

INSTITUTIONALIZATION: A ONE WAY PROCESS? THE CASE OF BIRDLIFE MALTA

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This article disputes the conceptualization of institutionalization as a one-way process. Instead, it argues that social movement organizations can make use of contentious tactics while being institutionalized. The environmental NGO Birdlife Malta provides an example to illustrate this argument.

by Michael Briguglio*

A major concern of sociologists who study social movement empowerment is institutionalization, defined as regular and routine activities by social movement organizations within social structures. In this article, this definition includes particularly those of social movement organizations (SMO) within state structures. This case study hence dovetails with a major thrust of research in the area of institutionalization and focuses on how social movements are institutionalized within democratic state structures as well as on how this consequently may lead to a loss of their transformative potential: as their narrative goes, such SMOs may benefit from resources and funding from the state and business entities. The organizations themselves may become more professionalized in the process. Additionally, they engage in more institutional strategies and tactics such as lobbying or political consulting rather than extra-institutional radical activism. Management techniques, planning and public relations become important tools for such organizations. When an SMO is institutionalized, it therefore opts for methods such as technical and consensual debate and initiatives with industry and state organizations. It may be regularly consulted by the government and represented in official state committees. It, therefore, becomes an insider to democratic policy making processes.

Those SMOs may thus be differentiated from more radical and/or grassroots organizations. The former may opt for institutional reforms, whilst the latter may emphasize the need for broader structural change. They resist institutionalization and opt for radical forms of activism and autonomy from state structures. A more radical discourse is articulated, which also figures in the contentious repertoire that now tends to include rather confrontational strategies, such as protest, direct action and grassroots campaigns. Such SMOs are outsiders to state and business institutions.

Creative tension along institutionalization processes

This dichotomy may result in a ‚creative tension‘ (Carter, 2001: 147) between radical and moderate organizations, for example within environmental movements. The former may use a more innovative

repertoire and may be rather autonomous in terms of activism and agenda-setting, whilst the latter may have greater popular appeal and access to decision-making processes within state institutions. The latter's moderate ideologies may also be closer to ideological characteristics of state entities (Briguglio, 2010). This creative tension can result in dilemmas, for example, whether to engage in pragmatic and moderate strategies which may possibly result in substantive impacts, albeit not as far-reaching as what was originally demanded by the movement. This creative tension may not only exist between movements, but also within one SMO, thus pointing beyond a simple one-way process towards institutionalization.

The direction of institutionalization is not necessarily so clear-cut. For example, what if an SMO experiences institutionalization whilst maintaining various aspects of non-institutionalization? Does participation in state structures necessarily mean that contentious tactics disappear from an organization's repertoire?

In fact, my research on the NGO Birdlife Malta shows that institutionalization does not necessarily exclude contentious tactics (Carmin & Bast, 2009). Moreover, it points to the complexity of institutionalization processes and suggests differentiating between different contexts and policy arenas when analyzing the institutionalization of social movements. Above all, SMOs should not be conceived of as mere products of social processes such as institutionalization, but as conscious actors who interact with institutions and make strategic choices.

Birdlife Malta: activism on different levels

Birdlife Malta has experienced a 'change of fortunes' (Harwood, 2009: 343) following Malta's EU accession. The NGO now benefits from EU and Malta state funding, as well as sponsorship from private business. It manages public land of ecological importance and is an official consultee of the European Commission on hunting and trapping. It also is part of the Malta government-appointed ORNIS committee, which was set up following Malta's EU accession to discuss and recommend policies on hunting and trapping. Indeed, the Government of Malta had to accept a new context in which to deal with Birdlife. Legislation on hunting and trapping was no longer a national matter, but was now situated within the remit of the EU legislation. Besides, Birdlife Malta experienced new political opportunities through its European affiliation and its lobbying relationship with EU institutions.

A simplistic superimposition of institutionalization theory on Birdlife Malta would assume as a result of institutionalization in state structures, the organization is no longer involved in contentious tactics. However, empirical reality shows otherwise.

As stated above, prior to Malta's EU accession, hunting and trapping of birds was covered by national legislation which was very much influenced by electoral considerations and a strong pro-hunting

lobby. Once Malta joined the EU in 2004, it eventually had to conform to the **Birds and Habitats Directive** which, amongst other requirements, prohibits hunting of birds in spring (which had been permitted in Malta before). Once the said directive was formally adopted by Malta in 2006, the European Commission announced legal action against Malta, because of spring hunting. Additionally, the European Parliament's Committee on Petitions recommended the non-renewal of the derogation on spring hunting in 2008 and the abolition of trapping after 2008. Spring hunting seasons were not opened in 2008 and 2009. Birdlife's activism at the Maltese and European level was crucial at this point. Nonetheless, a proper legislative decision to abolish hunting in spring was not reached. An ambiguous ruling by the European Courts of Justice on the matter enabled this position, and spring hunting seasons were re-opened from 2010 onwards.

Subsequently, Birdlife Malta used its position to raise the issue again within the ORNIS committee and EU structures. But it did not stop there. Together with other environmental NGOs and Malta's Green Party, it formed an environmentalist coalition which successfully compiled enough signatures to call for a legally-binding abrogative national referendum on the abolition of spring hunting. Birdlife was one of the leading organizations in the referendum campaign and co-founded the 'Coalition to Abolish Spring Hunting'. Although the referendum did not pass, it was lost only by a mere 2,200 votes. This was no mean feat for Birdlife and its allies considering that none of the two political parties in parliament had supported the environmentalist campaign (Briguglio, 2015).

Birdlife Malta consequently continued its activism on spring hunting and other matters (including the bird hunt in autumn and land conservation) in non-institutionalized ways. For example, through its volunteers and collaboration with other NGOs such as **CABS** (Committee Against Bird Slaughter) it regularly exposed infringements by hunters through illegal hunting practices. It has remained vociferous in its appeal for the banning of hunting in spring and has also recently called on Malta's Prime Minister to close the autumn season due to illegal hunting practices and lack of enforcement. This shows that the NGO remained active in civil society campaigns despite its institutionalization process.

Implications

The case of Birdlife Malta, in sum, has various implications for our understanding of institutionalization processes in SMOs: first, Birdlife Malta's institutionalization process was itself complex. Different political institutions did not have identical positions on spring hunting in Malta. Indeed, the European Commission and the European Parliament's respective positions were closer to those of Birdlife, than that the Government of Malta. This enabled Birdlife to use its institutionalized status within the EU as a gateway of empowerment.

Second, Birdlife Malta acknowledged that EU membership did not simply mean that the hunting issue was resolved. When the European Court of Justice effectively put back the issue within the realm of Maltese politics, and when the Government of Malta accommodated various demands of the hunting

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lobby, Birdlife resorted to the contentious politics it deemed fit for that specific situation, despite its institutional membership within ORNIS. Hence, it was calling for a national legally-binding referendum to abolish hunting of birds in spring.

Third, Birdlife Malta is active within a new window of opportunity: one that is bound by EU legislation but which nevertheless permits national differences. In turn, this demands a flexible strategic approach by the NGO. On the one hand it gains legitimacy through Malta's EU accession, but on the other hand it has to contend with national politics which requires different tactics.

Conclusion

What the case of Birdlife Malta shows is that institutionalization itself happens within different structures which may have their own internal differences, and that SMOs may adopt different tactics according to specific situations. Hence Birdlife Malta can be seen as an example of an environmental NGO which, despite its institutionalized characteristics, remains 'vital and resist the complete co-optation that would render them toothless' (Rootes, 2007: 633). A creative tension of different approaches exists within the NGO itself.

While Birdlife Malta should not be seen as representative of SMOs in general or environmental NGOs in particular, its trajectory still shows that institutionalization can manifest itself beyond simple one-way processes. The process is not predetermined and does certainly not exclude the use of multiple tactics by institutionalized SMOs in their interaction with state structures and other social agents. Empirical research on different organizations can and should, thus, investigate strategic differences in how SMOs reflexively interact with institutionalization processes.

***Dr Michael Briguglio** is Lecturer at the Department of Sociology of the University of Malta. His research interests are politics, social movements, environment and social policy. He is active in civil society and green politics, and is a local councilor in Sliema (Malta).

Recent publications:

Briguglio, M. (2016). **The Zonqor Conflict in Malta**, in M. Trinidad Bretones, C. Andrés Charry, J. Pastor, J. Quesada (Eds). '2015: Social Conflict Yearbook, pp. 210-219. Observatori del Conflict Social: Universitat de Barcelona.

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