Environmental policymaking under Howard: extinguishing the enemy within?

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There has been much written about the silencing of non-government organisations under the Howard government (for example see: Hamilton & Maddison 2007). This paper contributes to this literature by exploring the changes in the role of non-government organisations in environmental debates and their relationship with the government, during the Howard era. This exploration occurs from three perspectives and some continuing implications of this era for civil society in Australia are highlighted.

The first perspective proposes that under Howard, influence on policymaking was withdrawn to small, closed, policy communities that were dominated by actors conferred with legitimacy by the Howard government. Under this explanation, the government simply sought those groups with the resources to help make policy in the best national interest, from the government’s point of view. This perspective views different interests as contributing legitimately to public policy and to policy dialogues with the government during this era. This can be viewed as a “national interest” perspective.

The second perspective proposes that under the Howard government that the state closed itself to environmental non-government organisations. The government sought not only to remove groups from policy communities, but to actively exclude and silence groups and publicly question their legitimacy. Significantly, while environmental non-government organisations were considered legitimate by the Hawke government, and as contributing valued resources (including issue information and the green vote), under Howard, they were part of the “enemy within”\(^1\). This is referred to as the “silencing dissent” thesis.

The third perspective proposes a more wide ranging withdrawal of the state from its relationship with civil society, but also from key stakeholders in society with regard to decision making. Such a withdrawal would suggest something quite different to the previous explanations – not a privileging of one group or some groups over others, but a withdrawal from all policy communities and structured dialogues with stakeholders.

Thus, this paper explores the impacts of the Howard era on environmental non-government organisations in light of these three perspectives and the continuing implications for environmental non-government organisations and civil society as a whole.

\(^1\) This term has been previously used to describe the attitude of Margaret Thatcher’s government toward green groups in the United Kingdom (Porritt cited in Dryzek et al 2003) – it is equally applicable to the behaviour of the Howard government toward Australian ENGOs.
Introduction

Now, two years on from the end of the Howard era, there is much to reflect on from a decade of conservative governance in Australia. However, I will focus on one aspect of governance under Howard – the changing nature of engagement between the government and non-government organisations (NGOs). A significant amount of scholarship on the relationship between the Howard government and civil society already exists (for example see Hamilton & Maddison 2007; Hall & Star 2007), but in this paper I am interested in exploring several competing explanations of this era and investigating the implications for ENGOs (environmental non-government organisations), during the Howard years and beyond.

This relationship between a government and between key stakeholder groups in society, including civil society, reveals much about not only the government’s political “complexion”, but also about the nature of governance within a society and about the state itself (Chambers & Kopstein 2008). In the case of Australia during the Howard years, one can observe some key characteristics of this relationship, some significant changes in the government’s engagement with ENGOs. In addition, some changes in long active policy debates and political contests that have been a mainstay of contemporary Australian politics since the 1960s can be seen to have occurred.

In this paper I’ll begin by outlining some key characteristics of the engagement between ENGOs and governments prior to the Howard government. This will be contrasted with some significant changes between the government and civil society during the Howard era. I will then outline and contrast several competing explanations of the relationship between ENGOs and the government in the Howard era, referred to in this paper, respectively, as “silencing dissent”\(^2\), “national interest”, and the “actively closed” state. In closing, I’ll outline some implications that arise for ENGOs in a post-Howard era. I argue that despite a more receptive current government, if ENGOs fail to learn the lessons of the Howard era, much more than simply a lost decade is at stake for Australian civil society.

Context

One of the reasons that the relationship between ENGOs and the government during the Howard era is of such interest is the contrast it represents with the relationship under other governments. In this section, I provide some context against which we can consider the plight of ENGOs in the Howard era.

Perhaps in most stark contrast to the Howard years is that of the preceding Hawke era\(^3\). During the Hawke era, ENGOs were afforded significant legitimacy and they played a

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\(^2\) Thus named for the Hamilton & Maddison (2007) book of the same name.

\(^3\) While the relationship between the government and ENGOs cooled during the Keating years, I have not addressed that element in this paper – but it is possible to speculate that this was partly due to the difference in Keating and Hawke’s personal leadership styles (for example, see Brett 2009), but can also be partly attributed to the “recession we had to have” (Conley 2004).
key role in public policy debates and political battles of the time. While at least some of this access and engagement was clearly pragmatic – the Hawke government was taken to and returned to office on green votes (Kelly 2008a; Norton 2006; Marsh 2006) and it was acutely aware of this – the engagement of ENGOs was more than skin deep. Hawke and several of his ministers entertained high level engagement and consultation with key ENGOs (Downes 1996; McEachern 1993; Haward 1995) and there was significant innovation in environmental policy and environmental institutional arrangements during this time. There is evidence that ENGOs were able to exert crucial influence on a number of high profile environmental issues of the time. A number of key figures in the movement also had influence in the government. Phillip Toyn, at the time the Executive Director of the Australian Conservation Foundation (ACF; 1986-1992), went on to become Deputy Secretary in the Commonwealth Department of Environment from 1994-1997 in the Hawke government. His time as Executive Director of the ACF during the Hawke government he was able to contribute significantly to public debate, as well as to engagement with the public sector, on many environmental issues (Toyn 1994).

However, the role of ENGOs in public policy under the Hawke era was representative of a different approach of the government and the state during this time to engaging civil society as a whole. In the case of ENGOs, two examples clearly demonstrate this approach. The first example concerns the government’s Ecologically Sustainable Development (ESD) process. The process was designed to be a collaborative policy deliberation exercise precursor to the government’s response to international policy moves on Sustainable Development (SD). The government invited delegates from key stakeholders, including ENGOs, to discuss and formulate recommendations for implementation of SD across the whole of government. This signified the importance of ENGOs in two ways – the legitimacy of their concerns by engaging ESD, as well as the involvement of key groups in the deliberations. Despite the ultimate disappointment of the exercise it still represents a different approach to ENGOs. The second example is that of the Resource Assessment Commission (RAC). The role of the RAC during the Hawke era was to provide an institutional mechanism to engage the fraught resource development disputes of the time. The RAC was set up as an independent body, with an independent chairperson, charged with arbitrating resource disputes where economic benefits would conflict with environmental imperatives (Economou 1996). By institutionalising recognition that the economic benefits associated with resource exploitation presented difficult tradeoffs and conflicts between two sets of important societal goals, in and of itself, provided a clear statement again about the legitimacy of ENGOs, and of the importance of their voice in public policy debates. These are just two examples that show a quite different relationship between ENGOs and the government in the period preceding the Howard era.

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4 While the key stakeholders involved were able to come to meaningful policy recommendations at the end of the deliberative dialogue, the recommendations and final reports were ultimately watered down by public servants prior to their public release. This left many participants in the process angry and disillusioned. For a fuller account of the exercise see Christoff (1995).

5 This is despite the split within the movement over whether or not to participate inside the process – while four groups initially participated, two groups withdrew their support for the process during the middle of the dialogue (Christoff 1995).
The frosty relationship between the Howard government and the Australian ENGOs can be clearly demonstrated by looking at two key examples – the funding of NGOs and the Natural Heritage Trust. An early and key move of the Howard government in relation to civil society was to curtail funding for groups with a “political” purpose. Amongst ENGOs, this move affected different groups in different ways. For example, Greenpeace Australia-Pacific, who draw significant funds from a paid membership base, was probably least adversely affected of all Australian ENGOs (Kennedy 2005). Conversely, Friends of the Earth (FoE) Australia, who are a relatively small (but active) ENGO with a modest membership base was significantly affected and lost one of its few full time paid campaigners (Long 2006). Thus, overall, ENGOs and civil society as a whole were impacted and entered an era with a government that had different ideas about the role of civil society vis a vis public policy engagement and political debate. The example of the Natural Heritage Trust, the Howard government’s key environmental funding delivery mechanism, highlights this clearly. The sale of Telstra provided significant funds for environmental projects during the Howard era. However, guidelines for funding introduced by the Howard government precluded groups from receiving this funding that had “political” purposes (Maddison and Hamilton 2007; Tomar 2004; Peatling 2005). This one guideline effectively excluded Australian ENGOs from accessing this funding, despite long running expertise in many of the areas chosen for funding priority. The removal of this and other sources of funding opportunity placed many ENGOs close to financial ruin (for a full discussion of funding issues see: Staples 2006). It also brought into question the legitimacy, expertise, capacity and appropriate environmental “know-how” of the thousands of small community groups and regional organizations that did access the funding across the country (for example see: Hajkowicz 2009; McAlpine et al 2007; Robins & Dovers 2007) with good intentions, but often little or no expertise or experience.

The impacts of the move to a hostile relationship under the Howard government were significant for ENGOs, but also for society as a whole, producing a legacy of a lost decade of environmental policy. Later in the paper, I explore the implications for ENGOs, but next I explore three competing explanations of the changed relationship.

**Competing explanations**

There are several key explanations that can be put forward to explain the changed relationship between the government and civil society during the Howard era. These competing explanations, except the final one, have been previously outlined in several key scholarly works.

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6 There has been a significant amount of scholarship about the Natural Heritage Trust and the impact on environmental policy in Australia. In certain ways it does represent a policy innovation in terms of the delivery of funds and environmental services at the local level, however, it also suffers from fragmentation, lack of overview and expertise (Head 2003; Crowley 2001), but it also has a focus on environmental “clean-up”, including tree planting, waterway rehabilitation and other physical works (Hajkowicz 2009) at the expense of other important environmental priorities.
The first explanation has been outlined in several key publications and has been widely supported by civil society – I dub this the “Silencing Dissent” thesis. Put forward in a key book edited by Clive Hamilton and Sarah Maddison (2007), the thesis argues that the Howard government took key steps to curtail and silence dissent and critique of the government by civil society groups, including ENGOs. The steps taken by the Howard government included changes to group funding, the abolition of student unionism (a key NGO training ground), tight control of government-media relations, removal of NGOs from key government consultation or engagement roles and forums, and the disengagement of the government from dialogue with civil society in public policy debates and political contests. Indeed, in John Howard’s Menzies Lecture, ‘The Liberal Tradition: The Beliefs and Values Which Guide the Federal Government’ delivered in 1996, the year he came to power, he made the following remarks about NGOs. In the lecture Howard referred to the NGO sector as ‘single-issue groups’, ‘special interests’ and ‘elites’ and that his government would be ‘owned by no special interests, defending no special privileges and accountable only to the Australian people’ (Howard 1996).

Under this explanation the government’s key purpose behind these changes was to deliberately weaken civil society, remove any government supports or structured dialogue with civil society, to indicate a direct questioning of the legitimacy of civil society and of the democratic purpose(s) that it serves. The implication of this argument is that the Howard government shifted funding and/or engagement and dialogue opportunities toward groups less critical of the government and/or toward interests more aligned with the government’s key purposes, for example, business and industry. It is curious then that many business and industry groups have been equally critical (now that governments have changed) of the lack of consultation and dialogue/engagement of the Howard government with them and conflict over particular issues.

These criticisms, and the concerns of other key stakeholders, suggest that the “Silencing Dissent” explanation capture important elements about the Howard era, and particularly their relationship with civil society but it is only a partial explanation. The government’s relationship with other stakeholders, their view of legitimate community engagement and public policy formation was also significantly different to previous governments.

The second of the competing explanations I have labeled the “national interest” explanation. Under this explanation the Howard government is seen to simply have acted in the national interest by prioritising dialogue and engagement with those groups seen to be critical in serving the national interest, in this case, economic prosperity. This explanation has some plausibility given the Howard government’s statements about the importance of Australia’s economic bottomline and the pro-business reform agenda. For this to be the case, one would expect to see the Howard government engagement more strongly with economic and business stakeholders and to prioritise their interests. This is one hallmark of the Howard era, the prioritisation of economic and employer interests

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7 There were conflicts over industrial relations reform and on how to “manage” the unions between the government and employer groups for example (see Hannan 2007). In addition, the Business Council of Australia, for example, moved publicly away from the government’s anti-climate change position in the mid-2000s (BCA 2007). There was also significant disquiet from the small business sector (for example see: Kelly 2008; Kelly 2001) about a range of issues.
(Mendes 2003; Jones 2002). However, this is also a feature of many contemporary liberal democracies. A key example of this is the introduction of the industrial relations reforms under the Howard government, and a range of other legislative changes designed to reduce the role and influence of trade unions in Australia and to provide greater benefits to employers vis-à-vis employees (for example see: Hall 2007; Hall 2006).

These actions certainly fit with a “national interest” argument, but the one weakness is the existence of business and employer complaints about the lack of dialogue and engagement that they had during the Howard era. A change in the approach to engagement of stakeholders on public policy issues is also evident. This suggests a third explanation that goes beyond the preference of one set of interests over others.

The third competing explanation follows the analysis of Dryzek et al (2003) in Green states and social movements. The work of Dryzek and his colleagues catalogues the engagement of, and relationships between, states and ENGOs in comparative perspective looking at the US, the UK, Germany and Norway. From their investigation of this relationship, they propose a typology of states in terms of their relationship with ENGOs, along two dimensions. They characterise states as being inclusive or exclusive with respect to the incorporation of ENGOs in dialogue and engagement with their concerns in public policy debates. This explanation posits a more far-reaching analysis than just governments and their ministers, but includes the broader public sector. The second dimension of this analysis posits governments as either active or passive in their engagement with ENGOs. Thus, an actively inclusive state would ensure systematic, formal representation of ENGOs in public policy debates either through institutional structures, regular funding, or other mechanisms.

While Dryzek et al (2003) do not discuss Australia as a case study, I posit that with the beginning of the Howard era, the state’s engagement with ENGOs quite radically shifted from active inclusion to active exclusion. This incorporates many key elements of the “Silencing Dissent” explanation, including de-funding, silencing and excluding ENGOs from public policy. However, it still leaves us with some key questions from the “national interest” argument. Did the Howard era’s active exclusion of ENGOs, and their attempts to extinguish “the enemy within”, also include the privileging of other stakeholders? I argue that while we can observe the engagement of the government with certain actors or sectors of the business community in some policy areas, for example, the coal industry on climate change (for example see: Hamilton 2007; Pearse 2007), this does not necessarily represent a systematic and government-wide or state-wide privileging of one set of interests over another. These dialogues or engagement were not institutionalised and were very often quite informal – these relationships were not part of the state’s public policy making apparatus. So, where does this leave the national interest” argument?

It does suggest that what was the “national interest” was not established systematically through any institutionalised process or dialogue with key stakeholders in society. This resonates with the complaints of business and industry during the Howard era, despite the widespread belief about the direct ascendency of business interests during this time. It also points to a belief on behalf of the Howard government about its role as the key point
of knowledge about the needs of stakeholders and their interests, and as a holder of the "national interest". This represents a certain amount of policy arrogance that can be attributed to the Howard government. Thus, this highlights a broader conclusion about the nature of the Howard government and its relationship with not just ENGOs, but also other key stakeholders. The government was one that was generally exclusionary of stakeholders and public engagement, even with key stakeholders. While in the case of ENGOs this exclusion was active, in other cases it was passive exclusion, but overall, the public policy process was significant closed during the Howard era.

Implications

There are many implications from the Howard era for Australian ENGOs that persist into the current period. In this paper I will outline some preliminary thoughts on just three key sets of implications – the importance of campaigning diversity and flexibility, the importance of a strong and united civil society, and the importance of maintaining civil society’s democratic legitimacy.

One of the key lessons for ENGOs from the Howard era concerns campaigning and campaign targets. The Howard government’s exclusion of ENGOs from formal public policy dialogues, from policy communities, and from consultation with the public sector required a changed approach to campaigning compared to the pre-Howard era. In a state where active exclusion is practiced and ENGOs are under threat, campaign strategies aimed at direct influence or changing of government policy or direct engagement with the public sector are doomed to definite failure. Thus, in a climate of attack on ENGOs, changes to campaign focus are required. Some ENGOs during the Howard era practiced this approach with some success, while others persisted with knocking on the closed door of government. For example, the Australian Conservation Foundation (ACF) and the Total Environment Centre (TEC in New South Wales), as well as others, introduced new campaign initiatives to bypass government and engage business and industry directly. The ACF incorporated this campaign approach through its Australian Business Roundtable on Climate Change involving a number of significant players in Australian business and industry. The TEC incorporated this focus by organising a regular schedule of corporate breakfasts engaging local business and industry leaders on environmental issues. However, much of the sector did not alter its focus, and found significant frustration and no traction in their campaigning throughout the Howard era. This shows the importance of maintaining a campaigning approach and strategy adaptable to changing political conditions.

A secondary reason for maintaining an effective campaign strategy relates to the need to avoid a weakening of civil society. If government(s) marginalise ENGOs and civil society as a whole, especially during a long reigning government, civil society needs to reorient their work to maintain profile, morale and purpose. A change in focus of campaigning is one element to achieving this, but larger questions and issues also need to be addressed. The health of civil society after a period of hostile government is significantly determined by the relationship between civil society groups during the government's reign. Difficult times, financially and otherwise, can cause significant
strain between groups within civil society, especially in a society accustomed to the active inclusion, rather than the active exclusion, of ENGOs. In this case, groups move from a situation where high level government access was expected and given. This can leave groups in a situation where they are entirely unprepared and ill-equipped to thrive in a situation of hostile government. Groups that experience a move from exclusion to inclusion often cope much better, having learnt to thrive in hard times, but much depends on the approach to collaboration and support developed between ENGOs during difficult times.

The final and most significant implication of a period of hostile government for ENGOs is one of legitimacy. During a time of active exclusion by the state, governments commonly employ a strategy of questioning the legitimacy and relevance of civil society as a whole, as well as that of individual groups at times. Maintaining an effective and united response to these attacks is crucial for the long term health of civil society because the general public can be influenced by such attacks, and public attitudes, once questioning of the legitimacy of civil society, can be slow to change. The importance of maintaining this legitimacy is not simply isolated to the existence of civil society, but extends to the important democratic role of civil society groups in contributing to public debate and providing informed input to public policy processes and policy communities in the modern state. Keeping foremost in the public arena and the public’s mind the significance and legitimacy of these roles lays a continuing foundation for a strong and vibrant civil society, regardless of governmental attitudes.

Conclusions

In conclusion, this paper has reflected on the relationship between the government and civil society, specifically ENGOs, during the Howard era. Three competing explanations of how to characterise the relationship during this time were outlined and considered, with the Dryzek et al (2003) active exclusion thesis offering significant food for thought. While the Howard era has now come to a close, the lessons to learn and the implications for ENGOs still remain. Key amongst these include the importance of strategic repositioning of campaign strategies, the significance of carefully considering approaches to maintain and strengthen civil society as a whole during periods of hostility, and the crucial task of publicly maintaining and re-establishing the legitimacy of civil society groups and their democratic role while under threat.

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