contemporary "real-time" experience of major environmental desasters, such as the Torrey Canyon oil spill off the coast of Brittany in 1967. Compelling images of oil-covered birds were brought into homes via television for the first time.\(^\text{17}\) As a result of thirty years of unprecedented growth and industrialisation during the "Trente glorieuses", by the 1970s, pollution and noise became part of the everyday experience of a majority of people in Western Europe and the US.\(^\text{18}\)

The initiative taken by the US Nixon administration to introduce a "National Environmental Policy Act" in 1969, the dynamics of domestic mobilisation (such as in France) as well as the need to come up with a report on the new issue for the 1972 UN conference on the global environment,\(^\text{19}\) induced most governments in Europe (and elsewhere) to devise their own environmental policies. Institutionally, this


was done in very different ways: While France and the UK built up environmental ministries in 1970/71, West Germany introduced an Environmental Programme in 1971, largely drawing on the American example. It was the potentially distorting effect of these national environmental measures on competition in the European Common Market, that made environmental action at the EC level seem a legitimate concern.

3. The EC Environmental Action Programme of 1973

The first Environmental Action Programme of 1973 effectively introduced an EC environmental policy, for which there had been no explicit legal basis in the Treaty of Rome of 1957. The Programme spelt out the goals and principles of the policy, as well as concrete priority measures. It was the key document of reference until the inclusion of environmental policy in the Single European Act of 1987. How did the first Environmental Action Programme come about and which role did the French government play in its emergence?

The emergence of the international environmental agenda, notably the activities of other international organisations such as the CoE or the OECD, made the supranational institutions of the EC aware of the option of expanding the EC’s scope of action into what seemed a new, important and popular policy area. At first, the European Parliament (EP) demanded EC action writing own initiative reports on water and air pollution, issues that had been highlighted by the CoE already in 1968. Responding to these demands, the Commission set up a working group, and produced a "First Communication" in 1971. The personal commitment of the Commissioners Altiero Spinelli and Sicco Mansholt, who was a member of the Club of Rome, that published the influential report on "The Limits to Growth" in 1972, played a role, too.

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Moreover, the Commission was aware of the necessity to coordinate the new policies of the member states – in order to ensure the functioning of the Common Market. At the same time, due to their involvement in international organisations, the Commission was committed to ensuring the effective representation of the EC, which required the coordination of national and Community positions.

It was at this stage, in January 1972, that the French government intervened with the memorandum Poujade claimed credit for. The document invoked Gaullist principles, insisting on the model of an "Europe des patries" rather than supranational integration. Thus, the French government was only willing to accept a very limited role of the EC in environmental policy. Instead of establishing a Community policy, the document advocated merely intergovernmental "European cooperation" ["coopération européenne plus vaste"] in a "flexible and pragmatic manner" ["grâce à des procédures souples et pragmatiques"], and proposed regular meetings of high-ranking national officials and the ministers responsible for the environment. Apart from coordination to ensure a joint approach in international organisations, European action should be limited to two areas: First, in order to prevent that nationally specific environmental rules were used to limit market access or distort competition in the Common Market, common standards and norms both for products and production should be established. Secondly, the French government perceived the EC as a useful instrument to provide funds for and coordinate research and the development of new technologies. Health issues and the construction of instruments to measure pollution were suggested as priorities for research.

Gaullist policy principles characterised the stance of the French government in the subsequent intergovernmental negotiations, once the Paris summit in October 1972 had signalled a go-ahead for the new policy. While the German and the Dutch governments in particular pressed for an outright Community policy, including a central role for the Commission and legal review by the European Court

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of Justice, the French government continued to insist on intergovernmental cooperation. Even in the
decisive Council negotiations in July 1973, Poujade demanded that the Environmental Action Programme
was to emphasise the central role of the member states, rather than that of the Community.

Already in its memorandum, the French government had acknowledged the importance of the new issue
of the environment. At the same time it emphasised the need to strike a balance between the
environmental protection and the development of the economy. "Nous avons un devoir de croissance",
Poujade subsequently argued – distancing himself notably from Commissioner Mansholt's visions of a
zero-growth economy. In line with such views, in the subsequent negotiations, the French government
supported their Italian partners and Italian Commissioner Scarascia Mugnozza, who feared that an all too
strict application of the "polluter-pays" principle – vocally advocated by the German government – could
harm economic growth. The French government also called for a flexible stance and generous exceptions,
notably in the context of regional policy. By Bess’ criteria, this could clearly be understood as a "light-
green" stance.

Altogether, the role of the French government, notably the French environmental ministry, in the creation
of the EC's environmental policy appears ambiguous. On the one hand, the new environmental ministry
was anxious to present itself as an environmental leader also in Europe, and supported the idea of
European environmental policy through its early memorandum. However, Gaullist preferences for
intergovernmental cooperation forced the ministry to take a more defensive stance, limited to ensuring
fair competition and calling for common research. Eventually, however, despite all Gaullist rhetoric, the

28 European Commission, « Aims and Underlying Principles of a Common Environmental Policy Draw[n] up by the
Member and Acceding States, SEC (1972) 3901, 7 November 1972, [R/2413/72 ENV 49] », Archive of the Council of
Ministers, CM 2.1973 024 (1972), p. 1-12, p. 3; Council of the European Communities, « Entwurf eines Protokolls
30 Européennes, « Mémorandum du Gouvernement français relatif au développement d'une Coopération
31 Poujade, « Environnement, Europe et qualité de vie », p. 15; Harald H. Bungarten, Die Ummelpolitik der Europäischen
32 Commission, « Aims and Underlying Principles of a Common Environmental Policy Draw[n] up by the Member
and Acceding States, SEC (1972) 3901, 7 November 1972, [R/2413/72 ENV 49] », p. 8f; Communities, « Entwurf
10, 34f.
French government accepted what was effectively a supranational Community environmental policy, which over time branched out into areas well beyond harmonization.

4. The EC Birds Directive of 1979

The EC Birds Directive was one of the first pieces legislation in the area of nature protection, which subsequently became an important field of EC action. It included both a blanket protection of European wild bird species against killing, catching and destruction of their nests— and protection of their habitats. Exceptions were only granted for birds considered "game". That the EC became active in nature protection, which was considered the realm of the CoE and far removed from the EC's key area of competence, namely economics, can be attributed to the activism of a strange transnational coalition of interests. Members of the EP from Northern member states raised the issue in parliamentary questions and an own initiative report, which was based on a petition submitted to the EP by a very active ecologically inspired bird protection group, the Dutch Stichting Mondial Alternatief. What induced MEPs to act were news reports about the mass killing of migrant singing birds in Italy and complaints by bird and animal protection groups. Cooperating transnationally with like-minded groups in Germany and the Netherlands, Italian bird protection activists scandalised the recurrent battles about Italian hunting legislation. To the MEPs, the issue seemed a salient public concern of European scope, not least since birds migrated across the EC. Subsequently, the vice-president of the EP's environmental committee, Hans-Edgar Jahn, who had already produced the first own initiative report on the issue and was personally committed to the cause, started to collaborate closely with bird protection organisations, and kept pushing for binding legislation to protect migrant birds. The Commission, hesitant at first about what seemed an emotionally driven concern, subsequently realised that action in this area would demonstrate the ability of the EC to act on an important and popular issue. In order to place its proposals on a sound

36 Interview with Claus Stuffmann, former Head of Unit at the European Commission’s Service for the Environment and Consumer Protection, Brussels 10 June, 2009.
scientific basis, it commissioned expert reports and eventually tabled a proposal for legislation, which included a ban on hunting of small migrant birds such as the skylark (alouette des champs), the hunting of which was practiced in Italy and also in parts of France. Equally it outlawed hunting using nets and lime, that were part of so-called "traditional practice".37

The main thrust of the bird protection organisations was directed against Italy, which was attacked by German activists of the "Committee against the Murder of Birds" with slogans like "No place for holidays where they kill birds" ("Kein Urlaubsort, wo Vogelmord").38 Nonetheless, it was the French government which most forcefully opposed the Birds Directive. It only caved in – and accepted a compromise which continued to permit the hunting of a severely restricted number of songbird species in France and Italy - in December 1978, once the Italian government had given up – notably responding to the protest targeting its crucial tourist business.39

The opposition of the French government to the Birds Directive can be attributed not so much to party politics – even if European regulation of what in France was considered a national, if not even a local affair, raised the eyebrows of Gaullist politicians. The defenders of traditional hunting practice were also those who in their majority voted for the conservative parties in government at the time. Rather, the balance of interests in France was very different from the countries in Northern Europe, where the initiatives for European bird protection had started. First, French hunters' interest was directly affected, whereas in most member states the hunting of small birds had been outlawed for almost a century. In the Northern half of Europe, eating small birds, practiced until about 1800, had become a taboo. Secondly, in Europe, perceptions of hunting differed along national lines. From the time of the revolution, in France, hunting was understood to be a right of the citizens, rather than that of nobility or the landowners. Thirdly, hunters were numerous, well-organised, vocal and and politically influential.40 Thus, while most of

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the letters written to the EC institutions or the German government demanded a ban on hunting, the records of the French environmental ministry contain aggressive letters from regional politicians and hunting organisations, while letters from bird protection groups form a minority. It was probably not solely a rhetorical complaint, when the FFSPN, eventually teaming up with the newly founding working group of European bird protection societies (WEBS) for joint protest in the summer of 1978, wrote that they wished to become as effective a lobbying organisation as that of the hunters. In the Gaullist spirit of conceptualising European affairs as the realm of the governments, the French environmental minister Michel d'Ornano responded quite harshly to the transnational protest by Italian bird protection organisations, suggesting that the letter-writers should rather address their own national government.

5. Conclusions

All in all, considering these two empirical examples discussed above, what can we conclude about the role of French state and non-state actors' intervention in the emerging European environmental policy? Despite the early domestic environmentalist mobilisation and institutionalisation of environmental policy, the evidence of French leadership in the creation of a European-level environmental policy is at best ambiguous. To a large extent, this is due to the some specifics of French politics, such as Gaullism, the traditional political strength of hunting organisations.

First, the French government was clearly the first among the member states to take up the issue placed on the agenda by the supranational institutions. In that sense, Poujade's self-confident claim of French leadership in Europe holds true. However, Poujade was only willing to accept a very limited

intergovernmental environmental policy cooperation. The policy finally enacted, and the way it subsequently developed, was effectively a Community policy, despite Poujade's opposition.

Secondly, the long-lasting and vigorous opposition of the French government against the Birds Directive can also hardly be taken as evidence of French environmental leadership. Rather, it seems to be the result of a domestic balance of power, in which hunting organisations wielded much more influence on policy makers than the environmental movement.

Of course, these two examples presented here only provide limited insights, and more extensive empirical research is necessary before we can draw more general conclusions. At the same time, both examples point to some of the characteristics of what Bess called "light green" society. Poujade was committed to reconciling economic growth and environmental protection. When in doubt, however, the former took precedence, as his support for a weakening of the polluter-pays principle shows. The case of bird protection demonstrates another feature of a French light green society: In the face of modernity, many people remained committed to rural traditions, such as the hunting of small birds. This implies an understanding of nature as a resource, rather than the romantic understanding that characterised the perception of small birds in Northern Europe, or ecological worries about unsettling the ecological balance. However, what may appear as a spécificité française, may simply be a more general phenomenon in its tricolore version. Most modern consumer societies are deeply ambiguous in their relations to nature.45