

**The Rise and Rise of Environmental NGOs:
Unforeseen risks to democratic environmental
governance in Australia**

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Abstract: Current approaches to environmental policy and management in Australia designate non-government organisations (NGOs) an increasingly central role. This paper considers that the extent of NGO involvement, both formal and informal, in environmental governance is now so widespread, the magnitude of changes to democratic governance so far-reaching and the claims made of NGO participation so bold, that a critical gaze on NGOs is overdue. To foreground the analysis that follows, the paper interrogates the relationship between NGOs and civil society, and explores the structural transformation of western democracies which has provided the preconditions for the rise of NGOs in environmental governance. The paper then considers the diverse ways in which such NGOs are currently implicated in environmental governance in Australia and identifies a series of risks associated with these approaches when used uncritically. The paper concludes by calling for a more nuanced and critical appraisal of the role of NGOs in environmental governance which takes care to reserve political space for the articulation of diverse values and interests in environmental policy and management.

Keywords: NGOs, environmental policy, environmental management, environmental governance, democracy, civil society

“Never fall in love with process. [We] love process, especially if it is grounded in competition, visibility, and democracy. I suppose this is because it helps us maintain the appearance of consensus. But process is a double-edged sword: eventually it will cut the other way and then it will be called betrayal.... if we really want a safer and healthier environment we will either have to embrace drastic deindustrialization or we will have to take our beloved process and place it in a solid, legal framework” (Theodore J. Lowi “Frontyard Propaganda” 2000:75).

Introduction

This paper addresses the role of non-government organisations (NGOs) in environmental policy in Australia. Both nationally and internationally, there is

widespread consensus that directly involving non-state associations in environmental management and policy and focusing environmental management activities at the regional scale represents an improved approach to governance (Brick *et al.* 2001; Cortner and Moote 1999; Gibson *et al.* 2000; Friedmann 1998; Wondolleck and Yaffee 2000). While the environmental management and policy literature includes empirical and theoretical explorations of a number of different dimensions of changing approaches to governance, including, *inter alia*: the role of communities (Agrawal and Gibson 1999), decentralisation (Lane *et al.* 2004), regionalism (Jennings and Moore 2000), the role of institutions (Gibson *et al.* 2000), and citizen participation (Ribot 2002), there is considerably less critical examination of the role of non-government organisations.

The extent of NGO involvement, both formal and informal, in environmental policy and management is so widespread (Breckenridge 1999), the magnitude of changes to democratic governance so far-reaching (Lipsky and Smith 1990) and the claims made of NGO participation so bold (e.g. Friedmann 1998), that a critical gaze on NGOs is overdue. Ribot captures the uncritical enthusiasm for a central role of NGOs in environmental policy when he observes that the “undifferentiated category of ‘civil society’” is no longer comprised of “environmental villains”, but, instead, are now heroes “whose local knowledge and affinity with nature will save the earth’s threatened resources” (1999: 28).

By NGOs, we refer to those non-state or non-profit organisations that have traditionally been composed of volunteers and concerned with distinct policy

objectives (Young 2000). Typical typologies of NGOs would include charities, interest groups with particular political agenda and objectives (e.g. industry associations), social movements, neighbourhood organisations and other civil associations (Carson 2002). NGOs are seen, typically, as playing one or more of three distinct roles: (i) providing services to citizens, thus supplementing government, (ii) partnering, and thus complimenting, government in the provision of public goods, and/or (iii) challenging government by demanding accountability and changes in public policy (Young 2000). Knowledge creation and dissemination is a crucial dimension of these activities (Hendriks 2002). In contemporary discourse of governance, these civil associations are commonly referred to as the organisational form of civil society (Eikenberry and Kluver 2004; Putnam 2000).

The analysis that follows is based on the four key premises. First, NGOs are *private* organisations whose interests and agenda are diverse and not necessarily congruent with the public interest or democratic governance (Ehrenberg 1999; Lipsky and Smith 1999; Putnam 2000). Second, since NGOs are commonly important actors in participatory and deliberative processes of environmental policy formulation (and, in some cases, implementation), and since NGOs can be distinguished organisationally from 'unorganised' citizens (Breckenridge 1999), the vast literature on citizen participation has limited utility in analysing the role of NGOs in environmental policy. Third, the sheer magnitude of NGOs and the formal public policy roles these private organisations frequently undertake demands that we ask how the public interest is pursued in these circumstances. This requires that any effort to analyse this phenomenon look to the literature on governance and democracy. Fourth, the

democratic benefits widely associated with the participation of NGOs in public policy and governance (Lipsky and Smith 1990; Putnam 1993: 2000), need to be protected and nurtured if democracy is to flourish.

Clarification is also required, at this early stage, as to what we mean by the 'public interest'. Like others, we agree that the notion of a unitary public interest can obscure diversity and multiplicity and can be used to glibly rationalise policy choices (Kiernan 1983). Following Self (1972: 82), we take a rational-individualist point of view that, due to the variable nature of individual interests, 'the public interest' must primarily be a procedural rather than substantive concept. In this conception, the public interest is accounted for by ensuring the articulation of diverse values and interests in public policy.

The paper proceeds in the following manner. The next section provides a brief theoretical discussion of the emergence of NGOs in public policy. Two particular points are made. First, we need to treat NGOs as one manifestation of the larger sociological category, *civil society*. Second, in seeking to understand the reasons for the increasing importance of civil society in governance, we need to appreciate the importance of the *structural transformation* of western democracies. The structural transformation of the public sphere fashioned the conditions for the emergence and proliferation of non-state actors and their mutual interdependence with the state. The subsequent section provides a brief survey of some of the diverse ways in which NGOs are currently implicated in environmental policy. This review demonstrates that the role of NGOs is substantial, varied, and their role rarely critically examined.

An analysis of the risks of using NGOs in environmental governance in an uncritical way is then presented. The paper concludes by calling for a more nuanced and critical appraisal of the role of NGOs in environmental policy so political space might be reserved for the public interest and to ensure that the civic and democratic effects of civil society are not diminished.

We hope that this is not read as a jeremiad against NGOs in general or their involvement in environmental governance in particular. Instead, our aim is to show that the participation of organised civic actors should not be conflated with the participation of individual citizens, and to identify some of the risks associated with the way in which NGOs are being used in policy processes. We argue that not only are there are substantial risks to governance in the public interest by providing a central role for essentially private or government dependent organisations but that efforts to better harness the power and potential of civil society in governance may have the effect of undermining the qualities that were admired in the first place.

Theorising the role of NGOs in public policy

The discourse that describes the need to involve citizens in the formulation of public policy is by now well over a generation old. Indeed, the participation of citizens in policy process has been advocated as far back as the 1960s when public policy was largely understood as a modernist, technical and state-directed activity (Faludi 1973). Citizen participation came to be seen as a democratic virtue, a means of informing public policy as well as legitimising and validating policy decisions (Amy 1987).

Public participation was, in this conception, merely a planning and decision-making supplement. More recently, the structural transformation of the public sphere (Habermas 1967; Wagner 2000) created, as we will show, diverse sub-politics that in turn became “the loci for exchange and cooperation among social and political agents in their decision making” (Hamel *et al.* 1999: 168). Government would be replaced by *governance*:

“the world [became] too complex and our leaders too fallible for anything approaching a universal good even to exist, let alone be reliably located. The new political culture no longer places much faith in solutions imposed from above, increasingly relying instead on a network of decision-making relationships that link government and civil society across many scales” (Van Driesche and Lane 2002: 237; see also Healey 1997; Rhodes 2001; Rose 2000).

Realisation of these changes has been accompanied by, Nikolas Rose suggests, advocacy of a host of “new technologies of governance” (2000: 1405). These new technologies include: governance through communities (Reddel 2002; Rose 2000), ‘Third Way’ approaches (Giddens 1998; Rose 2000), decentralisation of governance to civil society (Fischer 2000; Friedmann 1998), and public-private partnerships (Edwards 2001; Teisman and Klijn 2002). While the lexicon of these new technologies is diverse, they are unified by common concern for the failure of statism and the need to renew democracy by enhancing the policy role of non-government actors (civil society, place-based communities, citizens and NGOs) (see the suite of papers in Volume 61 Issue 1 of *Australian Journal of Public Administration* (2002)). These approaches have been used in many aspects of natural resource policy around the world, including: forest management, conservation, watershed management, and urban and regional planning (Gibson *et al.* 2000; Wondolleck and Yaffee 2000; Snow 2001).

NGOs (or civil society) now assume a dominant, even pre-eminent role in the ascendant model of governance that emphasises networks of semi-autonomous actors (Considine and Lewis 2003; Lipsky and Smith 1990). Governance is now horizontal: policy is mediated through diverse non-state actors. *Civil society* refers to the intermediate sphere between the state and the market; i.e. the “social and political power of households, civil associations and social movements” (Friedmann 1992: 30; see also Ehrenberg 1999). While civil society is usually used to refer to civic (or non-state) associations (NGOs), the concept has other important dimensions. Ehrenberg also describes civil society as the social relations and structures that lie between the state and the market, thus delineating a sphere “that is formally distinct from the body politic and state authority ... and from the immediate pursuit of self interest and the imperatives of the market” (1999: 234). Berger and Neuhaus define it similarly as a suite of mediating structures between an individual’s private life and the large institutions of public life (2000; Lipsky and Smith 1990). NGOs (or non-profit organisations), social movements and other non-state associations represent typical (organisational) forms of civil society.

Theoretical explanations for the rise and rise of non-state actors in contemporary governance have evolved significantly (see, generally, Young 2000; Wagner 2000). Neoclassical economic theory emphasises the failure of government and the market to efficiently provide public goods as central in the development and role of non-profit associations. In this tradition, civil society organisations develop to either: (i) fulfil demand for public goods left unsatisfied by government, (ii) partner with

government in the provision of public goods, and/or (iii) make public policy demands of government and to ensure accountability in public governance (Young 2000; Wagner 2000). These explanations are commonly emphasised in the contemporary discourse on the role of civil society in governance. Eberly, for instance, argues that civil society therefore, acts as challenge to state autonomy and market power (2000). In terms of our focus in this paper -- environmental policy -- this theoretical underpinning is also commonly relied upon. Gunderson and others, in their widely read treatise, *Barriers & Bridges to the Renewal of Ecosystems and Institutions*, argue that:

“Throughout the case studies the emergence of nongovernmental groups or epistemic communities has formed critical bridges, which appear to fill gaps in existing institutional hierarchies and serve as conduits or media for information flow. This is especially true in a period of growing dissatisfaction and mistrust in existing institutions” (1995: 527).

This theoretical approach has largely been superseded by an institutional approach – the social origins model – which suggests that choices about whether to rely on market, non-profit or state provision of social and other key services are heavily constrained by historical development and evolving societal patterns (Wagner 2000). The social and political history and context of individual polities is largely responsible for shaping institutional arrangements. Putnam (1993: 183) notes that these dimensions have “deep historical roots. This is a depressing observation for those who view institutional reform as a strategy for political change”. Context, in other words, matters (Wiarda 1999). Instead of a single-factor economic analysis, the social origins theory emphasises the particular social and historical development of individual polities that constrain or encourage the growth of civil society. The size of civil society varies according to the level of government expenditure, and according

to the disposition of the state to either cooperate with or control civil society (Wagner 2000).

More recent, institutional analyses theorise that NGOs should: “be viewed not so much as forming a specific institutional sector but as part of a complex network of organisations that are linked together in ... *the public sphere*” (Wagner 2000: 542, emphasis in original). One of the conceptual flaws in much of the current thinking about NGOs in policy formulation and implementation is the habit of conceptualising civil society as somehow distinct from other spheres of social practice and as immune from the exercise and abuse of political power (Ehrenberg 1999; Lane 2003a; Warren 2001). The transformation of the public sphere began shortly after the initial centralisation of secular political power in the emergence of the modern nation-state. Wagner summarises these changes and is worth quoting at length:

“viewed historically, the structural transformation of the public sphere has evolved along a functional as well as a territorial axis. On the territorial axis, more and more European governments in the course of the 19th century began to shift the provision of personal services related to social welfare, health care and education from the national government to the state or local levels... parallel to the process of decentralisation that occurred along its territorial axis, the public sphere also underwent a structural transformation in a functional sense. As a consequence, collaboration between government and nongovernmental institutions in the public sphere was intensified and new forms of partnership emerged on all levels of the public sector (Wagner 2000: 547).”

This model therefore emphasises patterns of interdependence among governmental and nongovernmental actors (Ehrenberg 1999). These interdependencies are the product of the structural transformation of the public sphere (Habermas 1999). What are the observable types of interdependence among these actors? This approach

suggests that the type of relationship depends on the historical evolution and development of the state in question and, in particular, on the degree of decentralisation:

“In the case of a decentralised public sector, territorial governments and quasi-governmental entities offer a wide range of public collective consumption goods. We expect therefore that non-profit institutions specialise in the *complementary* provision of public goods rather than in activities that have *substitutive* character with respect to government” (Wagner 2000: 552 emphasis added).

In other words, in decentralised polities, NGOs fulfil complementary or supplemental rather than substitutive functions; in centralised environments, government will tend to function as a monopoly and NGOs will become substitutes for government in fields of service provision not occupied by government. These are *interdependent* institutional relations of the public sphere and not, as is commonly suggested, *independent* spheres.

Describing civil society-state relations as interdependent, allows us, following a Foucauldian relational theory of power, to see beyond the usual simple binary of the powerful (but clumsy) state pitted against powerless (but flexible and innovative) civil society (Herbert-Cheshire 2003; Lockie 2000). By understanding power relations in this way, we can begin to see how the state can govern ‘through’ civil society; we can also see how civil society is constantly translating, interpreting and resisting government policy (Herbert-Cheshire 2003). In turn, this relational view of state-civil society interactions might allow us to view particular policy practices and behaviours differently from the standard refrain of civil society independently acting to check state power and excess, as Friedmann (1998) among others suggests.

Two further factors can be implicated in the creation of the current situation in which NGOs assume an important role on policy formulation and implementation, one intellectual and the other political. Intellectually, the remarkable consensus that has emerged across the policy sciences – that both the laissez-faire market and the state have proven ineffective and inefficient in the provision of public goods – has caused scholars to look for new technologies of governance (Bowles 1999; Rose 2000; Scott 1998). Governance through civic engagement appears to be the centre of this conceptual convergence. Politically, the global movement to deliberately (and, in some cases, radically) decentralise territorial governments has been vigorously pursued as a means of enhancing governance through civic engagement (Hutchcroft 2001; Ribot 1999). Decentralisation of policy control to local (and preferably, non-state) actors is being widely pursued in order to enhance democracy and efficiency in governance. This is also true in the area of environmental management (Agrawal 2000; Lane *et al.* 2004; Ribot 2002).

There is another theoretical thread that needs to be picked up here. Since so much of contemporary discourse on the participation of NGOs revolves around the presumed democratic benefits, it is appropriate at this juncture that to turn our attention to non-state associations and democratic theory. Democracy, according to view promoted long ago by Alexis de Tocqueville, depends to a significant degree on the existence of a vibrant civil society capable of ensuring that the state is responsive to diverse societal interests (de Tocqueville 1966). The role of non-state associations in democracies, the so-called associational model of democracy, has become a mainstay of democratic theory. Warren (2001) describes three 'schools': (i) those influenced by

civic republicanism, such as Putnam (1993) who stress the interdependence of effective democratic governance and associational life; (ii) the radical democrats (e.g. Cohen and Arato 1999) who argue that associations provide the social infrastructure of robust democracy by enabling direct self-governance; and (iii) associative democrats who advocate the potential of associations as a means of unburdening the state and revitalizing smaller-scale units of governance.

It is Putnam's (1993: 2000) work on the link between civic participation, social capital and effective government that has been the most persuasive. Putnam's (1993) study of civic engagement and institutional performance in Italy is an important intellectual milestone in the development in this discourse. Putnam conceptualised those features of social organization, such as trust, norms and networks of reciprocal exchange and civic engagement, as "social capital". Levels of social capital were, he demonstrated, a predictor of voluntary cooperation and collaboration within a given polity. Moreover, the strength of civil society was, in turn, correlated with the performance of regional government. Putnam's ideas have been influential in environmental management particularly in relation to the role of civil society and the possibilities of collaborative environmental management (e.g. Wondolleck and Yaffee 2000).

While Putnam's thesis is seductive (and his original treatise, *Civic Traditions in Modern Italy* (1993), empirically persuasive) it has also been the subject of devastating critique (see, for example, Skocpol 1996; Portes 1998). Sociologically, his theory has been criticised for stretching a quality and asset of individuals and families (social

capital) to apply to national governance (Portes 1998). Politically, Skocpol has lambasted the elitist implications of Putnam's (2000) argument as expressed in *Bowling Alone: The Collapse and Revival of American Community*:

"How ironic it would be if, after pulling out of locally rooted associations, the very business and professional elites who blazed a path toward local civic disengagement were now to turn around and successfully argue that the less privileged Americans they left behind are the one who must repair the nation's social connectedness...(1996: 25).

Perhaps the most damaging critique was to label Putnam's (2000) argument as logically circular:

"As a property of communities and nations rather than individuals, social capital is simultaneously a cause and an effect. It leads to positive outcomes, such as economic development and less crime, and its existence is inferred from the same outcomes. Cities that are well governed and moving ahead economically do so because they have high social capital; poorer cities lack in this civic virtue" (Portes 1998: 19).

For our purposes, the most important problem with Putnam's theorisations is that he, too, tends to regard civil society as separate and distinct from state agencies, and not, as others have shown, to be mutually interdependent actors in the public sphere.

NGOs in Australian environmental policy

We turn now to considering the role of NGOs in Australian environmental policy. In this field of policy concern, NGOs play a prominent role. The lexicon is diverse and includes: institutionalised participation (Ribot 2002), collaborative environmental management (Wondolleck and Yaffee 2000), community-based environmental planning (Agrawal and Gibson 1999), co-management (Lane 2001), and public-private partnerships (Teisman and Klijn 2002; Head and Ryan 2004). These are just some of the modes of the civic approach to environmental governance. These approaches have been used in many aspects of environmental management,

including: forest management, conservation, watershed management, and urban and regional planning (Dovers 2003; Head and Ryan 2004; Herbert-Cheshire 2003; Lane 2003a; Lockie 2000).

Whereas North American authors (e.g. Cutler 1995) have begun to focus on the role of environmental NGOs in *natural resource management*, Australian and British authors have largely addressed environmental NGOs as part of the broader environmental social movement influencing *environmental policy*. Mercer (1995) and Doyle and McEachern (2001), for example, view that 'the green movement' is a broad umbrella category for a wide range of disparate groups, including NGOs as well as many more informal groups, associations, coalitions and networks. Environmental NGOs are just one kind of political grouping of civil society, characterised by their formal organisation (e.g. existence of a constitutional charter) and relative stability or permanence. Doyle and McEachern (2001: 104) argue that:

"despite this shared reality, they are still quite diverse in their characteristics: their geopolitical origins; their ideology; their size; the sphere of their political activity; their funding sources; and, most significantly, they differ in what tasks they actually perform. Finally their internal structures (often informed by their goals in ideology) dictate the extent to which they establish relationships with governments and/or business corporations".

While an exhaustive survey of the types of policy and management activities that NGOs have been formally involved in is beyond the scope of this paper, it is necessary to provide a sample. Below we sample three distinct environmental governance processes: policy development, conflict resolution and environmental or land management.

NGOs in (environmental) policy development

Environmental policy is now routinely developed in formal concert with NGOs. This 'partnership' approach to policy development goes far beyond traditional concepts of citizen participation in policy. Instead, environmental policy is now commonly the product of a negotiation between government and civil society. The rationale for doing so is compelling and includes: (i) informing the policy process with stakeholder perspectives and information, (ii) legitimising policy, and (iii) managing the politics of policy by including organised and motivated organisations (Amy 1987). In polities where interests are multiple, state regulation frowned upon and the need for policy legitimation is great, negotiated policy has become routine (Lockie 2000). In making their case for negotiated rule-making, Sabel and others argue that:

"The distinguishing feature of centralised regulation is its claim to modest omniscience. Though regulators renounce the pretension to complete knowledge of a complex and changing world, they nonetheless attempt to determine enduring solutions to well-specified problems. The result of this combination of confidence and self-deprecation is regulation that, piece by piece, attempts too little and too much" (2000: 10).

In contrast to this omniscient and yet piecemeal approach, negotiated policy has become the solution. In Australia, environmental policy examples abound. Lockie (2000) describes, for instance, how the concept and initial policy settings that catalysed the Landcare movement in Australia was largely the product of a joint submission of the National Farmers Federation and the Australian Conservation Foundation. Lane (1999) describes how the development of an Environmental Management System for the mining industry in Queensland was a product of stakeholder bargaining in which mining, indigenous and environmental

organisations were the dominant players. Dovers (2003), to cite another example, describes how the national Ecological Sustainable Development (ESD) policy was the product of series of sectoral 'working groups' comprising diverse civil society organisations. The national policy on ESD was essentially the product of this bargaining process.

NGOs in conflict resolution

The resolution of seemingly intractable, sometimes acrimonious environmental conflict is another policy domain in which dialogue between government and diverse non-state actors has become routine. Complex, controversial public issues involving multiple interests can be resolved, and consensus built, by inclusive dialogue (Innes 1996; Susskind *et al.* 1999). Consensus building has emerged, in part, through the enormous traction that "communicative rationality" has had across the policy sciences (see, for example, Dryzek 1990; Forester 1989; Healey 1992). A decision, Innes explains:

"is communicatively rational to the degree that it is reached consensually through deliberations involving all stakeholders, where all are equally empowered and fully informed, and where the conditions of ideal speech are met... communicatively rational decisions, then, are those that come about because there are good reasons for them rather than because of the political or economic power of particular stakeholders" (1996: 461).

NGOs have been centrally involved in environmental conflict resolution processes in Australia (although these processes have not always been labelled as such). Dovers

describes the process for development of the National Conservation Strategy for Australia as a “consensus-summit approach” involving “debate amongst interest groups traditionally in conflict” (2003: 139). Australia’s largest environmental planning effort, the process to develop Regional Forest Agreements (RFAs) for all of Australia’s major forest regions are another example of state-civil society policy making (Dargavel 1998; Rangan and Lane 2001). RFAs were to be the central means by which two decades of conflict between resource-based industries and environmental organizations, as well as among government agencies, were to be resolved (Dargavel 1998; Kirkpatrick 1998). RFAs were conceived of as a mechanism whereby the Commonwealth and State governments, as well as major non-state protagonists, could reach agreement on the long-term management and use of forests in a particular region. In crucial stages of the RFA process, key settlements were brokered between government and civil society organisations (Hillier 2003).

NGOs in environmental management

Civil society organisations (as well as place-based communities) are also directly involved in the implementation of environmental management measures and activities. The Landcare movement, which metamorphosed into the Natural Heritage Trust, is the pre-eminent example of public-private partnership in land management in Australia (Lockie 2000). This form of *collaborative* environmental management is an important, even dominant, approach in the US (Wondolleck and Yaffee 2000). The essence of the model is to harness the experiential knowledge, flexibility, motivation and responsiveness of civil society and communities in the management of lands,

thus diminishing the need for governmental control or intervention (Van Driesche and Lane 2002).

As we have seen, the antipodean version of the collaborative approach, Landcare, was a policy shaped, even designed, by two prominent civil society organisations (Lockie 2000). The modus operandi of Landcare and the Natural Heritage Trust is simple enough: decentralisation of responsibility and financial resources to locally- or regionally-organised non-state groups who will take direct control of environmental management activities (Lane 2003a). As Lockie (2000) has shown, the approach has been variously applauded as an effective approach that empowers non-state actors, or a cynical effort by government to displace responsibility for crippling problems of agricultural and environmental degradation.

Risky Business: The Public Interest, Democracy and NGOs

We turn now to our analysis of some of the institutional risks associated with the current “enthusiasm over ‘associationalism’ and civil society”, particularly in relation to “NGOs that demand accountability from government or provide services themselves” (Tendler 1997: 5-6). Our purpose here is to identify the policy and institutional risks and not to lay claim to a new model of governance or, indeed, state-civil society relations. Two broad categories of risk are identified. First, we identify and explore the risks that civic approaches pose for environmental governance in the public interest. Second, we suggest that increasing NGO participation in democratic governance is to be approached with caution, as the very

accountability measures we place upon such NGOs may in fact undermine their civic effects.

Risks to environmental governance in the public interest

Six inter-related risks to environmental governance in the public interest emerge from the ways in which NGOs are currently being utilised in policy processes. We examine each in turn.

First, and perhaps foremost among the risks to environmental governance in the public interests emerges from issues of *representation*: who is being represented by NGOs participating in policy processes? Despite the rhetoric, it remains that NGOs are private organisations that pursue privately conceived agenda. Such organisations, or assemblages of such organisations, are often poor proxies of the public interest because they often fail to give expression to the full array of values and opinions. Young (1990) argues that these outcomes are possible because interest group pluralism makes no distinction between the assertion of selfish interests and normative claims to justice or democracy. Doyle (2000:6) summarises this conception of pluralism as involving “a series of pressure groups temporarily rising to pursue uniform and shared interests until such time as the state satisfactorily resolves the problem that led to their emergence”. This “strategic conception of policy discussion fosters political cynicism” by ensuring that interests groups act to win policy contests (by any means) rather than promoting the public deliberation of normative ethics (Young 1990: 72). And even Putnam (1993) whose work is so often invoked by civil society advocates acknowledges the “dark side of social capital” (2000: 351).

The voices of some powerful or articulate actors can dominate these policy processes, while other voices can go unheard. Examples of both of these kinds of outcomes can be found in the literature on Australian environmental policy. The RFA process, for example, has been criticised for effectively excluding the voice of indigenous people (Lane 2003b). Dovers' analysis of the process of brokering the ESD policy reveals the extent of the dominance of industry- or economic development-focussed actors.

Moreover, and

“[i]nexplicably, local government was not explicitly represented nor were Indigenous people. General community input into the process was too limited and too late in the process to be properly effective” (2003: 145). This is, unfortunately, a common refrain. Bellamy and others (2002) to cite another example suggest that there are major representational and capacity issues surrounding 'community' participation in Integrated Catchment Management bodies in Australia. Too often in deliberative processes of civic engagement, circumstances and conditions enable private agenda to dominate political space and thus marginalise other interests (Breckenridge 1999; Przeworski 1998).

A second consequential risk arises when a small number of private actors collude to produce policy outcomes that suit their own, narrow interests. In these circumstances, the work of a few interest groups can overpower *public* deliberation in favour of private negotiations between state agencies and private organizations (Young 1990: 73). These *corporatist* agreements usually centrally reflect the interests of one or two litigious non-state actors, rather than the full array of policy actors. When this occurs, public policy processes have been effectively privatised (Young 1990)

Again, recent Australian examples of these policy problems can be found. When negotiations among stakeholders and state actors broke down during the development of the Queensland RFA, for instance, a closed negotiation between one (professional) environmental activist and representatives of the timber industry, secured an agreement which was later uncritically endorsed by the State Government. Since this agreement set the parameters and agenda of the research and discussions which followed, it played a crucial role in shaping the terms of the final agreement, privileging 'green' and industry concerns and, in so doing, marginalizing the concerns of other claimants to the public resource, including recreationists, indigenous interests, and others. A corporatist agreement had undermined what was supposed to be a democratic and deliberative process (Lane 2003b). Similarly, Downes has argued that the ESD policy process was neo-corporatist in its operation by providing for exclusive participation of key environmental NGOs (1996).

These problems of representation are also highlighted by US experience. Warning of the potential risks of brokering environmental policy through negotiations with NGOs in the US, Michael McCloskey observes:

"Government is being asked to cede its authority to collaboratives, which are *ad hoc* assemblies of interested people. The implications of this line of thinking are astounding. They fly in the face of how government, under our Constitution, makes law and policy. Instead of decisions being legitimated by elections and democratic processes, they would be legitimated by personal assent, or acceptance by interest groups (2001: 629).

A third risk results from the widespread assumption that NGOs are *democratic* actors. While the resistance, agitation and participation of NGOs have well-documented

democratic effects, many are not themselves organisationally democratic (Warren 2001). As Lipsky and Smith write:

“Non-profit organisations invoke images of community, voluntarism, civic dependability, and neighbor-helping neighbor that have always exerted a powerful impression on...public consciousness. However, largely as a result this expanded role in providing services for government, these images are at variance with the contemporary reality of non-profit organisations” (1990: 625).

NGOs, including many environmental groups, are increasingly professional organisations which are in receipt of government funds for the provision of distinct policy services (Breckenridge 1999; Morrison forthcoming). A recent analysis of NGO trends in the US warns that the civic functions of NGO are endangered by increasing “marketization” of the sector, including commercial revenue generation, contract competition, and social entrepreneurship (Eikenberry and Kluver 2004).

While the involvement of NGOs in policy, and their work in challenging particular policy initiatives may have democratic institutional effects, it cannot be assumed that they are organisationally democratic (Warren 2001). Indeed, as Breckenridge (1999) notes, NGOs might, in fact, work to “create the institutional conditions that enhance their own role” and not the institutional conditions of democracy. The participation of NGOs in policy processes does not necessarily signal democratic motives; the call for enlarging their formal role should therefore be accompanied by a critical stance on issues such as: who is being represented and what goals are being sought? Cohen and Arato express frustration with common presumptions about NGO participation:

“We do not see social movements as prefiguring a form of citizen participation that will or even ought to substitute for the institutional arrangements of representative democracy” (1999: 19).

NGO participation is one thing; democracy is another.

A fourth risk involves the common assumption that NGOs are independent actors. As we have sought to show, both theoretically and empirically, it is a mistake to assume, *a priori*, that NGOs are independent of government. Many in fact have been formed as a result of particular policy or funding opportunities, are largely compliant with state dictates, and unconcerned with 'keeping the bastards honest' (Breckenridge 1999; Ehrenberg 1999; Lipsky and Smith 1990; Young 2000; Wagner 2000). Many NGOs established under the auspices of Landcare and the NHT would fall into this category (Lockie 2003). Far from acting as a check on state power and its modernist rationality, these NGOs might, instead, serve the legitimization function of the state rather than questioning and challenging its policies (Warren 2001). These private (but publicly funded) organisations cannot necessarily be relied on as defenders of the public interest.

A fifth risk of deliberative, civic approaches relates to a critique Lindblom (1959) first observed more than forty years ago: the process of compromise may work to ensure that policy change occurs incrementally and only at the margins. When some of our environmental problems call for bold, innovative policy, the dialogic approach to policy-making might only result in incremental compromise. Dovers has describes the process of developing the National Conservation Strategy for Australia (NCSA) thus:

"One value of the NCSA approach consensus-summit approach was the debate amongst interests groups traditionally in conflict, but the content of the final document leaned toward lowest common denominator outcomes: vague and acceptable but not operational (2003: 139).

Kenney describes the problem in this way:

“a reliance on consensus discredits value differences, ensures that zero-sum problems are not addressed, encourages ‘lowest common denominator’ decisions, and provides few due process protections” (2000: 401).

A final problem (in this far from exhaustive review) relates to assumptions of efficacy of NGOs now plying their trade in environmental policy and management. It is pertinent to recall that part of the rationale for civic approaches to governance is the need to reduce the transaction costs of government regulation, capture the benefits of harnessing the capacities of the more flexible and adaptive non-state sector, and accrue the benefits of the knowledge that non-state actors bring to the table (Weber 1998). However, the knowledge and capacity of NGOs to deliver on their new and enlarged roles cannot be assumed. To paraphrase Bowles (1999), if states and markets can fail, so too can NGOs.

The response of the true believers to this kind of observation is to respond by calling for improved processes of organisational learning and capacity building (Ebrahim and Ortalano 2001). In responding to the claims being made of civic environmental governance in the US, and, in particular, the benefits of social learning, the venerable Theodore J. Lowi remarked:

“This is a new pedagogical method for human adult learning, copied from canines and chimpanzees, that specifically relevant and required expertise, as well as conceptual intelligence and system-level learning can be acquired through mimicry. How much time does this...take? My answer to that question is inspired by something I learned from Shaw a long time ago: democracy will fail, because there aren’t enough evenings in the week!” (2000: 73).

While Lowi (2000) makes his point somewhat facetiously, the issue here is of major importance. The problem here is that organisations whose technical and organisational abilities may be limited are being empowered with what may be

significant public policy roles. The solution to insufficient technical ability, volunteer 'burnout', deficient organisation and a host of other problems, we are told, is social learning (Friedmann 1987). The irony here, of course, is that NGOs are being utilised extensively in environmental governance on the presumption of their capabilities and now that their efforts are pivotal, we need to concern ourselves with the development of their capabilities.

Risks to the civic and democratic benefits of NGO participation in governance

Despite these risks, the arguments in favour of a robust and vibrant civil society are compelling. Civil society organisations can (and do) provide services that government does not; and they monitor and challenge and hold government accountable to the various citizenries they represent (Lipsky and Smith 1990; Young 2000; Wagner 2000). If Putnam is to be believed, a vibrant civic life can also ensure that government is made more democratic and more efficient (1993). In our area of concern, environmental policy, the work of environmental NGOs has been of enormous importance in terms of raising awareness, 'whistle-blowing', and resisting the development of important areas. The continued existence and protection of important natural areas such as the Wet Tropics in north Queensland, southwest Tasmania, and Fraser Island is due, in no small measure to the work of environmental civil society (see, for example, Toyne 1994).

But many of these same organisations implicated in the history above are now engaged with government in a fundamentally different way. The "new technologies

of governance” (Rose 2000) such as collaboration, public-private partnerships and civic environmentalism, represent a fundamental reconfiguration of state-civil society relations. This re-drawing of these boundaries and relationships is neither simple, nor without its dangers. Identification of the some of the risks described above has led to calls for greater scrutiny of NGOs and enhanced government control of NGOs. In Australia, the current Federal government has recently given voice to a view that civil society organisations cannot simultaneously be charities and political lobby groups (see, for example, Nahan 2003). In the environmental governance literature a plethora of calls for new mechanisms of accountability can also be observed (Lane *et al.* 2004; Ribot 1999).

But what risks do these moves pose to the broader ability of NGOs to continue to have important democratic effects? Here too, we suggest, the risks are great.

Breckenridge captures the dilemma here when he questions the project to engage civil society directly in environmental governance and the oft-heard (and mostly uncritical) call for “capacity-building” of non-state associations and communities:

“Are these governance arrangements equitable and wise? The adaptive management literature takes an essentially optimistic view, suggesting that the networking of non-profit with other organizations can produce innovation, adaptability, and enlightened decisionmaking... non-profit organizations will bridge the jurisdictional and property boundaries that stand in the way of ecologically sound decisions and provide the intermediary political and cultural process for achieving needed transitions. Other theorists point more pessimistically to the possibility that non-profit organisations may become increasingly similar to the government and for-profit entities to which they are linked, thus losing their semi-autonomous status” (1999: 705).

Empirical reports from the US suggest a consistent trend toward professionalisation (Lipsky and Smith 1990), ‘marketization’ (Eikenberry and Kluver 2004; DiMaggio

and Powell 1991), increased role of public revenue (Lipsky and Smith 1990), and an increased level of 'partnership' with government (Young 2000). Cox (2002) reports similar trends in the structure and culture of NGOs in Australia. Doyle and McEachern (2001) and Mercer (1995) show how NGOs in Australia have similarly proliferated and professionalised since the 1970s. Doyle and McEachern claim that many environmental NGOs "work closely with governments, and at times, have been heavily funded by them" and "are dominated by career administrative professionals" (2001: 96-98).

What will this mean for the ability of civil society to challenge state policy, or to provide the forum for citizens to learn political participation? Will civil society continue to be the intermediary structure that renders state action and policy responsive, efficient and democratic as Putnam (1993) proposed on the basis of his study of Italy? A substantial number of commentators predict that the changes to governance that are the subject of this paper will render civil society more rule-bound and rigid, and thus less flexible, innovative and responsive to diverse public interests (Breckenridge 1999; Lipsky and Smith 1990). And here's the rub: the qualities and democratic effects of civil society might be undermined by our very efforts to harness them. Perhaps we need to be thinking about other ways of filling the democratic spaces vacated by an increasingly bureaucratized civil society and to ensure that some effort is made to give expression to the public interest (e.g. e-government, citizen's initiated referenda, etc.) (Seifert and Petersen 2002; Thomas and Streib 2003; Hendriks 2002).

Concluding Remarks

This paper has examined the risks to our approaches to environmental governance posed by recent thinking about the need to formally and centrally engage non-state actors in policy development and implementation. We show that there are substantial risks to governance in the public interest by providing a central role for essentially private or government dependent organisations. In addition, we suggest that efforts to better harness the power and potential of civil society in governance may have the effect of undermining the qualities that are admired in the first place: flexibility, innovation and responsiveness.

There is no simple solution to this conundrum. We suggest that the structural transformation of the public sphere, combined with the crisis of legitimacy in state action and regulation, makes 'horizontal' governance in which public-private partnerships are a key feature inevitable. The task therefore is to engage civil society organisations in a critical way that soberly acknowledges their strengths and limitations and which takes care to reserve political space for the broader public interest. Finally, we suggest that we need to think about ways in which protections to democratic representation, the public interest in public policy and accountability can be developed in these emerging approaches to governance.

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