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WORKING WITHIN LIMITS:
THE ROLE OF
THE COMMISSION FOR THE ENVIRONMENT
IN ENVIRONMENTAL POLICY DEVELOPMENT
IN NEW ZEALAND

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ABSTRACT

The Commission for the Environment in New Zealand was established in 1972 in response to the world-wide upsurge in environmental concern which also affected this country. The rationale for its establishment, apart from satisfying a political need, was that a central government agency with an overall responsibility for the environment would improve the co-ordination of environmental policy. Given the comprehensiveness of the environment concept, and the fragmentation of administrative responsibilities in this policy area, the Commission was expected to play an overview role in the provision of advice on environmental policy development to the Government.

In the thesis the Commission's performance as environmental policy co-ordinator has been analysed in the context of political and institutional constraints. The low priority assigned to environmental values by New Zealand governments between 1972 and 1984 found reflection in the weak position of the Commission relative to other agencies within the bureaucratic framework. Although the Commission's open mandate allowed it to pursue a flexible approach trying to co-ordinate environmental policy, it was hindered by a lack of recognition of its co-ordination responsibilities by other departments and, in fact, governments. Given the lack of recognition and formal powers, and the Commission's very modest resources, the Commission's success in co-ordinating and promoting environmental policy, both in substantive and procedural ways, has been small and of an ad hoc nature. Its main role has been that of an advocate of environmental values and public input in environmental decision-making, particularly through the implementation of the environmental impact procedures, even though this role was balanced against that of being an independent expert agency.

The study demonstrates how the performance of a central environmental agency is constrained by the limits inherent to the institutional framework in which it operates. However, it also reveals the limitations of efforts to enhance such performance by institutional design. Institutional arrangements and reform are highly political in nature, reflecting the relative political strengths of interests and ideologies. The policy performance of central agencies depends therefore as much on their relative position in the institutional framework as on the character of the dominant interests and ideology.

ACKNOWLEDGMENTS

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LIST OF ABBREVIATIONS

AAO	Assistant Advisory Officer
AIO	Assistant Investigating Officer
AO	Advisory Officer
CFE	Commission for the Environment
DSIR	Department of Scientific and Industrial Research
DOC	Department of Conservation
EAP	Environmental Assessment Procedures
EC	Environmental Council
EIA	Environmental Impact Assessment
EIR	Environmental Impact Report
EP&EP	Environmental Protection and Enhancement Procedures
IO	Investigating Officer
IUCN	International Union for the Conservation of Nature
L&S	(Department of) Lands and Survey
MAF	Ministry of Agriculture and Fisheries
MfE	Ministry for the Environment
MOE	Ministry of Energy
MWD	Ministry of Works and Development
NCC	Nature Conseration Council
NDA	National Development Act
NWASCA	National Water and Soil Conservation Authority
NWASCO	National Water and Soil Conservation Organisation
NZCS	New Zealand Conservation Strategy
NZFS	New Zealand Forest Service
NZIE	New Zealand Institution of Engineers
OECD	Organisation for Economic Cooperation and Development
T&CPA	Town and Country Planning Act
UDA	Urban Development Association
WPEA	Working Party on Environmental Administration

INTRODUCTION.

Did the Commission for the Environment "make a difference" with respect to the development of environmental policy in New Zealand? Fourteen years after its establishment in 1972 as the central environmental agency responsible for the co-ordination of environmental policy, the Commission for the Environment was disestablished, and replaced by a Ministry for the Environment. Implicit in its establishment, and also disestablishment, is the assumption that organisation makes a difference. Creating a new government agency, it is generally assumed, reflects a recognition that the problem area with which it is dealing is important enough to justify special consideration by the government. It is often thought that, by institutionalising special attention for that problem area in a new government agency, or by changing the organisational arrangements for dealing with these problems, more effective and "better" solutions can be found and put into practice. In other words, organisation, and reorganisation, matter.

In reaction to the upsurge of environmental concern in the early 1970s, many governments created new agencies with specific responsibilities for the environment. Although in some cases this implied not much more than changing the label of an existing agency, it more often involved a reorganisation of tasks, or the introduction of new responsibilities. The specific nature of responsibilities of these new environmental agencies varied from one country to another, and can be related to the variation in environmental pressures and demands as well as to political and socio-economic differences.[1]

However, a common element in the creation of these new agencies is that they reflect recognition of the need for a "lead" agency responsible for "the environment". Making one agency responsible for "the environment" suggests that, despite, or because of, the distribution of environmental responsibilities amongst state agencies, there is a need for an agency with some kind of leading, overview, or co-ordinating role. These agencies will be referred to as "central" environmental agencies, in the sense that they are seen as playing a key role in the integration of the central government's environmental policies, by dealing with "the

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[1]. The field of comparative studies of environmental policies goes far and wide. For some useful studies see Lundqvist, L.J. (1974), Environmental Policies in Canada, Sweden, and the United States: A Comparative Overview. London, Sage Publications; Park, Chris C. (1986), Environmental Policies, An International Review. London, Croom Helm; Enyedi, Georgy, August J.Gijswijt and Barbara Rhode, eds.(1987), Environmental Policies in East and West. London: Taylor Graham. For a comparison in specific areas see Brickman, R. S. Jasanoff and T. Ilgen (1985), Controlling Chemicals, The Politics of Regulation in Europe and the United States. Ithaca and London, Cornell University Press; Knoepfel, P. and H.Weidner (1986), "Explaining Differences in the Performance of Clean Air Policies: An International and Interregional Comparative Study", Policy and Politics, Vol.14, No.1, pp.71-91.

environment" from a broader perspective than other, more specialised, agencies with narrower responsibilities.

To what extent central environmental agencies have "made a difference" with respect to environmental policy development is the broader question of this study. Given the continuing deterioration of the environment, in countries separately as well as globally, and the fact that central environmental agencies have now been operating in many countries for some twenty odd years, the question of the efficacy of these agencies can be raised. Doubts have been expressed about their policy performance, in particular with respect to the development of a more coherent and comprehensive, anticipatory approach to the environment. Yet, it can be argued, such an approach is needed if environmental problems are to be addressed more effectively, given the interdependence between environmental phenomena.

For improving the policy performance of central environmental agencies, an understanding of the reasons for failure with regard to comprehensive environmental policy development needs to be developed. Although, a priori, some of the possible reasons for failure can be derived from the realm of public policy theories, it can be argued that it is necessary to analyse the performance of these agencies in order to understand more fully the factors that have been responsible for failure, and to confirm or reject theoretically based observations.

A core argument in this thesis is that, for a fuller understanding of the reasons for environmental policy failure, the context within which central environmental agencies have to operate, has to be taken into account. Political, social and economic developments and conditions set many of the constraints under which environmental policy develops, and permeate the institutional framework, setting limits to these agencies' capabilities. Although this may seem obvious, it is important to keep this in mind when analysing the policy performance of a single agency. When talking about policy failure, one needs to assess carefully the nature of the failure, who or what fails, and the factors behind it.

One of the underlying propositions in this thesis is that the failure of central environmental agencies in developing a coherent, comprehensive environmental policy can be attributed to the relative position of these agencies in the bureaucratic framework, preventing them from getting involved into policy areas (such as economic policy) crucial to the development of a comprehensive environmental policy. When these policy areas remain insulated from these

agencies, environmental policy development does not transcend the level of symbolic, or meta-policy.[2]

The study focuses on the Commission for the Environment's role in the development of environmental policy in New Zealand. The period covered is from the 1960s (the "pre-environmental era") to 1986, when the Commission was replaced by a Ministry for the Environment, as part of a much broader process of reform of government administration. The intention is not to provide a complete historical account of the Commission's activities, but to assess the performance of the Commission as a central government agency, and to analyse the obstacles for a more comprehensive approach to environmental policy development, whilst taking an eclectic recourse to public policy insights. The goal is to provide an in depth case study of the relationship between the context in which environmental policy develops and the policy performance of a central agency, and in particular, of how the constraints inherent in the policy context find translation into the institutional arrangements of which the central agency is a part, thus setting the limits within which it had to operate.

Outline of the Study.

In the first chapter, a framework for analysing the environmental policy performance of central environmental agencies will be developed. The concept of environmental policy will be defined, and the particular difficulties related to (comprehensive) environmental policy development will be discussed. On this basis, a set of factors affecting the policy performance of central agencies will be postulated and elaborated upon. Also, the significance of these conjectures for the New Zealand situation will be assessed.

In the following two chapters (II and III), the context from which the Commission from the Environment emerged, will be described (pre-1970, and from 1970 until 1972). Then, in chapter IV, the process of the Commission's

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[2]. Symbolic policy is here defined as the adoption of a policy by government without adequate provisions for its implementation; see Edelman, Murray (1971), Politics as Symbolic Action. Mass Arousal and Quiescence. New York, Academic Press. Meta-policy, in the terminology of Dror, refers to "policy making on how to make policy", implying a search for ways to improve the policy process on the assumption that this will improve policy output; see Dror, Y. (1968), Public Policymaking Reexamined. Scranton, Chandler Publishing Company, p.160. Whether improved policy performance indeed results, is an open question. Meta-policy may involve the political practice of creating or reforming institutions in a policy area without bringing about a substantive change in policy (guidelines); this creates the impression that the government is dealing with a problem (by allocating or redistributing resources), but in fact little or no change in policy may occur. In other words, the claim that meta-policy leads to improved policy performance needs testing on a case by case basis.

establishment will be analysed, to illustrate how contextual factors were translated into institutional constraints on comprehensive environmental policy-making.

In the next four chapters (V, VI, VII, and VIII), the role of the Commission in the development of environmental policy (from 1973 to 1986) will be analysed. In Chapter V, the focus will be on the Commission's performance in the environmental impact assessment procedures, which, in practice, had become one of its major areas of responsibility. In particular, the relevance of the procedures as a mechanism for environmental policy development will be analysed. Chapters VI and VII focus on the co-ordination role and efforts of the Commission, and are based on two different approaches to co-ordination. In chapter VIII the Commission's policy efforts with respect to four environmental policy areas will be analysed, to find out how factors affecting policy performance combine in particular cases.

In Chapter IX the process of environmental reform after the election of the Labour Government in 1984, leading to the disestablishment of the Commission and the creation of a new Ministry for the Environment, will be analysed. In particular, the focus will be on the interplay between the changing policy context and the institutional arrangements for environmental policy development. The purpose is to assess if, and if so, to what extent, the factors affecting the policy performance of the central environmental agencies have been changed, and whether the prospects for the development of a more coherent, comprehensive environmental policy have been enhanced.

CHAPTER I - ENVIRONMENTAL POLICY DEVELOPMENT AND THE ROLE OF NEW CENTRAL GOVERNMENT AGENCIES.

1.1. Introduction.

In this chapter the theoretical framework for the study of the Commission for the Environment's role in environmental policy development will be set out. First, the concept of environmental policy will be defined. Second, reasons for "environmental policy failure" will be discussed on the basis of an overview of public policy literature and publications on this particular area. Third, the role of central environmental agencies in environmental policy development is dwelt upon, and factors affecting their "policy performance" put forward. Finally, the methodological implications of these theories and ideas for the study of the role of the Commission for the Environment in environmental policy development will be assessed, and an overview provided of the structure of the thesis.

1.2. Environmental Policy Defined.

The term environmental policy suffers from a notorious dual parenthood: the concepts of policy and environment. Both concepts have been the subject of controversy with respect to their meaning and usefulness. It is not surprising, therefore, that many publications on environmental policy and politics avoid defining the term environmental policy altogether. Implicitly or explicitly this reflects the view that it is a waste of time to squabble about the exact meaning of the term environmental policy and that it is more productive to delineate the field by dealing with empirical or "concrete" issues and questions which are considered as being part of it.[1]

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[1]. By far most publications dealing with environmental policy included in the bibliography fail to define the concept of environmental policy, or, for that matter related concepts such as environment, environmental politics or environmental management. A few exceptions are Caldwell, Lynton K. (1971), Environment, A Challenge to Modern Society. Garden City, N.Y.: Anchor Books. O'Riordan, T. (1981), Environmentalism, London: Pion; Baldwin, John H. (1985), Environmental Planning and Management. Boulder, Colorado: Westview Press; Park, Chris C. (1986), Environmental Policies, An International Review. London: Croom Helm. A collection of definitions and statements on "the environment" is provided by Teymor, Necdet (1982), Environmental Discourse. London: ?uestion Press, pp.44-48. This sample, however, contains virtually no references to environmental policy and ignores many important publications in that field. Sometimes the more confined and precise concept of ecology is being used (and defined) instead of the term environment, such as in Ophuls, William (1977), Ecology and the Politics of Scarcity. San Francisco: W.H.Freeman, and Dryzek, John S. (1987), Rational Ecology: Environment and Political Economy. Oxford: Blackwell. The drawback of relying on such a more confined concept as ecology instead of environment will be discussed later in this chapter.

The question of definition, however, is a crucial one, not only to provide clarity about the object under study[2], but also as a political instrument in societal control. The way in which "the environment" is being defined affects the selection of courses of political action. The definition of policy issues is part of the process of agenda-setting and has implications for the degree of politicisation. By exerting control over the interpretation of problems or events political demands can be mitigated or channelled.[3]

With the increased role of intellectuals in society, and the concomitant importance of the "culture of critical discourse"[4] in the political process, it is important for policy analysts to be aware of the potential political implications of their definition of and approach to environmental (or other) problems. In that respect policy analysis can never be neutral, whatever the scientific or ideological commitment of analysts and the level of abstraction of their analyses.

1.2.1. The Policy Concept.

Ever since the field of policy analysis has emerged, the term policy has been interpreted in a variety of ways.[5] Clearly, its meaning is not self-evident, although it has been argued that "Policy is rather like the elephant - you recognise it when you see it but cannot easily define it."[6]

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[2]. Teymor elaborates on the need for "environmental discourse" to rid itself of the vagueness and "ideological" nature of its vocabulary as an essential requirement for theoretical understanding. The term "environment" should be dropped because it is "a vague generalization which defies definition and scientific specification". Instead, environmental analysis should focus on clearly identifiable objects of study. This recommendation concurs with the practice followed in many studies of environmental policy, discussed in the previous footnote. It can be argued, however, that such a practice ignores the political context in which environmental policy is inevitably shaped and would contribute to the depoliticisation of environmental issues. Teymor, Necdet (1982), Environmental Discourse. London: ?uestion Press.

3. Beyer, Janice M. (1981), "Ideologies, Values and Decision Making in Organizations", in: Paul C.Nystrom and William H.Starbuck (eds.), Handbook of Organizational Design, Volume 2. Oxford: Oxford University Press. In their critique on Lowi's postulate that "policies determine politics" (implying that policy processes differ depending on policy type) Greenberg et al. correctly note that the question how an issue should be classified is often itself subject to political debate: "Variations in perception of a policy are especially likely to occur when participants in the process actively seek to redefine the issue." Greenberg, George D. J.A.Miller, L.B.Mohr and B.C.Vladek (1977), "Developing Public Policy Theory: Perspectives from Empirical Research", The American Political Science Review, Vol.71, No.4, p.1535. For an elaboration on the theme of how beliefs and perceptions are influenced by governmental activity see Edelman, Murray (1971), Politics as Symbolic Action. Mass Arousal and Quiescence. New York, Academic Press.

4. Gouldner, Alvin W. (1979), The Future of Intellectuals and the Rise of the New Class. London: The MacMillan Press.

[5]. For a summary of definitions see Ham, Christopher and Michael Hill (1984), The Policy Process in the Modern Capitalist State. Brighton: Harvester Press, p.11, and Heclo, Hugh H. (1972), "Review Article: Policy Analysis", British Journal of Political Science, Vol.2, p.84.

[6]. C.Cunningham, quoted in Ham, Christopher and Michael Hill, The Policy Process in the Modern Capitalist State, p.11.

Yet, despite the variety of definitions of the term policy, it is possible to discern a number of key elements of the concept: first, a "middle range" location in terms of the level of analysis; second, purposiveness; third, it refers to action as well as "inaction"; and fourth a dynamic nature.[7]

(1) With regard to the first aspect it has been pointed out that the term policy, in terms of level of analysis, "is a concept placed roughly in the middle range": the term "is usually considered to apply to something 'bigger' than particular decisions, but 'smaller' than general social movements."[8] Ham & Hill note that policy "involves a course of action or a web of decisions rather than one decision."[9] A policy refers to a *network* of decisions and actions, tied together by a binding ingredient.

(2) The binding ingredient for a policy can be found in the second key element of the term policy, the *purposiveness or intention* behind the network of decisions and actions. This is the beacon which guides decisions and actions, although the light may not always be strong or even visible to everyone. Goals may be different from the ones officially stated, but, as Heclo states "all seem to agree that, at its core, policy is a course of action intended to accomplish some end."[10]

(3) A third key aspect of policy is that it includes the *behaviour* which attempts to implement the purposes. It embraces what is intended *and* what occurs as a result of the intention.[11] Behaviour may comprise both *action* and *"inaction"*. Purposes can be achieved by actions, "non-decisions" or by "doing nothing". Although the latter two courses obviously generate questions of verification (how can a network of "non-decisions" or "inaction" be perceived?) these phenomena occur frequently in political life. The key to identifying a course of inaction lies in the purposiveness: for a course of action to qualify as inaction it must be demonstrated that such a course was consciously adopted with a particular objective.[12]

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[7]. These elements are derived from both Heclo and Ham & Hill in the publications cited in footnote [5].

[8]. Heclo, Hugh H., "Review Article: Policy Analysis", p.84.

[9]. Ham, Christopher and Michael Hill, The Policy Process in the Modern Capitalist State, p.12.

[10]. Heclo, Hugh H., "Review Article: Policy Analysis", p.84.

[11]. Heclo, Hugh H., "Review Article: Policy Analysis", p.85.

[12]. It should be emphasised that such a course of action should be distinguished from the specific meaning given to "nondecision-making" by Bachrach and Baratz who define this as "the practice of limiting the scope of actual decision-making to 'safe' issues by manipulating the dominant community values, myths, and political institutions and procedures." They differentiate this course of action (also called the "mobilization of bias" by Schattschneider) from "the negative aspects of decision-making" (as implied in a decision not to act or not to decide), which is in line with our definition of "inaction". It should be stressed, however, that such a course of "inaction" may also serve a purpose and may have been consistently followed. The use of the qualification "negative" should therefore be avoided. Bachrach, Peter and Morton S.Baratz (1963), "Decisions and non-decisions: an analytical framework", The American Political Science Review, Volume LVII, pp.632-642.

(4) A fourth aspect of the term policy is that it refers to fluid and dynamic phenomena. Intentions as well as decisions and actions (including inaction) invariably change, and cut across a potentially wide field, transcending disciplinary boundaries. Policy is therefore better conceived of as a *process* instead of as a state. Heclo remarks that there is "no unambiguous datum constituting policy and waiting to be discovered"[13] and Ham & Hill note that "the policy process is dynamic rather than static and that we need to be aware of shifting definitions of issues."[14]

Combining these elements the concept of policy can be defined as a dynamic network of decisions and actions (including inaction), reflecting the intentions of a particular actor.

A *public policy* is referred to as a policy adopted by a government (national, regional or local). This implies that such a policy has been sanctioned by those who have the official authority to adopt courses of action for the people they formally represent. For the sake of simplicity the term environmental policy in this study will refer to the environmental policy adopted by the *central government*.

1.2.2. The Environment Concept.

The term *environment* is probably even more controversial than the term policy, despite, or perhaps because of the fact that it has entered our daily vocabulary. With the growing concerns over "the environment" the term has become emotionally and politically loaded. It has developed into a "motherhood concept" embodying an intrinsic value which is almost universally accepted, but which also defies exact definition. Now almost equal in status to concepts such as liberty or justice "the environment" is something virtually everyone is for and no one against.

Because of its potential all-inclusiveness and vagueness, the term environment, it can be argued, has also become meaningless. This is, however, far from true. Although the denotation of the term may not be clear or even undefinable, its political or symbolic significance is considerable. Teymor notes that:

> [...] as the notion of 'environment' is a vague generalization which defies definition and scientific specification, the problems that it supposedly defines are all reduced, purified, simplified and <u>displaced</u>. They are confined to a homogeneous field where everything is classified

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[13]. Heclo, Hugh H., "Review Article: Policy Analysis", p.85.

according to a given pure principle, and where there is no contradiction (except perhaps between 'Man' and 'Environment'!) [Emphasis in the original].[15]

Used in an unspecific and vague way, the term environment serves a conservative and integrative purpose. It arouses feelings of common interests and common threats. By using it political leaders express their commitment to the common good. As an all-embracing concept affecting everyone it has become one of the most attractive items in political vocabulary, diverting public attention away from divisiveness and conflict.

This poses a dilemma for the policy-analyst. In providing a "purpose" to political leaders the environment is obviously a politically relevant, even important concept. On the other hand does the vagueness ("everythingness") of the term create considerable analytical problems: which intentions, decisions and actions should be monitored? Which empirical phenomena make part of the *environmental* policy of governments? Is *all* policy relevant, or should we focus on specific problems or issues and "forget" about the term environment?

The temptation for analysts to do the latter, as noted earlier, is great. After all, there is no lack of environmental issues. Pollution problems in particular, in all forms and degrees, require effective, and often urgent action. Resource shortages, although presently receiving less attention, may soon surface again in aggravated form. Ecosystems continue to be destroyed and species extinguished. For policy-analysts motivated by a desire to contribute to the improvement of policies there is a myriad of specific environmental issues to choose from. Focusing on one of these relatively well-definable areas reduces the problems of analysis and enhances the potential for an effective (and rewarding) contribution to the policy-making process.

However, there are reasons for not altogether abandoning the analysis of the "overall" environmental policy performance of governments. One reason, already mentioned, is the political significance of the terms environment and environmental policy in today's political discourse. A second, and perhaps more important reason, lies in the very inclusiveness of the term environment and in its implications for the policy-process.

A key notion identified with the term environment is the interconnectedness of phenomena and the idea that the whole is more than the sum of its parts. In ecology this refers to the interrelatedness of all parts in an

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[14]. Ham, Christopher and Michael Hill, <u>The Policy Process in the Modern Capitalist State</u>, p.12

[15]. Teymor, Necdet, <u>Environmental Discourse</u>, p.188.

ecosystem.[16] It is the interaction and interdependence between the constituent elements of such a system that makes an ecosystem what it is. Ophuls explains:

> *The fundamental principle of ecology is holism; that is, just as the properties of water are not predictable from the properties of oxygen and hydrogen, so the properties of ecosystems are not predictable from the properties of the living entities and nonliving matter of which they are composed. The biosphere is a unity and can be understood only in terms of itself.*[17]

The notion that "everything is connected to everything" does not only apply to ecosystems. It is also relevant in the context of human interaction. Sociology, economy and political science each focus on particular aspects of human interaction, or use different lenses in the interpretation of reality. Although this dissolution of reality is quite acceptable from an analytical perspective, serious problems may be created if sectorial insights, explanations or theories are applied to the policy process without consideration of their interaction. To rely on the premises of a single discipline in the development of responses to societal problems is to invoke distortion and failure, and may lead to attempts to force reality or society into pre-conceived models.

Ecosystems and human behaviour are, of course, closely intertwined. Human intervention in ecosystems does not take place in isolation, but is based on social, economic and political patterns of behaviour. Ecosystems, on the other hand, provide a context for societal patterns of behaviour. The essence of our environmental predicament lies in the disconnection between societal patterns of behaviour and what is ecologically sustainable.

The term environment will be defined as the sphere of interaction between ecosystems and human activity. The inclusiveness of the concept points to the interdependence between the two spheres and to the need to consider the constraints and opportunities in each sphere simultaneously in the development of policies. It will be argued that despite its vagueness the concept of environment is significant as an integrative notion, and as a guideline in the process of policy development.

The concept of environmental policy can now be defined as a dynamic network of decisions and actions (including inaction), reflecting the intentions of a particular actor, affecting the interaction between human activities and

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[16]. Ecology is a branch of biology which deals with the relationships between organisms and their environment (including other organisms). An ecosystem can be defined as "a functioning interactive system consisting of one or more living organisms and the physical, chemical and biological factors in their environment." Pepper, David (1984), The Roots of Modern Environmentalism. London: Croom Helm, p.237.

[17]. Ophuls, William, Ecology and the Politics of Scarcity, p.21.

ecosystems. As the particular actor on which this study will focus is the central government, the term environmental policy should here be taken to refer to the environmental policy of the central government.

1.2.3. Environmental Policy Dimensions.

Obviously, the study of environmental policy covers a very wide range of interactions. Yet, conceived as referring to the *interaction* between the two spheres it also provides a basis to exclude from the study processes which have primarily significance within each sphere separately. Ecological processes which have no (direct) impact on human activities can be referred to ecology, whereas human interactions without obvious impact on ecosystems may be referred to social science.[18]

Furthermore, related to the kind of interaction between government (in)action and ecosystems, three dimensions of environment policy can be distinguished which may provide a more precise focus for environmental policy studies. These dimensions will be designated as ecological, economic and social.

The ecological dimension of environmental policy refers to those aspects of government policy which affect ecosystems. Examples of such policies are policies intended to protect endangered species and their habitat, and policies to conserve forests, wetlands and other natural areas. Policies addressing climatic change and ozone depletion are more recent examples in a global context.

The ecological dimension of environmental policy also comprises the ethical or philosophical values and considerations underlying the approach to ecosystems. In general, variations within this dimension of environmental policy are based on different assessments of the need to limit or contain potentially harmful human activities, and of the need to protect ecosystems.

The economic dimension of environmental policy refers to the use of natural resources. Natural resources are all those elements found in nature, such as soil, water, air, sunlight, minerals, plants and animals, which serve to maintain or improve the human standard of living. Aspects of this dimension relate to the impact of human use of resources on their availability and quality, in the short and long term, and to the question of the sustainability of a standard of living

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[18]. Such classification is, of course, relative, depending on perceptions and perceived degrees of interaction. People may not be aware that ecological processes are vital for their survival. On the other hand it is possible that human interventions may only generate perceptible ecological effects after a long time ("sleeper effects"). This discrepancy between what we know and reality is, of course, not confined to the study of environmental issues. As long as such a classification is not considered as an absolute "once for all", however, it can be a useful way to direct our focus and guide our actions.

(conceived primarily in material terms). Examples are policies relating to energy resources, mining, land use, the use of air and water, and more general policies with regard to economic growth, population growth, technological innovation, and the distribution and conservation of resources.[19]

The social dimension of environmental policy refers to policies which affect the quality of life, or living conditions of people. Although these aspects are conditioned by material and quantitative factors (such as the distribution of resources), they will here be conceived as qualitative, relative and subjective aspects which are much harder to measure than the aspects mentioned under the economic dimension. Yet, despite apparent vagueness, this dimension is no less real. Examples are policies affecting the pleasantness (or ugliness) of the environment in which people live (including the human made environment), policies affecting housing conditions, policies with regard to the impact of the environment on human health (e.g. by pollution, noise), and policies relating to the provision of environmental public goods in general.[20]

Various authors have emphasised the priority of the ecological dimension over the other two. Dryzek, for instance, gives ecological rationality lexical priority[21] over other forms of rationality, including political rationality. The rationale for doing this is that the preservation of the ecological basis of society is a precondition for the pursuit of *any* value in the long term. "Without lexical priority, ecological rationality is in danger of annihilation; ecological rationality

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[19]. The distributional implications of environmental policy refer to the question of access to and distribution of resources, and tend to receive relatively little attention from many environmentalists. Inegalitarian distribution or resources does not only lead to differences in the standard of living, but has also important implications for the pattern of resource use and environmental degradation. Stretton notes: "People can't change the way they use resources without changing their relations with one another." Stretton. Hugh (1976), Capitalism, Socialism and the Environment, Cambridge: Cambridge University Press, p.3. For a discussion of effects of inequality on environmental degradation see also World Commission on Environment and Development (1987), Our Common Future, Oxford: Oxford University Press, in particular pp.46-49 and 141-144; and Schnaiberg, Allan, Nicholas Watts and Klaus Zimmerman (eds.), Distributional Conflicts in Environmental-Resource Policy. Aldershot (England): Gower.

[20]. A case could be made for the inclusion of the distributional aspects of environmental policy under the social dimension instead of the economic dimension. In fact, this is not a matter of great importance as the distinction between the dimensions is purely analytical (depending on the delineation of boundaries) and is not based on distinctions in reality. Obviously, the phenomena referred to under the three dimensions are in reality all closely intertwined. The reason for bringing the distributional aspects of policy under the economic dimension is to emphasise that access to resources and their use are very closely connected, in the sense that inequality tends to contribute to ecosystem destruction and depletion of resources. On the other hand, it should be kept in mind that even with complete equality in the distribution of resources, living conditions and quality of life aspects can still deteriorate for everyone. See Schnaiberg, Allan, Nicholas Watts and Klaus Zimmerman eds.(1986), Distributional Conflicts in Environmental-Resource Policy; Hirsch, Fred (1977), Social Limits to Growth. London: Routledge & Kegan Paul.

[21]. "Lexical priority means that lower values come into play only when designs in pursuit of a higher value are totally complete." Dryzek, John S., Rational Ecology, p.59.

demands lexical priority if it demands any priority at all."[22] Ophuls has argued that ecological limits and constraints will force political systems to adjust to the inevitable return of scarcity, and that a timely recognition of such limits would offer the best chance of maintaining a reasonable standard of living.[23]

Decreasing ecosystem complexity and the consequent reduction of their self-regulatory capacity as a result of human intervention and transformation into simple, less diverse and fragile human-made ecosystems has been identified as the "ultimate ecological problem confronting man."[24]

Others, however, refer to the political naivety of environmentalists who ignore the socio-economic or distributional aspects of environmental policy. Horowitz has argued that the environmental movement is primarily an expression of middle class concerns.[25] Weston and Stretton point out that environmental reform is meaningless to a large part of the population and consequently doomed to fail if no account is taken of social reality and class politics.[26] In the Brundtland report the need for social reform in developing countries is seen as an important accessory to the prevention of further environmental degradation.[27] Redclift supports Chambers in his view that people and their livelihood should be put first in "ecodevelopment".[28]

Instead of claiming priority for the ecological dimension, a case could therefore also be made for giving precedence to the economic or social dimension. Many environmental issues involve vital questions of life, health and death related to the distribution of resources and the quality of living conditions. The recent upsurge in attention for global environmental pressures should not obscure the fact that for many people "the environment" has primarily significance in terms of local or regional living conditions, shaping their environmental views and affecting their practices. Even in the example of global ecosystem pressures (such as the greenhouse effect) economic and social aspects cannot be ignored and should be considered *simultaneously* with the ecological dimension if a realistic

[22]. Dryzek, John S., Rational Ecology, pp.58-60.

[23]. Ophuls, William, Ecology and the Politics of Scarcity.

[24]. Miles, Rufus E. Jr. (1976), Awakening from the American Dream: The Social and Political Limits to Growth. New York: Universe Books, p.205.

[25]. Horowitz, Irving L. (1972), "The Environmental Cleavage: Social Ecology versus Political Economy", Social Theory and Practice, Volume 2, Number 1, pp.125-134.

[26]. Stretton. Hugh, Capitalism, Socialism and the Environment; Weston, J., ed.(1986), Red and Green: The New Politics of the Environment. London: Pluto Press, in particular Chapters 1 and 8.

[27]. World Commission on Environment and Development (1987), Our Common Future, Oxford: Oxford University Press (often referred to as the "Brundtland report" after the chairperson of the Commission). p.141.

[28]. Redclift, Michael (1987), Sustainable Development. Exploring the Contradictions. London: Methuen,pp.35-36.

and politically feasible environmental response to these problems is to be developed.[29]

Policies often have multiple aspects, and some can therefore be placed under all three dimensions (such as land use policies and pollution control policies). This confirms the interrelatedness of "the environment" and is, as we will see, an argument in support of the need for the development of a comprehensive environmental policy which includes all three dimensions in a coherent framework. The term comprehensive environmental policy will be used to refer to a government policy comprising the formulation and implementation of goals with respect to all three dimensions of the environment in a coherent way.[30]

1.3. Why Environmental Policies Fail.

The results of environmental policies achieved in many countries have been widely characterised as inadequate. Environmental policies have generally been criticised as reactive, ad hoc, fragmented and as "too little too late".[31] The Brundtland report notes that "environmental management practices have focused largely upon after-the-fact repair of damage" and that environmental policies have been directed at the symptoms of harmful growth.[32] Various other authors have also noted that environmental policies have been developed reactively, mainly in response to crises.[33] Dryzek has argued that many environmental problems have simply been displaced across place, time or media, a practice most obvious in the

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[29]. For a discussion of some of the distributional aspects of the greenhouse effect see "Winners and Losers of the Greenhouse Effect", New Zealand Herald, 8 November 1989, p.1 (section II).

[30]. Coherent in this context means "logically consistent and ordered". Webster's Third New International Dictionary of the English Language, Vol.1, p.440.

[31]. Walker, Ken J. (1989), "The State in Environmental Management: The Ecological Dimension", Political Studies, Vol.37, No.1, pp.25-38.

[32]. World Commission on Environment and Development, Our Common Future, p.39.

[33]. This observation has been made by Formby and Gilpin with respect to Australia, see Formby, John (1986), "Environmental Policies in Australia - Climbing Down the Escalator". in: Chris C. Park (ed.), Environmental Policies, An International Review, London: Croom Helm, pp.183-221; Gilpin, Alan (1980), Environmental Policy in Australia. University of Queensland Press, St. Lucia, Queensland, pp.30-31; with respect to the United Kingdom by Gilg, see Gilg, A. (1986), "Environmental Policies in the United Kingdom", in Chris C. Park, ed., Environmental Policies: An International Review. London: Croom Helm; with respect to Japan by Weidner, H. (1986), "Japan: The Success and Limitations of Technocentric Environmental Policy", Policy and Politics, Vol.14, No.1, pp.43-70. For the Netherlands, see Driel, Peter van (1983), "De Omvang van de Milieuproblematiek en de Kwaliteit van het Milieubeleid", Tijdschrift voor Politieke Economie, Vol.7, No.1, pp.103-131. For India see Kayastha, S.L. (1986), "Environmental Policies in India", in Park, ed., Environmental Policies. An International Review. London: Croom Helm, pp.223-258; for the Soviet Union see Ziegler, Charles E. (1982), "Economic Alternatives and Administrative Solutions in Soviet Environmental Protection", Policy Studies Journal, Vol.11, No.1, pp.175-187.

In a more general sense the reactive nature of environmental policies has been noted by many other authors as well, however.

"high stack" policies adopted to disperse air pollution, but also prevalent in most anti-pollution measures.[34]

Despite the progress being made in some areas (notably in air-pollution abatement) in some countries, and the optimistic views expressed in some publications about the future of the environment in global perspective, there are many indications, including the continuing growth in public concern, that the environment has continued to deteriorate, in many countries as well as globally, despite the activities of new environmental agencies in the last fifteen or twenty years.[35]

To a considerable extent, it may be argued, environmental policy failure is inevitable as humans are not all-knowing. Incomplete understanding and information will always be part of the human predicament, and lead to the unexpected. Limited human capacity makes simplification and human error unavoidable. We will never be able to completely control our environment.

However, it can also be pointed out that human intervention in the environment is *unnecessarily* simplistic, fragmented and blind. That people *knowingly* ignore the potential impact of their actions on the environment, and that there is a *deliberate* fragmentation of the environment. Government environmental policy, it can be argued, is to a large degree *unnecessarily* ad hoc, fragmented, and compartmentalised. Many environmental problems could and would be coped with more effectively if policies would be developed and implemented in a more comprehensive and co-ordinated way.

However, comprehensive environmental policy-making is virtually non-existent. Although the recognition for the need for such an approach may be growing, as Bartlett notes, there are many practical and theoretical obstacles put in its way. It appears that "what must be done cannot be done."[36]

Yet, as Bartlett argues, the case for a comprehensive environmental policy cannot be dismissed easily. As a result of the failure of ad hoc and fragmented

[34]. Dryzek, John (1982), "Policy Analysis as a Hermeneutic Activity", Policy Sciences, 14, pp.10-11.

[35]. For data about air-pollution in OECD countries see Organisation for Economic Co-Operation and Development (1989), OECD Environmental Data, Compendium 1989. Paris: OECD, pp.15-45; for an optimistic assessment of the future global environment see Simon, Julian L.(1981), "Global Confusion, 1980: A Hard Look at the Global 2000 Report", The Public Interest, No.62, pp.3-20 and Simon, Julian L. and Herman Kahn, eds. (1984), The Resourceful Earth. Oxford: Basil Blackwell. The latter is a more extensive reaction on the rather gloomy report of the U.S. Council on Environmental Quality and the Department of State (1980), The Global 2000 Report to the President: Entering the Twenty-First Century. Washington DC: Government Printing Office. Other sources depicting a deteriorating world environment can be found in the publications of the World Watch Institute (publishing State of the World" reports since 1984), and in the report of the World Commission on Environment and Development (1987), Our Common Future, Oxford: Oxford University Press.

[36]. Bartlett, Robert V. (1990), "Comprehensive Environmental Decision Making: Can It Work", in: Norman Vig and Michael Kraft, eds. Environmental Policy in the 1990s: Toward a New Agenda. Washington, D.C.: Congressional Quarterly Press, p.235.

environmental policy development the call for a greater degree of environmental policy integration is bound to become stronger, particularly in the pollution control area, and is also realistic if the definition of comprehensiveness is brought back on a more modest level.[37]

The case for a comprehensive environmental policy should therefore not be identified with a *particular, a-priori*, substantive policy. The specific elements for such a policy will need to be generated by the policy process. However, for such a policy to emerge obstacles in the environmental policy context and process will have to be overcome.

Numerous causes for environmental policy failure can be put forward. Three categories of factors will here be distinguished: first, the particular nature of environmental problems; second, contextual factors; third, the policy process in general.

1.3.1. The Particular Nature of Environmental Problems.

It has been argued that the particular nature of problems affect the kind of policies which emerge.[38] In the case of environmental problems, three characteristics can be distinguished which might be put partly responsible for environmental policy failure: first, complexity; second, a public good nature; and third, a tendency to arouse controversy on fundamental values.

(1) A key to understanding failure in this policy field lies in the complex interrelatedness of environmental phenomena, which implies that intervention in one part of the environment may have uncertain, multiple, hidden, delayed and unforeseen effects on many other parts. In other words, environmental problems are non-reducible. i.e. a resolution cannot be guaranteed by addressing them separately. Many environmental problems only become evident after a considerable lapse of time ("sleeper effect") or after having passed a certain point ("threshold effects"). Moreover, completely new problems may emerge as a result of the interaction between elements ("synergistic effect").[39]

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[37]. Bartlett, Robert V. (1990), "Comprehensive Environmental Decision Making: Can It Work."

[38]. This idea has been elaborated by Lowi; Lowi, Theodore J. (1972), "Four Systems of Policy, Politics, and Choice", Public Administration Review, Volume 32, pp.298-310; Lowi has argued that "policy determines politics" in the sense that the specific characteristics of a problem determines the kind of treatment it gets. As mentioned earlier (in footnote [3]), this theory is hard to verify and suffers inherent weaknesses. Instead, it will be argued that policy development in a particular area results from the interaction between the nature of problems, structural factors (policy context) and the policy process proper.

[39]. See Dryzek, John S., Rational Ecology, Chapter 3; Caldwell, Lynton K. (1974), "Political Science", in Utton, Albert E. and D.H. Henning (eds.) Interdisciplinary Environmental Approaches. Costa Mesa, California: Educational Media Press, p.9; Enloe, Cynthia (1975), The Politics of Pollution in Comparative Perspective. New

The complexity of environmental problems also raises the problem of the role of experts in the development of environmental policy. On the one hand there is a tendency to emphasise the need for research and expertise in the formulation of environmental policies or solutions. Experts, it has been argued, should take the role of "ecological guardians" as only they are capable of overcoming ignorance and short-sighted self-interest in the development of policy.[40]

On the other hand, warnings have been issued against the idea of a "value-free" science, particularly in areas of great uncertainty and where we do not know enough.[41] The question of how to prevent scientific or technical dimensions from masking distributional considerations in complex issues where scientific evidence and judgment is needed, is itself a difficult one for which no simple answers are available.[42]

(2) Apart from complexity and interrelatedness, the public good nature of many environmental issues is probably one of the most crucial. The fact that "the environment" is in the interest of all poses a collective action problem, in the sense that it is not rational for individuals to invest heavily in the solution of these problems if others don't do so as well or if they have no special interests in doing so. As in other collective interest issues environmental problems face a "free rider" problem which, it is often claimed, can only be solved by coercion or by offering special incentives.[43]

The problem of the undersupply of collective goods is mirrored in the "tragedy of the commons", a situation in which available collective goods tend to be over-exploited and ultimately destroyed if no collective action is taken to regulate the behaviour of individuals, all acting rationally on the basis of their own interests.[44]

York: David McKay, pp.323-324; Lundqvist, L.J. (1974), Environmental Policies in Canada, Sweden, and the United States: A Comparative Overview. London: Sage Publications, p.13; Edmunds, Stahrl W. (1981), "Environmental Policy: Bounded Rationality Applied to Unbounded Ecological Problems", in Dean E. Mann, ed. Environmental Policy Formation. Lexington: MA: Lexington Books, pp.191-201; Ophuls, William, Ecology and the Politics of Scarcity, pp.119; 123-127; Baldwin, John H. (1985), Environmental Planning and Management. Boulder, Colorado: Westview Press, p.5.

[40]. Ophuls, William, Ecology and the Politics of Scarcity, pp.159-161.

[41]. Longino, Helen (1983), "Beyond 'Bad Science': Skeptical Reflections on the Value-Freedom of Scientific Inquiry", Science, Technology & Human Values, Vol.8, No.1, pp.7-17.

[42]. For the suggestion that mediation is more promising in such issues than an adversarial approach, see Ozawa, Connie P. and Lawrence Susskind (1986), "Mediating Science-Intensive Disputes", Journal of Policy Analysis and Management, Vol.5, No.1, pp.23-39.

[43]. Olson Jr., M. (1965), The Logic of Collective Action. Public Goods and the Theory of Groups. Cambridge, Massachusetts: Harvard University Press; Ophuls, William, Ecology and the Politics of Scarcity, pp.147-152.

[44]. Hardin, Garret (1968), "The Tragedy of the Commons", Science, Vol.162, December, pp.1243-1248.

Related to the public good nature of environmental issues is the fact that many environmental values have an immeasurable and non-tangible character.[45] These values, such as genetic diversity, the preservation of a species, and the quality of life are hard, if not impossible, to express in quantitative or monetary terms.[46] Yet, values or interests which can be translated into money value tend to receive political priority. Environmental values, because of their indivisible nature, lend themselves hardly or not for "logrolling" or other bargaining practices which so often dominate the political process.[47]

The collective action problem has also been referred to as the problem of broad, "motley" or "nebulous" constituencies. As environmental problems affect everyone, there is potentially a very wide basis for support for environmental government agencies. At the same time, however, this is a weakness as people who tend to give a higher priority to their more specific interests can also claim to have a right in the formulation of environmental policy equal to that of environmental "public interest" groups.[48]

(3) It will be obvious that a variety of possible positions on all three dimensions of environmental policy offers wide scope for disagreement on the ingredients for a "good" environmental policy. Although agreement over specific issues sometimes seems to emerge, it can be safely concluded that there is far from any consensus, both in the environmental literature as well as in political practice, on what the *substantive* elements of a "good" comprehensive environmental policy are or should be.[49]

It should be emphasised that also amongst environmentalists there is no ideological consensus, and that there is a wide variety of groups with more or less

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[45]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, pp.323-324.

[46]. Some also argue that it is immoral to do so, as quantifying such values downgrades their inherent qualitative nature. On the other hand, however, there are those who maintain that valuing the environment in quantitative and monetary terms is essential if environmental values are to be taken seriously in the policy process, particularly in the formulation of economic policies. In order to do so, a variety of "non-market valuation techniques" have been proposed. See Pearce, David W., Anil Markandya and Edward B. Barbier (1989), Blueprint for a Green Economy. London: Earthscan Publications.

[47]. For an illustration of this difficulty in the context of air-pollution control in American cities see Crenson, M. (1971), The Un-Politics of Air Pollution. Baltimore: The John Hopkins Press, in particular Chapter 5.

[48]. Enloe, Cynthia (1975), The Politics of Pollution in Comparative Perspective, p.323; Dryzek, John S., pp.31-32.

[49]. This does not mean that the disagreement over policies is complete, and that policies cannot be developed which reflect considerable agreement over policy substance. Such agreement, however, often emerges from the process of policy development, and is not always obvious from the a priori positions taken on issues by the actors involved in the process. Also, even an apparent a priori agreement on principles (such as "sustainability") for environmental policy development still may involve considerable disagreement on interpretation and implementation. For a discussion of the contradictions inherent in the concept of sustainability see Redclift, Michael (1987), Sustainable Development. Exploring the Contradictions. London: Croom Helm.

radical or moderate attitudes under the broad umbrella of those recognising that basic change is needed. As Cotgrove remarks:

> *Environmentalists are agreed that there is a lot wrong with contemporary industrial societies, and that fundamental changes are needed. But here, the consensus evaporates.*[50]

An important area of contention is the nature and relative priority to be given to programmes for economic change. Left or red environmentalists emphasise the need to combine the environmental cause with social issues and class struggle, focusing attention on the roots of exploitation in the economic system. On the other hand green environmentalists tend to allocate a higher priority to a change in attitudes towards the environment, nature, and social behaviour, and to the use of alternative ("soft") technology in the production process. The debate between the two sides is a continuous one, and potentially very divisive, despite the apparent affinity between left and green principles.[51]

Within the broad spectrum of "new environmentalism", groups can be found which strongly emphasise spiritual values in the search for a reunion with nature ("deep ecology"), often combined with anti-scientific and anti-technology attitudes. On the other hand there those who strongly support a scientific, ecological approach to the study of the environment, trying to establish guidelines with respect to environmental limits, changes and options ("environmental design"), taking into account findings about interdependencies within the environment and its carrying capacity.[52]

The more scientific than ethical approach to the environment, as exemplified in the "Blueprint for Survival", and the "Limits to Growth" report by the Club of Rome,[53], has been criticised for the authoritarian and technocratic nature of its prescriptions.[54] Such an approach is seen as potentially very dangerous, as it may lead to subjecting people to a form of ecofascism, which extols a world where a few ecological "philosopher-kings" or "ecological guardians"

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[50]. Cotgrove, Stephen (1982), Catastrophe or Cornucopia: The Environment, Politics and the Future. Chichester: John Wiley & Sons, p.102.

[51]. Capra, Fritjof and Charlene Spretnak, Green Politics. The Global Promise. New York: E.P.Dutton; see also Paehlke, Robert C. (1989), Environmentalism and the Future of Progressive Politics. London: Yale University Press. In some countries, such as the Netherlands, this affinity has led to the adoption of a green label by political parties on the left. In Holland, four small parties on the left (Communist, Pacifist-Socialist, "Radical" and to "Radical Evangelical") merged into the "Green Left" Party in order to contest the 1989 elections. However, a "Green Party", proclaiming a more "pure" green philosophy, remained outside this coalition.

[52]. See Pepper, David, The Roots of Modern Environmentalism.

[53]. Goldsmith, E. et al. (1972), Blueprint for Survival. London: Penguin; Meadows, D. et al.(1972), The Limits to Growth. New York: Universe Books.

[54]. Sandbach, Francis (1980), Environment, Ideology and Policy. Oxford: Basil Blackwell, pp.21-28.

determine the fate of the rest of humanity on the basis of assumed ecological needs.[55]

Approaches to the environment have been characterised as ecocentric, technocentric, cornucopian, and anthropo-(or homo-) centric, depending on the degree of optimism expressed in human inventiveness and technology, and the place allocated to human needs in the context of the natural environment.

Ecocentrists lack faith in modern technology, emphasise the need for development to remain within the limits inherent in ecosystems, and ascribe an intrinsic value to nature. Ecocentrists emphasise the need to respect the web of natural interdependencies and to adjust human activities and attitudes to the opportunities and limits contained in these patterns.[56]

The technocentric approach is characterised by the belief that economic growth can continue and that technical "fixes" can provide solutions to environmental problems. This approach, has been described as:

> *[...] characterised by an apparent rationality, a belief in an 'objective'*
> *approach, and a conviction that although careful management must be*
> *exercised in order to avoid fouling of the environmental nest, man is*
> *able to manipulate and appropriate nature for his own ends.*[57]

The approach is characterised by: (1) a belief in the possibility of continued economic growth for human purposes; (2) a belief that difficulties arising from economic growth can be solved by scientific and technological means; related to that is an emphasis on rationality and expertise in the formulation of solutions and an avoidance of debate about values or principles; (3) suspicion towards greater public participation; and (4) a belief that environmental problems can be "managed" within the context of the existing political and societal order.[58]

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[55]. The idea of "ecological guardianship" is discussed by Ophuls. See Ophuls, William (1977), Ecology and the Politics of Scarcity. San Francisco: W.H.Freeman, pp.162-163 and Chapter 8. The concept of "carrying capacity" may provide a potential justification for policies allowing the starvation of millions, in order to bring the number of people "in balance" with the surrounding ecosystems. See Aitken, William (1980), "The 'Carrying Capacity' Equivocation", Social Theory and Practice, Volume 6, Number 1, pp.1-11. This theme has also been embraced in the science fiction literature, where, for instance, voluntary mass suicide has been introduced as a morally superior form of depopulation. See Strieber, Whitley and James Kunetka, (1986), Nature's End. London: Grafton Books.

[56]. This strand of thought has both romantic and scientific sources. See Pepper (1984), Chapters 3 and 4, and Chapter I of this thesis.

[57]. Pepper, David (1984), The Roots of Modern Environmentalism, London, Croom Helm, p.37; see also O'Riordan, T. (1981), Environmentalism, London, Pion, pp.1-2; 12-17.

[58]. Although the latter characteristic has not been identified as such by O'Riordan, he does distinguish between conservative and liberal groups within both categories (ecocentrists and technocentrists). It seems plausible to argue, however, that the views of all ecocentrists require fundamental changes in the existing political and socio-economic order (of both capitalist and socialist societies), whereas all technocentrists believe that the fundamentals of this order (the dominant values and the system of resource allocation and use) can remain

Although within the approach further distinctions have been made between "Cornucopians" ("optimists par excellence") and "environmental managers" ("cautious reformers" and "accommodators"), both groups of technocentrists can be distinguished from those who adhere to an "ecocentric" (or "ecological environmentalism") approach, seeing man in a less dominant, and more dependent relationship with nature. Non-ecocentric approaches are also anthropocentric in the sense that they put human needs first, and are based on the notion of nature serving mankind.[59]

It is, however, very difficult to discern or draw clear boundaries around the "ecocentric" perspective, or to make a sharp distinction between "technocentrists" and "ecocentrists".[60] It has also been argued that a "technocratic" approach was more prominent in the environmental movement in the early 1970s, but has gradually been overtaken by a more value oriented and democratic strand.[61]

The challenge posed by radical environmental approaches to established value-systems has been observed by various authors. Caldwell notes that "the environmental quality issue is widely perceived as threatening to a variety of political, professional, and institutional interests", making confrontation in this area more common than compromise and problem-solving approaches.[62] Cotgrove describes the general thrust of environmentalism as utopian, and as a radical challenge to the dominant societal paradigm.[63]

Some authors use the concept of *ecological rationality* as a normative basis for the evaluation of environmental policy or "social choice mechanisms". Dryzek describes ecological rationality as a form of functional rationality[64] specifying ecological values which should be guiding human activity and which prescribe the type of behaviour and the qualities of the social choice mechanisms required by

unaltered or can be accommodated ("cautiously reformed") to control undesired environmental effects. O'Riordan, T. (1981), pp.1-2; 12-17. Pepper, David (1984), Chapter 2.

[59]. For a discussion of these concepts see Cotgrove, Stephen, Catastrophe or Cornucopia, Chapter 1; O'Riordan, T. (1981), Environmentalism, Chapter 1 and p.376; Pepper, David (1984), The Roots of Modern Environmentalism, Chapter 1 and glossary.

[60]. O'Riordan, T., Environmentalism, pp.3-11; 369-380.

[61]. Hay, P,R, and M.G. Haward (1988), "Comparative Green Politics: Beyond the European Context?", Political Studies, Vol.36, No.3, pp.433-448.

[62]. Caldwell, Lynton K. (1974), "Political Science", in Utton, Albert E. and D.H. Henning (eds.) Interdisciplinary Environmental Approaches. Costa Mesa, California: Educational Media Press, pp.5-18; see also Enloe, Cynthia (1975), The Politics of Pollution in Comparative Perspective, pp.323-324.

[63]. Cotgrove, Stephen, Catastrophe or Cornucopia, Chapters 1 and 6.

[64]. Functional rationality has been described as the capacity to "consistently and effectively promote or produce some value", and as constituting a standard for evaluation and design. It embodies "both a value (or values) and a mode (or modes) of behavior appropriate to the attainment of that value (or values)." Dryzek, John S., Rational Ecology, p.25.

such standards.[65] He takes an anthropocentric view of ecological rationality by interpreting the concept as referring to the "basic requirements for human life".[66]

However, the use of the term ecology as a normative device is confusing and even potentially dangerous. It is confusing because the distinction between the concepts of ecology and environment is not indicated and becomes blurred. It is also potentially dangerous as the term ecological rationality suggests the existence of a precise, scientific basis for formulating standards of human conduct and societal structures, whereas in fact the concept of ecological rationality is plagued by vagueness, uncertainty and inconsistency. It has been noted by Bartlett that ecological rationality is:

> [...] not yet a precise and exact way of thinking, not necessarily as internally consistent and coherent as a mathematical logic for which the principles of order have been thoroughly explored, bounded and organized-and universally accepted. Rather, it is an amalgam of diverse streams of thought, some of which may not be fully complementary. The premises and rules of inference for ecological reasoning are many and still evolving; their tightly structured integration is still problematic.[67]

Given these characteristics the not very surprising conclusion can be drawn that within the environmental policy area there is little basis to expect that consensus will emerge about the criteria for a "good" environmental policy. It is still a relatively new area where many questions and few answers exist. And given the fundamental nature of the questions raised it is likely that, despite the motherhood-status of "the environment", environmental issues will remain, and become even more so, divisive and extremely demanding on political systems.

1.3.2. The Policy Context.

The second category of factors that can been blamed for environmental policy failure are contextual factors. The policy context comprises the structural conditions within which policy development takes place: (1) political; (2)

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[65]. Dryzek, John S., Rational Ecology, p.25. Dryzek defines the values of ecological rationality on the basis of the special characteristics of ecosystems and ecological problems, in particular their complexity, non-reducibility, variability, uncertainty, collectiveness and spontaneity. These characteristics, relating to the productive, protective and waste-assimilative capacity of ecosystems, are then taken as the basis for the formulation of normative criteria for social choice. The criteria formulated by Dryzek comprise negative feedback, coordination, robustness, flexibility and resilience. He then proceeds to evaluate a variety of social choice mechanisms by assessing the degree to which these mechanisms meet these criteria.

[66]. Dryzek, John S., Rational Ecology, pp.34-35.

[67]. Bartlett, Robert V. (1986), "Ecological Rationality: Reason and Environmental Policy", Environmental Ethics, 8, p.231.

bureaucratic; (3) economic; and (4) social-cultural structures and processes. Although these factors are not static, they do generally not change frequently nor drastically (although they may do so in particular circumstances), and set constraints upon the kind of policies and that can be developed.

(1) Political structures and processes provide the most obvious context for the policy development process. The formal political context defines the distribution of official responsibilities in the policy process. The political context comprises, amongst other, constitutional aspects, the electoral system, the rules and traditions prescribing the role of cabinet, ministers, parliament, cabinet and parliamentary committees, government agencies, advisory organisations and "quangos" (quasi autonomous non-governments organisations), and the opportunities for public scrutiny (access to information), public input and participation.

The claim that Western pluralist systems provide a realistic optimum in responsiveness and flexibility of the policy making process has been defended by pluralists.[68] Critics have demonstrated, however, that pluralism does not imply equal access to the policy making process, nor that it guarantees that attention is being paid to all serious problems. Formal and informal power structures generate a bias in the type of issues put on the political agenda. Notably, public good issues and fundamental political questions receive little or no attention as a consequence of the existence of powerful private interest groups.[69]

These difficulties have raised doubts about the capability of existing political systems to cope with environmental problems. Dryzek notes:

> [...] it is not just that the area of ecological issues demands a particular kind of social choice by virtue of the peculiar nature of the problems in this area: rather, these problems are both different and fundamental, and hence may lay claim to the basic structure of social choice.[70]

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[68]. Notably Dahl and Lindblom. See Dahl, R.A. (1970), After the Revolution. New Haven: Yale University Press; Dahl, R.A. (1971), Polyarchy, Participation and Opposition. New Haven: Yale University Press; Lindblom, Charles E. (1965), The Intelligence of Democracy. New York: The Free Press.

[69]. Schattschneider, E.E. (1960), The Semisovereign People. A Realists's View of Democracy in America. New York: Holt, Rinehart and Winston; Bachrach, Peter and Morton S.Baratz (1963), "Decisions and Non-decisions: an Analytical Framework", pp.632-642; Lowi, Theodore J. (1969), The End of Liberalism. New York: W.W.Norton; for an example of how air pollution issues were kept off the political agenda in American cities see Crenson, M., The Un-Politics of Air Pollution. Dahl and Lindblom themselves have later substantially qualified their earlier positions and argued that the disproportionate power exerted by business interests should somehow be curbed. See Dahl, R.A. (1982), Dilemmas of Pluralist Democracy. New Haven, Conn.: Yale University Press; Lindblom, Charles E. (1977), Politics and Markets. The World's Political-Economic Systems. New York: Basic Books.

[70]. Dryzek, John S., Rational Ecology, p.11.

He examines seven social choice mechanisms prevailing in the present world on the capability to cope with environmental problems, and concludes that all these mechanisms (to varying degrees) tend to displace rather than to resolve ecological problems. It is therefore necessary to change the very parameters of social choice.[71]

Ecological management, it has been argued, requires a long time-horizon, given the need to remain within the limits of eco-system regeneration processes and to guarantee the long-term availability of resources (and public goods in general) for future generations. This aspect of ecological rationality is often not compatible with the short-term economic rationality in capitalist systems and the short political time-horizon related to the electoral cycle in western-style political systems.[72]

It has been argued that political systems (and the United States in particular) lack in their capacity for co-ordination and long-term comprehensive planning, capacities required to successfully address environmental problems. Environmental politics has disclosed the inadequacies of the traditional modes of pragmatism and ad hoc bargaining.[73]

Ophuls has argued that the success of pluralist systems in maintaining social harmony has relied on an abundance of resources, allowing fundamental issues (such as a just distribution of resources and income) to be depoliticised and avoided. With a fading abundance of resources and the return of scarcity, pluralist societies will have to undergo a fundamental transformation in order to face the imperatives of the "new economics" and the "steady state".[74]

These illustrations demonstrate that the growth in environmental pressures and demands has given rise to questions about the capability of governments and bureaucracies in dealing with complex societal issues. Environmental policy in the last twenty years has evolved within a climate in which the role of governments has increasingly been questioned. As Self notes: "the attention has shifted towards political failures whereas "some of the traditional virtues of markets have apparently rediscovered." Concurrently, there has been a shift in political theory from the benevolent role of the State towards a malevolent one.[75]

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[71]. Dryzek, John S., Rational Ecology:, pp.12-13. The seven social choice mechanisms examined by Dryzek are: the market, administered systems, polyarchy, law, moral persuasion, bargaining, and armed conflict. See also footnote [65].

[72]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, pp.232-324; Dryzek, John S., Rational Ecology, p.123.

[73]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, pp.326-327.

[74]. Ophuls, William, Ecology and the Politics of Scarcity, in particular Chapters 4-8.

[75]. Self, Peter (1985), Political Theories of Modern Government, Its Role and Reform. London: George Allen & Unwin, pp.14;21.

(2) Bureaucratic structures and processes are a second category of contextual factors affecting environmental policy outcomes. In the search for improvement of environmental policy performance institutional (re)design is often seen as desirable, if not necessary.[76] Changes in administrative structures, responsibilities, laws, regulations and procedures are often regarded as preconditions for the development of more effective environmental policies.[77] In particular, reinforcing the position of environmental agencies is seen as an important element of structural reform.[78]

That administrative institutions and structures affect policy outcomes has, of course, been a long-standing hypothesis in the public policy debate, and may even be considered as the raison d'etre for the emergence of the study of public administration.[79] Weber's concept of bureaucracy is derived from the idea that the development of capitalism and of the State's capacity to promote and manage economic growth was closely interwoven with the introduction of administrative structures and practices on the basis of rational-legal principles.[80] The search for "principles of administration" as guidelines for administrative reorganisation in enhancing bureaucratic effectiveness and efficiency sparked off a debate between two important schools of thought in public administration.[81]

Schattschneider has argued that "organization is the mobilization of bias" in the sense that all forms of political organisation channel conflict and that institutions favour the exploitation of some kinds of conflict and the suppression of others.[82] Following Schattschneider's thesis it has been argued that

[76]. Hanf, referring to the apparent growing inability of governments to handle complex problems argues that "Policy failures or performance deficits would have to be accounted for in terms of the structural features of policy formulation and implementation" and that "certain problems cannot be solved without some basic and politically costly modification of the system." Hanf, K. (1978), "Introduction", in: Hanf, K. and F.W. Scharpf, Eds.(1978), Interorganizational Policy Making. Limits to Coordination and Central Control. London: Sage Publications, pp.11;14.

[77]. See e.g. Enloe, Cynthia (1975), The Politics of Pollution in Comparative Perspective, Chapter 3; Rosenbaum, Walter A. (1985), Environmental Politics and Policy. Washington, Congressional Quarterly, pp.285-312; World Commission on Environment and Development, Our Common Future.

[78]. Mayntz, Renate (1978), "Intergovernmental Implementation of Environmental Policy", in: Kenneth Hanf and Frits W.Scharpf (Eds.), Interorganizational Policy Making. Limits to Coordination and Central Control. London: Sage, pp.201-214; Myrick Freeman III, A. and Robert H.Haveman (1972), "Clean Rhetoric and Dirty Water", The Public Interest, 28, pp.51-65.

[79]. Although the interest in institutions has gone through a cycle. See March, James S. and Johan P. Olsen (1989), Rediscovering Institutions. New York: The Free Press; see also Mosher, Frederick C. (1975), "Public Administration", in Encyclopaedia Britannica, Chicago: Encyclopaedia Britannica.

[80]. Weber, Max (1952), "The Essentials of Bureaucratic Organization: An Ideal-Type Construction", in Robert K. Merton et al. (eds), Reader in Bureaucracy. New York: The Free Press, pp.18-27; Torgerson, Douglas (1990), "Obsolescent Leviathan: Problems of order in Administrative Thought", in: Robert Paehlke and Douglas Torgerson, eds., Managing Leviathan - Environmental Politics and the Administrative State. Peterborough, Ontario: Broadview Press, pp.17-29.

[81]. Hammond, Thomas, "In Defence of Luther Gulick's 'Notes on the Theory of Organization'", pp.143-173.

[82]. Schattschneider, E.E. (1960), The Semisovereign People, Chapter 4.

organisational structures work very much as agenda setting procedures, affecting the choice of action alternatives, and that it is not possible to design a structure that completely excludes bias and "strategic behaviour".[83]

The importance of bureaucratic institutions in affecting policy outcomes has also been emphasised by "State autonomists" who argue that State officials are much more independent in the development of policies than the pluralist (society centered) model of politics suggests. Formal positions in the State machinery provide the basis for officials to pursue their own preferences. Nordlinger has argued that State officials use a range of strategies to pursue their own goals, even against the preferences of powerful societal actors.[84] Procedures and institutions may be manipulated by officials in order to enhance their autonomy.[85] Although the claim of "State centered analysts" that pluralists have ignored the role of institutions in the policy process has been contradicted,[86] it can certainly be argued that the revival of institutionalism may contribute to a more comprehensive understanding of the policy process.[87]

It can therefore be argued that the "policy process" is far from neutral, and that it takes many different forms, embodying entrenched interests. Institutions reflect and solidify these interests, providing barriers for other interests in the struggle for political attention. Policy forms, it has been argued, have built-in decision rules which affect the outcomes of the policy process. Such rules relate to criteria about who gets access to the process and on what terms, about who controls the process, about the relations between those involved (setting e.g. the style of debate and the procedures), and to criteria governing the judgment of acceptable decisions (relating to values, epistemology and presentation).[88]

Institutional change as a means for improving policy performance is therefore much more than an exercise in enhancing bureaucratic effectiveness and efficiency. It is not a question of scientific design, nor a matter of objectively searching the "most efficient" institutions. On the other hand, resistance to institutional reform is more than an expression of bureaucratic conservatism or

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[83]. Hammond, Thomas H. (1986), "Agenda Control, Organizational Structure, and Bureaucratic Politics", Political Science, Volume 30, pp.379-420.

[84]. Nordlinger, E. (1981), On the Autonomy of the Democratic State. Cambridge: Harvard University Press.

[85]. Nordlinger, E., On the Autonomy of the Democratic State.

[86]. For the debate on the State autonomists critique of the pluralist approach see Almond, Gabriel (1988), "The Return to the State", American Political Science Review, Vol.82, No.3, pp.853-874; Nordlinger, E. (1988), "The Return to the State: Critiques", American Political Science Review, Vol. 82, No.3, pp.875-885; Lowi, Theodore J. (1988), "The Return to the State: Critiques", American Political Science Review, Vol.82, No.3, pp.885-891.

[87]. March, James G. and Johan P.Olsen (1984) "The New Institutionalism: Organizational Factors in Political Life", The American Political Science Review, Volume 78, pp.734-749; March, James G. and Johan P. Olsen, Rediscovering Institutions.

[88]. Healey, Patsy (1990), "Policy Processes in Planning", Policy and Politics, Volume 18, No.1, pp.91-103.

preference for stability and routine. Bureaucratic reform is a highly political matter, affecting the relative position of interests and the allocation of values.

Scepticism has been expressed about the possibility of reducing policy failure through institutional reform. Scharpf notes that institutional change is hard to achieve, given the short term costs and often uncertain (long term) benefits to politicians. Moreover, organisational change does not necessarily guarantee improved policy-making. Benefits of the status quo may be overlooked, the importance of behavioural regulative mechanisms ignored, and constraints related to the quality of personnel may remain. Also, interests entrenched in existing structures may be successful in capturing newly established institutions, turning institutional reform into a merely nominal affair. Scharpf concludes that "better policy" is more likely to result from a "creative search for policy options which do not violate the institutional self-interests."[89]

However, these remarks should not be taken to imply that institutional reform is always doomed to fail or of purely symbolic significance. The Australian experience has shown that administrative reform can be successful, contingent on a number of "prerequisites", amongst which political will, adequate resources, time, institutional support and the adoption of a strategy are important.[90] A Canadian example demonstrates that the integration of resource management planning can be achieved by transforming a system of "pooled interdependence" into a system of "reciprocal interdependence", despite an initially increased level of conflict associated with the reform.[91]

Institutional reform, however, involves much more than just organisational change. As noted earlier, institutions, both in structural and procedural form, embody prevailing interests, values and norms. Institutional obstacles for giving a higher priority to environmental values, or for developing a more comprehensive approach to environmental policy, are not confined to the sphere of government bureaucracy but pervade society as a whole. Yet, given the crucial role of the State in the development of environmental policy, and the reflection of societal priorities in the hierarchy of State agencies, institutional reform of governmental structures and processes, is likely to remain to be regarded as an important mechanism for improving environmental policy performance, despite its limitations and the difficulties involved.

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[89]. Scharpf, F.W. (1986), "Policy Failure and Institutional Reform: Why Should Form Follow Function", International Social Science Journal, Vol.38, No.2, pp.179-189.

[90]. Wilenski, Peter (1986), "Administrative Reform - General Principles and the Australian Experience", Public Administration, Vol. 64, pp.257-276.

[91]. Langhorn, Ken and Bob Hinings (1987), "Integrated Planning and Organizational Conflict", Canadian Public Administration, Vol.30, No.4, pp.550-565.

(3) A third set of contextual factors posing constraints environmental policy development is related to economic structures and processes. It has been noted that corporate interests are capable of blocking effective pollution control.[92] Economic rationality in a competitive economy does not generate incentives on the level of individual producers to prevent environmental damage or to do something about it. Unnecessary extra costs must be avoided in order to protect competitive position, market share and profitability. It has been suggested that the problem in achieving sustainable development is related to the overriding structures of the international economic system.[93]

Of particular importance in the policy making context is the role of the State in the management of the economy and the exploitation of resources. Walker argues that the sponsoring of economic growth has always been a key function of the State. The imperatives of the capitalist system combine with the "much deeper pressures of the competitive multi-state system" to impose limits on the freedom of the State in the determination of policy. Although the State is also responsible for the provision of public goods (to overcome collective action problems) there is no doubt that State sponsored economic growth and development has always taken priority over environmental protection.[94]

(4) A fourth set of contextual factors affecting environmental policy development can be found in the socio-cultural context. In the dominant cultural paradigm in western societies economic growth and development is associated with progress and welfare. Others contend, however, that the value patterns in western societies are gradually moving away from a pre-occupation with materialism towards a new cultural paradigm with a "post-materialist" pattern.[95] The environmental movement, according to this view, can be seen as the vanguard of such a change in cultural paradigm.[96] There are indications that a majority of

[92]. Sandbach, Francis (1980), Environment, Ideology and Policy, pp.55-56; Wood, Christopher (1986), "Local Planning Authority Controls over Pollution", Policy and Politics, Vol.14, No.1, pp.107-123; Schrecker, Ted (1990), "Resisting Environmental Regulation: The Cryptic Pattern of Business-Government Relations", in: Robert Paehlke and Douglas Torgerson, eds. Managing Leviathan: Environmental Politics and the Administrative State. Ontario: Broadview Press, pp.165-199.

[93]. Redclift, Michael (1987), Sustainable Development. Exploring the Contradictions, Chapter 4; p.199.

[94]. Walker, Ken J. (1989), "The State in Environmental Management: The Ecological Dimension", pp.25-38.

[95]. Inglehart, I. (1977), The Silent Revolution. Princeton: Princeton University Press; Watts, N. and G. Wandesforde-Smith (1981), "Postmaterial Values and Environmental Policy Change", in Dean E. Mann, (1981), Environmental Policy Formation: The Impact of Values, Ideology and Standards. Lexington: D.C.Heath, pp.29-42.

[96]. Milbrath, Lester W. (1981), "Environmental Values and Beliefs of the General Public and Leaders in the United States, England, and Germany", in Dean E. Mann ed., Environmental Policy Formation, The Impact of Values, Ideology, and Standards. Lexington, MA: D.C.Heath, pp.43-62; Milbrath, Lester W. (1984), Environmentalists: Vanguard for a New Society, New York: University of New York Press.

people in western countries already allocate a higher priority to environmental quality over economic growth.[97]

If the analysis of a change towards a new cultural paradigm is correct it may well be that the political and economic structures lag behind this development. Evidence for this is indeed provided by Milbrath who demonstrates that support for environmental values is consistently lower amongst business leaders and public officials than amongst the general public.[98] This is also supported by Laura Lake, who argues that politicians in the United States fail to assess the depth of support for environmental values.[99] On the other hand, it has also been noted that policy making in western societies has become more difficult because of the evaporation of consensus on basic values.[100]

Over the last twenty years "the environment" has proved to be a recalcitrant topic which can neither be dismissed nor easily subsumed under other, more traditional codes of practice. Some themes have continued to return, even though they may not yet have been crystalised into principles supported by politically powerful constituencies. However, it is believed that some new principles are slowly emerging as potential rivals of existing dominant values underlying the policy making process. It may be true, as Mann argues, that the environment will have to become a new "dominant paradigm" in order to generate effective policies.[101]

It is possible that a discrepancy has emerged between developments in the socio-cultural context on the one hand, and the political and economic context on the other, leading to a growing pressure on the political system. Political rationality seems to be increasingly caught between the imperatives of the economic system and the need to maintain credibility, responsiveness and legitimacy with the public at large.

In the search for responses to this, a variety of directions for contextual change have been proposed. One response that has gained considerable momentum in various western societies is the drive towards the devolution of traditional State responsibilities towards "the market", private organisations and local government.

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[97]. Organisation for Economic Co-Operation and Development (1985) Environmental Data Compendium. Paris, OECD, p.265.

[98]. Milbrath, Lester W. (1981), "Environmental Values and Beliefs of the General Public and Leaders in the United States, England, and Germany", pp.43-62.

[99]. Lake, Laura M. (1983), "The Environmental Mandate: Activists and the Electorate", Political Science Quarterly, Vol.98, pp.215-233.

[100]. Murswieck, Axel (1986), "Public Policies in Disarray: Political and Legal Restraints in policy-Making", International Social Science Journal, Vol.38, No.2, pp.191-204; also Reich, Robert B. (1985), "Public Administration and Public Deliberations: An Interpretative Essay", Yale Law Journal, Vol.94, pp.1617-1641.

[101]. Mann, Dean E., ed. (1981), Environmental Policy Formation: The Impact of Values, Ideology and Standards. Lexington: D.C.Heath, p.15.

Although such moves have met with scepticism and distrust from many environmentalists, it would seem *prima facie* that such developments may be compatible with ideas about decentralisation (returning power to "the community") advocated by others in the environmental movement.[102] Apart from a search for contextual change, these increased pressures have also led to the development of more short term solutions, such as new forms of conflict management and mediation.[103]

1.3.3. The Policy Process.

Not all constraints on environmental policy development find their source in the policy context. It is arguable that the foremost obstacles for the development of a more comprehensive approach to environmental policy are inherent to the policy process proper. More specifically, it can be argued that the rational-anticipatory approach that is required for the development of such a policy is at odds with the reality of policy development.

Most policy analysts agree that the process of policy-making in modern states does not proceed in neat steps, but should be seen as a "total process", in which analysis, decision-making, implementation and evaluation all occur simultaneously and feed one another. Wildavsky, Lindblom and others have elaborated on the complexity of the process, and pointed out that it is virtually impossible for a government to realise a pre-conceived program, apart from exceptional cases.[104] It has been noted that the outcome of the environmental policy process is the result of a myriad of individual and collective decisions which makes it impossible to attribute the result to anyone in particular.[105]

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[102]. Such as by Erich Schumacher; Schumacher, E.F. (1973), Small is Beautiful: Economics as if People Mattered. London: Sphere Books. It should be noted that the idea that good environmental management requires the decentralisation of political and bureaucratic power has also been put forward by more recent environmental policy analysts. See Dryzek, John S. (1987), Rational Ecology, Chapter 16; see also Paehlke, Robert and Douglas Torgerson, eds.(1990), Managing Leviathan: Environmental Politics and the Administrative State. Peterborough, Ontario: Broadview Press.

[103]. In the United States, the Environmental Protection Agency introduced new forms of mediation in environmental conflicts, arguably to stimulate greater public participation and responsibility. These moves, however, can also be interpreted as a strategy to reduce the vulnerability of the agency itself under mounting contradictory pressures. See Ruckselshaus, William, (1986), "Balancing the Risks", Dialogue, No.71, pp.3-8; Amy, Douglas J. (1983), "The Politics of Environmental Mediation", Ecology Law Quarterly, 11, pp.1-19; Reich, Robert B. (1985), "Public Administration and Public Deliberations: An Interpretative Essay", pp.1617-1641; Fiorno, Daniel J. (1988), "Regulatory Negotiation as a Policy Process", Public Administration Review, Vol.48, No.4, pp.764-772.

[104]. Wildavsky, A. (1964), The Politics of the Budgetary Process. Boston: Little Brown; Braybrooke, D. and Charles E. Lindblom (1963), A Strategy of Decision. New York, The Free Press; Lindblom, Charles (1980), The Policy-Making Process. Englewood Cliffs, NJ: Prentice Hall.

[105]. Park, Chris C., Environmental Policies, An International Review, p.28.

Doubt about the possibility of purposive government action is also expressed by Painter, who argues that governing has little to do with planning or trying to achieve pre-conceived goals, and claims that anticipatory policy making is a chimera:

> *In government the main problem is not deciding where you want to go as much as facing up to the difficulties being created by where you are now, difficulties that often emerge from unexpected quarters, involving new values and demands.*[106]

He also maintains that because of the complexity of the policy process and the multiplicity of actors involved, there is a situation of "powerlessness all round".[107]

It has been argued that objectives in the policy process are usually rhetorical and symbolic rather than instrumental, and that means largely determine ends. Policy making methods (the process) are at least as important as policy results. Gregory notes that:

> *[...] political rationality is as much if not more a concept of retrospective than prospective action, in that it is about the need for justification and legitimation, for 'clothing in reason'[Emphasis in the original].*[108]

Critics of a comprehensive or "synoptic" approach to policy-making argue that it is not only unfeasible, given the enormous complexity of societal problems, but that is also undesirable in the sense that comprehensive policy-making may threaten the pluralistic and democratic nature of the policy process.[109]

A useful model of the policy process, catching the enormous complexity and its erratic or "irrational" (in the sense of unplanned or unguided) nature, is provided by Kingdon. Kingdon conceives of the policy process as comprising three "relatively independent" streams: problems, solutions (analysis or policies) and politics.[110] His model is a revised version of the "garbage can model" earlier

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[106]. Painter, Martin (1981), "Central Agencies and the Coordination Principle", Australian Journal of Public Administration, Vol.40, No.4, p.277.

[107]. Painter, Martin and Bernard Carey (1979), Politics Between Departments. The Fragmentation of Executive Control in Australian Government. Queensland, The University of Queensland Press, p.86.

[108]. Gregory, Robert (1989), "Political Rationality or 'Incrementalism'? Charles E.Lindblom's enduring contribution to public policy making theory", Policy and Politics, Vol.17, No.2, p.149.

[109]. Seminal publications discussing the limitations for a "rational comprehensive model" are Herbert Simon's Administrative Behaviour. Glencoe, Ill.: Free Press, first edn. 1945; second edn. 1957, and an article by Charles E. Lindblom (1959), "The Science of 'Muddling Through'", Public Administration Review, 19, pp.81-86.

[110]. Kingdon, John W. (1984), Agendas, Alternatives, and Public Policies. Boston, Toronto, Little, Brown and Company, pp.92-94.

developed by Cohen, March and Olsen.[111] The "garbage can model" described organisations as "organized anarchies" where

> *[...] a collection of choices (are) looking for problems, issues and feelings looking for decision situations in which they might be aired, solutions looking for issues to which they might be the answer, and decision makers looking for work.*[112]

Streams of problems, solutions, participants (the "garbage") meet "choice opportunities" (the garbage cans). The result (a decision):

> *[...] depends on the mix of cans available, on the labels attached to the alternative cans, on what garbage is currently being produced, and on the speed with which garbage is collected and removed from the scene.*[113]

Although the authors admit that the model "does not resolve problems very well", they claim that it enables decisions to be made in organisations "plagued with goal ambiguity and conflict" and with "poorly understood problems that wander in and out of the system."[114]

Kingdon notes that much of the government policy process fits this description quite well: goals are often ambiguous, a multitude of problems asks for attention at the same time, "solutions" ("pet ideas or axes to grind") search for problems, and people do not set about solving problems but only "work" on them when a particular situation makes it possible. In practice, solutions and problems have equal status.[115]

Problems are not self-evident, but need to be defined as such. Sometimes the recognition of problems is facilitated by the existence of monitoring activities and the use of indicators, reflecting the importance assigned to particular phenomena as potential problems. In many cases, however, problems have to be "made" in the sense that people, including policy-makers, have to be convinced that a problem exists. "Focusing events" such as disasters or crises may facilitate this. However, pre-existing conceptions very much affect the interpretation of events, and a second or even third disaster or crisis may have to take place before

[111]. Cohen, Michael D., James G.March and Johan P.Olsen (1972), "A Garbage Can Model of Organizational Choice", Administrative Science Quarterly, Volume 17, Number 1, pp.1-15.

[112]. Cohen, Michael D., James G.March and Johan P.Olsen, "A Garbage Can Model of Organizational Choice", p.2.

[113]. Cohen, Michael D., James G.March and Johan P.Olsen, "A Garbage Can Model of Organizational Choice", p.2

[114]. Cohen, Michael D., James G.March and Johan P.Olsen, "A Garbage Can Model of Organizational Choice", p.16.

[115]. Kingdon, Agendas, Alternatives, and Public Policies, pp.90-92.

awareness of a problem arises. In general, many problems compete for political attention at the same time, causing attention for a particular problem to fluctuate and eventually fade.[116]

Solutions are not only being developed by bureaucrats, but also by "specialists" outside government, such as interest groups, academics and research agencies. The advocates for proposals are called "policy entrepreneurs". Together they comprise a policy community around an issue. Policy communities vary from one policy area to another. Some are closely knit, others diverse and fragmented. The more diverse and fragmented the policy community, the more likely it is that the "solutions" brought forward will also be diverse and fragmented (policy fragmentation) and that no common paradigm will emerge. Only a few proposals (in the whole of the "policy primeval soup") survive the competition between solutions. According to Kingdon, the principal mechanism for consensus building in this stream is persuasion (arguments and evidence) not power. However, technical feasibility and "value acceptability" are important criteria for survival.[117]

"Politics" in Kingdon's model comprises such things as election results, swings in public opinion and the "national mood" ("political climate"), shifts in coalitions of interest groups and public campaigns (organised political forces), and events within the government itself (such as the turnover of key personnel, resignations, and conflict over jurisdiction or "turf"). The principal mechanism for coalition building in the political stream is bargaining.[118]

According to Kingdon developments in these three streams are relatively independent from one another. Only on occasions developments in these streams converge to create "policy windows", opportunities to have decisions made by the government on an issue (have them put on the "decision agenda"). Such "coupling" of events in the three streams may be aided by policy entrepreneurs, sometimes individuals intensely committed to a cause. Personal standing, occupancy of a key position, expertise, persistence, political skills and connections are important qualities for successful entrepreneurship in the creation of windows. Most windows close quickly, however, given continuing development in the streams. It is therefore crucial for entrepreneurs to seize opportunities when they are ripe and to have a proposal (solution) worked out before a window opens.[119]

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[116]. Kingdon, John W., Agendas, Alternatives, and Public Policies, Chapter 5.

[117]. Kingdon, John W., Agendas, Alternatives, and Public Policies, Chapter 6.

[118]. Kingdon, John W., Agendas, Alternatives, and Public Policies, Chapter 7.

[119]. Kingdon, John W., Agendas, Alternatives, and Public Policies, Chapter 8.

Kingdon's model of the policy process is attractive in that it recognises the importance of individual initiative, ideas, irrationality and chance. By doing so it provides a counterweight for potentially deterministic explanations of the policy process based on contextual factors. An exclusive reliance on Kingdon's model in explaining policy process outcomes, however, would be equally undesirable in that it ignores the "beds" (contextual factors) within which the three streams flow, thus giving the impression that policy development proceeds in a completely unpredictable and haphazard way.[120]

Obstacles for the development of rational, coherent and comprehensive environmental policies also extend to the *implementation* of policies. Implementation depends on theories of causality between events. "The longer the chain of causality, the more numerous the reciprocal relationships among the links and the more complex implementation becomes."[121] Policy failure may not be the result of *faulty* implementation, but of the complexity of the issue and the number of actors involved, and of too ambitious goals. Policy implementation is, however, also subject to the "politics of symbolic action" in the sense that goals may have been set and decisions made without providing the means of effective implementation (by e.g. allowing affected interest groups to dominate the implementation process, creating weak enforcement agencies, and excluding public involvement).[122]

Richardson describes how pollution control officers in Britain use enforcement not as an end in itself, but as an educational device to promote greater awareness of environmental risks. Prosecution is only seen as a last resort.[123] The importance of discretionary powers for implementing agencies to implement policies effectively, given the variable nature of environmental problems, has been noted by various authors.[124] Discretion can, under certain conditions, even be an important source for policy innovation.[125]

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[120]. As Heclo argues: "The challenge is not to decompose process or content but to find relationships which link the two, not to reify collectivities into individual deciders but to understand the networks of interaction by which policies result." Heclo, Hugh H. (1972), "Review Article: Policy Analysis", British Journal of Political Science, Vol.2, p.106.

[121]. Pressman, Jeffrey L. and Aaron B. Wildavsky (1973), Implementation. Berkeley: University of California Press, p.xvi.

[122]. Edelman, Murray, Politics as Symbolic Action.

[123]. Richardson, G. (1982), "Policing Pollution: The Enforcement Process", Policy Studies Journal, Vol.11, No.1, pp.153-164.

[124]. Knoepfel, P. and H.Weidner, "Explaining Differences in the Performance of Clean Air Policies."

[125]. MacIntyre, Angus (1985), "Administrative Initiative and Theories of Implementation", in Helen M.Ingram and R.Kenneth Godwin, eds., Public Policy and the Natural Environment, Greenwich, Con.: JAI Press, pp.205-238.

Others, however, see wide discretionary powers as a cause for ineffectiveness, as it induces implementers to bargain with affected interests and may lead to them being captured by these interests.[126] Enloe notes that there is a natural tendency among policy implementers, given the basically adversarial and divisive nature of the enforcement process, to reduce tensions by appealing to voluntary compliance and building friendly contacts. A co-operative strategy is often seen by enforcement officials as both more effective and satisfying. This may even lead to the "sacrifice of policy in the name of strategy."[127]

Summarising, to understand the obstacles involved in the development of a rational, comprehensive and coherent environmental policy we have to account for the particular nature of the environmental policy area (particularly its complexity, public good nature and its challenge to dominant values), constraints imposed by the policy context (political, bureaucratic, economic and socio-cultural factors), and the peculiarities of the policy process itself (disorderliness; element of randomness).

Given these constraints and difficulties it is hardly surprising that environmental policies fall short of the comprehensive "ideal". The question then arises what how central environmental agencies responsible for environmental policy development and co-ordination cope with these obstacles. How do they operate under these constraints? How (in)effective are they? Have these agencies "made a difference" in environmental policy development since their establishment, or have they become part of the problem? And, of course, can their performance be improved, and, if so, how?

1.4. The Role of New Environmental Agencies.

The purpose of the previous discussion has been to demonstrate that the development of environmental policy, and consequently also the incidence of policy failure, cannot be attributed to one particular actor, such as the new environmental agencies which have been established in many countries as a result of the upsurge in environmental concerns around 1970. Policy failure should not be blamed on these agencies alone, but on the whole policy network, including decision-makers, interest groups, societal and institutionalised constraints.

This thesis will concentrate on the importance of bureaucratic and institutional aspects of the policy context for the development of environmental

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[126]. Myrick Freeman III, A. and Robert H.Haveman, "Clean Rhetoric and Dirty Water", pp.51-65.

[127]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, pp.98-108.

policy. The core of the argument is that institutional or organisational aspects *do* matter, but that their relevance should be understood in the wider context.[128] The distribution of environmental responsibilities, the functions allocated to organisations, and the resources available for environmental management, it will be argued, are important factors affecting environmental policy. However, a managerialist approach to these problems (mainly focused on organisational efficiency) is not likely to lead to improved environmental policy performance. Instead, the question of institutional design for environmental policy will have to be approached in a wider context, in which political, economic and socio-cultural factors have to be included.

The efficacy of central government environmental agencies, it will be argued, depends on four categories of factors:

(1) The kind and degree of external support.

(2) The degree of government commitment

(3) The relative position of these agencies in the bureaucratic framework.

(4) The choices made by the agency.

Of these four, the first two factors are considered as being underlying factors for the second two. To a considerable extent they determine the limits within which an agency will be operating as well as the main direction of its activities. Within those limits many of the day to day operations of the agency, as well as its successes and failures, depend very much on the other two categories of factors.

1.4.1. External Support for Environmental Agencies.

The kind and degree of external support for an agency refers to what can also been called its constituency. The constituency comprises those groups or people who consider an agency as important to them because it affects their interests, values or goals or wider problems in which they find an interest. The more an agency is perceived as promoting the interests or goals of these people, or as committed to resolving these problems, the stronger the support for, or even identification with the agency is likely to be. The kind and extent of support is

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[128]. For a discussion of the "rediscovery" of the importance of institutions see March, James G. and Johan P. Olsen, Rediscovering Institutions.

the basis for the agency's "raison d'etre" and is at the same time its principal political asset.

Environmental agencies, it has been noted, have "motley" or "nebulous" constituencies[129] in the sense that they potentially comprise everybody, but at the same time nobody in particular. This has to do with the public good nature of many environmental issues, referred to earlier, posing a collective action problem. With "the environment" being everything to everybody there is a chance that an agency responsible for "the environment" is nothing for anyone in particular.

A problem related to that is that of representation. Given the fact that much of the environment has to do with fauna and flora, ecosystems including inorganic matter, the question arises who can justifiably claim to represent these? Giving legal rights to these elements doesn't solve the problem as the question who will or may defend these rights remains. Where the environment is associated with social or community issues the situation may be more easily resolved, but where collective goods issues are at stake the issue again emerges. Although public interest groups claim to represent or defend these interests, the question of their representativeness and right to speak for everyone is often raised.

However, the nebulous nature of the environmental constituency can also be an asset, particularly where public concern about environmental issues is widespread and mounting. It provides an agency with a strong legitimate basis for its activities or claims, whilst giving it at the same time a lot of room for manoeuvre, given the absence of specific demands.

In practice, environmental interest groups form the "natural" constituency for environmental agencies. These groups often look at these agencies for information and support, whilst at the same time criticising them for inadequate action. The relationship between these groups and environmental agencies is often ambiguous. Yet, as Enloe notes, both sides should realise that they are potential allies.[130]

The situation is somewhat different where environmental agencies have been charged with specific regulatory functions, such as air- or water pollution control. On this level, the regulated interests (e.g. polluting industries) may become the principal constituency for the controlling agency. This may lead to the development of good "working relationships" between the agency and regulated

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[129]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, pp.323-324.

[130]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, p.79.

interests, and to accusations by other affected parties that the agency has been "captured" by these interests, betraying its mandate.[131]

However, it has been argued that there are no indications that the more recently established environmental agencies in the United States have fallen victim to the "capture-syndrome".[132] This seems even less likely where environmental agencies have received a broader or more general mandate, thereby having to deal with a multiplicity of (possibly conflicting) interests or with the "general public".

Generally, the kind and seriousness of environmental problems in a country, and the relative strength of demand for addressing these issues, have provided the basis for the kind of mandate and support for the new environmental agencies set up in many countries in the 1970s. Before then, environmental responsibilities had in many cases already been allocated to a wide range of agencies. The type of responsibilities given to the new agencies, and the kind and strength of public support on which they could rely, is therefore likely to vary from country to country.[133] This does not mean, however, that an environmental agency has to accept the degree of support it receives as an unchangeable parameter. On the contrary, it may adopt various strategies trying to extend and mobilise its support basis.[134]

1.4.2. Government Commitment.

A second underlying factor determining the efficacy of environmental agencies is the degree of commitment of ministers, and of the Government as a whole, to the environmental cause. The sincerity with which environmental concerns are shared by members of the Government and the priority given to environmental matters relative to other issues and interests is reflected in the

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[131]. A specific example of these accusations can be found in the British Alkali and Clean Air Inspectorate, which has adopted a very "pragmatic" approach to pollution control, allegedly putting manufacturers' interests first, whilst at the same time maintaining secrecy about its dealings, and remaining inaccessible to public interest groups. See Hill, Michael (1982), "The Role of the British Alkali and Clean Air Inspectorate in Air Pollution Control", Policy Studies Journal, Vol.11, No.1, pp.165-174; Hill, Michael, S.Aaronovitch and D.Baldock (1989), "Non-Decision Making in Pollution Control in Britain: Nitrate Pollution, the EEC Drinking Water Directive and Agriculture", Policy and Politics, Vol.17, No.3, pp.227-240.

[132]. Wilson, James Q. (1980), The Politics of Regulation. New York: Basic Books, pp.391-392.

[133]. Buhrs, Ton (1987), "Environmental Policy Development: the Case of New Zealand", Paper presented at the Australasian Political Science Conference, University of Auckland, Auckland.

[134]. Such as by adopting an "open door policy" for environmental interest groups, providing support to local groups, "leaking" information, launching campaigns together with environmental groups, organising conferences and seminars etc. It should be kept in mind, though, that such strategies will have to be conducted within the general framework and rules of the game to which the civil service is subject.

degree of "political will" to undertake action and to create or provide the means for facilitating environmental solutions.

One of the best documented examples of the importance of this factor can be found in the United States under the Reagan administration. Reagan, apparently of the opinion that the emphasis on environmental regulation had gone too far, set out to drastically curtail the capabilities of the two principal new environmental agencies, the EPA (the Environmental Protection Agency) and CEQ (Council on Environmental Quality). Over three years, from 1981 to 1984, EPA's total budget was cut by approximately one third and the number of personnel reduced by 18%.[135] Research in solar energy was cut by 85%, and in energy conservation by even 97%.[136] Possibly even more damaging was the change in EPA's leadership, and the ideological screening of new personnel to ensure a more sympathetic attitude towards regulated interests and to initiate a much less adversarial approach in the enforcement of regulations. As a result, EPA's capabilities were seriously curtailed and its credibility damaged. Consequently, the agency lost its constituency, the non-governmental support to guarantee its survival.[137]

The degree of commitment of a government to the environment finds institutional reflection in such matters as the status of the environmental portfolio and of the minister to whom it has been allocated, the status and role of environmental committees in Cabinet and the bureaucracy, and the relative position (mandate, powers, resources) of the principal environmental agency.

The level of commitment is, of course, most clearly reflected in the kind of policies which it initiates. The formal, and in many cases also practical responsibility for policy initiation lies with governments. Environmental problems may be just ignored, referred to "dead-end" committees, or symbolically dealt with by introducing legislation, measures or agencies without basically altering anything.[138]

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[135]. Rosenbaum, Walter A., Environmental Politics and Policy, p.55.

[136]. Clark II, Edwin H (1984), "Reaganomics and the Environment: An Evaluation", in: Vig, N.J. and M.E. Kraft, eds. Environmental Policy in the 1980s: Reagan's New Agenda. Washington: Congressional Quarterly, pp.354-355.

[137]. Davies, J. Clarence (1984), "Environmental Institutions and the Reagan Administration", in: Vig, N.J. and M.E. Kraft, Environmental Policy in the 1980s: Reagan's New Agenda, pp.156-157; Kraft, Michael E. and Norman J.Vig, (1984), "Environmental Policy in the Reagan Presidency", Political Science Quarterly, Vol.99, No.3, pp.415-439; for an overall assessment of EPA's successes and failures, see Marcus, Alfred A.(1986), "EPA's Successes and Failures", in Kamieniecki, S., R.O'Brien and M.Clarke, eds., Controversies in Environmental Policy. New York: State University, pp.153-173.

[138]. Various examples of such strategies can be found in Great Britain, where under Prime Minister Thatcher EEC-directives were formally adopted without any practical effect. See Guruswamy, L.D. (1985), "Waste Management Planning", Journal of Environmental Management, Vol.21, No.1, pp.69-84; Gilg has noted that the adoption of the British counterpart of the World Conservation Strategy in 1983, is unlikely to bring about any

The level of government commitment to the environment may be considered as a dependent variable, depending on such factors as the level of public concern about the environment, the popularity of the Government in the polls, particularly in election years ("the environment" may be a vote winner), and on the political and economic factors which have been referred to as being part of the policy context (such as the electoral system and the role of the government in the economy). However, although some of these factors lend themselves to exploitation and change, it would seem that for an environmental agency such matters tend to be part of the limits within which it will have to operate.

1.4.3. The Relative Position of Environmental Agencies in the Bureaucratic Framework.

What an environmental agency does or can do on a day to day basis depends very much on how its mandate has been defined, on the degree of its discretionary powers, on its relations within the bureaucracy, and on the resources as its disposition.

The question of the agency's mandate refers to the formal responsibilities, functions and powers it has been bestowed with. The definition of responsibilities marks off the area or field of problems in which it is expected to operate. Examples of such area are pollution, nature conservation, land-use, energy sources, and public health. Functions relate to the specific tasks which the agency has to perform, such as enforcement of regulations, policy development, or control over other agencies.[139] Powers refer to the legal and other means at the disposal of the agency to ensure that is capable of fulfilling its functions, also in the face of resistance.[140]

Given the multiple facets of the environmental area, the question of the mandate a new central environmental agency is a particularly difficult one, both politically as well as theoretically.

As many, if not most government departments or agencies have some environmental aspects in their mandate, the mandate question almost unavoidably

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real change in environmental policy; he also noted that 9 years after the formal adoption of the Pollution Control Act in 1974, many sections had not yet been implemented. For a discussion of a possible change ("transition") in the Thatcher's government environmental ideology see Blowers, Andrew (1987), "Transition or Transformation? - Environmental Policy under Thatcher", Public Administration, Vol.65, pp.277-294.

[139]. This distinction is based on Painter's discussion of Leon Peres' ideas, who uses these three kinds of activities to distinguish between three types of organisations. See Painter, Martin, "Central Agencies and the Coordination Principle", pp.265-280.

[140]. The concepts of mandate or role will be used interchangeably to refer to the combination of these three elements in an agency.

arouses feelings of threat and rivalry. One way to address this problem is nominating an existing agency to the status of "the" environmental agency with minor changes in the distribution of responsibilities, tasks and powers.[141] Another approach is fusing two or more agencies together into a new department, whilst maintaining their previous roles. This was the approach taken in Great Britain, where the new Department of the Environment (DOE) was an amalgamation of three existing departments.[142] The Environmental Protection Agency (EPA) in the United States, established in 1970, is also a product of agency amalgamation.[143]

In other cases really new agencies were created with new mandates, such as the Environmental Protection Board in Sweden and the Council of Environmental Quality (CEQ) in the United States.[144] Even in such cases, however, bureaucratic sensitivities cannot easily be avoided as new or more comprehensive environmental mandates will almost always impact on the roles of existing agencies.[145]

Mandates, it has been argued, can be too narrow, too broad or too ambiguous. If too narrow, obviously only a minor part of "the environment" can be covered. If too broad, the problem of how to do it all emerges, particularly if the available resources are not commensurate to the tasks. An ambiguous mandate may be an advantage, giving the agency more discretion and offering scope for the development of its own policy direction or emphasis, for innovation, and enabling it to come out with more than originally intended.[146] "But more typically, such ambiguity makes a bureau vulnerable to outside criticism and plagues it with

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141. An example of this approach could be found in the Netherlands, where in 1971 "the environment" was added on to the existing Department of Health. See Gijswijt, August J. (1987), "The Kingdom of the Netherlands", in: Enyedi, Georgy, August J.Gijswijt and Barbara Rhode, eds.(1987), Environmental Policies in East and West. London: Taylor Graham, pp.267-289. Later on, the departments of Housing and Physical Planning were also incorporated into the department.

142. Housing and Local Government, Transport, and Public Buildings and Works. Within the new department internal divisions emerged along the lines of the pre-existing departments. See Painter, Martin (1980), "Policy Co-ordination in the Department of the Environment 1970-1976", Public Administration, Vol.58, p.136.

143. Marcus, Alfred A. (1980), Promise and Performance: Choosing and Implementing an Environmental Policy. Westeport, CT: Greenwood Press, footnote 137.

144. Sweden was one of the first countries to establish (in 1965) a new central environmental agency, even before the upsurge of environmental opinion. Lundqvist, L.J., Environmental Policies in Canada, Sweden, and the United States, p.10; Organisation for Economic Co-Operation and Development (1977), Environmental Policy in Sweden, Paris: OECD. In the United States CEQ was established as an advisory agency to the President, with no management functions. In the EPA comprehensive pollution control functions were concentrated. Rosenbaum, Walter A., Environmental Politics and Policy, pp.51-59.

145. As Enloe notes: "The environmental agency usually has a multidimensional task that does not jibe neatly with the existing unidimensional, mission-oriented organizations." Enloe, The Politics of Pollution in a Comparative Perspective, p.81.

146. MacIntyre, Angus (1985), "Administrative Initiative and Theories of Implementation", in Helen M.Ingram and R.Kenneth Godwin, eds., Public Policy and the Natural Environment, Greenwich, Con.: JAI Press.

internal caution,"[147] as it becomes subject to a variety of conflicting pressures and expectations.

Where a central environmental agency has been charged with the responsibility for a particular environmental area (either in an operational or policy role), such an area inevitably pre-occupies its activities and orientation. This makes it unlikely that the agency will be able to pay much attention to other policy areas, let alone the environmental policy area as a whole. Given the potentially wide, even all-encompassing nature of the environment, and the resulting impossibility or undesirability to concentrate the responsibility for *all* areas of environmental policy into one department, this is the inevitable price to be paid for such a "hands on" approach. Such an approach, if adopted, reflects the relative importance assigned to the various environmental pressures within a particular country, such as pollution or urban (planning) issues, but is unlikely to lead the central environment agency towards developing a comprehensive environmental policy.

The allocation of a combination of responsibilities and tasks to one agency may also generate the problem of "dual mandates" or "bureaucratic schizophrenia".[148] Different functions within such a mandate may be in conflict with one another, and an agency may consistently give priority to one at the expense of the other. An example of this was the Atomic Energy Commission in the United States, which was responsible for both regulating and sponsoring nuclear energy.[149] Such a situation of "the goat minding the cabbage patch" is far from exceptional and is sometimes defended on the grounds of "integrating environment and development."[150] Generally, however, such a practice undermines the credibility of an agency.

When an environmental agency has been charged with co-ordination tasks, a whole range of other difficulties emerges. As mentioned above, it would be unrealistic to try to reflect environmental interdependence in the administrative structure by concentrating all management responsibilities for the environment into one agency. A more realistic approach would seem to allocate the responsibility for the *co-ordination* of environmental policy to a central agency, without binding it to a particular area.

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[147]. Enloe, The Politics of Pollution in a Comparative Perspective, p.87.

[148]. Enloe, The Politics of Pollution in a Comparative Perspective, p.94.

[149]. The Commission was abolished in 1974, and its regulatory functions were vested in a new Nuclear Regulatory Commission. See Rosenbaum, Walter A., Environmental Politics and Policy, p.241.

[150]. Such arrangements were fairly common in New Zealand, as will be shown later, and defended on specifically this ground. See also Enloe, The Politics of Pollution in a Comparative Perspective, pp.94-98.

However, the question then shifts to the interpretation of the co-ordination task. What does co-ordination exactly mean? Related to that, another question arises: what kind of status, powers and functions should a co-ordinating central environmental agency receive?

1.4.3.1. Central Environmental Agencies and Co-ordination.

Although the meaning of the term co-ordination may seem self-evident, there are in fact a wide range of different interpretations of the concept.[151] Co-ordination has been described as a process (the act of co-ordinating) and as a goal: "the bringing together of diverse elements into a harmonious relationship in support of common objectives."[152] It has been associated with concerted decision-making, communication, adjustment, co-operation and accommodation.[153] Although the concept has a positive connotation in everyday language and is sometimes regarded as a cure for all political and bureaucratic evils, it is, however, not a mechanism for resolving value conflict, and cannot be a substitute for hard political choices.[154]

It has been argued that it is possible to subsume all concepts of co-ordination within four models: (1) hierarchical control; (2) the use of power; (3) adjustment and (4) common purpose.[155] Although this contention could be contested,[156] we will accept this classification as a useful basis for a discussion of

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[151]. It has been argued that "probably no word in our administrative terminology raises more difficult problems of definition." Seidman, Harold and Robert Gilmour (1986), Politics, Position, and Power. From the Positive to the Regulatory State. New York: Oxford University Press, p.224.

[152]. Seidman, Harold and Robert Gilmour (1986), Politics, Position, and Power, p.224.

[153]. Molnar, Joseph J. and David L.Rogers (1982), "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective", in Dean E. Mann, ed. Environmental Policy Implementation. Lexington, MA: Lexington Books, pp.95-108.

[154]. Seidman, Harold and Robert Gilmour (1986), Politics, Position, and Power, pp.219;245; "Co-ordination is a process of adjustment and not a mechanism for resolving fundamental differences in value or perspective." Molnar, Joseph J. and David L.Rogers (1982), "Interorganizational Coordination in Environmental Management, p.104; see also Painter, Martin, "Central Agencies and the Coordination Principle", pp.265-280;

[155]. Minnery, John R. (1988), "Modelling Coordination", Australian Journal of Public Administration, Vol.47, No.3, pp.253-262.

[156]. Minnery does not identify any criteria underlying this classification. In fact, it can be argued that there is no common basis or measure on the basis of which all forms of co-ordination can differentiated. Forms of co-ordination that have been identified, but seem hard to fit into either of these categories are, e.g. "co-ordination from below" (the opposite of the hierarchical model), "external and indirect co-ordination", and co-ordination with or without interaction. As these latter examples indicate, the "models" or forms of co-ordination that can be identified depend on the classification-criteria that have been used. Forms identified in one classification may not sit comfortably within an other one. One classification is not necessarily "better" than another one, their usefulness depending on the purposes of the analysis in which they are used. For examples of other classifications see Scharpf, F.W. (1978), "Interorganizational Policy Studies: Issues, Concepts and Perspectives", in Hanf, K. and F.W. Scharpf, Eds., Interorganizational Policy Making. Limits to Coordination and Central Control. London,

the role of central environmental agencies with respect to environmental policy development.

A key question with respect to the role of central environmental agencies is whether the promotion of a comprehensive, coherent environmental policy requires the formulation of common goals or principles, or whether such a policy can be developed through other means. It can be argued that environmental policy needs to be based on ecological or other principles reflecting a common human interest in survival.[157] It has also been maintained that an equitable and sustainable use of resources is vital to long-term human welfare, and that all policies should incorporate such principles.[158]

On the other hand, it could be countered that it is unrealistic to expect that in a world of diverse, and often conflicting, interests and views, policies could be developed on the basis of common principles or goals. In this view, co-ordination cannot be based on common purposes, but will or can take place through other mechanisms, such as the other three forms of co-ordination identified above: hierarchical control, power and adjustment.

The first approach, emphasising that co-ordination requires common principles or purposes, will be referred to as the *substantive* approach to co-ordination; the other forms of co-ordination, not requiring common goals, will be lumped together under the concept of the *procedural* approach to co-ordination.

The substantive approach to policy co-ordination is based on the rational (comprehensive) tradition in policy and decision-making studies, and emphasises the need to formulate clear common policy goals or principles as a mechanism to co-ordinate the activities of all agencies involved in one policy area. Co-ordination is sought by providing clarity of goal or purpose and by ensuring that the mandates of the agencies involved are mutually supportive or at least compatible. This is seen as a way to avoid contradictory or mutually negating missions and unnecessary and wasteful overlap, at the same time enhancing the chances of co-operation and effectiveness in achieving the goals which have been set.[159]

Sage Publications, pp.345-370; also Molnar, Joseph J. and David L.Rogers (1982), "Interorganizational Coordination in Environmental Management"; and Lindblom, Charles E., The Intelligence of Democracy.

[157]. An argument underlying Dryzek's contention that ecological principles need to be given lexical priority. See p.12 in this Chapter.

[158]. A line of argumentation contained in the "Brundtland report"; World Commission on Environment and Development (1987), Our Common Future.

[159]. A classic example of this approach can be found in the "principles of administration" school associated with Luther Gulick. Gulick, Luther (1937), "Notes on the Theory of Organization", in: Luther Gulick and Lyndall Urwick, eds. Papers on the Science of Administration. New York: Institute of Public Administration, Columbia University; see also Hammond, Thomas H. (1990), "In Defence of Luther Gullick's 'Notes on the Theory of Organization'", pp.143-173.

The procedural approach to co-ordination comprises those forms of co-ordination in which common goals are *not* considered to be an important precondition for co-ordination, such as the three forms referred to above: hierarchical control, the use of power, and adjustment. Although the hierarchical model (based on authority: legitimate power) is associated with the assumption of rational decision-making (the legitimacy and authority of the central co-ordinator are based on the assumption that hierarchical co-ordination enhances the rationality of decision-making) it is otherwise value neutral, in the sense that the central authority can be applied to a wide range of purposes. Co-ordination by power (illegitimate, lacking the recognition inherent in authority), is not value neutral, but based on the values, interests or purposes of the co-ordinating power (thus not based on common values), and is associated with all kinds of coercion. Co-ordination by adjustment, although implicitly based on values associated with the classic free market, is a model of co-ordination without a central co-ordinator, proclaiming that co-ordination takes place on the basis of the diverse interests, values and goals of the actors ("partisans") involved, through such means as negotiation, bargaining, persuasion, threat and bribery.[160]

Environmental policy co-ordination on the basis of the procedural approach may therefore take the form of an authoritative central environmental agency, giving directives to other agencies on how to develop, adjust or implement policies; a powerful actor (e.g. an agency without *formal* authority or powers) coercing others to adjust to its own views on the desirable direction for environmental policy; or processes of interaction between those (agencies, groups and individuals) involved in environmental policy, each acting on the basis of separate definitions of what is needed, without a central agency with co-ordinating responsibility or power.

Whatever the approach taken to co-ordination, it is a process which is likely to be problematic. Despite the fact that, in the abstract, co-ordination is often considered as desirable,[161] it is also problematic given the costs involved, the fact that incentives may be lacking, and because of the natural tendencies of bureaucracy to fragment tasks, to "defend territory" and resist "meddling" by outsiders, and to avoid conflict.[162]

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[160]. Minnery, John R., "Modelling Coordination", pp.255-258; Lindblom, Charles E. (1965), The Intelligence of Democracy, pp.33ff.

[161]. Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective", p.97.

[162]. Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective",; Hanf, K. and F.W. Scharpf, Eds.(1978), Interorganizational Policy Making. Limits to Coordination and Central Control. London: Sage Publications.

For several reasons, *environmental* policy co-ordination is considered even more problematical. Firstly, the relative youth of central environmental agencies puts them often in a difficult position amongst established agencies, both with respect to their relative status as to a perceived incompatibility in missions or interests.[163] Secondly, the very broadness of the environmental policy area encompasses numerous external constituencies, generating a multitude of different, competing and sometimes contradictory, demands and pressures on environmental agencies.[164] Thirdly, the interrelationships between environmental phenomena and the high degree of uncertainty about the impact and ramifications of human interventions makes a comprehensive approach very difficult or, according to some, impossible:

> *It is a system. We are deeply impressed as we have never been before with the interrelation of the parts. Believing then, that everything is interconnected, we fall into the fallacy of believing the only way to improve those interconnections is to deal with then all at once.*
>
> *Clearly, everything is connected. But because everything is connected it is beyond our capacity to manipulate variables comprehensively. Because everything is interconnected, the whole of the environmental problem is beyond our capacity to control in one unified policy. We have to find critical points of intervention - tactically defensible, or strategically defensible points of intervention."*[165]

Comprehensiveness, however, is not an absolute concept, necessarily comprising "everything". Co-ordination by developing a comprehensive approach to environmental policy may be seen as a matter of degree. If approached on a more modest level, comprehensive environmental policy development may be achievable.[166] Co-ordination appears to be possible, as demonstrated by the considerable extent to which it occurs at the operating level.[167] Although perhaps more difficult on a policy development level, the question is not so much whether a comprehensive approach to environmental policy is feasible or not, but how *a*

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[163]. Caldwell, Lynton K. (1974), "Political Science", pp.5-18; Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective", p.96.

[164]. Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective."

[165]. Charles E.Lindblom (1973), Managing the Environment. Washington, D.C.: U.S. Environmental Protection Agency, p.84. (Quoted from: Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective", p.100.

[166]. Bartlett, Robert V. (1990), "Comprehensive Environmental Decision Making: Can It Work", in: Norman Vig and Michael Kraft, eds. Environmental Policy in the 1990s: Toward a New Agenda. Washington, D.C.: Congressional Quarterly Press, pp.235-254.

[167]. Bartlett, Robert V., "Comprehensive Environmental Decision Making: Can It Work"; also Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective", p.97.

higher degree of comprehensiveness can be achieved, and whether and how the co-ordination capacity of *central* environmental agencies can be improved in order to enhance their performance in this area.

In connection with that the question of the relative position of a central environmental agency in terms of power and resources is important. Various authors have noted that the ineffectiveness of environmental agencies can be attributed to their weak (legal) status and lack or resources (particularly expertise). From such a position an environmental agency is forced into bargaining and compromise and to adopt a "strategy of anticipatory conflict resolution" at the cost of maintaining environmental standards.[168]

The power and resources available to an agency depend, of course, to a very large extent on the political commitment of the Government, mentioned earlier. To some degree, however, the capabilities within the agency, and particularly of its leadership, are also an important contributing factor to effectiveness and availability of resources. It has been noted how the public standing of leaders, and their capabilities in forming alliances and mobilising political and public support, are essential assets to an organisation. In particular the person appointed as the first director of an agency "can have a lasting impact on it".[169]

1.4.4. The Choices Made by the Agency.

It would go too far to absolve central environmental agencies from all blame for environmental policy failure on the grounds that what they can do depends on the particular problems associated with the policy area, and the constraints set by policy context, the public, interest groups and the Government. Within those limits, it will be argued, agencies can and do make a difference. Moreover, they can try to "push the limits".

One of the crucial factors affecting an agency's activities and performance is how it interprets its mandate. Particularly in the area of environmental policy, where interrelatedness and vagueness are key aspects, there is often much scope for an agency to interpret its mandate in a broad-minded way.

The term environment can be narrowly or broadly defined, ranging from an exclusive concern with the natural environment (ecosystems) to the inclusion of economic and social phenomena. What falls within the scope of an agency's

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[168]. Mayntz, Renate, "Intergovernmental Implementation of Environmental Policy", pp.201-214; Myrick Freeman III, A. and Robert H.Haveman, "Clean Rhetoric and Dirty Water", pp.51-65.

[169]. Enloe, Cynthia, The Politics of Pollution in Comparative Perspective, pp.83-84; 100-101.

mandate depends very much on the environmental ideology of the personnel of an agency, and particularly of its leadership. For instance, a mandate giving responsibility for air pollution policy may be interpreted to relate exclusively to human health, or (as well) to the impact of pollution on nature (acid rain; impact on ecosystems), or (as well) to those aspects of resource use which underlie this form of pollution (such as energy policies; transport policies; investment policies).

The broader an agency interprets its mandate, the more likely it is that it will come into conflict with other agencies (defending their "turf"). Another danger of responsibility "overstretch" is that the agency overburdens itself (particularly if its resources are based on a narrow approach to its mandate by the Government). Also, as bureaucratic squabbling is unpopular with governments, it may be politically risky to engage into "territorial disputes".

Agencies also have a choice with regard to deciding how far they want to go in pushing issues considered to be of importance. Some issues may be considered important, but lack widespread public recognition, and may be politically unrewarding and bureaucratically divisive. In such cases, much depends on the agency's capability in mobilising public concern, or in arousing the Government's or a minister's interest in the issue.

It has been noted that, in general, bureaucratic agencies are threat-avoiding, defensive and eager to minimise scandals. They prefer a stable environment (increasing predictability), and try to reduce vulnerability by maintaining a low profile (visibility).[170] Conflict-avoidance behaviour has also been noted in environmental agencies, having to operate in a potentially conflict ridden policy area. Such behaviour may be reinforced by a similar tendency on government level.[171]

Another factor affecting the environmental agency's performance is the level of commitment of its personnel to "the environment". Working for an environmental agency does not necessarily imply being a committed environmentalist. Wilson has distinguished three types of civil servants: careerists (motivated by the prospect of future rewards within the agency), "politicians" (seeing their job as a stepping stone to go "higher up"), and professionals (who are primarily loyal to professional standards).[172] In all three categories a strong environmental outlook is not a self-evident component of the working motivation,

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[170]. Wilson, James Q., The Politics of Regulation, pp.377-378.

[171]. Enloe, Cynthia, The Politics of Pollution in a Comparative Perspective, pp.109-110; Mayntz, "Intergovernmental Implementation of Environmental Policy", p.205; Scharpf, F.W., "Interorganizational Policy Studies: Issues, Concepts and Perspectives", pp.106;86.

[172]. Wilson, The Politics of Regulation, pp.374-375.

even though professionals may have found their training in ecologically based sciences.

A prudent orientation to the job may be buttressed by the general code of conduct applying to civil servants. Under the Westminster system bureaucrats are assumed to be "neutral" and to be able to serve under governments of any political colour and commitment.[173] Although this view has been somewhat tarnished by the introduction of "political" appointments in some Westminster countries, it is a norm that still seems to be strongly adhered to by many officials.[174]

The reluctance of environmental agencies to take a strong environmental stand may have a deeper explanation. According to Murphy, expertise and neutrality have become the seals of a fragmented culture, and law and bureaucracy a substitute for value-choice and ultimately value itself. Managing demands has taken priority over solving problems. In other words, bureaucracy and law allow a society to avoid hard choices. Problems, also environmental issues, are being institutionalised instead of squarely faced.[175]

An agency's conception of its own mandate is also affected by role expectations of the actors with which it interacts (the "where you stand depends on where you sit" phenomenon). Enloe notes that these expectations may exert a considerable influence on an agency's stand on issues, and that it requires strong leadership with firm personal ideas for an agency to go its own way.[176]

1.5. Studying the Commission for the Environment: Contextual Factors, Approach and Preview.

As indicated in the previous sections of this chapter, the role and performance of central environmental agencies should be understood in the policy context. Societal, political and economic conditions affect the way environmental policy problems and needs are defined, forging the institutional arrangements to deal with these matters. Both the policy context and the institutional arrangements

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[173]. Although this does not imply that officials are not allowed to take policy initiatives. See Roberts, John (1987), Politicians, Public Servants and Public Enterprise. Wellington: Victoria University Press, pp.82-84.

[174]. Wilenski, Peter, "Administrative Reform", pp.271-272; a similar development has since taken place in New Zealand where ministerially appointed political advisors have also become more important, and the potential for ministerial influence on the appointment of departmental heads has been increased. For the opinions of permanent heads on the relations between ministers and officials in New Zealand see Levine, S., S.Rainbow and J.Roberts (1987), "Ministers and Public Servants - Attitudes to Policy Making", Paper presented to the Australasian Political Studies Association Conference, University of Auckland.

[175]. Murphy, E.F. (1977), "Environmental Bureaucracies Appraised", Ekistics, 44, pp.157-163.

[176]. Enloe, The Politics of Pollution in a Comparative Perspective, pp.88-94.

set limits for the role of environmental agencies and the kind of policies that can be developed.

The implications of these observations are that, in order to understand the Commission for the Environment's role in environmental policy development in New Zealand, we need to assess the nature of the contextual constraints on environmental policy development in this country, and how these have affected the mandate and performance of the Commission. Given, the particular nature of the policy context in each country, we need to look at idiosyncratic factors besides the more general constraints inherent in the policy process as described earlier in the chapter.

For example, the view that states have become incapable of effective action to address societal problems seems to apply with more validity to some states than to other. New Zealand would seem much less prone to the contention that effectiveness of government is seriously hampered by an extreme dispersion of power and the possibility of groups or institutions to exert a veto-power over the advance of policy changes, given the nature of the political system, which allows an extraordinary concentration of political power in the hands of the governing party, stifling effective opposition, and virtually prohibiting the access of new political parties to political (government) power.[177]

The "win or lose all" nature of the political system in New Zealand has potentially extreme consequences for (environmental) policy development. On the one hand it allows for a high degree of policy stability or intransigence where a political party is in power for considerable time, such as the National Party from 1975 to 1984. On the other hand it offers the potential for drastic and swift change if the government party is committed to such change, as there is no need for coalition governments and as the political opposition is virtually powerless to obstruct proposals.

The ambiguity related to the dual role of the State as promoter of economic growth and protector of the environment has been another particularly relevant factor in the New Zealand context. Perhaps to an even larger extent than in many European capitalist countries the New Zealand State has been actively involved in the exploitation of resources (such as forestry, mining, tourism, electricity

[177]. Palmer, G. (1987), Unbridled Power: An Interpretation of New Zealand's Constitution & Government. Auckland: Oxford University Press; McRobie, Alan (1985), "The Electoral System: Representing People or Electing a Dictatorship?" in Hyam Gold, ed. New Zealand Politics in Perspective. Auckland: Longman Paul, pp.306-319. See for an elaboration of the argument of the ineffectiveness of government in the United States because of the widespread existence of "veto-power", Lindblom, Charles E., Politics and Markets. For a discussion of ineffective government related to the fragmentation of power see the case of Italy in Reich, M.R. (1984), "Mobilizing for Environmental Policy in Italy and Japan", Comparative Politics, Vol.16, No.4, pp.379-402.

generation and other energy projects) or in the promotion of exploitation by the private sector (agriculture, also mining). Combined with the extremely strong concentration of executive power this has made the State a principal target of environmental criticism.

The availability of resources and the dominant pattern of resource use in a country has an important influence on the kind of environmental problems that arise and on the way these are being perceived and defined. For a long time, agriculture has been the backbone of the New Zealand economy, leading to the preferential treatment of farmers and farming interests.[178] Governments and government agencies have been actively involved in the promotion of export of agricultural products, opening up land to new farmers, subsidising agricultural investments and the use of fertilizers, and in guaranteeing minimum prices for agricultural products.

Other primary products (such as forest products and minerals) also account for a considerable proportion of New Zealand's export earnings. Altogether, primary products still accounted for about 75% of the value of the country's exports in 1983,[179] despite efforts in the last decades to diversify the economy. Continued logging of native forests, as well as mining, have led to major controversies and environmental protests during the 1970s and 1980s.

As a net importer of energy, and with the emergence of the "energy crises" in 1973 and 1979, the supply of energy has also become a major issue in New Zealand. The environmental aspects of energy projects (hydro, fossil and nuclear based) have dominated many of the environmental concerns during the last three decades, and have led to some of the fiercest political protest actions.

The fact that the central government has been seen as both a major culprit for environmental degradation and as the only vehicle for policy change has led to considerable confusion and ambiguity in environmental circles. On the one hand strong feelings of distrust, and even hostility, have been generated, particularly vis a vis particular government departments. On the other hand was the State still seen by many as the only mechanism through which environmental policy change could be achieved, leading to a demand for a further strengthening of State capabilities in environmental control.

Much of the ambiguity in the position of the Commission for the Environment, as we will see, can be traced to this dual nature of the State as environmental exploiter and protector. Being part of the State machinery, the

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[178]. The value of food exports alone accounted for approximately 50% of the total value of exports from 1981 to 1983. New Zealand Official Yearbook 1984, Wellington: Department of Statistics, pp.627-629.

[179]. New Zealand Official Yearbook 1984, pp.627-629.

Commission could hardly escape the distrust created by the context in which it had to operate.

Another contextual factor of relevance for environmental policy development in New Zealand is the state of the environment in the country. On the one hand, the image of New Zealand as a clean and green country with an abundance of resources and a sparse population has traditionally been reflected in a "she'll be right" attitude. The strength and persistence of this attitude has led to a leniency towards, and even the promotion of, unsound environmental practices, such as the clearfelling of forests, cattle grazing on steep slopes, the draining of wetlands, the pollution of natural waters by sewage and industrial effluent, an extensive and careless use of agricultural chemicals, construction on relatively sparse, good horticultural land, and unrestrained urban expansion. The attitude has also hindered the recognition of environmental problems and their solution.

On the other hand, however, it has been argued that the environmental movement in New Zealand, similar to that in North America and Australia, is characterised by a philosophical profoundness which goes much further than that of the green movement in European countries. Hay and Haward contend that the imminent and wholesale destruction of remnant wilderness has in the first group of countries has led to an emphasis on the importance of nature and a challenge of "homocentric" assumptions, in contrast to the European green movement, which has been dominated by anti-nuclear concerns (and one might add quality of life issues). They conclude that the "cutting edge of environmentalism" is to be found beyond Europe, and that the radical re-interpretation of humanity's relationship with other nature has revolutionary implications for political theory and class-based interpretations of politics.[180]

Tester, however, has argued that one of the main weaknesses of the environmental movement in New Zealand lies in its ideological weakness, particularly with respect to the social and economic dimensions of environmental policy. Many environmental leaders in New Zealand have a background in natural or ecological sciences, looking at environmental issues primarily in terms of the need to protect nature from human activity.[181]

Yet, indications of a possible transition in cultural paradigm can also be observed in New Zealand. New Zealand was one of the first countries to give birth to a green political party, which, although slowly withering away, at some

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[180]. Hay, P,R, and M.G. Haward (1988), "Comparative Green Politics", pp.433-448. See also Buhrs, Ton, "Environmental Policy Development: the Case of New Zealand."

[181]. Tester, Frank J. (1987), Losing Ground: A Neo-Existential Critique of New Zealand Environmentalism. PhD-thesis, Hamilton: University of Waikato, Department of Geography, pp.223;287;431-433;443;448-449.

stage received considerable support.[182] To what extent support for a green party can be interpreted as an indication for the existence of a basis for a transition towards a new cultural paradigm, remains a complex question, however.[183] One thing seems less uncertain, though. Whatever the potential support for an ideological shift towards a new cultural paradigm in New Zealand, it is extremely difficult for such support to be translated into effective political action, given the nature of the political system.

Summarising, given the policy context in New Zealand from the 1960s until 1984, in particular the institutionalised high level of commitment to economic growth and development throughout the State, there appeared to be little prospect for the development of a responsive, coherent and comprehensive environmental policy. Although some public demand for a holistic approach to environmental issues may have existed, it faced considerable obstacles for becoming politically effective in the sense of generating political commitment to the development of such a policy.

The proposition that the policy context puts constraints on the kind of institutional arrangements for environmental policy co-ordination and development will further elaborated upon for the New Zealand setting in the first three chapters of the thesis. First, the question *why* the Commission for the Environment was established will be analysed. Given the (perceived) relatively favourable environmental situation in New Zealand, the alleged obstacles to institutional reform, and the fact that economic interests were firmly entrenched within the State, there seems to have been no obvious reasons why a new environmental agency was established.

In relation to that, the way environmental problems and needs were defined by the environmental "policy community" needs to be analysed. In line with the discussion in this chapter we expect these definitions to have been influenced by contextual factors, such as the prevailing social values and political and economic rationality. In their turn, these definitions provided a basis for the formulation of environmental needs (demands). This will be analysed in two chapters (II and III), given the change that took place in the nature of these demands. On the basis of Kingdon's model we expect that the establishment of the

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[182]. The "Values Party" was established in 1972, the year in which also the Commission for the Environment was set up. On the party and its role will be elaborated in Chapter 3. See also Rainbow, S. (1987), "New Zealand's Values Party - The Rise and Fall of the First Green Party", Paper presented at the 1987 Australasian Political Science Conference, University of Auckland.

[183]. In the 1990 elections, a new Green Party gathered 6.7% of the votes, reflecting, one may argue, a revival of green values in New Zealand parallel to developments in other countries. However, one should be cautious in interpreting the size of the vote as an indication for a shift towards a new cultural paradigm, given the possibility that many votes cast for the Green Party have been protest votes by people alienated from the Labour Party.

Commission for the Environment was not just the result of rising demands, however, but of the combination of three "streams", problems (demands), policies (solutions) and politics, in a "policy window". This will also be the subject of research in Chapter III. The analysis in these chapters relies on a scrutiny of the proceedings of environmental conferences, newspaper clippings, and departmental files.

The hypothesis that contextual factors are translated into the mandate of new environmental agencies, imposing constraints on the scope of its policy role, will be examined in Chapter IV, where the process through which the Commission for the Environment's formal position and mandate has been determined will be analysed. The analysis relies primarily on departmental files relating to the establishment process and to the introduction of the environmental assessment procedures, as well as on interviews with officials who have been directly involved in the process.

The thesis that the policy performance of central environmental agencies depends on four factors: the kind and degree of external support; the degree of government commitment; the relative position of these agencies in the bureaucratic framework; and the choices made by the agency itself, will be tested in the following four chapters (V, VI, VII, and VIII).

The policy performance of the Commission will be analysed in four ways:

(1) An analysis of the Commission's implementation of the environmental impact assessment procedures (EIA), a major component of the Commission's mandate (Chapter V). The basis for the analysis consists of the (more than 90) environmental "audit" reports that have been produced by the Commission, supplemented by data from departmental files, public documents and interviews.

(2) An analysis of the Commission's involvement in the development of a coherent, "overall" environmental policy as the basis for a substantive approach to the co-ordination of environmental policy (Chapter VI). The analysis is based on political party manifestos, public documents, departmental files related to the process following the publication of the proposal for a New Zealand Conservation Strategy, interviews with (ex) politicians, and the results of a survey of the investigating officers who have been working for the Commission.

(3) An analysis of the relative position of the Commission in the bureaucratic framework, and of its efforts to fulfil a procedural policy co-ordination role (Chapter VII). Again, the analysis is based on the survey of ex CFE officials, departmental files, public documents, and interviews with (ex) politicians, officials.

(4) An analysis of the Commission's performance in four environmental policy areas, assessing how the four factors affecting policy performance have combined in particular (successful and unsuccessful) cases (Chapter VIII). The data basis for the analysis is again provided by departmental files, public documents, and interviews.

Having analysed the Commission's environmental policy performance, and having assessed how the factors affecting performance have been responsible for its relative success or failure, the question then arises whether and how environmental policy performance of the central environmental agency in New Zealand can be improved. More specifically, the question whether and how the process of institutional reform initiated in 1984, leading to the disestablishment of the Commission and the creation of a new Ministry for the Environment, has provided better conditions for the policy performance of the new central environmental agency, needs to be answered. In particular, the question whether the prospects for more comprehensive and effective environmental policy development in New Zealand have been enhanced, emerges. This is the focus of the final chapter, Chapter IX.

CHAPTER II - THE PRE-ENVIRONMENTAL ERA: ENVIRONMENTAL ISSUES IN THE 1960S AND THE CREATION OF THE ENVIRONMENTAL COUNCIL.

2.1. Introduction.

It is commonplace to refer to the Physical Environment Conference, organised in May 1970, as the beginning of the "environmental era" in New Zealand. The Conference is often seen as a landmark in the development of environmental awareness in New Zealand, corresponding with the upsurge in environmental concern and interest in many western countries around 1970. A commonly held view is that these events also provided the basis for the creation of the Commission for the Environment two years later.

In this and the following chapter the definition of environmental problems and needs in New Zealand until the establishment of the Commission for the Environment will be analysed. This chapter will focus on the "pre-environmental" era, covering the period until the upsurge of environmentalism around 1970. The purpose is to analyse the environmental policy context, and the then prevailing approach to environmental policy development. Also, an assessment will be made to what extent a coherent, comprehensive approach to environmental policy development was seen as desirable or feasible, and requiring institutional change.

2.2. Early Manifestations of Public Concern about the Environment.

Concerns about the impact of development on the physical environment, in particular about the effects of deforestation, go back to the 1860s.[1] The expression of these concerns, however, was very much a question of individuals, and it is probably only since the 1920s that an organised conservation movement in New Zealand started to emerge.[2] The Native Bird Protection Society (now the Royal Forest and Bird Protection Society) was set up in 1923, following concern about

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[1]. Fleet, Harriet (1984), New Zealand's Forests. Auckland: Heineman.

[2]. Although the first national park, Tongariro National Park, was created in 1887, this was not in response to public demand. A Maori chief, Te Heuheu Tukino IV, offered the ancestral mountain tops to the Government as a gift, fearing that they would otherwise be taken by European settlers. The second park, Egmont National Park, was created in 1900 in reaction to representations by farmers, anxious to see the mountain slopes preserved to safeguard the catchment and protect their land from excess run-off. It was only during the 1920s that increased public interest in conservation led to the introduction of the Public Reserves, Domains and National Parks Act (in 1928), and other national parks (such as Arthur's Pass National Park in 1929 and Abel Tasman National Park in 1942) were established. Department of Statistics (1988), NZ Official Yearbook 1988 - 1989. Wellington: Department of Statistics, pp.510-513.

widespread devastation among native birds on Kapiti Island, which was declared a sanctuary in 1902.[3]

The 1940s saw a successful campaign to save the Waipoua (kauri) forest, which was declared a sanctuary in 1952. In 1950 a Nature Protection Council was established with the purpose of co-ordinating the conservation activities of a wide range of organisations, such as the Federated Mountain Clubs, Forestry League, Geographical Society of New Zealand, the Native Plant Protection Society the Royal Society of New Zealand, the Waipoua Preservation Society and other.[4]

In the late 1950s concerns and activities of conservationists intensified following the destruction of scenic beauty by State-sponsored development projects, in particular hydro-dams. A catalyst in this respect was the proposal to raise the levels of lakes Manapouri and Te Anau for electricity generation in the interest of an aluminium smelter. In 1959 the New Zealand Preservation Society was established in reaction to the Manapouri proposal. Calls were made for the establishment of a New Zealand Conservation Authority "to see that our national parks be preserved in their natural state, for all time, and to advise on the preservation of all our beauty spots."[5]

Particularly vocal in these protests was J.T. Salmon, one of the driving forces behind the organisation of the Conference on Conservation of New Zealand Scenic Attractions, held on 24 November 1959. The conference was officially convened by the Labour Government, on a proposal by the New Zealand Travel and Holidays Association. The Association had been inspired by Salmon at a Convention in 1958, where he had "provided the spark which set alight dormant public thinking on this problem of the destruction of some of our valuable scenic resources."[6]

Salmon, accusing the Government of "State sponsored vandalism", called for the creation of an independent Nature Conservancy to provide for a better protection of scenic values. The National Government responded in 1962 with the establishment of the Nature Conservation Council, but this failed to assuage concerns. Although the Council took position against the Manapouri proposals, it was regarded as a "man-of-war without guns", ignored by the Government. Nor did the Council receive unqualified public support. The fact that it consisted of

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[3]. Dalmer, N.E. (1983), Birds, Forests and Natural Features of New Zealand. Wellington: Royal Forest & Bird Protection Society, pp.1-3.

[4]. Dalmer, N.E., Birds, Forests and Natural Features of New Zealand, p.22

[5]. Dalmer, N.E., Birds, Forests and Natural Features of New Zealand, p.81; see also Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment. Auckland: Earthworks Press, pp.9-15.

[6]. Salmon, J. T. (1960), Heritage Destroyed. The Crisis in Scenery Preservation in New Zealand, Wellington: A.H.& A.W.Reed, p.42.

Government nominees inspired the remark that the members "might not feel inclined to demonstrate too vigorously against their patron."[7] These feelings were reinforced by the fact that the Council adopted a "practical philosophy of nature conservation"[8] and lacked an independent investigatory capacity.[9]

The Manapouri issue continued to play a role during the 1960s and early 1970s, giving life to three petitions, in 1960, 1963 and 1970. The last one drew over a quarter of a million of signatures, making it the largest petition presented to Parliament at the time.[10]

A measure for the steady growth in conservation concerns during the 1960s is the rise in membership of the Royal Forest and Bird Protection Society, then by far the largest environmental (conservation) group. Membership grew from less than 5,700 in 1959 to more than 8,000 in 1969.[11]

Overall, the destruction of scenic beauty by development projects dominated public concern about the environment, as reflected in the Manapouri issue. As a mechanism set up to defuse the issue the Nature Conservation Council had clearly failed. Yet, although the Manapouri affair had become politically more important, it had, by 1970, not yet led to a change in the position of the main political parties on the matter.[12]

Other environmental problems aroused much less public attention than the Manapouri issue. Pollution and problems in the urban (human) environment, received much less public attention than nature conservation issues. Urban development issues were the subject of a few conferences organised by organisations of professional groups, such as engineers and architects, but did not generate a wider public movement. Although some pollution issues, in particular sewage and air pollution problems, had been the subject of public concern in the 1950s, these were primarily of a local nature. Initially more considered as

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[7]. Holmes, in the New Zealand Herald, 12 May 1970.

[8]. Nature Conservation Council (1982), Nature Conservation Council 1962-1982, Wellington: Nature Conservation Council, p.3.

[9]. The Council depended for its investigations on departmental staff, receiving its own first officer only in 1966, and a second one in 1970. Nature Conservation Council, Annual Reports, Wellington: Government Printer, 1967 and 1971.

[10]. The number of signatures gathered by each petition was 24,862 in 1960, 1127 in 1963 and 264,907 in 1970. Wilson, Roger, From Manapouri to Aramoana, pp.14-15.

[11]. Dalmer, N.E., Birds, Forests and Natural Features of New Zealand, p.81; membership numbers would rise much more spectacularly in the 1970s though. See Chapter III, section 3.3.

[12]. This would only take place in 1972, when, in its election campaign, the Labour Party promised that it would not allow the level of Lake Manapouri to be raised. This happened after a Select Committee in 1970 had recommended to maintain the level "in the meantime" and the Government had decided to postpone a decision on the issue.

"nuisances" than real problems, these issues provoked action of only a handful of people.[13]

Apart from the Manapouri issue, no other particular event can be identified which could have functioned as a catalyst for the establishment of the Environmental Council in 1970. For many New Zealanders the terms "environment" and "conservation" were intimately connected or even identical.[14] Growing concern about Manapouri, reflected in the massive support for a petition on the issue in 1970, is the only plausible "problem" factor that might be regarded as responsible for triggering off the establishment of the Council. However, in order to assess whether this were so, a closer look at the process leading up to the creation of the Council needs to be taken.

2.3. The Environmental Policy Community in the 1960s: "Concerned Experts" in and outside Government.

Concern about the destruction of scenic beauty was shared by many people with a professional involvement in development, such as architects, engineers, surveyors, planners and administrators on local and national levels. Although these groups have a direct interest in development, it has been argued that they were also "conscience stricken", in the sense of feeling partly responsible for the destruction of scenic beauty resulting from many projects.[15]

The concerns of these professionals found expression through a number of conferences in the 1960s. The first of these, taking place in 1964, was called the "City Development and Environment Conference". Three hundred people representing "all sections of the community" came together to discuss issues related to urban development and its wider environmental implications. The conference expressed an "urgent need for a national development policy to be formulated to

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[13]. Auckland's sewerage problems had been the subject of vigorous action of only a handful of people, and ultimately one man, Dove-Myer Robinson. See Bush, Graham (1980), Moving Against the Tide, Palmerston North: Dunmore Press. Air-pollution "nuisances" in Auckland in the 1950s provoked an official investigation, and in Christchurch in the 1960s to the establishment of the Christchurch Clean Air Society. In both cases, however, the "definition" of the problems was largely in the hands of officials, who also determined the type of "solution" considered to be adequate. See: Report of Commission of Inquiry into Certain Alleged Nuisances in Districts Within or Contiguous to the Southern Auckland Metropolitan Area (Fumes Inquiry), August 1955, Wellington, Government Printer; Kellow, A.J. (1984), "The Policy Roles of Bureaucrats and Politicians in New Zealand", Politics, Vol.19, November 1984, pp.43-53.

[14]. For a discussion of the relative importance of conservation issues compared to other environmental issues in New Zealand see Buhrs, Ton (1987), "Environmental Policy Development: the Case of New Zealand", Paper presented at the Australasian Political Science Conference, University of Auckland, Auckland.

[15]. Gresham, P.H. (1983), "Some Reflexions on the Origins, Evolution and Future of the Commission for the Environment", Wellington, Commission for the Environment (Unpublished paper).

provide a framework within which regional and local decision making and planning can be advanced."[16]

Following the conference the Urban Development Association (UDA) was formed "to provide a sounding-board for public opinion, to give the politicians and others an opportunity of taking part in discussions and to afford the professionals an opportunity of putting their point of view and listening to the point of view of the community." The association made representations to the Government, asking it to create an Environmental Council and to appoint a Minister for the Environment.[17]

In 1967, the New Zealand Institution of Engineers (NZIE) organised a conference under the theme "The New Zealand Countryside in 1980". This conference found its roots in concerns about environmental impacts of major engineering schemes, and was inspired by similar conferences organised in Britain in 1963 and 1965 ("Countryside in 1970"). The organisers aimed at a conference which was "technically authoritative, and widely representative." A wide range of issues was discussed, ranging from conservation, recreational needs, visual amenities and coastal development to land use, pollution and the need for research, planning and organisation. Suggestions were raised on employing more landscape architects, on establishing regional environmental councils and for the creation of a "largely autonomous" division within the Ministry of Works, which would "have all works of any character impinging on the countryside referred to that division for vetting or approval."[18]

Both the Urban Development Association and the New Zealand Institution of Engineers played a role in bringing environmental issues under the attention of the first National Development Conference, organised by the Government in August 1968 to "outline a programme and set targets for national development."[19] It was pointed out to the Steering Committee of the Conference that economic development was not an end in itself, and that "it is the kind and quality of life which counts." The committee accepted that there was a case for the establishment

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16. Urban Development Association (1969), Proceedings of the Four Thousand Million Dollar City and Countryside Conference, Wellington: Urban Development Association, pp.125-131; 1972.

17. Urban Development Association (1969), Proceedings of the Four Thousand Million Dollar City and Countryside Conference, pp.2-4.

18. An early version, it can be argued, of a procedure for environmental impact assessment. New Zealand Institution of Engineers (1967), New Zealand Countryside in 1980. Conference Proceedings, Auckland: New Zealand Institution of Engineers, Foreword, p.1; Organisation Working Party, pp.30-41.

19. National Development Conference (1968), Report of the Proceedings of the National Development Conference, Plenary Session 27-29 August 1968. Wellington: Government Printer, p.151.

of two extra working parties to study the implications of economic development for the physical and social environment.[20]

Consequently, the Physical Environment Committee was established in October 1968. The Committee divided into five working parties, and presented an interim report to the second National Development Conference in May 1969. It was acknowledged, however, that a more thorough investigation of New Zealand's environmental problems was needed. To that end the organisation of a conference on the physical environment in 1970 was proposed, in co-operation with the New Zealand Institution of Engineers, which also planned to hold another conference, referred to above.[21]

Meanwhile, in August 1969, the Urban Development Association organised a conference carrying the theme "Four Thousand Million Dollar City and Countryside Conference", setting out to consider the conclusions and recommendations of the previous UDA conference in 1964. The aim was also to discuss:

> [...] how four thousand million dollars could be spent to give the people of New Zealand what they wanted in the way of urban and countryside development and the type of environment which it is felt is needed in this country.[22]

Members of the Physical Environment Committee took an active part in the UDA conference in 1969, and in its turn the Urban Development Association assisted the Committee, providing it many of the recommendations which were included in the Committee's report to the Physical Environment Conference in 1970.

The Physical Environment Conference took place from 21 to 23 May 1970 in Christchurch. The 262 participants discussed the reports produced by the five working parties of the Physical Environment Committee, comprising the areas of Land Resources and Land Use, Pollution of the Environment, Urban Development and Urban Expansion, and Organisation for the Control of the Environment. A total of 140 recommendations were discussed and mostly adopted.

The Physical Environment Conference was a major event in which politicians, senior administrators and representatives of groups with an interest in

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[20]. National Development Conference (1969), Report of Proceedings, Second Plenary Session. Wellington: Government Printer, pp.62-63; McMahon, C.K. ed. (1972), Physical Environment Conference 1970, Reports, Papers and Proceedings. Wellington: Government Printer, pp.15;61.

[21]. Physical Environment Committee (1969), Report of the Physical Environment Committee to the National Development Conference. Wellington: Government Printer, pp.9;12.

[22]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.1.

managing the environment were represented. The purpose of the conference was to make an inventory of New Zealand's environmental problems, and to discuss the direction New Zealand's environmental policy should take. Therefore, and given the fact that the establishment of the Environmental Council can be directly related to one of its recommendations, the conference can be considered as a gathering of the "environmental policy community" at the time. However, as pointed out, the origins of the conference lie in activities and earlier conferences organised by professional groups. An analysis of the participation at these conferences may therefore give a fair indication of who was involved in shaping the direction of New Zealand's environmental policy.

TABLE 2-1
PARTICIPANTS ENVIRONMENT CONFERENCES[a]

Conference Participants	1967 Countryside	1969 UDA	1970 Phys.Env.	1972 UDA[b]
Local/regional govern- ment	28	30	11	33
"Professions" (Architects, engineers etc.)	25	33	9	7
Central government agencies/politicians	8	11	33	27
Development interests	8	8	11	8
Universities	8	5	17	7
Environmental groups	5	1	3	4
Other	13	12	16	14
	101%	100%	100%	100%
Number of participants	155	161	262	132

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[a]. Distribution in percentages.

[b]. This conference, taking place after the establishment of the Environmental Council, but only a few days after the Commission for the Environment was created, has been included for the sake of comparison.

Sources: New Zealand Institution of Engineers, 1967; Urban Development Association, 1969 and 1972; McMahon, 1970; the figures do not always add up to 100% because of rounding-off differences.

In the Table above the participants of four "environment-conferences" have been placed in one of seven categories, depending on their background as indicated by the lists of participants included in the proceedings of the conferences.[23]

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23. The data of the Urban Development Conference in 1972 (not discussed as this took place after the establishment of the Environmental Council) have been included for the sake of comparison.

Local/regional government representatives and professionals (to a considerable extent overlapping categories) dominated at the 1967 and 1969 conferences, contributing more than half of the participants. The 1970 conference saw a considerable increase in the proportion of central government representatives. This followed the adoption of environmental concerns by the Government at the National Development Conferences, which resulted in the organisation of the 1970 conference.

At the Physical Environment Conference local government representatives and professionals together (20%) comprised the "strongest" discussion partner for the central government representatives (33%), but were now closely followed by the academics (17%), whose rate of participation was considerably higher compared to the previous conferences. Whereas the rate of participation of development interests[24] was somewhat lower than that of the academics (with the exception of a larger margin in 1970), the level of participation by environmental groups remained consistently very meagre.

The low level of participation by environmental groups at the conferences until 1970 can of course partly be explained by the fact that the "upsurge" in environmental interest still had to take place. Only since 1970 new environmental groups began to spring up. It has also been noted, however, that the lack of participation of "the younger generation" at the Physical Environment Conference was largely due to the fact that they had "not been invited to participate and in some cases could not have afforded the time."[25] And although there was some representation of new environmental groups (Action for Environment, Ecology Action) at the conference of the Urban Development Association in 1972, their presence remains strikingly low even then.

The environmental policy community in New Zealand before 1970, then, consisted largely of people from development related "professions" (architects, engineers, planners etc.), representatives of local and regional government (quite often with a professional background similar to the first group), central government officials, academics and, to a lesser extent, representatives of development interests. Although conservation groups may have been important in arousing public attention for an issue such as Manapouri, they were virtually excluded from the policy formation process which led to the establishment of the Environmental Council.

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[24]. These comprised primarily the following: the tourist industry, contractors, sawmillers, farming, real estate and mining interests, and an oil company.

[25]. McMahon, C.K., Physical Environment Conference 1970, p.53.

excluded from the policy formation process which led to the establishment of the Environmental Council.

Much more significant in this respect were academics with some environmentally related specialisation, who could be called "conservationist academics", such as J.T. Salmon (Zoology Department, Victoria University), V.J. Chapman (Botany Department, University of Auckland), J.E. Morton (Zoology Department, University of Auckland), K.B. Cumberland (Geography Department, University of Auckland), and R.G. Lister (Otago University), who all contributed heavily in the debates.

Although central government representatives have been involved in all the conferences included in this study, a significant increase in the rate of participation from this group can be observed. At the Physical Environment Conference, which led directly to the establishment of the Environmental Council, they were the largest single category. In the Physical Environment Committee and most of its working parties drafting the recommendations, departmental officials were strongly represented, as can be read from the Table below:

TABLE 2-2
PARTICIPATION IN THE PHYSICAL ENVIRONMENT COMMITTEE

	Total pos.	Central Gov.	Loc.Reg. Gov.	Prof.	Acad.	Dev. Int.	Other
Physical Env. Committee	18	6	3	2	4	1	2
Government Org. Working Party	6	1	4	0	1	0	0
Land Resources Working Party	14	7	1	1	3	0	2
Pollution Working Party	17	11	1	0	2	2	1
Urban Developm. Working Party	9	3	3	2	0	0	1
Urban expansion Working Party	9	0	3	2	4	0	0
Total positions	73	28	15	7	14	3	6
Total %	100%	38%	21%	10%	19%	4%	8%

Source: McMahon, 1972, pp.22-27; the numbers represent positions and not the number of people participating As there is some overlap in membership between the groups.

Whereas central government officials were completely absent in the urban expansion working party, and under-represented in the working party on Government Organisation, they comprised half of the membership of the Land Resources and Land Use working party, and almost two-thirds of the working party on Pollution.

Also noteworthy is the role of government departments in servicing the Physical Environment Conference. Particularly striking is the very strong input of the Department of Health in the pollution working party, contributing eight members and the secretariat. The secretariat of the other working parties (with the exception of the Land Resources and Land Use working party, which was serviced by the Department of Lands and Survey) and of the Committee was provided by the Ministry of Works, which had assumed a sponsorship role for the Physical Environment Conference.[26]

Although on the basis of participation alone no definite conclusions can be drawn about the relative influence of the various groups involved in the policy formation process, these figures provide an indication of their possible weight. In order to assess the relative influence of these categories of actors on the outcomes of the decision-making process, a closer look is needed at the way environmental problems and needs were defined, and at the "solutions" offered and adopted. Only then is it possible to assess the degree of consensus within the policy community and/or the relative weight of the differences in views and interests.

2.4. The Definition of New Zealand's Environmental Problems.

Analysing the discussions and recommendations of the 1967, 1969 and 1970 conferences,[27] three areas of environmental concerns can be distilled which received more or less attention at each conference:

(1) The need to protect New Zealand's scenery.
(2) The need to protect the quality of life.
(3) The need to prevent serious pollution.

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[26]. McMahon, C.K., Physical Environment Conference 1970, pp.22-27;61.

[27]. As the proceedings of the 1964 conference were unavailable, this conference had to be excluded. The main findings of this conference were, however, referred to in the proceedings of the 1972 seminar, and will be included in the discussion of "solutions" in the next section. As the 1972 seminar focused exclusively on "legislative and administrative measures to improve environmental control", and not on environmental problems in themselves, its findings will also be discussed in the next section.

(1) The Need to Protect New Zealand's Scenery.

The need to protect New Zealand's scenic beauty under the pressures of
continuing development was recognised at all conferences. The 1967 ("New
Zealand Countryside in 1980") conference, however, had this as a central theme.
The involvement and responsibility of professional engineers in the many
decisions affecting the countryside was noted by the President of the N.Z.
Institution of Engineers in his opening address at the New Zealand Countryside in
1980 conference.

> *We, as professional engineers, become involved in many decisions which
> cause changes in our countryside, whether we build a road, bridge or
> dam a stream, build a harbour or develop a city, and our work is
> subjected to the keen appraisal of our fellow citizens.*[28]

Many of the papers and contributions of these participants at this
conference elaborated on the despoliation of the countryside, conservation issues,
visual amenity, the need for setting aside areas for recreation close to growing
urban centres, and for protecting the coastline and lake-shores from subdivision.
As expressed by one of the participants at the conference:

> *I think there is little need for me to argue the point, at this stage, that a
> serious problem exists or is developing concerning the despoliation of
> the countryside in all its facets. The mere fact of this conference and
> the papers and points of view that have preceded mine are sufficient
> recognition of this.*[29]

The concern over the "proper development of coastal, lake and riverside
areas" as an issue demanding urgent action was shared by the Urban Development
Association Conference in August 1969, which also gave much attention to the
need for preserving areas of natural beauty for recreational purposes.[30]

Likewise, giving a broad overview of the environmental issues confronting
New Zealand, the Physical Environment Committee emphasised the importance of
aesthetics and design in the environment, both natural and man-made. In the
concluding remarks of its interim report to the National Development Conference
in 1969 the Committee noted the need for the "enhancement of the beauty of town

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[28]. New Zealand Institution of Engineers, <u>New Zealand Countryside in 1980</u>, p.1.

[29]. New Zealand Institution of Engineers, <u>New Zealand Countryside in 1980</u>, "Points of View Papers", p.30.

[30]. Urban Development Association, <u>Proceedings of the Four Thousand Million Dollar City and Countryside Conference</u>, pp.50-51; 61-62; 125.

and country, and protection against visual disfigurement."[31] Specific issues mentioned by the Committee were coastal and lakeshore subdivision, aesthetics, the impact of the construction of roads and advertising hoardings, and the needs for conservation and recreation. Topping the list of elements of an environment to which the community "might aspire" is:

> *An environment in which participation in the finer side of life is open to all, irrespective of income, occupation or location; where ugliness is no longer accepted as the inevitable by-product of economic progress*[32]

In November 1969 a special symposium on the problem of coastal and lake subdivision was organised, the results of which were also presented to and discussed at the Physical Environment Conference in May 1970, in particular in the working party on urban development and expansion.[33]

In general therefore, although perhaps more so at the 1967 conference, the need to preserve New Zealand's scenic values was recognised at all conferences. These concerns for scenery preservation ran parallel to the concerns expressed by conservationists, such as manifested in the Manapouri issue. However, one difference in the interpretation of the need for conservation seems to be that conservationists advocated the conservation of scenery as a value in itself, whereas the "concerned experts" put more emphasis on scenery conservation as an element in the maintenance or enhancement of the "quality of life". The protection of native forests for their own sake, for instance, is almost completely ignored at the conferences, and remarkably absent in the discussions. Forests, like other aspects of nature, were much more approached as a resource, either to be developed, or in need of protection to serve human recreational needs.[34] This anthropocentric view of nature amongst the "concerned experts", both inside and outside government, is one element in what has been described as the technocentric approach to the environment.

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31. Physical Environment Committee, <u>Report of the Physical Environment Committee to the National Development Conference</u>, p.20.
32. Physical Environment Committee, <u>Report of the Physical Environment Committee to the National Development Conference</u>, p.13.
33. McMahon, C.K., <u>Physical Environment Conference 1970</u>, pp.178-179.
34. New Zealand Institution of Engineers, <u>New Zealand Countryside in 1980</u>, p.7; McMahon, C.K., <u>Physical Environment Conference 1970</u>, pp.76-77.

(2) The Need to Protect the "Quality of Life".

The concerns of these "concerned experts", however, were not just limited to the natural environment, but extended also to the quality of the human environment and the impact thereupon of rapid urban expansion. Already in 1958, for instance, Robert T. Kennedy, Professor of Town Planning at the University of Auckland, spoke of the danger that "our towns will degenerate into mere agglomerations of buildings, having no boundaries, no order and no identifiable unity of purpose and expression."[35] He pointed out that there was a need for careful planning and design to integrate the man-made environment with the beauty of the natural landscape in order to enhance the quality of living conditions.

At all the conferences this theme was a key concern. At the 1967 conference the importance of the preservation of natural beauty and aesthetics was emphasised as an important factor determining the quality of the human environment. In his speech to the conference, the Minister of Works, P.B. Allen even remarked that "Today some people might be found to declare that aesthetics get too much attention." He added that he did not agree, but hoped that:

> [...] from your deliberations will come a consensus which will make it possible to have the best of both worlds. To be able to make progress which will be necessary if we are to keep raising our standard of living, while preserving the best of our heritage from nature.[36]

The problem of maintaining public access to sea shore, lakes, forests and open spaces, the increased need for recreational areas, the effects of the motor car, the need for beautification of roads and the removal of advertising hoardings and ugly electricity poles, and the need to preserve trees in the urban environment were all considered important in the preservation of the quality of the human environment. On the latter problem it was noted that "...for too long, engineers, land developers and people, when they see a piece of land with a tree on it, simply flatten it."[37] Prof.K.B.Cumberland, Professor of Geography at Auckland University, related this practice to the "colonial frontier" mentality of New Zealanders which was still "largely concerned with taming a wilderness and moulding land to his requirements." Bush, to the European settler, "was a weed, a

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[35]. Kennedy, Robert T. (1958), Inaugural lecture on 27 March, p.5.

[36]. New Zealand Institution of Engineers, New Zealand Countryside in 1980, pp.3-6.

[37]. New Zealand Institution of Engineers, New Zealand Countryside in 1980, p.44.

nuisance, an obstacle, a foe to be vanquished, something growing and occupying land where it was not wanted."[38]

The negative consequences of uncontrolled "urban sprawl" were discussed extensively at the UDA Conference in 1969 and the Physical Environment Conference in 1970. It was recognised that the process of rapid urbanisation and concentration of population in New Zealand was not properly controlled or met with imagination. Again the Minister of Works, P.B. Allen, noted in an opening address that "haphazard growth has been shown to be inimical to human well-being in the modern world."[39]

Also this conference discussed the need to preserve recreation areas, the problems of coastal zone protection, the aesthetics of beech cottages, baches, hoardings and litter, and the need for more variety and imagination in building, in housing development in particular. Generally, the low quality of urban development in New Zealand was deplored, making it "one of the ugliest countries". In a concluding address the final objective was alluded to as "to create a fine human environment".[40]

Much of the blame for the low quality of urban expansion, the construction of "uninspiring environments" and the lack of community identity, was laid at the level of regional government and at the lack of proper planning. Already in 1964 the UDA expressed "the urgent need for a national development policy to be formulated to provide a framework within which regional and local decision making and planning can be advanced.[41]

The preservation of the "quality of life" was also a theme running through the reports and recommendations of the working parties at the Physical Environment Conference in 1970. The theme was also picked up by the Prime Minister, Keith Holyoake, in his address to the conference:

> *In seeking material growth, New Zealand must also seek to preserve, or create, a pleasant physical environment, and to encourage cultural and social development, the 'quality of life'.*[42]

The Physical Environment Committee, in its report to the conference noted that:

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[38]. New Zealand Institution of Engineers, New Zealand Countryside in 1980, p.56.

[39]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.4.

[40]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, pp.40-41; 50-51; 60-62; 78-86; 114; 121 and 124.

[41]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.13.

[42]. McMahon, C.K., Physical Environment Conference 1970, p.38.

> *Fundamental in our thinking has been the concept that exposure to*
> *nature in some form contributes to the development and fulfilment of*
> *human ideals, to the attainment of happiness, to the renewal of mind,*
> *body, and spirit.*[43]

The Committee sketched the "kind of environment to which the community might aspire" as one in which the "participation in the finer side of life", absence of ugliness and the prevention of pollution, as well as the "opportunity for future generations to enjoy the good life available to us" figured as key elements.[44]

In the working parties reports and the discussions of the Physical Environment Conference many more references to the "quality of life" theme can be found. Overall, the need to give greater attention to qualitative aspects in the development process was recognised, and the problem was generally defined in terms of finding a "balance" between the need for development on the one hand and the need to preserve natural values and to create "quality" in the human environment on the other.

Despite the fact that the question of the distribution and concentration of economic development and population was recognised as an important factor affecting the quality of life, both in cities and regions, little support was expressed for calls to try to stop the "drift to the North" and to control the process of urbanisation. At the 1969 UDA conference it was concluded that:

> *Provided that such developments are planned, and consistent with an*
> *acceptable pattern of growth for the urban area as a whole, they should*
> *not be prevented until it can be shown that the costs of expansion (...)*
> *outweigh the advantages of a concentrated market and labour force*
> [and that] *the burden of proof is on those who wish to show that*
> *Auckland is becoming no longer viable.*[45]

The Physical Environment Committee noted that there were social and economic advantages connected with continued concentration of growth.[46] And at the Physical Environment Conference a motion calling for a a national conference to discuss the problems arising from the "uneven pattern of regional, demographic, and economic growth in New Zealand" was defeated.[47]

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[43]. McMahon, C.K., Physical Environment Conference 1970, p.63.

[44]. McMahon, C.K., Physical Environment Conference 1970, p.63.

[45]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, pp.38-39; 101-102.

[46]. Physical Environment Committee, Report of the Physical Environment Committee to the National Development Conference, p.10.

[47]. McMahon, Physical Environment Conference 1970, pp.229-230.

(3) The Need to Prevent Serious Pollution.

In general, it was recognised that pollution problems in New Zealand were much less serious than in other, more industrialised and more densely populated western countries. It was also acknowledged, though, that there was no reason to be complacent, that there were some areas with significant problems, and that there was a need to prevent deterioration of the situation.[48]

At the 1967 conference the negative effects of increased use of fertilisers and pesticides on streams and fish was noted, as well as the problem of eutrophication of lakes. Overall, however, pollution problems were considered as being under control.[49]

At the UDA conference it was noted that the problem was "of much greater magnitude and much more widespread than is generally recognised".[50] On the other hand, it was assured by a Marine Department official that, regarding water pollution, "a lot of people [were] working on it" and that "it will not be a problem in New Zealand because, except for one or two areas, it has been caught in time."[51]

The working party on pollution of the Physical Environment Conference reported that, despite the presence of "some long-standing problems" the conditions in New Zealand were "very different" from those in some highly industrialised countries, and that the "present standards generally are at this point in time adequate in terms of public health and safety."[52]

The Deputy-Chairman of the working party on pollution, the Assistant-Director (Environmental Health) of the Department of Health, noted that there was "sufficient existing legislation for the control of all forms of pollution in New Zealand", and that this was "soundly based and suited to New Zealand conditions". He added that:

> *Our report may not satisfy what an American newspaper recently called "the Environmental Lobby" which makes great play with apoplectic (sic) messages of doom. The working party welcomes the increased public*

[48]. New Zealand Institution of Engineers, New Zealand Countryside in 1980, pp.25; 37-38; National Development Conference (No date), Report of the Working Party on Problems on Pollution of the Environment. Wellington: Government Printer, pp.1.0/1; 2.0/1; Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, pp.48;51; Physical Environment Committee, Report of the Physical Environment Committee to the National Development Conference, pp.13-14; McMahon, C.K., Physical Environment Conference 1970, p.121.

[49]. N.Z. Institution of Engineers, New Zealand Countryside in 1980, pp.25; 37-38.

[50]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.48.

[51]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.51.

> *interest, but it is important that the public should be properly informed*
> *and not scared into pressing panic measures.*[53]

On the other hand, it was recognised that there was a case for more effective implementation of legislation, particularly on the local level. Therefore, the introduction of financial incentives, an increase in staff levels for controlling agencies, and improvement in co-ordination and co-operation were suggested.[54]

It can be concluded that although there were differences in emphasis and comprehensiveness in the definition of environmental problems at these three conferences, the degree of consensus on the nature and seriousness of these problems is strikingly high. In coverage and detail the 1970 conference was unquestionably the most extensive assessment exercise, but as for the designation of the principal environmental problems facing New Zealand, it would appear that there were no major differences in assessment, and that there was a high degree of consensus within the environmental policy community on the definition of New Zealand's problems at the time.

The conferences did, however, not only define what New Zealand's environmental problems were, but also provide suggestions for the way in which these should be tackled. We will now assess to what extent the approach suggested indicated a need for a more comprehensive approach to environmental policy development, and/or identified a need for institutional change.

2.5. "Solutions": Public Education and the Need to Improve Environmental Administration.

In this section it will be argued that the approach adopted by the "concerned experts" to address New Zealand's environmental problems was a technocentric one. The approach, as described in the previous chapter, has been identified with that of "environmental managers", and as the *"official*, dominant, set of attitudes to the environment".[55]

The key elements in the technocentric approach to the environment have been summarised as:

(1) A belief in the possibility of continued economic growth for human purposes;

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[52]. McMahon, C.K., Physical Environment Conference 1970, pp.121-139.

[53]. McMahon, C.K., Physical Environment Conference 1970, pp.33-34.

[54]. National Development Conference (No date), Report of the Working Party on Problems on Pollution of the Environment, pp.3.1/1; 3.1/3; 5.2/6; McMahon, 1970, pp.33-34; 63-64; 121-122.

[55]. Pepper, David (1984), The Roots of Modern Environmentalism. London: Croom Helm, p.37.

(2) A belief that difficulties arising from economic growth can be solved by scientific and technological means; related to that is an emphasis on rationality and expertise in the formulation of solutions and an avoidance of debate about values or principles;

(3) Suspicion towards greater public participation;

(4) A belief that environmental problems can be "managed" within the context of the existing political and societal order.[56]

As the pre-1970 environmental policy community in New Zealand consisted overwhelmingly of people having some involvement with managing the environment, either as government officials, professionals or developers, one would also expect to find these characteristics in the approach to the environment adopted by this community.

(1) The Belief in the Possibility of Continued Economic Growth.

It is not hard to confirm the presence of a relatively optimistic view about this possibility amongst the participants of the 1967, 1969 and 1970 conferences. Concern about depletion of resources, either on a national or global scale, had not yet emerged. It can be argued that the need for New Zealand to promote further economic development was taken for granted, a paradigm that was hardly recognised, let alone discussed. Concerns expressed related to the *effects* of economic growth, not about its desirability or long-term feasibility.

An observation made on the early conservation movement in the United States, also seems to apply to the policy community of "concerned experts" at the time:

> *The conservation movement did not involve a reaction against large scale corporate business, but in fact shared its views in mutual revulsion against unrestrained competition and undirected economic growth. Both groups placed a premium on large scale capital organisation, technology and the industrywide cooperation and planning to abolish the uncertainties and waste of competitive resource use.*[57]

The "concerned experts" were prepared to cooperate with the State to stimulate economic development through a system of comprehensive, indicative planning provided by the National Development Council. The key problem was not

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56. See Chapter I, p.20-21.
57. Hays, quoted in O'Riordan, T. (1981), Environmentalism, London: Pion, p.15.

identified as development as such but uncontrolled development and its "ugly" effects on the environment and the "quality of life".

Only incidentally the question of maintaining resources in the long-term surfaced. At the 1967 conference it was stated that forests were an important source of raw materials and wealth, but that the gradual decrease of New Zealand's native forests resources was "inevitable":

> *All our forests are slowly modifying under human impact, and require varying degrees of management. For example, it is proving impracticable in most areas, to conserve on a sustained yield basis, much of our remaining merchantable native podocarp forests. Rimu, matai, miro, and totara are difficult to regenerate for second crops, and a decrease in this type of forest is therefore inevitable [emphasis added].*[58]

The statement implicitly accepts a continuing use of the resource for the creation of "economic wealth" until it dries up. No justification is being asked for continued exploitation. "Human impact" is presented as an unquestionable factor.

The importance of mining and quarrying operations for the countryside was mentioned, but also not questioned.[59] Although the negative effects of increased use of fertilisers and pesticides on stream and fish were recognised, the importance of agricultural development for export and the economy in general was emphasised.

The growing need for energy to fuel rapid economic development was recognised, but not seen as an environmental problem. A plea was made by the general manager of the NZ Electricity Department to develop "to the maximum extent possible" and "as rapidly as available capital permits" New Zealand's indigenous energy resources (and the construction of nuclear power stations) for the sake of industrial expansion and employment creation.[60]

In his summary of the conference, R.K. Davison noted that the "haphazard and uncontrolled development such as had taken place in the past" had "probably been inevitable in a young pioneering country." He added that it was important to plan for an "orderly development" if a "chaotic countryside" was to be avoided under the increased pressures of the considerable growth in economic development which was expected.[61] Similar observations were made at the 1969 UDA

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[58]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, Contribution by Brian J. Rowe, "Some measures and Pressures of Growth", p.7.

[59]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, p.8.

[60]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, Points of View Papers, Contribution by E.B. Mackenzie (N.Z. Electricity Department), "Power", pp.26-28.

[61]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, pp.47-51.

conference. The need for continued economic development was not questioned at all, but the need for **planned** development was at the core of the discussions.

The need to strike a "balance" between development and conservation was also an unquestioned parameter at the Physical Environment Conference in 1970. The Physical Environment Committee noted that: "Protection and conservation should be seen as positive activities contributing to (this) development and should not be seen as negative and restrictive."[62] The need for a balance between economic growth and the "quality of life" was also recognised at National Development Conferences in 1968 and 1969, where targets for growth in a wide range of economic activities were formulated.

In the "general findings" presented to the Conference the Physical Environment Committee pointed out that to strike such a balance a choice had to be made most of the times between economic and environmental benefit, and that only in a few cases no additional expenditure would be involved in efforts to "improve" the environment. In assessing these costs New Zealand was in a position of "being able to learn from rather than copy the mistakes of affluent countries which have already undergone big-scale industrialisation and urbanisation."[63] The solution was to be found in (improved) planning.

Overall, the "balancing" factor for uncontrolled development was almost exclusively seen in terms of human needs, particularly related to the "quality of life". Pollution problems were only seen as a problem if (potentially) damaging to human health. Conservation of natural or scenic values was justified in terms of man's recreational needs or aesthetic appreciation. Very little attention was given to the preservation of flora or fauna for their own sake. The prevailing view of the environment at these conferences was clearly "anthropocentric" in the sense that nature was almost exclusively seen as a pool of resources for the satisfaction of human needs, to be exploited almost with impunity.

In this respect the approach of the environmental policy community involved in the establishment of the Environmental Council seems to match that of the group of professional resource managers who promoted the first American conservation movement in the 19th century:

> [...] conservation became a utilitarian notion, the orderly exploitation of resources for the greatest good to the greatest number over the longest

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[62]. Physical Environment Committee, Report of the Physical Environment Committee to the National Development Conference, p.10.

[63]. McMahon, C.K., Physical Environment Conference 1970, pp.64-66.

*time, the prevention of waste and the control of the earth for the good
of man.*[64]

(2) The Emphasis on Science, Technology and Expertise.

A close companion of the optimism with regard to the possibility of
continued economic growth is the belief in the capability of man to solve the
problems that confront him. Science and technology will provide answers to
questions that may yet seem insoluble, also in the social area. This confidence in
human inventiveness sometimes borders on complacency, instilling a belief that, by
some autonomous process, "something will show up".

One of the most prominent protagonists of this belief is Herman Kahn,
who, in various publications, expresses the idea that economic development is the
very basis for scientific and technological development, which provide the basis
for the resolution of problems, not only those engendered by development but also
those related to underdevelopment.[65]

In general, the "concerned experts" in New Zealand warned against an
attitude of complacency. Yet, the environmental problems identified at the
conferences were not considered to be of a pressing or urgent nature. It was
thought that New Zealand compared favourably with most other western countries
in these respects, and that the main question was how to avoid these problems
from getting worse. New Zealand was regarded as being in the enviable position to
be able to learn from the mistakes of other countries, and to prevent
environmental deterioration by adopting anticipatory measures.[66]

Frequently, the need for more research in order to find solutions for
environmental problems, was brought forward at the conferences. It was believed
that many problems could be solved or "managed" by the development or
adjustment of appropriate technology and/or planning mechanisms. Many of the
recommendations of these conferences refer to this need with regard to a wide
variety of problems.[67]

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[64]. O'Riordan, T., Environmentalism, p.12.

[65]. Kahn, H. and A.Wiener (1968), Environment and Change: the Next Fifty Years, Bloomington, Indiana,
Indiana University Press.

[66]. New Zealand Institute of Engineers, New Zealand Countryside in 1980, Foreword, p.2; Urban Development
Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.51; McMahon,
C.K., Physical Environment Conference 1970, pp.33-34; 39-40.

[67]. N.Z. Institute of Engineers, New Zealand Countryside in 1980, Working Party on Research; Urban
Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference,
pp.120-121; Physical Environment Committee, Report of the Physical Environment Committee to the National

This belief corresponds with the "myth of objectivity" discussed by O'Riordan and Pepper. Following the Baconian concept of the scientific method technocentrists believe that science is an objective process leading to universally valid generalisations providing the basis for a solution of problems. This stands in contrast to those who maintain that science takes place within an ideological context which pre-structures the kind of research, observation, interpretation, findings and application.[68]

Although it cannot be denied that the policy community of "concerned experts" were committed to environmental issues, it is also true that very little time was spent on a discussion of ends, values and ethics. Overwhelmingly, discussions and recommendations focused on means and management, where rational ("objective") principles can more readily be applied.[69]

An example of the objectification of the environment can be found in the chart approach presented at the 1967 conference. This approach, developed by E.M. Nicholson and A.W. Colling and presented at a "Countryside" conference in 1963 in Britain, aims to "assist at balanced decisions which have regard to all the interests affected" by providing a check-list of activities and columns for the classification of effects, organisations involved, affected parties and for the description of possible solutions.[70]

Although the influence of values in the making in judgments about activities, environmental impacts and solutions in the chart-approach is recognised, the proper role of values in the decision-making process and such questions as to whether and how environmental policy should be guided by particular values, and how conflicts between values should be addressed, are avoided. Instead, an indirect approach is chosen:

> [...] the chart invites speculation [emphasis added] on social values
> and attitudes to such issues as economic gain, the immeasurable values
> of preservation, responsibility to the future, and the use of leisure. It

Development Conference, p.10; McMahon, C.K., Physical Environment Conference 1970, many of the recommendations.

[68]. O'Riordan, Environmentalism, pp.15-17; Marxists in particular have pointed out that the ideological context is related with the political-economic structure of society, and vested interests therein, although scientists themselves may be unaware of this relationship. Nevertheless, however "objective" their research has been conducted, it often serves to legitimise the decision-making process. See Pepper, The Roots of Modern Environmentalism, Chapters V and VI; and also Chapter V on environmental assessment in this thesis.

[69]. One of the very few explicit discussions of the importance of values can be found in a paper titled "Developing Society and the Environment", presented by H.A.Morton to the Physical Environment Conference. The author saw the adherence to American based urban life-style values as the main threat to New Zealand. He also stated that Maoris had been better custodians of the environment only because of a "lack of technology", not "because of more wisdom". He saw farmers, "provided they live in relative prosperity, as the good custodians of the country." McMahon, C.K., Physical Environment Conference 1970, pp.283-284.

can only be said that these great issues lie somewhere behind the chart and that changes in any one of these attitudes would reflect right through it.[71]

The question of how to deal with the diversity of values, goals and interests with respect to the environment, and whether values, principles or goals should underlie an environmental policy, was not addressed explicitly at "concerned experts" conferences. This was seen as a political issue and a task for the government, not for "experts". Although the government is called upon to formulate an environmental policy, little consideration was given to the question what objectives (and in what order of priority) such a policy should serve. Instead, debates and recommendations focused overwhelmingly on the shortcomings in management and co-ordination, and the need for more research in a wide variety of areas.[72]

(3) Paternalism, Public Education and Public Participation.

A characteristic of technocentrism connected to the emphasis on science, technology and experts is the reluctance to accept public participation: "Professionalism implies specialisation and is often accompanied by a reluctance to accept the opinions of people who are regarded as uninformed."[73]

Mirroring that attitude is the emphasis on a responsibility of experts in informing the public and spreading awareness and knowledge. Although this in itself is a laudable undertaking, it is often combined with a paternalistic attitude towards "the general public": the public needs to be educated "first" before it can be considered capable and worthy of "responsible" participation.

During the conferences, frequent reference was made to the problem of public apathy and to the need to arouse public attention for environmental issues. At the 1967 conference a newspaper editor complained about the "general lack of public awareness and outspokenness on countryside issues", and still in 1969 it was

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[70]. N.Z. Institute of Engineers, New Zealand Countryside in 1980, "Impacts on the Countryside", Paper presented by D.A. Thom, pp.21-54.

[71]. N.Z. Institute of Engineers, New Zealand Countryside in 1980, "Impacts on the Countryside", Paper presented by D.A. Thom, p.25.

[72]. N.Z. Institute of Engineers, New Zealand Countryside in 1980, Research Working Party, pp.20-29; Organisation Working Party, pp.30-41; Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, Conclusions and Recommendations, pp.125-131; McMahon, C.K., Physical Environment Conference 1970, Recommendations Working Parties; the 1972 UDA seminar was exclusively focused on "legislative measures to improve environmental control." Urban Development Association (1972), Action on Environment. A Seminar on Legislative and Administrative Measures to Improve Environmental Control. Wellington: Victoria University Extension.

[73]. O'Riordan, Environmentalism, p.13.

noted that the problem was to get the environment on the agenda, and "to make it a subject about which people talk."[74]

At the 1970 conference a politician claimed that the Government was ahead of the public and the media in recognising environmental problems. He argued that:

> *[...] the Government had given a lead in supporting the conference but (the) Government can only proceed as fast as the people are prepared to allow the Government to move in any field. We must start by winning over the opinion makers in the community.*[75]

On the other hand, it was questioned whether it was possible to educate "the mass" and whether it would not be more effective to focus on the "elite": "...or must we, while appealing to the mass, subvert the elite to do what we know only the elite can do?[76] Education of the public by experts was seen as a key issue. At the Physical Environment Conference, it was argued that "it is the technical expert on whom basically we must rely for informed guidance and wise advise."[77]

The National Development Conference working party on pollution problems also noticed a lack of public awareness. To a large extent pollution was seen as a problem of public attitudes, not of legislation and structures. "Present conditions are indicative of serious deficiencies in personal attitudes about pollution."[78] It was seen as important, though, to supply the "correct" information to the public in order to "avoid hysteria":

> *The working party welcomes the increased public interest, but it is important that the public should be properly informed and not scared into pressing panic measures.*[79]

It was also found important that the public was informed about the costs of preventing or reducing pollution, so that it would be able to weigh up possible environmental benefits of pollution control against costs.[80]

Another manifestation of the ambivalent attitude towards greater public input occurred at the 1970 conference. Sir Guy Powles, the Ombudsman, expressed

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[74]. New Zealand Institution of Engineers, New Zealand Countryside in 1980, Contribution by G.T.Upton, pp.14-16; Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.117; McMahon, C.K., Physical Environment Conference 1970, pp.255-263; 287-291.

[75]. George Gair, MP, in McMahon, C.K., Physical Environment Conference 1970, p.293.

[76]. John Roberts, in McMahon, C.K., Physical Environment Conference 1970, p.286.

[77]. McMahon, C.K., Physical Environment Conference 1970, p.40.

[78]. McMahon, C.K., Physical Environment Conference 1970, p.121.

[79]. McMahon, C.K., Physical Environment Conference 1970, p.33.

[80]. Physical Environment Committee, Report of the Physical Environment Committee to the National Development Conference, p.12; McMahon, C.K., Physical Environment Conference 1970, pp.64; 122.

the view that inadequate implementation of policies could be attributed to insufficient control over government departments. As a remedy he proposed the introduction of a public right to appeal to the courts if the bureaucracy failed to do what it was supposed to do. The suggestion drew little appreciation, however.[81]

Clearly, "the public in general" was not considered as adequately informed about environmental issues, and needed to be educated in these matters by the experts. This task was, however, more defined in terms of spreading information about the evils of environmentally damaging, wasteful and polluting behaviour than in terms of questioning societal values, priorities, vested interests or economic growth. Education, in line with the belief in scientific and technological solutions for environmental problems, was seen as a non-political and non-ideological matter.

Earlier, reference has been made to the fact that the "younger generation" had not been invited to attend the Physical Environment Conference.[82] Most of the environmental groups that were represented at the conferences were conservation and "recreational" groups.[83] To a large extent the concerns of these groups were shared by the "concerned experts", particularly in relation to the impact of development projects on New Zealand's scenic beauty. In focus and style of action these "traditional" conservation groups fitted in quite well with the technocentric approach.

(4) Improved Management of the Environment.

Based on the belief that environmental problems can be solved in a scientific and objective way, the technocentric approach rejects the need for fundamental changes in the political or socio-economic structure of society. Scientific research and technological development are considered as providing answers to the problems. Public education is seen as one way through which these answers can be implemented. Another condition identified as important for a successful implementation of solutions, however, is improved management of the environment by those agencies which bear responsibilities in this area.

Fragmentation of responsibilities without adequate co-ordination was one of the key issues singled out by the experts. The issue was discussed at all

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[81]. McMahon, C.K., Physical Environment Conference 1970, pp.349-351; 358-360.

[82]. See p.63 of this chapter.

[83]. Such as the Royal Forest and Bird Protection Society, the New Zealand Scenery Preservation Society, Federated Mountain Clubs, the Tree Society, the Save Manapouri Campaign, Tramping and Mountain Clubs and a range of local conservation groups.

conferences and received much attention. Much of the blame for deterioration of the environment was attributed to the absence of comprehensive and effective planning, the inadequacy of the structure of local government, and the lack of an anticipatory approach.[84]

At the 1967 Countryside conference it was noted that:

> *Far too much goes on under separate and unrelated statutory bodies and legislation. There is virtually no provision for effective co-ordination or joint responsibility amongst the multiplicity of territorial bodies, special purpose authorities, trusts and boards, and Government departments. There is also no true regional organisation throughout the country.*[85]

Professor A.Ling (Professor at the Department of Agriculture and Civic Planning at Nottingham University, England), a guest speaker at the 1969 conference noted:

> *It seems to me that England, as well as New Zealand, and other countries, has allowed planning to deteriorate into a kind of lawyers paradise.*
>
> *All town planning has been completely lost it seems to me in the process of turning it into an administrative activity, and some how or other we have to find a way of providing outlets for the creative ability which I know exists in the professions which have a responsibility for designing buildings, the landscape or the utilities or what ever it is that goes to make up our environment.*[86]

The conference, according to the chairman of the NZIE, discussed problems, but did not attempt to solve them. Yet, a recommendation was adopted to set up an administration "on both a national and a regional basis to co-ordinate and direct all aspects of environmental development, conservation and use." The system would also comprise a National Environment Board, similar in status to the National Roads Board. To further pursue investigations into the matters raised at the conference, a continuing working party was established "pending the establishment of the proposed administration." The working party would report back to another conference before the end of 1969, "to be convened if possible by some Government agency".[87]

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[84]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, p.18 "Conservation"; pp.29-31 "Planning"; Working Party on Conservation, pp.15-16; Urban Development Association, <u>Proceedings of the Four Thousand Million Dollar City and Countryside Conference</u>, pp.15-18; 88-90; McMahon, C.K., <u>Physical Environment Conference 1970</u>, pp.31-31;34;35;65.

[85]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, p.31.

[86]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, pp.17-18.

[87]. N.Z. Institution of Engineers, <u>New Zealand Countryside in 1980</u>, Foreword; p.41.

Meanwhile, in August 1969, the Urban Development Association organised a conference under the theme "Four Thousand Million Dollar City and Countryside Conference", setting out to consider the conclusions and recommendations of the previous UDA conference in 1964. The conference reaffirmed the need for a national development policy, for conservation of areas of natural beauty, for research and forward planning, for comprehensive urban renewal and development, and for an organisation "to promote discussions by professionals, government departments, municipalities and interested bodies on city development and environment problems."[88]

There was a broad feeling that the existing planning legislation and procedures had to be reviewed. The problem was partly blamed on the structure of local government, although it was also recognised that local authorities did not optimally use the opportunities under the existing legislation to promote sound development. Local government reform was advocated in order to create the structural preconditions for regional, comprehensive planning.[89]

The 1964 conference which led to the establishment of the Urban Development Association recommended the appointment of a Minister for the Environment and the establishment of an Environmental Council to improve co-ordination. At the 1967 conference the NZ Scenery Preservation Society suggested the establishment of a Ministry of Conservation, an idea which was discussed in the Conservation Working Party of the conference, whose chairman concluded that:

> [...] there is general support for the view that control of conservation overall is the concern of too many Ministers, and it is thought that it would be better if it was under one Minister.[90]

The idea was, however, considered as needing further study, and was referred to a committee for closer examination. Similarly, a working party was charged with the further investigation of suggestions made by the Organisation Working Party to establish a National Environmental Board (based on the National Roads Board model), and regional environmental councils. The findings would be presented to another conference which was to be held before the end on 1969.

Although the UDA conference in 1969 recommended the establishment of an Environmental Council as an advisory agency for the Government, it was also noted that an increase in the functions of *local* government was more desirable

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[88]. Urban Development Association, Action on Environment, pp.44-46.

[89]. McMahon, C.K., Physical Environment Conference 1970, pp.34-36; p.64; pp.169-192.

[90]. N.Z. Institution of Engineers, New Zealand Countryside in 1980, Conservation Working Party, pp.15-16.

than an enlargement of central government responsibilities, "if only to resist the increased growth of central power and the problem of political balance which it implies."[91]

This conference also emphasised the need for more comprehensive planning and for the formulation of a national development policy as a framework within which regional and local decision-making and planning could be advanced. To that end, the creation of a central agency for national research and planning was suggested. The conference did not call, however, for the creation of a minister or ministry for the environment.[92]

At the National Development Conference in May 1969 Dr.M.Burns, Chairman of the Physical Environment Committee remarked that the Committee had:

> [...] no particular desire to set up a lot more agencies. In fact, in broad terms we believe the legislation is already on the books to handle all these things, but we believe there is some advantage from co-ordination and from strengthening some of that legislation.[93]

The working party on government organisation for the control of the environment of the Physical Environment Committee stressed the complexity of the problems and preferred to talk about "change by collaboration rather than by attempt to make any sort of conscription for alteration."[94]

At the 1970 Physical Environment Conference there was also no support for big or drastic administrative or legislative overhauls. It was noted that there would be little profit in attempting a comprehensive survey of the existing organisational structure. The establishment of a single "omni-potent environmental ministry" was rejected out of hand. The need to reform the structure of local government found some more favour. However, a more vigorous implementation of the objectives of the Town and Country Planning Act was seen as both more desirable and feasible than organisational reforms.[95]

So, although the lack of co-ordination was sometimes related at these conferences to organisational fragmentation, there appeared to be little support for the idea of establishing a new central government department with environmental responsibilities, or for an administrative reorganisation on that

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[91]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.113.

[92]. Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, pp.113-115; 125-128.

[93]. National Development Conference, Report of Proceedings, Second Plenary Session, p.89.

[94]. McMahon, C.K., Physical Environment Conference 1970, p.31.

[95]. McMahon, C.K., Physical Environment Conference 1970, pp.235-237.

level. Instead, there was much more emphasis on improving (comprehensive) planning as the key to better co-ordination. This was seen as a combined responsibility of central and local government.

Some, however, saw a more fundamental problem underlying the lack of co-ordination and comprehensive planning. At the 1967 N.Z. Countryside conference, Mr.D.A. Thom, remarked:

> *I regard the main fault as the system of Ministerial control. Ministers are far too busy, also they come and go, and don't get time to learn. The Departments are virtually uncontrolled.*[96]

The problem of bureaucratic accountability which, as referred to above, was also mentioned by Sir Guy Powles, did not receive any further attention or follow-up, however.

At the conferences many recommendations called for changes or adjustments in policies. In particular, the need to develop policy principles or guidelines on a national level as the (substantive) basis for more co-ordinated development, was mentioned. It was noted by Dr.M.Burns, chairman of the Physical Environment Committee, that "there has never been an attempt to define what our environmental objectives should be, or to devise and implement an environmental policy."[97]

Later, this view was also expressed in the National Report to the United Nations Preparatory Committee for the 1972 Conference on the Human Environment in Stockholm. The report described the ad hoc approach to environmental issues and noted that this had not always been effective: "...until recently, little thought has been given to defining national environmental objectives or implementing a national environmental policy by co-ordinating the agencies involved."[98] However, as stated above, little guidance was provided by the conferences of "concerned experts" with regard to the principles or objectives that were to be incorporated into such a policy. Overall, there were very few indications that the environment was, in the eyes of these experts, anything more than the sum of a wide range of problems affecting the human quality of life.

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[96]. N.Z. Institution of Engineers, New Zealand Countryside in 1980, Discussion Points of View Papers, p.46.

[97]. McMahon, C.K., Physical Environment Conference 1970, p.65.

[98]. Environmental Council/Ministry of Works (no date), The New Zealand Environment, National Report to the United Nations Preparatory Committee for the 1972 Conference on the Human Environment. Wellington: Environmental Council/Ministry of Works, p.17.

2.6. The Environmental Council: Beginning or End of an Era?

As noted earlier, the Physical Environment Conference recommended to establish an Environmental Council "to consider the means of attaining and preserving a high environmental standard."[99] The Council was to be established as a sector-council under the National Development system, and it was recommended that its terms of reference would comprise:

(a) *To keep under review:*
   (i) *The objectives of preserving and developing quality of the environment established following the Conference on the Physical Environment held in May 1970.*
   (ii) *The policies, measures, and resources necessary for their attainment.(iii) The environmental effects of the programme suggested by the other sector councils.*
(b) *To advise the appropriate Ministers and the National Development Council on:*
   (i) *Changes which may be required from time to time to the objectives and to the policy measures and resources required for their attainment, including the status and powers of the environmental council itself.*
   (ii) *Any matters concerning the efficiency in use of resources required to maintain, preserve, and develop a high environmental standard.*
   (iii) *Any other matters which may be referred to it from time to time or which it may consider merits its attention.*
(c) *To publish at least annually a report containing the advice given and the fate of that advice.*
(d) *To co-operate with the National Development Council and its secretariat as necessary to ensure consistency between national targets and objectives and the objectives within the area of the physical environment.*[100]

In August 1970 the Environmental Council was established by a decision of Cabinet, with terms of reference identical to those above, exclusive the provision to publish an annual report. The Council did not receive statutory backing, and its role was purely advisory, both to the National Development Council, of which it was a sector-council, and to "appropriate Ministers" in Cabinet.[101]

As for the composition of the Council, it was considered important to have departmental expertise (also from departments with development responsibilities) represented on the Council. Motions asking to deny departments formal representation and voting rights on the Council were defeated.[102]

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[99]. McMahon, C.K., Physical Environment Conference 1970, pp.246-248.

[100]. McMahon, C.K., Physical Environment Conference 1970, pp.246-251.

[101]. New Zealand Herald, 8 December 1970. As there was not yet a separate Minister for the Environment, and environmental responsibilities were spread over many ministerial portfolios, the Council received a virtually open mandate with regard to whom to report to. The question of the establishment of a ministerial portfolio for the environment will be discussed in the next chapter.

[102]. McMahon, C.K., Physical Environment Conference 1970, pp.251-253.

Initially, the Council had 15 members, including the chairman. Six members were appointed on the basis of their individual capacity and experience in the environmental field. The permanent heads of five departments (the Ministry of Works and Development, the Department of Health, the Department of Lands and Survey, the New Zealand Forest Service and Treasury) were also represented on the Council, and the Counties Association, the Municipal Association and the regional planning authorities each nominated one member.[103] In fact, the newly established Council was very much a reflection of the environmental "policy community" at the time, with members coming from government departments (5), regional and local bodies (2), universities (3), development interests (2) and development related professions (2).[104]

The Council held its first meeting in December 1970. In the launching speech the Prime Minister, Keith Holyoake, noted that the purpose of the Council was to "ensure that the objects of the National Development Conference did not clash with those of obtaining an enhanced environment."[105] The first chairman of the Council, R.K.Davison QC, emphasising that the Council did not have any executive powers, noted that it had to promote compromise between interests.[106] It had to produce "realistic, practical and acceptable policies, and convince the responsible authorities that they are worthy of implementation."[107]

The analysis of the origins of the Environmental Council shows little direct connection with the Manapouri issue. The establishment of the Council can be seen as the direct product of "concerned experts" in and outside government who, together, formed the "environmental policy community" during the 1960s.

As for the question whether the establishment of the Council reflects the start of the "environmental era" in New Zealand, it can be concluded that, although happening at the time when the first "environmental upsurge" took place, the creation of the Council had its roots in a (technocentric) approach to the environment that ignored many of the issues that were characteristic of the new environmental movement (such as related to societal values, economic growth and resource use). If it is true that 1970 marks the advent of a new approach to the environment, it can therefore be concluded that the Physical Environment Conference and the creation of the Environmental Council represent more of an end of an era than the beginning of a new one.

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103. Wells, N.E. (1984), A Guide to Environmental Law in New Zealand. Wellington: Brooker & Friend for Commission for the Environment. pp.106-107; New Zealand Herald, 8 December 1970.
104. New Zealand Herald, 8 December 1970.
105. New Zealand Herald, 8 December 1970.
106. New Zealand Herald, 21 August 1970.
107. New Zealand Herald, 12 December 1970.

2.7. Conclusion.

This chapter set out to analyse the environmental policy context before the environmental upsurge around 1970. The purpose was to identify the factors that influenced environmental policy development until that time, particularly those that affected the definition of environmental problems in New Zealand, the identification of environmental policy needs, and the approach adopted to address these needs, including the issue of institutional change.

It was found that the definition of New Zealand's environmental problems until 1970 took largely place within an environmental policy community of "concerned experts", comprising people with a professional interest in development and its impact on the environment. Initially, engineers, architects and local government officials dominated the policy community, organising conferences as a means to provide a platform for discussions between those who were involved in these issues, mainly professionally or academically, and to have an input in government thinking and action. Increasingly, however, representatives of central government agencies participated in the definition of problems and the formulation of environmental policy needs and solutions.

No evidence was found that new environmental groups, or individuals representing the "new wave of environmentalism" had any significant input in this process. Although some environmental issues (particularly Manapouri) gradually aroused more and more public attention, the discussion and actual formation of environmental policy continued to take place within a relatively closed circle. There is even some support for the thesis that the "new environmentalists" were deliberately shut out from the deliberations, and that "too much" public participation was considered as dangerous.

The environmental policy community defined New Zealand's environmental problems primarily in terms of the human (social or "quality of life") dimension, particularly in terms of the aesthetic quality of the urban and rural environment (with pollution problems generally regarded as relatively minor and "under control"). Conservation concerns that were expressed related in particular to scenery preservation and human recreational needs, not to the impact of human activity on ecosystems (the ecological dimension of environmental policy). Resource use was not yet seen as problematic, and the potential for, and desirability of, economic growth was unquestioned (economic dimension of environmental policy).

Given this definition of environmental problems it is not surprising that the environmental policy needs that were identified did not imply a concerted approach comprising all three environmental policy dimensions. The principal focus was on the need to control the environmental (particularly aesthetic) impacts of development. "Better" development (involving a change or adjustment in technology or the application thereof), was not seen as implying changing attitudes towards ecosystems, resource use, or distribution of resources, but mainly as educating people not to adopt environmentally (aesthetically) undesirable practices (a technocentric approach). Such education was seen as the shared responsibility of experts and the Government. Attitudes towards increased participation in (bureaucratic and expert) decision-making were ambivalent, if not negative.

Major institutional change to achieve better environmental management was neither seen as needed, nor desirable. Although at some earlier conferences the creation of a ministerial portfolio and a Ministry for the Environment had been advocated to promote the co-ordination of environmental policy, these ideas received little support during the latter part of the decade when government officials became more heavily involved in the process of defining environmental needs and solutions. Instead, a system of improved planning (in line with the then prevailing system of indicative planning) was seen as more desirable. In particular, demands were made for central government guidance to local and regional government by formulating environmental objectives. Although some calls for local government reform were made, it was also believed that much could be achieved by a better commitment to implementing existing legislation.

The main element of institutional change coming out of the environmental policy process until 1970, the establishment of the Environmental Council, reflects the parameters of the then existing policy context. As a member council of the National Development System, the Council fitted in with the prevailing institutional framework. In its role, the Council had to ensure consistency with the targets and objectives set under the system of indicative planning. In composition, the Council reflected the major actors and interests that had been participating in the environmental policy community. As a purely advisory body it did not upset any existing departmental arrangements.

The Physical Environment Conference in 1970 was not a "turning point" providing the basis for the creation of the Commission for the Environment two years later, as sometimes assumed. The argument that the Physical Environment Conference and the establishment of the Environmental Council were a "watershed", marking the beginning of a new "environmental era" in New Zealand, is a false one. Contrary to a commonly held view, the establishment of the

Environmental Council did not exemplify the beginning of the "environmental era" in New Zealand and did not manifest the start of a new approach to the environment. It would be more appropriate to state that these events represented the end of an era in the development of environmental policy in New Zealand than the start of a new one.

If it is true that the ecocentric approach began to emerge (in New Zealand) at the end of the 1960s, then it certainly was not reflected in the policy process leading to the establishment of the Environmental Council. However, soon after its establishment the Government was confronted with an upsurge in public environmental concern and interest which would render the Environmental Council inadequate in terms of a political response. The underlying technocentric approach, however, would continue to assert itself in the consequent search for alternatives and the establishment of the Commission for the Environment.

CHAPTER III - THE UPSURGE IN ENVIRONMENTAL DEMANDS: 1970-1972.

3.1. Introduction.

It was demonstrated in the previous chapter that, apart from the establishment of the Environmental Council, the environmental policy community did not consider further institutional was needed or even desirable, for addressing New Zealand's environmental problems. A strengthening of the capacity for environmental advice, to the Government and the National Development System, was deemed as adequate. Reorganisation of environmental responsibilities on a government level, and administrative or legislative change were not seen as necessary.

These attitudes may be seen as a reasonable response to the state of the New Zealand environment at the time, which was generally perceived as favourable compared to other western, more industrialised nations. They may also reflect, however, the general reluctance to engage in institutional change which is seen as characteristic for bureaucracies as well as for governments, as mentioned in Chapter I. Whatever the reason, it seems very plausible to assume that the Commission for the Environment would not have been established if nothing else would have happened between 1970 and 1972.

In this chapter the developments leading up to the establishment of the Commission will be analysed. The purpose is to demonstrate what changes in environmental policy context have been responsible for the change in attitudes towards the need for a central environmental agency within the sphere of government.

Various factors may be considered as potentially important in explaining such a shift, such as a deterioration of environmental conditions in New Zealand or the occurrence of environmental disasters ("focusing events" or "crises" in Kingdon's model), a change of mind within the policy community (giving rise to the development of new, widely accepted "solutions"), or an enhanced awareness of environmental problems amongst the public in general, causing environmental policy change (symbolic, institutional or substantive) to become politically attractive (the "politics" stream in Kingdon's model).

In this chapter it will be argued that it is the third stream of factors that has been responsible for a change in attitude towards the need for a central environmental agency. In general, there seems to be little ground for arguing that New Zealand's environmental conditions changed considerably between 1970 and 1972, and no major environmental disasters occurred during this time. Apart from

the UDA conference in 1972 (which was actually held a few days *after* the government decided to establish the Commission), no major environmental meetings (comprising those involved in the environmental policy process) took place where new "solutions" comprising institutional change were put forward. On the other hand, as will be demonstrated, a remarkable upsurge in public attention for environmental issues took place, leading to a political climate that motivated the search for a new environmental policy "solution".

3.2. From Environmental Apathy to an Environmental Upsurge.

In an article in the Auckland Star, Noel Holmes wrote in May 1970:

Do you want to sparkle at parties? Dominate lunch hour conversations? Collect admiring, respectful audience wherever you go? Then what you must do is bone up on conservation. Conservation is the in-thing. It is going to be the in-thing for years, maybe for ever. Everybody who is anybody is going mad about it.[1]

Although the exact time of the upsurge in environmental interest in New Zealand cannot be pinned down, it can be argued plausibly that 1970 was only the beginning of the "take off". The Physical Environment Conference, which took place in May 1970, found its roots in the deliberations of the environmental policy community at the end of the 1960s, and not a in strong rise in interest among the general public, which was then still seen as largely apathetic towards the environment.

At the 1967 "Countryside in 1970" conference, Mr.G.T. Upton, editor in chief of N.Z. Newspapers Ltd., finding himself "at a loss" concerning his "role as a spokesman for the people" noted that, "as a newspaper editor", he found the people "disinterested and apathetic" regarding the environment. Although he qualified his remark by saying that his criticism was aimed at the people at large and not at "those organised groups which are both vigilant and vocal in the advancing of public rights", he noted that these groups received "precious little support". The great exceptions are Rugby, Racing, and pub hours until recently."[2] Still in 1969, during the UDA conference, it was stated that:

[...] we need to get the whole business of environment organised into a subject area about which people talk, and for which there are councils,

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[1]. Auckland Star, 11 May 1970.
[2]. New Zealand Institution of Engineers (1967), New Zealand Countryside in 1980. Conference Proceedings. Auckland: New Zealand Institution of Engineers, p.14 "Points of View" papers.

and for which there are discussions and which appears on the tables of people in Government, Cabinet and the like.[3]

From 1970, though, environmental issues started to play a more important role on the political agenda in New Zealand. The upsurge in interest in the environment was not confined to this country, of course, and it can be argued that what happened in New Zealand was part of a much wider phenomenon, affecting many other western countries at about the same time. Sandbach, on the basis of an analysis of newspapers and periodicals in the United States and Britain, concluded that the growth in interest was very gradual until around 1968/69, at which point attention started to rise sharply, reaching a climax in 1972, and dropping since then.[4] Survey data confirm that the period from 1970 to 1972 marked a high point of environmental concerns in many western countries.[5]

Analysis of the complex of reasons for the emergence of the environmental upsurge is beyond this study. It seems obvious that many factors underlay the phenomenon, and that different analytical perspectives produce different explanations.[6] What is clear, however, is that the spread of environmentalism was not just national in character. There were "spill-over" effects between countries, becoming apparent in, for instance, the establishment of new environmental groups under the same name or a common umbrella in various countries (such as Friends of the Earth and Greenpeace). The United Nations Conference on the Human Environment, held at Stockholm in June 1972, was also an expression of the fact that the environment had become an international issue.

The upsurge in environmental interest in New Zealand, then, cannot be explained purely on the basis of domestic developments or factors. Inputs from abroad clearly played a role. Yet, that does not imply that the way environmental demands were formulated and processed in New Zealand was identical or even similar to the way environmental policies developed elsewhere. The nature and strength of environmental demands, the weight or importance they receive on the political agenda, the way they are being dealt with, and the type of "solutions" produced vary from country to country, depending on differences in environmental conditions, political, economic and social-cultural factors.[7] The

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[3]. Urban Development Association (1969), <u>Proceedings of the Four Thousand Million Dollar City and Countryside Conference</u>, Wellington: Urban Development Association, p.117.

[4]. Sandbach, Francis (1980), <u>Environment, Ideology and Policy</u>. Oxford: Basil Blackwell, Chapter I.

[5]. Sandbach, Francis, <u>Environment, Ideology and Policy</u>, p.7.

[6]. Sandbach, Francis, <u>Environment, Ideology and Policy</u>, pp.29-41.

[7]. Buhrs, Ton (1987), "Environmental Policy Development: the Case of New Zealand", Paper presented at the Australasian Political Science Conference, University of Auckland, Auckland.

analysis of environmental policy development in New Zealand, therefore, needs to take into account these domestic factors.

The upsurge in environmental interest in New Zealand took three forms. The first form was an intensification of the conservation demands that had been in existence for considerable time, and had gradually been gaining strength during the 1960s. The second form was an "explosion" in the attention for pollution issues. The third form was the emergence of what has been called the "new environmentalism", which would combine an "ecocentric" approach to the environment with demands for far-reaching changes in society.

3.3. The Boost in Conservation Demands.

Conservation issues became even more prominent around 1970. In that year the Manapouri issue went sharply into acceleration when massive support was acquired for a petition asking the government to "not permit the waters of Lake Manapouri to be raised beyond normal levels." The petition attracted 264 907 signatures, at the time the largest ever presented to Parliament. It brought about a "rethink" by the National Government on the issue, and a politicisation of conservation issues, with the Labour opposition promising to fulfil the conservationist demands.[8]

The organisation of the protests against the Manapouri proposals had been considerably strengthened in 1969 by the formation of the "Save Manapouri Campaign Committee", with many local committees springing up under its umbrella all over the country. This marked the beginning of a more action oriented and radical conservation movement, which would prove to be more effective than the more traditional conservation organisations such as the Royal and Bird Protection Society and the Scenery Preservation Society. The Campaign brought together some 30 groups, representing a total membership of some 200,000 people.[9]

Other issues that fuelled the growth in conservation support in the early 1970s were Poor Knights Island (threatened by mining proposals), the logging of kauris on the Coromandel, and the proposals, launched by the New Zealand Forest Service in October 1971, for large scale utilisation of South Island beech forests. Many new local groups also sprang up to fight local conservation issues, ranging from the threat by development to local or regional bush, parks or reserves and

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[8].Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment. Auckland: Earthworks Press. pp.10-15.

[9]. Auckland Star, 21 June 1971; New Zealand Herald, 22 June 1971.

the coastal zone to the effect of reclamations and waste disposal on the environment.[10]

To get some impression of the growth in support for conservation issues, the growth in membership for the largest conservation organisation, the Royal Forest and Bird Protection Society, can be taken as an indicator. Membership numbers had shown a gradual, but steady growth over the period from the end of the 1950s (when the Manapouri proposals were arousing concern) to 1971. From then on, membership starts to rise more steeply. From 1959 to 1969 membership had increased by 2,477 from 5,700 to 8,177. Over the next ten years it would increase by almost 20,000 to 28,122 in 1979.[11]

Although the degree of support for conservation issues increased sharply, and the methods employed by conservation groups became more radical, the nature of the goals of the conservation movement as a whole did not change. Overall, these goals remained related to the protection of the natural environment from adverse effects of development. What the more powerful presentation of conservation interests showed, however, was that in the process of integrating development and conservation interests, the conservation movement could no longer be expected to be as accommodating and "practical" as before. The potential of conflict between the two had been highlighted. This illustrated the need for the government to search for new methods of conflict resolution. It also brought about a greater awareness among conservationists of the need to base their arguments on more than just the exposition of the beauty and inherent values of nature. Increasingly, development proposals would be questioned on their "wisdom" with regard to the allocation or use of natural resources, also in terms of economic and social costs and benefits. Consequently, the virtual monopoly of professional resource allocators (as described by O'Riordan[12]), in making these decisions would be challenged.

Meanwhile, conservationists continued to emphasise the inherent values of nature, providing the basis for a less "anthropocentric" and "technocentric" approach and for a shift towards an "ecocentric" perspective. However, in order to become politically effective, the conservation movement was also forced to concentrate on specific and concrete issues, and to develop a highly skilled and professional lobby organisation. The pragmatic orientation resulting from this does contrast with the much more ideological and broader perspective developed by

[10]. New Zealand Herald and Auckland Star, 1970-1972, many articles.

[11]. Dalmer, N.E. (1983), Birds, Forests and Natural Features of New Zealand. Wellington: Royal Forest & Bird Protection Society, p.81.

[12]. O'Riordan, T. (1981), Environmentalism, London: Pion, pp.12-14.

groups that are often labelled under the concept of "the new environmentalism" or the "green movement", of which the New Zealand Values Party is an early manifestation.[13]

In the early 1970s conservation demands were also more and more backed-up by calls for the establishment of a Ministry or Department of Conservation. The ineffectiveness of the Nature Conservation Council, particularly in the Manapouri issue, strengthened conservationists in their opinion that a stronger conservation agency was needed. There was no consistency in the nature of these demands, however. Whereas the importance of the independence of such an agency from the government was emphasised by some, for instance in the form of a "biological ombudsman",[14] the need to have a central agency that would be "capable of exercising influence within the Government" was stressed by others.[15]

The general increase in support for conservation issues, however, did contribute to enhance the political (electoral) significance of these issues, as will be seen later.

3.4. The Explosion of Pollution Issues.

Although it was a widely held opinion that New Zealand compared very favourably with most other western countries with respect to pollution, some concerns had already arisen in the 1950s and 1960s, in particular with respect to some pockets of air-pollution in Auckland and Christchurch.

In 1955, a Royal Commission of Inquiry was established to investigate "certain alleged nuisances in districts within or continuous to the southern Auckland metropolitan area" related to the discharge of trade wastes in the Manukau Harbour (the "Fumes Inquiry"). As a result of the findings of the Commission, new legislation was introduced (Health Act 1956), regulating the discharge of trade wastes. In 1958 the Auckland Air Pollution Research Committee was established "to correlate the efforts of all concerned with the problem" (of air pollution), and to monitor the situation.[16]

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[13]. Inglehart, R. (1977), The Silent Revolution. Princeton: Princeton University Press; Pepper, David (1984), The Roots of Modern Environmentalism. London: Croom Helm.; O'Riordan, T., Environmentalism; Capra, Fritjof and Charlene Spretnak (1984), Green Politics. The Global Promise. New York, E.P. Dutton.

[14]. J.E.Morton, New Zealand Herald, 14 June 1972; editorial New Zealand Herald, 13 February 1970.

[15]. Auckland Star, 25 August 1970; Noel Holmes, in the Auckland Star, 13 May 1970; New Zealand Conservation Society, Auckland Star, 5 August 1970.

[16]. Report of Commission of Inquiry into Certain Alleged Nuisances in Districts Within or Contiguous to the Southern Auckland Metropolitan Area (Fumes Inquiry), August 1955, Wellington: Government Printer; Auckland Star, 13 August 1970.

Towards the end of the 1960s public concern about air-pollution was on the increase, particularly in Christchurch, where the Christchurch Clean Air Society was formed in 1966. Two years later it was dissolved when it was recognised that the problem was nationwide, and the New Zealand Clean Air Society was formed. The Society succeeded in convincing the Minister to re-convene the Board of Health Air Pollution Committee, to which it was the first to make submissions.[17]

The Board of Health Committee undertook a study of the problems and reviewed the adequacy of existing air-pollution legislation. In 1970 it produced a report[18] which laid the basis for the introduction of the Clean Air Act in 1972, heralded by the government as "the most comprehensive and the most effective legislation in the world."[19] The Act was passed in Parliament with support from the (Labour) opposition, of whom one member, Brian MacDonell, had been quite active in promoting a review of air pollution legislation, by introducing private member's bills on the issue in 1967, 1968 and 1972.[20]

In 1967, the Water and Soil Conservation Act was passed, regulating water pollution problems on the basis of a system of issuing of "water rights" by regional water boards.[21] It has been argued that the passage of this legislation was due more to inherent problems of co-ordination in the control of water resources by administrative agencies than to outside pressure or demand.[22] There are indeed very few indications that water pollution problems were an issue of major public concern prior to the 1970s. Although the relative neglect of pollution problems had been noted by individuals at the "expert conferences",[23] this was balanced by reassuring opinions that water pollution was no problem in New Zealand and that the situation was generally well under control.[24] On the other hand, the Physical Environment Working Party on Pollution emphasised the need to promote more public awareness and action in these matters, although it was keen to avoid

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[17]. New Zealand Environment, April 1972, pp.24-25.

[18]. Board of Health (1970), Air Pollution, Report Series No.15, Wellington: Government Printer.

[19]. Hansard, Parliamentary Debates, 1972, Volume 381, p.3152.

[20]. Hansard, Parliamentary Debates, 1972, Volume 379, pp.1580-1581; Volume 380, pp.1827-1831; Volume 381, pp.3137-3152.

[21]. Wells, N.E. (1984), A Guide to Environmental Law in New Zealand. Wellington: Brooker & Friend for Commission for the Environment, pp.94-100.

[22] Kellow, A.J. (1984), "The Policy Roles of Bureaucrats and Politicians in New Zealand", Politics, Vol.19, November 1984, pp.43-53.

[23]. New Zealand Institution of Engineers, New Zealand Countryside in 1980., Working Parties, p.34; Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.48.

[24]. New Zealand Institution of Engineers, New Zealand Countryside in 1980. p.25; Working Parties, pp.37-38; Urban Development Association, Proceedings of the Four Thousand Million Dollar City and Countryside Conference, p.51.

"hysteria" and was ambivalent in its attitudes towards the need for reform of legislation.[25]

Despite the generally perceived favourable situation in New Zealand (compared to other western countries) with respect to pollution, a remarkable upsurge in attention to pollution issues did occur in the early 1970s. In February 1970 the Society of Automotive Engineers held a seminar on pollution, to be followed by a symposium on the same subject in May of the same year, organised by the Institute of Chemistry in Auckland. At the symposium it was concluded that there was a need for one authority to control pollution, rather than the existing system of fragmented responsibilities between local and central authorities.[26] Prof.V.J. Chapman, head of the Botany Department of the University of Auckland, attacked the "buck-passing" of pollution problems, and called for a consolidation of all Acts concerned with pollution, and the creation of an independent body with powers (including the power to impose high penalties) to attack pollution.[27]

The inadequacy of the existing situation was also illustrated by articles in the press on specific pollution problems.[28] In a report on air pollution problems in the Auckland region much of the blame for pollution problems was laid with the local authorities: "Most of the 23 local bodies in the Auckland urban area are apathetic towards air-pollution control..."[29]

One indication of the extent of the upsurge in concern about pollution problems (justifying the use of the term "explosion") is the number of entries[30] on pollution issues appearing in the press. In the Table below contributions on environmental issues published in the New Zealand Herald and the Auckland Star from 1970 to 1974, have been classified in five categories. A distinction was made between conservation issues (protection of forests, coastal zone, natural areas, lakes, wildlife etc.), pollution issues (air, water pollution, environmental health, waste disposal, recycling), administrative issues (the role of government, need for

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[25]. National Development Conference (no date), Report of the Working Party on Problems of Pollution of the Environment. Wellington: Government Printer; McMahon, C.K. ed. (1972), Physical Environment Conference 1970, Reports, Papers and Proceedings, Wellington: Government Printer. pp.117-144.

[26]. Auckland Star, 27 February 1970; 13 May 1970.

[27]. New Zealand Herald, 11 March 1970; 3 July 1970.

[28]. Auckland Star, 13 August 1970; 21 November 1970 and other; New Zealand Herald, 4 March 1971; 18 May 1971; 21 June 1971 and other.

[29]. Auckland Star, 4 March 1971.

[30]. Entries comprise articles, editorials and letters to the editor, Obviously, the length of these was very variable, ranging from about 10 lines to whole pages. As the intention here is only to illustrate the rise in attention for pollution issues, the total number of entries per year was considered to be an adequate indication. As the years with the highest frequencies (1972 and 1973) also contain lengthier articles, it can be assumed that a more precise, quantitative content analysis (length of columns or cm^2) would even generate a more pronounced pattern in the upsurge of pollution concerns.

reform, legislation), general articles (on the environment in general), and miscellaneous (on other, specific issues, such as particular development proposals, urban planning issues).

TABLE 3-1
ENVIRONMENTAL ISSUES IN THE NEW ZEALAND HERALD AND THE AUCKLAND STAR 1970-1974

	Conservation	Pollution	Admin.	General	Misc.	Total
1970						
NZH	24	8	8	9	1	43
AS	21	12	9	8	1	51
1971						
NZH	59	32	4	6	0	101
AS	28	18	1	3	0	50
1972						
NZH	55	73	8	11	3	150
AS	35	46	11	10	4	106
1973						
NZH	16	113	12	9	3	152
AS	23	83	22	13	7	148
1974						
NZH	15	42	3	3	3	66
AS	16	24	3	0	6	49

Source: Newspaper clippings file, Political Studies Department, University of Auckland.

The Table clearly shows that the number of entries on pollution increased sharply from 1970 to 1973. From 1972 "pollution" bypasses, in both newspapers, "conservation" as the number one issue. This is particularly so in 1973, when the Parnell fumes incident (leaking drums with chemicals, causing the admission to hospital of hundreds of people for observation) created quite a stir, sparking off the creation of another commission of inquiry, this time into the handling of hazardous chemicals. However, the leap in the ranking of pollution issues had already taken place before this incident.

Another pollution issue which came to the fore front in the early 1970s was 2,4,5-T. Awareness of the potential ill-effects of the product was boosted by reports that the chemical could be related to birth-defects.[31] The issue was kept alive by the actions of the newly formed Environmental Defence Society which

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[31]. New Zealand Herald, 3 and 5 February 1972; Auckland Star, 3 and 4 February 1972.

requested the Agricultural Chemicals Board to ban or restrict the use of the chemical, undertaking court action when the Board declined to do so.[32]

Other pollution/environmental health issues which drew attention were noise, rubbish tips, and pollution of harbours, rivers and lakes. In addition, pollution also received attention as a general problem facing New Zealand and the rest of the world. It seems plausible that events and publications from abroad had a spill-over effect on New Zealand, although this is hard to substantiate. Publications such as "Silent Spring" (on the environmental effects of agro-chemicals) by Rachel Carson or "The Closing Circle" (on the pollution of the Great Lakes in the United States) by Barry Commoner were sometimes referred to, and may have helped to raise the general level of awareness and concern, regardless of the popular notion that New Zealand was relatively well-off with respect to pollution problems.

There seemed to be wide consensus that New Zealand should develop mechanisms to prevent serious pollution problems from developing. However, there appeared to be much less consensus about the specific way this could or should be done. On the one hand there was a stream of opinion, particularly among "concerned experts", that the existing structures, mechanisms and legislation in the area of pollution control were largely adequate. From this point of view, the issue was more one of public education and the provision of the right incentives to compensate for "serious deficiencies in personal attitudes about pollution."[33]

On the other hand, there were calls for changes in legislation and for much tougher action by the government with respect to pollution, for instance from J.T. Salmon[34], Sir Dove Myer Robinson[35], and Prof.V.J. Chapman, already referred to above. Newspaper editorials also advocated stronger anti-pollution policies, in particular those in the Auckland Star.[36] There were also demands for the establishment of a Department for the Environment which would assume the pollution control responsibilities of other departments, in particular those of the Ministry of Works and the Health Department.[37]

The growing apprehension about pollution does not seem to have been based on any significant increase of pollution problems in New Zealand. There are no indications that the situation itself had deteriorated significantly from 1970 to

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[32]. New Zealand Herald, 25 February 1972, 4 March 1972, 5 April 1972.

[33]. McMahon, C.K., Physical Environment Conference 1970, p.121.

[34]. Evening Standard, 24 February 1972.

[35]. New Zealand Herald, 15 June 1972; Auckland Star, 8 July 1972.

[36]. Auckland Star, 24 January 1972; 24 April 1972; 17 August 1972; The New Zealand Herald was much more moderate in this respect. See New Zealand Herald, 7 January 1972.

[37]. Action for Environment, letter to Minister for the Environment, 31 July 1972.

1973, although the "Parnell fumes incident" in 1973 provided an ideal focal point.[38] Demands for policy change on pollution were rather diffuse. On the other hand, a review of air pollution problems (Board of Health investigation, referred to earlier), followed by a review of legislation, had already been set in motion well before the real upsurge started, providing the basis for a political response in this area (the Clean Air Act 1972).

The drop in the attention for environmental issues in 1974 coincides with the deterioration in the economy following the "oil shock" in 1973. The fourfold rise in the price of oil, and the consequent turnaround in the balance of payments, brought about a shift in public attention and political priorities. It is very likely that the economic shock-waves caused by the "oil-crises" is also responsible for the downturn in public attention for environmental issues in many other western countries after 1973 referred to earlier.[39]

3.5. The Rise of the "New Environmentalism".

A third form in which the upsurge in environmental interest manifested itself in New Zealand in the early 1970s was the emergence of a brand of "new environmentalism".

The rise of the "new environmentalism" has been associated with a broader or deeper process of change in value patterns among the post World War II generation that has been termed "the silent revolution"[40]. In this process, which Inglehart attributes to the long period of "high levels of economic and physical security" experienced by western countries after World War II, dominant values and institutions related to economic growth have been eroded and are gradually replaced by new, "post-materialist" values, being part of a new cultural paradigm.[41]

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[38]. Or "focusing event" in the terminology of Kingdon; see Kingdon, John W. (1984), Agendas, Alternatives, and Public Policies. Boston, Toronto: Little, Brown and Company. Kingdon, 1984, pp.99-105.

[39]. Although some research contradicts the notion that public concern about the environment has diminished. See e.g. Dunlap, R.E. and Van Liere, K.D., and Dillman, D.A. (1979), "Evidence of Decline in Public Concern With Environmental Quality: A Reply", Rural Sociology, Volume 44, pp.204-212; data for New Zealand on this subject are not available, however; for the development of the price of oil see Brown, Lester R. et al. (1984), State of the World, A Worldwatch Institute Report on Progress Toward a Sustainable Society, New York: W.W.Norton & Company, p.44; for the dramatic turnaround in the New Zealand terms of trade and trade balance see Holmes, Sir Frank, et al. (1976), New Zealand at the Turning Point. Report of the Task Force on Economic and Social Planning. Wellington, pp.180-182. The trade balance was converted from a surplus of about NZ$500 million in the first half of 1973 to a deficit of more than NZ$500 million by the end of 1974, and would further deteriorate to a record deficit of NZ$1,068 million in April 1975.

[40]. Inglehart, R., The Silent Revolution.

[41]. Inglehart, R., The Silent Revolution, p.22; see also Cotgrove, Stephen (1982), Catastrophe or Cornucopia: The Environment, Politics and the Future. Chichester: John Wiley & Sons.

The "new" or "modern environmentalism" is associated with an "ecocentric" approach to the environment which has been described in the first chapter. The ecocentric perspective rejects the technocentric belief that a technological fix is adequate for solving environmental problems. Instead, it relates the sources of environmental problems to dominant value systems emphasising materialism, consumerism and individualism, which are seen as inherent to a political and economic order of which competition, exploitation and economic growth are central features. Consequently, "new environmentalists" advocate fundamental changes in the political, economic and social order of western societies (and all other countries where this dominant paradigm has been spread).

Both perspectives, despite the difficulty of separating them sharply in reality, have played a role in the debate on environmental policy in New Zealand, receiving different emphasis from the various actors in the policy making process, depending on different positions and different interests. A large part of the difficulties for the Commission for the Environment in its role to promote environmental policy development can be attributed to the fact that it found itself at the cross-roads between these two perspectives and interests.

To some extent the rise of the new environmentalism in New Zealand can be associated with the formation of new environmental groups, such as the Environmental Defence Society (1971), Ecology Action (1971), Action for Environment (1972), Greenpeace NZ (1972), Environment Centres (from 1973) and Friends of the Earth (1975).[42] In publications such as "New Zealand Environment" (from August 1971), the environmental message was spread, causes of environmental problems exposed, environmental literature reviewed, and the need for change in society and lifestyle discussed.

On the other hand, however, much of the attention of environmental groups was absorbed by particular issues, such as pollution problems, 2,4,5-T, nuclear testing, mining and development proposals and conservation issues. To a large extent the activities of environmental groups have been reactive and pragmatic, trying to halt or prevent situations and developments which were seen as harmful to human health, well-being and the environment in general. In this respect these groups showed similarity with the new conservation groups, such as the Save Manapouri Committee (1969) and the Beech Forest Action Committee (1973) which were also primarily focused on specific issues, spending little time or attention on ideological debate and on questions of societal, economic or political change. It can be argued, though, that the pragmatic approach was not only

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[42]. Wilson, Roger, From Manapouri to Aramoana, pp.171-185.

dictated by political circumstances, but also effective in preventing some forms of environmental deterioration, and in raising environmental awareness and recruiting support.

A much clearer manifestation of the ideological brand of "new environmentalism" in New Zealand can be found in the Values Party, which was established in May 1972 on the initiative of Tony Brunt, a political science student, one year before the creation of the British Ecology ("People") Party, and several years before similar parties elsewhere.[43] In a very short time, partly due to the attention it received from the media, the party recruited considerable support and presented itself at the elections in November with 42 candidates.[44]

The Values Party was born out of concern with the consequences of the preoccupation with economic growth, materialism and consumerism, both in the population at large and within the dominant political parties. Its members were inspired by the writings of such people as Erich Fromm, Theodore Roszak, Charles Reich, Barry Commoner, Paul Ehrlich and by the Ecologist's "Blueprint for Survival" and "The Limits to Growth" report of Denis Meadows.[45]

The party expressed concern not only about the ecological consequences of unrestrained economic growth, but also about the implications in terms of a deterioration of the quality of life, the loss of community, social decay and growing alienation. In its 1972 Manifesto, the "Blueprint for New Zealand", it was noted that New Zealand was in the grip of a new depression, "a depression of human values", which was seem as arising not from a lack of affluence, "but almost from too much of it. It is the outcome of an obsession with the growth of the economy rather than the growth of the human mind and the non-economic capacities of the population."[46]

In the following quote, the Party's main concerns are summarised:

> *While our citizens cry out for Government action to make their cities and lives livable, for an imaginative assault on the new social ills that are eroding the quality of their lives, the national leadership continues to overemphasise economic growth at the expense of both the environment and a more natural pace of life, increasing productivity at the expense*

[43]. Rainbow, S. (1987), "New Zealand's Values Party - The Rise and Fall of the First Green Party", Paper presented for the 1987 APSA Conference, University of Auckland, pp.1;23; Hay argues that the Values Party was not the world's first green party, but was preceded by the United Tasmania Group by one month; more interesting than the rivalry for this title, however, is the fact that both in New Zealand and Australia a specific brand of green politics developed before its emergence in Europe. Hay and Haward even argue that "the cutting edge of environmentalism is to be found beyond Europe", particularly in those countries where wilderness preservation was at the core of environmental concern. Hay, P,R, and M.G. Haward (1988), "Comparative Green Politics: Beyond the European Context?", Political Studies, Vol.36, No.3, pp.433-448.

[44]. Wilson, Roger, From Manapouri to Aramoana, pp.186-189.

> *of job satisfaction, technology at the expense of the human spirit,*
> *bureaucracy at the expense of more imagination and more public*
> *participation in Government, and individualism at the expense of a sense*
> *of community.*[47]

Key elements in Values' programme were the need to arrive at zero population growth and near to zero economic growth, control over the introduction of new technologies, the fostering of community ties and the decentralisation of government ("power to the people"). It sought to expand the functions and autonomy of local and regional government, particularly in the areas of social welfare, education and housing. At the same time Parliament had to be reformed, the bureaucracy better controlled, and open government promoted (by the introduction of an official information act). An upgrading of town planning was advocated, combined with a series of measures to enhance and protect the quality of the environment.[48]

Although environmental concerns were an important ingredient in the Party's programme, it has been noted that the party should be seen in the wider context of rising "anti-materialism" or "post-materialism" since the end of the 1960s, in much of the western world, as a "generational" phenomenon. Particularly in the beginning, the Values Party was more a party of ideas and ideals, lacking a clear strategy, and not very policy oriented. It has been contended that the party "[...] wasn't even particularly an 'environmental' movement in the early stages, [but] just an expression of anti-materialism."[49]

Gradually, however, the party got more into the development of policies. As a result, the ideological differences within the party, in particular between the more "left-wing" Christchurch branch and the "middle class arm chair liberals" of the Auckland branch, became more manifest. These differences, compounded by personality clashes, would frequently split the party and ultimately contribute to its demise.[50]

The weak policy orientation in the early stages of the party is reflected in the relative absence of concrete proposals in the area of environmental

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[45]. New Zealand Values Party (1972), <u>Blueprint for New Zealand. An Alternative Future</u>. Wellington: NZ Values Party, p.58.

[46]. New Zealand Values Party, <u>Blueprint for New Zealand</u>, p.1.

[47]. New Zealand Values Party, <u>Blueprint for New Zealand</u>, p.1.

[48]. New Zealand Values Party, <u>Blueprint for New Zealand</u>, various chapters.

[49]. Rainbow, S., "New Zealand's Values Party", p.29.

[50]. Wilson, <u>From Manapouri to Aramoana</u>, pp.186-189; Rainbow, "New Zealand's Values Party", pp.16-18; in July 1989 the ruling council of the party announced that it would propose its members in October that year to wind it up. Membership numbers had dwindled to about 200, according to Kunowski, leader of the party from 1976 to 1979, "as a result of my defeat as leader. The people who took over then led it into oblivion." <u>New Zealand Herald</u>, 24 July 1989.

management in the 1972 manifesto. Apart from the general suggestion of decentralising government, and the proposal to set up a Science and Technology Assessment Board[51] it had almost nothing to tell about the way the environment should be managed. Although it advocated reviews and changes of legislation in the areas of transport, town planning, and pollution, one would search in vain for principles and guidelines with respect to a review of environmental legislation and administration generally. There is no mention of a Ministry for the Environment, environmental impact procedures, or principles such as the polluter pays or sustainable development. Instead, the paragraph on "Environment" contains a rather loose set of ideas and suggestions, starting with "the motor car", going through issues such as building heights, conservation of man-made resources, "suburban variety", to rural advertising, conservation of natural resources and pollution.[52]

In the elections of November 1972, only five months after its creation, the Values Party scored almost 2% of the vote. Apparently, the party appealed to a growing conservationist or environmental constituency, drawing votes from the two major parties which showed at most a lukewarm commitment to the environment.[53]

As the Values Party's approach to the environment was very much part of a broader anti-materialist perspective, however, its definition of New Zealand's environmental problems was also much wider. As a party that pointed out a need for social and cultural change, the Values Party can be seen as an example of the "new environmentalism" advocating change towards a new cultural paradigm. The solutions suggested (zero growth, a reduction of consumerism, restoration of community identity) were much more radical and harder to implement, however, than the more pragmatic or "technocentric" solutions of for instance the conservation groups and the "concerned experts". In fact, it can be argued that the party itself, particularly in its early years, lacked a clear perspective as to how to translate its ideas and ideals into policies. Consequently, although contributing heavily to the rise into prominence of the environment on the political agenda, its influence in the actual formation of environmental policy in the early 1970s, and in particular on the establishment of the Commission for the Environment and the definition of its role, was relatively insignificant.

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[51]. New Zealand Values Party, Blueprint for New Zealand, p.15.

[52]. New Zealand Values Party, Blueprint for New Zealand, pp.38-42.

[53]. Rainbow, "New Zealand's Values Party", p.20.

3.6. The Environmental "Bandwagon".

The upsurge in environmental interest and demands as well as the creation of the Values Party gained considerable political momentum in the time leading up to the 1972 elections. The electorate, according to Colin James, was in a mood for change, after the long reign by the National Party, which had ruled since 1960, but seemed to have lost momentum. The Labour Party, on the other hand, was keen to conquer the government benches and able to "channel much of the radical-liberal energy behind it."[54] Labour had to out-compete the Values Party on environmental issues, however, in order to prevent a split in the growing environmental constituency, particularly in marginal seats.

As late as the 1969 election neither of the major parties had a separate paragraph on the environment in their election manifestos. Indeed, if the level of environmental awareness within the parties could be measured on the basis of the contents of their manifestos, the conclusion for 1969 would have to be that the environment was hardly on their minds. In the Labour Party document the emphasis was very hard the further development of resources (fisheries, forestry, land, perhaps nuclear power), and the promotion of industry. A Ministry of Natural Resources was advocated to underpin development on the basis of domestic resources. There is some recognition of air-pollution problems, however, and support for a review of legislation.[55]

The National Party, in its 1969 Manifesto, pledged to "aim at the *maximum conservation of the scenic areas and natural attractions* of New Zealand when assessing proposals to change scenic areas *in the course of economic progress*" [emphasis in the original]. There is an equally strong emphasis as in the Labour manifesto on the promotion of forestry and mineral exploitation, but there is more support for farming than for industry compared with Labour. The manifesto contains five lines on environmental pollution ("Present programmes [...] will be maintained and expanded"), but otherwise nothing about the environment.[56]

The Physical Environment Conference in May 1970 was attended by the leaders and members of Parliament of both major political parties. Although Norman Kirk, the opposition leader, in his address to the conference expressed criticism on the lack of progress in the control of pollution and improvement of town planning, he was careful not to attack the government too harshly. Instead, he proposed the allocation of real powers to an Environmental Council, and

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[54]. James, Colin (1986), The Quiet Revolution. Turbulence and Transition in Contemporary New Zealand. Wellington: Allen & Unwin, pp.33;36.

[55]. New Zealand Labour Party (1969), Election Manifesto 1969.

[56]. New Zealand National Party (1969) Policy in Action.

advocated that the Crown would be bound by its decisions (as well as by environmental legislation), which could only be overruled by Parliament.[57]

Generally, there were few signs of political bickering about the environment at the conference, and there even existed some hope for a non-partisan approach in this area, as reflected in the remark by the Chairman of the Physical Environment Committee, Mr.M.Burns, that: "This is an area where collaboration and full co-operation can and we hope will apply at all levels."[58]

By 1971, however, Labour and National were fiercely competing for the title of the party "most committed to the environment". J.A.Walding, the Labour Party spokesman on the environment stated that a "sincere commitment on the part of Government is needed and it must be backed by deeds as well as words."[59] In July 1971 the Labour MP for Dunedin Central, Brian MacDonell, introduced a "Ministry for the Environment Bill" to provide for the appointment of a Minister for the Environment and the establishment of a Ministry for the Environment. The head of the department was to be called "Guardian for the Environment" (in analogy to the office of "conservator of forests"). The Minister and Ministry would receive investigatory, co-ordinative and pollution-control functions.[60]

During the debate on the Bill, government MPs took the line that the Bill was superfluous, as everything it aimed at had already been provided for, and argued that the government had an excellent record in its management of the environment. MacDonell was accused of "jumping on the bandwagon", as the Prime Minister, Holyoake, had already made it known that he intended to appoint a Minister for the Environment (an "announcement", though, which seems not to have reached the press, however, apart from "a certain Sunday newspaper"). The Minister of Works, P.B. Allen, with whom the environment responsibility was temporarily vested, claimed that "No man has the environment more prominent in his thinking than does our Prime Minister." Over the past four years the Prime Minister had asked him "to guide the thinking and planning on this matter at the Environmental Council and at the Physical Environment Conference." He had also urged him "to make haste", allowing him to travel to "many other countries throughout the world to see how they were handling environmental problems [...]." Allen added that:

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[57]. McMahon, C.K. ed., Physical Environment Conference 1970, pp.47-49.

[58]. McMahon, C.K. ed., Physical Environment Conference 1970, p.30.

[59]. New Zealand Herald, 22 June 1971.

[60]. Hansard (1971), Parliamentary Debates, Volume 373, pp.1655-1656.

> *I can say that for all members of the Government from our Prime Minister down - but particularly the Prime Minister - dealing with this problem is the No. 1 objective.*[61]

Members of the opposition, on the other hand, claimed that there was a lack of real commitment on the side of the government to undertake effective action in controlling pollution, and that "With the Government's record in conservation over the last 10 years there is every reason to suppose that the degradation of the environment will continue." MacDonell, who had tried "very hard to be non-political", expressed his disappointment at the critical attitude of government members towards his private members bill.[62]

3.7. The Creation of the Portfolio for the Environment: a Symbolic Solution.

Still in 1970 the creation of a special Ministerial Portfolio for the Environment had been rejected by the then Prime Minister, Holyoake. He argued that the responsibility for the environment was a cause for more than one minister. New Zealand would not follow the "unified form of departmental and ministerial control" of the environment set up in Scandinavian countries, the United States or Sweden. Instead, a Cabinet Committee on the Environment was established in February 1970 with the task to "consider matters concerning the physical environment, especially the question of conservation and air and water pollution, and to report to Cabinet as appropriate."[63] An Officials Committee for the Environment was established shortly after that to provide the necessary administrative backing.[64]

In reality, the establishment of the Cabinet Committee for the Environment was largely a token affair. Until December 1971 the committee met on an ad hoc basis, chaired by the Minister of Works. In total it met seven times, discussing a range of mostly minor issues. Important decisions regarding the environment continued to be taken in other Cabinet committees.[65] The most significant meeting was on 12 November 1971, when it was decided to direct the Officials Committee to produce a statement of what "the environment" means in order to "assist in determining specific areas of responsibility" in that area.

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[61]. Hansard (1971), Parliamentary Debates, pp.1656-1658.

[62]. Hansard (1971), Parliamentary Debates, p.1662; pp.1655-1671.

[63] The Committee comprised the Ministers of Finance, Health, Internal Affairs, Lands and Marine, and Works, and was chaired by the Minister of Works.

[64] New Zealand Herald, 19/10/1970, p.8; Commission for the Environment, File ENV 1/0, 7 December 1972.

[65]. C.J. Hill, Deputy Secretary of the Cabinet, personal communication, 30 April 1990.

Although by the end of 1971 the Prime Minister, Holyoake, seems to have played with the idea of creating a ministerial portfolio for the Environment[66], he was perhaps unwilling or unable to choose between Percy Allen (the Minister of Works) and Duncan MacIntyre, the two keen candidates for such a position. John Marshall, who succeeded Holyoake as Prime Minister on 7 February 1972, claimed that overseas travelling had made him aware of the need to create a ministerial portfolio for the environment. The Cabinet reshuffle provided him with an opportunity to appoint a Minister for the Environment. Marshall's choice fell on MacIntyre, whom he considered the most suitable person for the job. He also thought that the environmental portfolio would be more compatible with the other portfolios held by MacIntyre (the portfolios of Forests, Lands and Maori Affairs) than with the responsibilities held by the Minister of Works.[67]

The creation of the new portfolio was not accompanied by any substantial changes in the distribution of environmental responsibilities, however. Although the primary function of the Minister for the Environment was described as to exercise a co-ordinating role, this was not confirmed by any formal definition or delineation of responsibilities. None of the responsibilities of other Ministers was transferred or changed, and the portfolio was not backed up by a statute. Duncan MacIntyre, in his first meeting with the Officials Committee for the Environment stated that "there was nothing formal" on the basic terms of reference of the job, and that "the job is largely what I want to make it."[68]

The fact that there was no formal and clear mandate attached to the portfolio provided MacIntyre, like any other Minister for the Environment after him, with the opportunity and flexibility to bring a personal emphasis to the definition of responsibilities and to focus on particular issues. Although MacIntyre defined his function as essentially that of a co-ordinator, it can be argued that he saw himself primarily as an ombudsman for the environment. "I will be the first point of enquiry as well as the Court of Appeal for uprooted conservationists and frustrated developers." He wanted to reply personally to the vast majority of letters (which was described as "already a flood which will get bigger").[69]

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[66] P.J. Brooks, who was Secretary to the Cabinet under the Holyoake Government, stated in a personal interview that he came across the remark "Minister for the Environment?" in Holyoake's diary. Yet, the idea did not eventuate, despite the allegation made by the Minister of Works, P.B.Allen, in the House of Representatives on June 23 1971 that it was the Prime Minister's intention to appoint a Minister for the Environment. P.J. Brooks, Personal Interview, 24 October 1986; Hansard, Volume 373, 1971, pp.1656-1657.

[67] Personal interview with J. Marshall, 21 October 1986.

[68] Commission for the Environment, File ENV 5/1, Notes for Meeting with Officials Committee for the Environment, 10 March 1972.

[69] Commission for the Environment, File ENV. 5/1, Notes for Meeting With Officials Committee for the Environment, 10 March 1972.

MacIntyre acknowledged that regarding co-operation with departments he had to rely on their own discretion as to the matters which would be drawn to his attention. Although he stated that he preferred "to be told rather too much than too little", he also admitted that he would have to be very selective in deciding in what matters he should become deeply involved. He mentioned 2,4,5-T, the Rotorua Lakes, beech forests and Poor Knights as the obvious "big issues". He did not want to "rush in", but acknowledged that he would not be able to "dictate the pace" entirely: "the public with their pleas for action as well as the issues which are cropping up all over the place [...] will see to that."[70]

The emphasis given by MacIntyre to his role as an environmental ombudsman was very much in line with the need to meet the upsurge in environmental interest and concerns. The Minister had to act as a lightning rod to absorb public concerns, and show that the government was doing something about these. In the course of the year, MacIntyre developed a high public profile, drawing a lot of media attention, particularly during the Stockholm Conference on the Human Environment in June 1972, where he raised the issue of French nuclear testing in the Pacific.

The creation of the environment portfolio did not weaken the competition between the two major parties on environmental matters, however. Duncan MacIntyre was called just a "mouthpiece" for the government on environmental issues, and a "jockey without a horse or a trainer, taking part in a merchandising exercise in some shop window", as he lacked his own department.[71]

With the elections in sight at the end of 1972, competition for the environmental vote further intensified. Both parties apparently heeded Prof.J.E.Morton's remark that "Conservation would carry more votes in the future, and [that] issues [like] the Poor Knights controversy could not be ignored by politicians."[72]

Within the National Party there was pressure to take a stronger position on environmental issues. More radical proposals, such as expressed at the National Party's Annual Dominion Conferences, had, however, not been accorded the status of party policy. At the 34th Dominion Conference, for instance, it was proposed to strengthen the Nature Conservation Council so that it would have "some exclusive powers to halt works which it considers may be damaging to the total environment."[73] At the 36th Dominion Conference calls were made for the

[70] Commission for the Environment, File ENV. 5/1, Notes for Meeting with Officials Committee for the Environment, 10 March 1972.

[71]. Hansard (1972), Parliamentary Debates. Volume 379, pp.1302-1303; 1584.

[72]. Northern Advocate, 30 March 1972.

[73]. New Zealand National Party (1970), 34th Annual Conference.

formation of a Ministry for the Environment and for the introduction of a comprehensive environmental act, as well as for the provision of severe penalties and rigid enforcement measures to control industrial pollution.[74]

In its manifesto for the 1972 elections Labour pledged that it would "immediately initiate studies and planning for the optimum long-term development of New Zealand consistent with the preservation of a good environment", that it would bind the Crown to all environmental legislation, preserve the integrity of national parks, maintain the existing levels of Lake Manapouri and Te Anau, and ensure that renewable natural resources would be "subjected to ecologically sound and sustained yield management." It also ensured that steps would be taken "to prevent and avoid all pollution". It further announced that it would vigorously oppose the continuation of nuclear testing.[75] It also stated that it would give the Minister for the Environment the power and resources to provide a "social and physical environmental audit on all major projects" before approval would be granted.[76]

Despite the high degree of competition between the parties for the environmental vote, however, both sides did not express a strong commitment to establishing a new and powerful government agency with specified environmental responsibilities. The National Government was caught between the position it took in 1970, when it claimed that (apart from the establishment of the Environmental Council), no other changes or new agencies were needed, and the mounting political pressure requiring it to "do something". The creation of a ministerial portfolio in February 1972, without a new department, very much looked like a symbolic move to turn the tide.

The Labour Party seemed to be clearer in its calls for the establishment of a Ministry for the Environment. However, it should be noted that there appeared to be no common view within the Labour Party on the precise role and functions of such a new department. Whereas the Ministry for the Environment Bill introduced by MacDonell received support "in principle" from his fellow Labour MPs, he also had to admit that not all of his colleagues were "completely in favour of the Bill" as it was drawn up. MacDonell advocated a department with a "hands on" function, particularly with respect to pollution control. However, within the Labour Party there seemed to be different conceptions about the desirable role of a Ministry for the Environment. For at least one Labour MP, Gerard Wall, the Bill did not go far enough. Another Labour MP, Allan Finlay, however, noted that "[...]

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[74] New Zealand National Party (1972), 36th Annual Dominion Conference.

[75]. New Zealand Labour Party (1972), Election Manifesto, pp.12-13.

[76]. New Zealand Labour Party (1972), Election Manifesto, pp.12-13; 19; 26; 32; 38-40.

it was appropriate to tread warily" and that "one would hesitate to set up immediately a full-grown Department of the Environment as had been done, perhaps mistakenly, in Britain, where it was really no more than an old department under a new name." He indicated to be more in favour of a Department for the Environment with a role similar to that of Treasury, but then with respect to environmental matters.[77]

Despite of a seemingly stronger support for the creation of a Ministry for the Environment, then, the Labour Party did apparently not have a clear, common view on what the exact role of such a department should be. It tried to cement an image of being more "pro-environment" than the government by advocating a department with "substantive powers". It remained vague, however, about how this claim to outbid the competition would be substantiated.

3.8. Conclusion.

The upsurge in environmental issues in New Zealand from around 1970 took three forms: a boost in conservation demands, an increase in attention for pollution issues, and support for a form of what has been called "new environmentalism", as embodied in the Values Party. The first form can be seen as an intensification of concerns over the effects of development on the natural landscape which had been growing during the 1960s. These conservation issues were very much the same or similar to those raised earlier, and were rather specific, related to particular projects or proposals.

The second form, the increase in attention for pollution, was much more diffuse, given the fact that New Zealand was generally perceived as a country relatively free from most of the serious pollution problems occurring in more highly industrialised nations. Although it was not denied that in some areas pollution was also a problem in New Zealand, the situation was considered to be under control, with adequate legislation in place (National Water and Soil Conservation Act, 1967), or in the process of being introduced (Clean Air Act, 1972). This aspect of the upsurge, then, was probably more associated with environmental concern about pollution problems in general, inspired by experiences and publications from abroad.

The third form, the emergence of the Values Party as a manifestation of the "new environmentalism", contributed to the politicisation of environmental issues. It mobilised a significant proportion of the electorate on the basis of an

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[77]. Hansard (1972), Parliamentary Debates. Volume 379, pp.1393; 1629-1630; 1655; 1668-1669.

environmentally inspired political platform, receiving considerable media attention. The environmental movement in New Zealand, very much stimulated by and part of a much wider international phenomenon (as exemplified in the organisation of the United Nations Conference on the human environment in Stockholm in 1972), brought about a "bandwagon" effect in the sense that parties had to compete for the best environmental image, causing considerable adjustment in the programmes of the political parties.

In combination, these developments rendered the "solution" of the Environmental Council, only established in 1970, inadequate and somewhat obsolete. The government had to be seen doing something more substantial or dramatic in the area of environmental policy.

However, despite the rise in societal demands, the government was largely left free in determining the specific nature of its response (the "solution", in Kingdon's model). Conservation demands were the most specific, but could be met without any substantial changes in either policy or administration. In the pollution area there was scope for improvement, but the demands were rather diffuse and the government could be seen doing something (Clean Air Act) already. The third category of demands was still very much uncrystallised, more an expression of ideals than of demands on a policy level.

The government, then, in order to turn the rising tide of environmental demands, but still unconvinced that substantial policy or institutional change was needed in the environmental policy area, created a ministerial portfolio for the environment to symbolise a greater commitment to the environment. However, with the creation of the portfolio a new dynamic was set into motion which would lead to the establishment of the Commission for the Environment, as will be shown in the next chapter.

CHAPTER IV - THE ESTABLISHMENT OF THE COMMISSION FOR THE ENVIRONMENT.

4.1. Introduction.

In the previous chapter it has been demonstrated that between 1970 and 1972 environmental interest in New Zealand underwent an upsurge necessitating a response of the Government to "do something" more substantial than leaving the environment to the established agencies, including the in 1970 created Environmental Council. This despite the fact that, on the basis of the assessment by the Physical Environment Conference in 1970, the establishment of the Council was seen the most appropriate answer to the environmental problems and needs which confronted New Zealand at the time. In the eyes of both the Government and the bureaucracy there was no justification for any radical changes in policies or structures. A "solution" was found in the creation of a ministerial portfolio for the environment. This "solution", given the fact that it left the distribution and implementation of environmental responsibilities untouched, can be labelled as an example of "symbolic policy making".[1]

However, as will be demonstrated in this chapter, the creation of the ministerial portfolio for the environment and the establishment of the Commission for the Environment were very closely connected. It will be argued that the creation of a Minister for the Environment generated its own dynamic, resulting in the establishment of a much less symbolic Commission for the Environment.

In Chapter I it has been argued that contextual constraints on environmental policy making translate into the mandate (role) and relative position of new central environmental agencies. In this chapter the process through which the Commission for the Environment's mandate was determined will be analysed. In particular, the influence of bureaucratic constraints and the prevailing technocentric approach towards the environment, described in the second chapter, will be focused upon.

4.2. The Dynamics of Symbolic Action: From a Ministerial Portfolio to the Commission for the Environment.

The appointment of the Minister for the Environment was not accompanied by the establishment of a department. MacIntyre, in a memo sent to all Ministers,

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[1] Edelman, Murray (1971), <u>Politics as Symbolic Action. Mass Arousal and Quiescence</u>, New York: Academic Press.

noted that they "will, of course, be aware that it is not the Government's intention to establish a Department for the Environment." He defended this position by pointing out that it would be impracticable and unwieldy to combine all the sections with environmental responsibilities of 19 departments. In his view, the environmental sections within these departments had been working smoothly for years, and it would be bad to divorce them from the departments of which they were integral parts. It was pointed out that it would not be realistic "to single out any particular problem as the one of major importance."[2]

To provide MacIntyre with the necessary administrative support a small secretariat under the supervision of P.J. Brooks, the Secretary to the Cabinet, was created within Cabinet Office. The Deputy Secretary of the Cabinet, J.M.K. Hill, was relieved from his normal duties, and one officer (P.G. Gresham) was seconded from the Forest Service. At this stage MacIntyre's staff had primarily to deal with a continually growing stream of correspondence, a flow that was encouraged by the image of ombudsman, cultivated by the Minister.

Meanwhile, the Officials Committee for the Environment continued to play a co-ordinating role in environmental matters. The Committee, meeting once a month, consisted of the heads or their representatives of thirteen departments[3], and was chaired by the Assistant Commissioner of Works, R.G. Norman.

It was soon recognised, however, that the size of this committee made it unwieldy for the day to day handling of issues. Therefore, in May 1972, a smaller Executive Officials Committee was established, comprising the representatives of the Ministry of Works, the New Zealand Forest Service, the Departments of Lands, Health and Cabinet Office. This committee met once a week, in fact assuming a departmental role, analysing environmental issues and advising the Minister. Working parties consisting of middle ranking officers were established on an ad hoc basis to deal with specific matters, such as coastal development and environmental impact reporting.

It became quickly apparent, however, that also these arrangements were not satisfactory. On the one hand there was increasing pressure on the Minister and his staff within Cabinet Office created by the growing flood of correspondence. Also, some departments were not happy with the Minister for the Environment answering letters on issues which they saw as lying within their fields of responsibility. MacIntyre, however, insisted on answering all the letters addressed

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[2] Memo to all Ministers, 28 February 1972; Speech notes; Memo: Environmental Management in New Zealand, April 1972; Commission for the Environment, File ENV 1/0.

[3] The Departments were: Works, Lands, Forest Service, Health, Electricity, Internal Affairs, Agriculture and Fisheries, Transport, Scientific and Industrial Research, Maori and Island Affairs, Treasury, State Services Commission and Cabinet Office.

to him from his secretariat. He feared for the credibility of his position if he would not be seen to respond personally.[4]

Another problem was that the structure of the Officials Committees was not really designed and equipped to deal with the growing number of environmental issues on a day to day basis. More substantial and continuous support for the Minister was needed in order to enable him to fulfil his environmental responsibilities, particularly with respect to issues which were not adequately covered by any of the departments, such as the issue of population growth and distribution. More importantly, however, was that already at an early stage MacIntyre had adopted the idea that it would be desirable to introduce a system of environmental impact reporting for which responsibility had to be allocated somewhere, a question which will be elaborated upon below.[5]

Last but not least there was the commitment of MacIntyre's personal staff to the establishment of a stronger institutional framework for environmental policy development. J.M.K. Hill, writing a paper on "An Organisation for the Environment", advocated the establishment of a Department for the Environment to ensure that the "right" decisions would be made, taking a long term view. As examples he referred to proposals to exploit the beech forests of the South Island, and to the issue of raising the level of Lakes Te Anau and Manapouri for electricity generation. He stated that a Department for the Environment should basically be a planning department, responsible for Town and Country Planning. It should have a staff able to co-ordinate with other departments and to provide specialist information and advice not at present available, such as on population growth and environmental education.[6]

He also emphasised that the department should be independent from existing departments, although it could be associated with another department for servicing facilities. He strongly opposed any connection with the Ministry of Works, though, as this would be "like going to bed with the devil". "They are the largest modifier of the New Zealand landscape and are associated with industrial and urban development. This may taint an organisation for the environment which should be concerned with conserving what is best in the New Zealand landscape."[7]

The establishment of MacIntyre's secretariat and its participation in the Officials Committee for the Environment, clearly generated tension between this

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[4] Officials Committee for the Environment, 6 July 1972; Commission for the Environment, File ENV 5/1.

[5] In the Auckland Star of 14 March 1972 it was reported that MacIntyre had announced that he intended to move "towards the time when any decision of Cabinet would have to have an environmental report in the same way as Treasury now reports on financial considerations." Auckland Star, 14 March 1972, p.8.

[6] "An Organisation for the Environment" (undated); Commission for the Environment, File ENV 1/0.

[7] "An Organisation for the Environment".

small office and the representatives of some other departments. Differences of opinion on a range of issues became apparent, most notably with respect the proposals for environmental impact reporting. Some departments feared interference with their own environmental responsibilities from this new bureaucratic seedling.

MacIntyre's people, on the other hand, did not have much confidence in the nature or degree of commitment to the environment within some existing departments. This is reflected in the paper proposing the establishment of the Commission for the Environment presented by MacIntyre to the Cabinet:

> *I believe it is also necessary to have strong and effective leadership at the official level from officers directly responsible to the Minister for the Environment to ensure that the interdepartmental consideration of environmental problems is carried forward with the necessary vigour.*[8]

Peter Brooks noted that MacIntyre became convinced that it was desirable to "have his own men".[9] It was now argued by MacIntyre's staff that at the time when the assistance from the Cabinet Office was arranged, this was considered to be a temporary solution. Although this may be true, it is also clear that the creation of the ministerial portfolio for the environment had generated a need and drive for some form of independent departmental support which was not envisaged, and even characterised as undesirable, a few months earlier.

The dynamics generated by the creation of the environmental portfolio had not relieved the pressure on the Government created by the upsurge in environmental concerns, but had instead added to it. The creation of the virtually symbolic position of Minister for the Environment had raised the expectations from the Government and particularly from the Minister to "deliver" on environmental issues. This became particularly obvious in the inter-party competition for the 1972 elections, with the opposition claiming that the Minister for the Environment was just a "jockey without a horse" or a mouthpiece.[10]

All these factors taken together seemed to make the creation of a more substantial system to back-up the Minister almost inevitable. Yet, the underlying apprehension within departments about the creation of a new environmental agency remained, and this was to have an effect on the specific status the agency was to receive.

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[8] "Proposed Organisation for the Environment", 28 July 1972; Commission for the Environment, File ENV 1/0.

[9] Peter Brooks, Personal interview, 24 October 1986.

[10] See Chapter III, p.109.

4.3. Bureaucratic Interests and the Establishment of the Commission for the Environment.

In the previous section reference was made to the fact that in November 1971 the Cabinet Committee on the Environment directed the Officials Committee for the Environment "to produce a statement of what environment means and what it embraces in order to assist in determining specific areas of responsibility."[11] The directive can be seen as a first sign of acknowledgment that a need might arise to revise the distribution of responsibilities in the environmental area.

The Officials Committee presented its report in July 1972, after having produced and discussed three drafts. The report is interesting in the sense that it shows how departments approached the question of how to manage the environment. The dominant view expressed in this paper can be summarised in the statement that it is "everyone's concern and everyone's responsibility". The exercise is a clear example of government departments hanging on to their own turf, but also of avoidance behaviour. The issue of reallocation of responsibilities was not touched upon, and the question of identification of gaps or needs for adjustment was hardly mentioned.

In the document the environment was defined as "the conditions and influences which affect living matter and to which living matter is capable of reacting". It was explained that this definition had been chosen "because it can be used to relate man and his activities to other living systems of the earth." It is obvious that such a wide definition opened the door for the recognition of the involvement of almost all departments in environmental matters. It was indeed stated that "the subject of environment permeates all of man's activities, be they individual or collective."[12]

Although there are sound reasons for a broad, comprehensive definition of the concept of environment, the question here is not whether such an approach is right or wrong. The question is that a definition of the concept of "the environment" is also a political one, used to give "hand and feet" to the issue of environmental management, and to allocate and delineate responsibilities in this area. Giving a *broad* definition of the environment may serve the purpose of trying to avoid a concentration of environment responsibilities, emphasising that such responsibilities are, and need to remain, widely distributed. However, once a central environmental agency has been created, a *narrow* definition of "the

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[11] "Management of the Environment - Statement of Scope and Responsibilities", Third Draft July 1972; Commission for the Environment, File ENV 5/1

[12] "Management of the Environment - Statement of Scope and Responsibilities".

environment" may be advocated to limit the scope of responsibilities of the agency, in an effort to protect other bureaucratic interests.

The report noted that to "make the environment a manageable concept it is necessary to group associated activities and deal with the environmental characteristics of the groups." The classification chosen was based on the grouping adopted by the U.N. Conference on Human Environment. Altogether seven categories were distinguished, comprising:

1. Human Settlement Activities
2. Natural Resources - Utilisation and Development
3. By-products of Human Activities - Pollutants
4. Health of Man
5. Education
6. Economic
7. Community Government[13]

Consequently, the classification was used to identify environmental responsibilities within departments. In total 13 departments were listed (See Table 4-1) as having areas of environmental responsibilities, but it was acknowledged that the list was probably not exhaustive. Indeed, the Commission for the Environment estimated a year later that there were more than 70 statutes with significant environmental implications, administered by some 19 departments.[14]

Apart from government departments, local authorities and universities were also identified as having environmental functions, particularly under categories 5 and 7 respectively. The last area of "community government" (described as control by the community over the actions of individuals through the development of policies, standards and other mechanisms) was seen as a shared responsibility of central and local government in general.

The inventory was accepted by the Officials as a fait accompli, not as a basis for discussion about whether any modifications or adjustments in the distribution of responsibilities was required or desirable. The adequacy of existing arrangements was not assessed, although the suggestion was made that the Government would initiate investigations "into areas of the environment at present

[13] "Management of the Environment - Statement of Scope and Responsibilities", pp.2-7.
[14] Commission for the Environment, Annual Report for the Year ended 31 March 1973. Wellington: Commission for the Environment.

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                          TABLE 4-1
      DEPARTMENTAL DISTRIBUTION OF ENVIRONMENTAL RESPONSIBILITIES
                     (Situation at July 1972)
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Department or Ministry	Category of responsibility	Description of area
Ministry of Works	1,2,3,4,6	Town and Country Planning; Water and Soil Cons.; Water poll.; Waste disp.; State works
Department of Health	1,2,3,4	Health standards; Air pollution; Public Health
Department Internal Affairs	1,2,3	Recreat.facilities; Wildlife; Dangerous goods
Ministry of Agriculture	2,3,4	Agric. dev; Agric. chemicals; Animal diseases
Scientific and Industrial Research	2,3	Advice in many fields, e.g. Waste Disposal
Treasury	1,6	Financial aspects
Lands and Survey	1	Crown lands; Reserves
Maori and Island Affairs	1	Dev. Maori land
Marine Dep.	2	Fishing; Reclamation
Mines Dep.	2	Mineral res. dev.
NZ Forest Service	2	Man. of forests
Transport	3	Meteor. Service
Education dep.	5	Education

Source: Commission for the Environment, File 5/1, Management of the Environment - Statement of Scope and Responsibilities, 3rd draft, July 1972.

excluded from the decision-making processes, so that their importance can be evaluated and responsibility for them defined."[15]

For the moment, however, there was no question of reallocation, reorganisation or rationalisation, and the Government was advised to nominate the departments listed "as primarily responsible for environmental care of the fields outlined...". The paper concluded by urging departments to consult with one another if involved in the same field to ensure co-ordination and better understanding of environmental factors and more rapid progress in tackling problems than might otherwise be possible."[16]

It is clear from this statement that departments sought to confirm the existing situation and were only prepared to allow the introduction of *new* areas of responsibilities not yet allocated. This does not imply that they accepted that there was a need to create *new* agencies to handle any identified gaps. Given the fact that it was considered that all the major fields of environmental issues had already found a place with the existing departments it seemed more likely that any identified new needs could be catered for by relatively minor adjustments of the existing distribution of responsibilities.

Table 4-1 also indicates that despite the fact that environmental responsibilities were broadly spread, some departments had a bigger stake in the environment than others. Standing out in this respect is the Ministry of Works, which had responsibility for the planning process under the Town and Country Planning Act, the management of soil and water resources under the Water and Soil legislation, the planning, design, construction and maintenance of government works (often having major impacts on the environment), and also providing administrative support for the Environmental Council. It was the Town and Country Planning Division of the Ministry of Works that compiled a report for the Stockholm Conference in 1972.[17]

The Ministry of Works had also started to investigate the possible introduction of environmental impact reporting before MacIntyre embraced the idea of introducing such procedures in March 1972. The Ministry's intention was to apply some form of environmental impact assessment to its own projects. It has been argued that attitudes towards the environment within the Ministry were

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[15] "Management of the Environment", p.9; Commission for the Environment, File ENV 1/0.

[16] "Management of the Environment", p.10.

[17] Ministry of Works (Town and Country Planning Division) for the Environmental Council (undated), The New Zealand Environment, National Report to the United Nations.

changing, leading "conscience-stricken professional engineers" to initiate work in this field.[18]

Given the nature of its many tasks and wide involvement in these matters the Ministry of Works considered itself a natural candidate for the allocation of any new environmental responsibilities. On the other hand, however, it is clear that this department had to fear most from the establishment of a new, separate environmental agency or department. Some of these responsibilities, such as planning or pollution control, were seen as belonging to the natural mandate for an environmental agency.[19]

This should be added to the fact that in the eyes of many the Ministry of Works had a record in environmental management which left much to be desired. It had a public image as the most potent transformer of the environment and it had been criticised for a trail of environmental damage and "vandalism" caused by government works.[20]

The new mechanism of environmental impact assessment and reporting was also seen as a potential task for a new environmental agency. MacIntyre and most other departments than the Ministry of Works and Treasury were of the opinion that such procedures could only be applied credibly if the responsibility would lie with some "independent" agency. It was considered that given the "suspect" image of government departments with development responsibilities, a purely internal form of assessment would likely be perceived by the outside world as an exercise in image polishing.

The Ministry of Works was not the only department, however, that feared to lose out with the establishment of a new environmental agency. Also the Department of Health, positioning itself as a department whose concern was "the whole of man's environment" clearly had such fears.[21]

Of all departments it was the Health Department which was most pronounced in taking the line that nothing new was needed in the area of

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[18]. Gresham, P.H. (1983), "Some Reflections on the Origins, Evolution and Future of the Commission for the Environment", (Unpublished paper), Wellington: Commission for the Environment, p.4.

[19] J.M.K. Hill, a member of MacIntyre's staff, was not alone in his opinion that a Department for the Environment should be a planning department. A.P. Thomson, the Director-General of Forests, also expressed this view, stating that "without any doubt" this area was the responsibility of the Minister for the Environment. "Notes on Minister for the Environment", 21 February 1972; Commission for the Environment, File ENV 1/0.

[20] The Ministry of Works was identified by J.T. Salmon as one of the responsible agencies for "State sponsored vandalism" of the New Zealand landscape. J.T.Salmon (1960), Heritage Destroyed, The Crisis in Scenery Preservation in New Zealand, Wellington, A.H. & A.W.Reed. See also Chapter II, p.57.

[21] In a letter written to complement an earlier draft of the "Statement of Scope and Responsibilities" it was pointed out by R.R. Harcourt, Assistant Director (Environmental Health) of the Health Department, that there was "no aspect of the human environment which is not (the department's) concern". Letter R.R. Harcourt, 10 May 1972; Commission for the Environment, File ENV 5/1.

environmental management. It was pointed out that the existing arrangements and the general state of New Zealand's environment were quite satisfactory, comparing favourably with other countries. The question was raised what a new agency was going to do that was not already done under the statutory responsibility of other departments. The department even argued that it was unnecessary to ask the Government to confirm existing responsibilities as these were "already clearly delineated in relevant legislation". Neither did it see a need for reminding departments of the necessity for consultation with each other, pointing out that the Officials Committee for the Environment existed for such a purpose.[22]

It was indeed suggested by some environmental groups that a Department for the Environment should include a range of divisions of other departments, amongst which sections of the Department of Health.[23] However, as demonstrated in Chapter II, there was little support within the environmental policy community for such an approach. It seems, therefore, that in contrast to the Ministry of Works, the Department of Health was not so much afraid of losing particular functions as resisting the possibility of interference with the way it performed its responsibilities. This attitude of bureaucratic protectionism may also be related to the particular approach professsional ideology associated with the department.

It was only after MacIntyre requested the Officials Committee for the Environment to indicate what form the future administration of the environment should take, that the officials discussed the question of the need for and role of a new environmental agency. R.G.Norman, who chaired the Committee, summarising the positions of the departments on this issue, stated that there "was a fairly pronounced body of opinion that in future there should be a small independent agency." The rationale for this was that it was seen as necessary to reduce the load from Cabinet Office and MacIntyre's own secretariat, although it was also pointed out that these pressures could be substantially reduced "if many enquiries to [MacIntyre's] office were [where appropriate] dealt with directly by referral to other agencies."[24]

Treasury and the Ministry of Works both considered that there would be real advantages in attaching a (new) unit to the Ministry of Works "as an operating agency which is accustomed to dealing with several Ministers, handling multi-disciplinary problems, and possessing a substantial district and local administration." Otherwise, however, officials were generally in favour of

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[22] Letter R.R. Harcourt, 10 May 1972; Executive Committee for the Environment, Minutes of a Meeting held on 20 July 1972; Commission for the Environment, File ENV 1/0.

[23] Action for Environment (1972), "Notes Concerning a Department for the Environment", 31 July 1972.

[24] "Future Administration of Environment", 21 July 1972; Commission for the Environment, File ENV 5/1.

attaching the agency to an "uncommitted" department, such as the Prime Minister's Department or Internal Affairs. The Health Department suggested that the agency could be a working party of the Officials Committee, or possibly be attached to itself.

On the question of the functions of the new agency Norman stated that there was a general feeling amongst the officials to "make haste slowly". As the work on environmental impact reporting was well advanced and could have "some influence on details of a future organisation" it was advised that the allocation of tasks to the new agency should be deferred. There was a general consensus, however, that the agency should only have an advisory role and no "control" or management ("hands on") functions. It was further considered that the Officials Committee for the Environment should continue to function, although the question of who would chair the Committee was left open.[25]

In the debate on the establishment of the Commission for the Environment questions of environmental policy hardly emerged. The prevailing attitude was that there was no justification for any substantial policy change or change in legislation. For the bureaucrats environmental policy did not mean anything more than the sum of what was already done. They adopted a compartmentalised approach to the environment, consisting of "manageable" bits and pieces administered by a wide range of agencies.

Although the Minister for the Environment had been given responsibility for co-ordination in environmental matters, this did not lead to the allocation of *specific* responsibilities to the Commission in this respect. This task was not connected to particular policy goals, principles or priorities which could provide a basis for assessing and harmonising existing policies and practices. Nor was it connected to particular "control" functions or an overview role. It appeared that co-ordination was seen as a reactive mechanism applied to problems which could not be handled by the agencies separately.[26] However, as the Officials Committee for the Environment was seen as performing this task reasonably well and was expected to continue to do so, it was unclear what the exact nature of the new agency's co-ordination role would be.

The issue of developing goals or principles as the basis for an environmental policy was put in the "too hard basket" by the Officials Committee

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[25] "Future Administration of Environment".

[26] The question of co-ordination on the basis of goals ("substantive co-ordination") or functions ("procedural co-ordination") is probably one of the most difficult key issues in the debate about the feasibility and desirability of a more "rational" and "comprehensive" approach to policy making versus a "realistic" and "incrementalist" approach. The debate is a long-standing and on-going one, as indicated in Chapter I. In Chapters VI and VII the Commission's co-ordination performance will be assessed on the basis of these two approaches.

for the Environment. In the "statement of Scope and Responsibilities" it was admitted that the Committee had not yet produced "guidelines which may be used by Government and its departments to achieve a better management of the environment", as requested by the Cabinet. Yet, it was advised "that Government should not wait until these are produced before undertaking appropriate action to protect a good environment in those areas where it might be endangered". The suggestion was made that the Minister for the Environment would deliver a "state of the nation" statement identifying important elements of the environment requiring urgent attention.[27]

A "state of the nation" declaration was indeed produced a few months later, after the Commission for the Environment had been established. However, the statement provided no clear direction for environmental policy, but contained a clause formulating the Government's intention "as a matter of urgency" to formulate guidelines for better management of the environment and "broad environmental goals upon which policies might be based and which will help to relate quality of life to economic advancement."[28]

It is clear that from the point of view of the bureaucrats there was only room for a new environmental agency that would be small and no threat to existing administrative arrangements. In his proposal to Cabinet to establish the Commission for the Environment MacIntyre acknowledged that there was "some apprehension on the part of Departments involved in environmental matters that a new organisation will encroach upon their responsibilities."[29]

As a result, the *administrative* function of the Commission in providing support for the Minister for the Environment (who had neither a management nor a control function) was emphasised. This was also an area in which the need for change could be most easily justified. The tasks of the new agency would therefore be essentially the same as those of the existing secretariat supporting the Minister in his ombudsman role.

On 3 August 1972 the Government authorised the establishment of a Commission for the Environment, attached to the Prime Minister's Department for "pay and rations", and headed by a Commissioner directly responsible to the Minister for the Environment "to undertake responsibility for co-ordination of

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[27] Management of the Environment - Statement of Scope and Responsibilities, Third draft, July 1972, p.9; Commission for the Environment, File ENV 5/1.

[28] "The New Zealand Environment, Statement by the Government", (Undated); Commission for the Environment, File ENV 5/1.

[29] "Organisation for the Environment", 3 August 1972; Commission for the Environment, File ENV 1/0.

Government policies in respect of environmental matters and to service interdepartmental committees established for that purpose."[30]

The creation of the Commission was a compromise, reflecting the conflicting pressures of rising environmental demands and electoral competition, the dynamics resulting from the creation of the environmental portfolio, bureaucratic interests, and a desire to avoid disruptions in the administrative machinery.[31] Lacking a clear environmental policy, the Government chose for an apparently "safe" form of "reform", establishing an agency along the lines suggested by the Officials Committee.

It took some time before the Commission became operational. Peter Brooks, the newly appointed Commissioner for the Environment[32] was prevented from taking on his tasks because of his apparent indispensability in his function of Secretary to the Cabinet, and the change of Government at the end of 1972. Only from February 1972 was he able to commit himself fully to his new job. However, some officials started working for the Commission before then, notably J.M.K. Hill (who became Assistant Commissioner and P.H. Gresham (as advisory officer), who were both transferred from MacIntyre's staff within Cabinet Office. By December 1972 these two had been joined by two clerical officers and a secretary-typist. In March 1973 the Commission's staff had grown to a total of 11, one under the staff ceiling of 12 set for the Commission at the time.[33]

With the change of Government on 8 December 1972 (when the Marshall Government was replaced by the Kirk Government) some uncertainty set in about the fate of the Commission and its functions. Labour had accused the previous Government of a lack of commitment to environmental matters and had pledged to give the Minister for the Environment the resources and power to carry out three functions, including the environmental audit function. Within the Labour

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[30] Commission for the Environment, File ENV 1/0, CP (72) 705, 3 August 1972.

[31] This was confirmed in a paper produced by the Commission for the Environment by the end of November 1972, in which it was stated that: "The Government, [...] has been concerned not to disrupt unnecessarily the existing administrative structure for environmental matters." "Notes on Development of Environmental Administration in New Zealand", Commission for the Environment, File ENV 1/0, 23 November 1972. This seems to confirm Scharpf's thesis that Governments are generally keen to avoid reorganisations as the accompanying disruptions may have a negative effect on its "performance" and capacity to "deliver", which seems particularly crucial in an election year. Scharpf, F.W. (1986), "Policy Failure and Institutional Reform: Why Should Form Follow Function", International Social Science Journal, Vol.38, No.2, pp.179-189.

[32] In a personal interview Peter Brooks asserted that MacIntyre definitely wanted him to become the first Commissioner, and suggested that, despite the supposedly absence of political interference in such appointments, "things very much seemed to have worked out as the Minister wanted". P.J. Brooks, Personal interview, 24 October 1986.

[33] "Administration of the Environment", Briefing papers for the Minister for the Environment, 7 December 1972; "Programme of Work", 5 March 1973; Commission for the Environment, File ENV 1/0, Commission for the Environment File 1/0.

party there were some strong advocates for the establishment of Ministry for the Environment with "hands on" management functions.[34] Yet, in its manifesto nothing specific was formulated about this matter.

However, the new Labour Government seemed to be largely satisfied with the formula of a Commission for the Environment with a predominantly advisory role. When Brooks took up his job in March 1973 he reported in the Officials Committee that "Both he and the Minister considered the commission preferable to reorganising and transferring relevant divisions of other government departments into one department. This possibility was unlikely to be considered in the near future."[35] This despite the suggestions made by Brooks to Walding, the new Minister for the Environment, to merge the Commission with the Department of Internal Affairs (of which Brooks would later become the Deputy-Secretary).[36]

There was only one area for which it seemed almost natural that the Commission would take responsibility, and that was the new area of environmental impact assessment. As a new element of environmental policy it could be added on to the existing framework and allocated to a new agency without breaking into other departments' territories. Both the Marshall and the Kirk Governments were keen to allocate this new responsibility to the Commission for the Environment, providing it with a more "substantial" task, thereby boosting the image of the new agency's status and enhancing the impression of the Government's commitment. In the next paragraph it will be demonstrated, however, that the allocation of responsibility in this area to the Commission was also the subject of a bureaucratic struggle.

4.4. The Battle over Environmental Impact Assessment.

The idea of introducing environmental impact assessment procedures in New Zealand predates the establishment of the Commission for the Environment. As mentioned earlier MacIntyre announced his desire to introduce a form of environmental impact reporting in March 1972. Prior to this announcement the Ministry of Works had already been working on environmental assessment with the intention to introduce it as an integral part of its own development responsibilities. In April 1972 the Ministry produced a draft report on

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[34]. See Chapter III, p.110.

[35] Officials Committee for the Environment, Minutes of Meeting held 15 March 1973; Commission for the Environment, File ENV 5/1.

[36] "Future Organisation for the Environment", Memo for the Minister for the Environment, 3 January 1973; Memo "Organisation for the Environment, 2 July 1973; Commission for the Environment, File ENV 1/0.

environmental impact assessment and reporting for "Works Proposals". The report was based on the American procedures which had been introduced on 1 January 1970 with the passage of the National Environmental Policy Act, requiring assessment of environmental impacts of all Federal actions with a significant impact on the environment. In Australia the New South Wales Government had adopted a similar approach.[37]

Support for the idea of introducing environmental impact assessment had gained ground in the beginning of 1972. In April 1972 the Environmental Council discussed the question whether it should "try to persuade" the Government to introduce impact reporting on a compulsory basis, and decided to set up a special sub-committee to "examine in depth the question of formulating a national policy based on environmental impact reports."[38] The committee was chaired by Mr.A.Peart, who had also been responsible for the Ministry of Works' report on the matter.

On 30 May 1972 the Officials Committee for the Environment, at MacIntyre's request, also set up a working party to report on the methodology, administration and supervision of environmental impact reporting. The working party was dominated by the Ministry of Works which delivered three of the five members, including the chairperson and the secretary. The two other members of the working party came from the New Zealand Electricity Department (N.Z.E.D.), like the Ministry of Works a department that was also a big modifier of the New Zealand landscape, and the Department of Health.

The type of environmental impact procedures proposed by the working party and adopted by the Officials Committee carried the nature of an internal bureaucratic exercise, designed to mitigate public criticism on blatant environmental "vandalism" resulting from major government works. The objectives of the proposed scheme were: (1) the achievement of better planned and designed proposals; (2) to provide environmental advice to decision-makers and (3) the "recording" of environmental considerations.[39] The procedures were designed as an "aid to internal decision-making" and not as a mechanism to enhance public input.[40]

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[37] Jain, R.K., L.V. Urban and G.S. Stacey (1981), Environmental Impact Analysis, A New Dimension in Decision Making, New York: Van Nostrand Reinhold, Chapter II.

[38] Environmental Council, Minutes of 11th Meeting, 28 April 1972.

[39] R.G. Norman, "Discussion Paper on the Environment Procedures Proposed by the Minister for the Environment", 17 September 1973; Commission for the Environment, File ENV 5/1.

[40] Submission Ministry of Works, 29 August 1973; Commission for the Environment, File ENV 8/0.

The report, in Norman's words, "specifically cautioned against unrestricted public participation"[41] and contained no proposal for a particular form of public participation, leaving this matter to the discretion of the responsible agencies. On the other hand, however, it was argued that environmental procedures were "likely to assist in the acceptance of Government works by the community"[42], implicitly referring to public criticism on the environmental effects of these works. The main object was to "graft an environmental conscience" onto departments responsible for development projects.

It was also agreed that the procedures should fit in, as far as possible, with existing procedures, be practicable, and in the first instance, only be applied to central Government proposals, and not to local government or the private sector. The intention was to "minimise disruption to Government processes" and to introduce a process that would "mould into and form part of existing processes of Government."[43] It was also argued that departments should be given time to adjust to the new approach and that retrospective application should be made "with the utmost caution".[44]

With such a scheme in place departments would not only have maintained maximum control over the assessment process, but also over the relative weight of environmental considerations in the final decision-making process. Neither the Commission for the Environment, nor the public were to be allowed to prescribe environmental measures or to unduly affect the determination of relative priorities. It was argued that setting priorities was a political matter, and therefore the exclusive domain of the Government. Although this is formally correct, it was also a convenient facade to protect bureaucratic interests and the high level of departmental involvement and discretion in the decision-making process with respect to Government projects and policies.

On 9 October 1972 the Government approved the introduction of procedures for environmental impact assessment in accordance with those outlined in the report of the Officials Committee for the Environment. The only reservation expressed about the proposal, and which had been a reason to refer it back to the Cabinet Works Committee for reconsideration, was the introduction of a five point scale within a chart system designed to measure the degree of

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[41] Norman, R.G. (1973) "Discussion Paper on the Environment Procedures Proposed by the Minister for the Environment", 17 September 1973; Commission for the Environment, File ENV 5/1.

[42] Officials Committee for the Environment, Working Party on Environmental Impact Reporting, Notes on Third Meeting held on July 14 1972; Commission for the Environment, File ENV 5/1.

[43] "Environmental Impact Reporting", Paper presented to the Cabinet Committee for the Environment, 14 September 1972, p.3; Commission for the Environment, File ENV 8/0.

[44] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.18; Commission for the Environment, File ENV 8/0.

importance of environmental impact. It was noted that this could give rise to unnecessary concern if the chart were to become a public document in a particular environmental controversy. Consequently, the officials dropped the system of numerical ratings and made the chart an optional ingredient, leaving it to the departments to decide whether they wanted to use it or not.

The Government decided that the system should be phased in gradually in order to ensure that there would be minimal disruption to departmental programmes and to avoid putting too much strain on existing staff. It also directed that appropriate instructions for departments on how to operate the procedures would be drafted. In practice the Ministry of Works was charged with this task. No exact date was set, however, on which the system would become operational.[45]

Meanwhile environmental impact assessment was being introduced and applied to a few projects, such as the proposals launched by the New Zealand Forest Service for the utilisation of South Island beech forests, and to the Huntly Power Station. The report on the beech forests proposals was prepared by a working committee (set up on 5 October 1972) of the Officials Committee for the Environment, whereas the Huntly statement was produced by the responsible proponent, the New Zealand Electricity Department. The environmental statements and reports of both proposals were discussed in the Executive Committee for the Environment and gave rise to disagreement between the newly established Commission for the Environment and the majority of other officials, particularly on the issue of the release of the reports and working papers to the public.[46]

Disagreements between the Commission and other officials in the Officials Committee for the Environment became more apparent when Peter Brooks took up his job as Commissioner in February 1973. The differences sharpened when in April 1973 the Ministry of Works presented the instructions for environmental impact reporting asked for by the previous Government. Soon the disagreement developed into a full-blown conflict between in particular the Commissioner for the Environment, P.J.Brooks, and the Assistant-Commissioner of Works, R.G.Norman.

The conflict about the environmental impact procedures centered mainly around the following issues:

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[45] "Memorandum for Cabinet, Environmental Impact Reporting", 6 October 1972; "Memo for the Officials Committee for the Environment, Environmental Impact Reports", 18 October 1972; Commission for the Environment, File ENV 8/0.

[46] Officials Committee for the Environment, Minutes of Meeting 15 March 1973; Commission for the Environment, File ENV 5/1; Minutes of the Executive Committee for the Environment, 29 March 1973; Commission for the Environment, File ENV 5/2.

(1) the publication of environmental impact reports and the value of public
    participation;

(2) the issue of control over the implementation of the procedures;

(3) the scope of application of the procedures.

4.4.1. The Issue of Publication of Environmental Impact Reports and the Value of Public Participation.

A well-known and long established mechanism to maintain control over
bureaucratic processes is the restriction of public knowledge and involvement. In
many countries the presumption that what bureaucrats do should remain secret is
well and alive until the present day. Only fairly recently the New Zealand
Government inverted the principle of secrecy into one of openness with the
introduction of the Official Information Act in 1981.[47]

In 1972, however, control over the release of official documents was still a
virtually unchallenged prerogative of bureaucracy and government. This
instrument of power was also used by the first designers of the environmental
impact procedures in order to maintain bureaucratic control over the new process.
Unlike the American system, which provided for public input on draft
environmental impact statements, the New Zealand proposals did not contain any
formal requirements for public consultation. Although it was stated that "the
public should be informally included in the planning process, where this is
reasonable and practicable", it was also noted that there were "obvious constraints
on the extent of (public) participation" and that "premature disclosure could
defeat the whole object of a proposal." Formal opportunities for public
participation were to be restricted to the provisions under the Town and Country
Planning Act (1953), whereas the extent and timing of informal consultation with
the public was seen as a discretionary matter for the Ministers or departments
concerned.[48]

It was recognised that environmental assessment implied the making of
value judgments. Yet, this was considered to be more a matter for informed
judgment by (bureaucratic) experts than of consultation with "the general public".
Typical of this attitude was the remark made by some officials that "to invite
comments would be to invite mainly stupid ones" and that this would only "bog

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[47] Gregory, R., ed. (1984), The Official Information Act: A Beginning. Wellington: New Zealand Institute of
Public Administration.

[48] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.15;
Commission for the Environment, File ENV 8/0.

down any development."[49] It was also argued that the Environmental Council (on which five departments were represented) was supposed to represent the public, and the suggestion was made that the Council would decide whether the public could object or not.[50]

The officials' proposals demonstrate the technocentric tendency to objectify the process and to emphasise the need for a scientific approach, thus underlining the role of experts. "The basic objective is to find a rational and consistent method of evaluating the potential impact of works and management proposals...".[51] The chart system, mentioned earlier, was seen as a mechanism to provide a uniform basis for evaluation. Inter-disciplinary consultation was considered as essential for the successful use of environmental impact assessment techniques. In the proposed format for an environmental impact statement it was noted that the analysis of specific impacts "should be as objective (and quantitative) as possible, separating probable facts from subjective judgments." The need for training of staff involved in assessment was also pointed out.[52]

Thus, environmental impact assessment (EIA) was to become very much an expert exercise from which value judgments had to be banned as much as possible. The technocentric approach to EIA implies that environmental problems primarily require technical assessments and solutions. Solutions are not being related to questions of value or principle requiring broader public input and debate. In practice, this approach allows experts to deal with issues on the basis of their own value judgments, concealed under a camouflage of professionalism.

The question whether environmental impact reports should be released to environmental groups and the public in general emerged vividly with production of the South Island beech forests report and the environmental impact statements prepared for the Huntly power station.

The Officials Committee did not have any difficulty with the release of the report on the beech forests proposals, which was approved for publication by the Government on 5 February 1973. The report was heralded by A.P.Thomson, the Director General of Forests, as a "first class document" and was approved by the Committee without fundamental alterations or opposition to the scheme, despite reservations expressed by some departments.

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[49] Executive Committee for the Environment, Minutes of Meeting 15 June 1973, p.4; Commission for the Environment, File ENV 5/2.

[50] Officials Committee for the Environment, Minutes of Meeting 15 March 1973, p.6; Commission for the Environment, File ENV 5/1; Executive Committee for the Environment, Minutes of Meeting 15 June 1973, p.4; Commission for the Environment, File ENV 5/2.

[51] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.4; Commission for the Environment, File ENV 8/0.

[52] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", Appendix.

By contrast, the Committee opposed the release of working papers (containing some departments' reservations) produced in preparation for this report, as requested by environmental groups in March 1973. It was argued that "persons with a narrow interest only could take a single report out of context and attack its validity" and that such a release could set an undesirable precedent for other reports that were confidential, e.g. involving projects that were only still at a draft stage.[53]

Peter Brooks, the Commissioner for the Environment, on the other hand, argued that "the public was entitled to know everything that affected their environment and that there should be no necessity for any considerations to be secret." He also referred to the Commission's intention "to maintain close relations with environmental groups and to be more open with its dealings with the public." The Officials Committee, however, passed a motion advising not to release the working papers against Mr.Brooks' opposition.[54]

Brooks did not leave it there, however, and engaged the new Minister for the Environment, Joe Walding, to support the case for publication in Cabinet. In a memorandum for Cabinet on the issue Walding argued that non-publication of these reports would be far more misleading than any difficulties which might arise through publication, and that interest groups could claim that the officials' environmental impact report was a "white-wash" job, hiding relevant information from departments which opposed the scheme. He also stated that he believed that "we should encourage and not discourage active participation by citizens' groups in decision making on environmental matters", although this "may not be easy for Public Servants to accept initially...".[55]

The Cabinet rejected these arguments and decided, on 9 April 1973, that *at this stage* the environmental impact report on the Huntly power station would not be published. It would only be released on a strictly confidential basis to the Waikato Valley Authority and the Water Resources Council.

The second report on the environmental impact procedures ("Guidelines and Instructions to Departments") maintained the principle of non-publication of impact reports because they were seen as "essentially the judgment of the departments promoting a proposal and therefore open to differences of opinion." It was added that:

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[53] Officials Committee for the Environment, *Minutes of Meeting* 15 March 1973; Commission for the Environment, File ENV 5/1.

[54] Officials Committee for the Environment, *Minutes of Meeting* 15 March 1973; Commission for the Environment, File ENV 5/1.

[55] "Release of Reports to Environmental Interest Groups", Memorandum for Cabinet, 15 March 1973; Commission for the Environment, File ENV 8/0.

> *More importantly the proposal as described in a statement might be substantially modified as the result of environmental audit. In such circumstances the environmental impact statement could be misleading.*[56]

Only modified versions of impact reports incorporating changes resulting from the audit process were considered suitable for potential public consumption, and even then only on condition of Ministerial approval.

The proposals, following the 1972 model, provided for the preparation of three different statements by the proponent of a project, numbered 1, 2 and 3. The number 1 statements would be wide in scope, describing the nature of the proposal, various options or alternatives and their environmental implications, and was to be wide in scope. The number 2 statements would focus on the environmental implications of location and design of a preferred option, and would be submitted for approval in principle. The number 3 statement would get into the details of the design and environmental measures and would be presented for each major element of a proposal before commitment to actual implementation, for which it would be a guide.[57]

In the discussion of the proposals by the Executive Committee for the Environment, Mr.Peart, drafter of the report, reminded the members that the stage at which the public would be informed had been left to the discretion of the department concerned. The Committee agreed that the first kind of statement (referred to as the Statement) would only be available for public comment if the Government so decided, that the second type would not be available for the public, and that the third type (which would be for the guidance of departmental staff implementing the Government's decision) "need not be withheld from the public". This implied that the public would normally only be informed *after* the basic decisions (in the first and second stages) would have been taken, thus effectively eliminating most opportunity for meaningful public input.[58]

This was clearly unacceptable to the Commissioner for the Environment. Seeing little prospect for converting the officials ("we had not one ally there") he decided to bring the matter onto a political level. Using the public outcry about the Government's decision not to publish the Huntly report, and having Walding firmly on his side he decided to submit a second paper to Cabinet on the issue.

The paper asked the Government to agree in principle that future environmental impact reports be published. Walding stated that "It has always been

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[56] "Environmental Impact Assessment and the Preparation of Environmental Impact Statements - Guidelines and Instructions to Departments", April 1973; Commission for the Environment, Files ENV 5/1 and 8/0.

[57] "Environmental Impact Assessment and the Preparation of Environmental Impact Statements", pp.6-7.

[58] Executive Committee for the Environment, Minutes of Meeting 19 April 1973; Commission for the Environment, File ENV 5/2.

my view (and I understand the view of the Minister for the Environment in the last Government) that environmental impact reports should be published." He stressed the value of public participation as an alternative source of advice for Ministers, thus reducing their dependence on official channels and "the recurrent problem of political control".[59]

He also pointed out the political costs if the Government would continue to disallow publication of environmental reports.

> *[...] we will no longer appear to be a Government sympathetic to the environmental cause. The effect will be to lose, not gain, initiative in the development of our resources. Because in the process we will have lost much of the public goodwill gained by our enlightened approach on the issue of Manapouri.[60]*

According to Brooks, the Cabinet was not happy with the situation and deferred a decision. The Commission then prepared another paper on the issue, further arguing the case for publication. Also this paper was presented directly to Cabinet, by-passing the Officials Committee where such proposals would normally have been discussed first. On 5 June 1973 the Government decided, in line with the Commission's proposals, that future environmental impact reports would be published before the Commission would audit the reports and before decisions would be taken. Cabinet now also agreed to publish the environmental impact report on the Huntly power station.[61]

There is no doubt that these moves by the Commissioner for the Environment had stung some people in other departments. Peter Brooks remarked:

> *We had won. We were not loved by the officials and I do not doubt that this affected their future attitude to the Commission. Nevertheless, we did the right thing by the Government and the right thing in the interests of the Commission. Or so I judge.[62]*

However, this was only one element in the battle over the environmental impact procedures. Two other major issues remained.

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[59] "Publication of Environmental Impact Reports", Memorandum for Cabinet, 23 May 1973; Commission for the Environment, File ENV 8/0; Brooks, P.J. (1973), "Environmental Impact: A Case Study", Talk to the D.P.A. Class, 15 November 1973 (Unpublished).

[60] Brooks, P.J. (1973), "Environmental Impact: A Case Study", p.3 and pp.11-12 respectively.

[61] Brooks, P.J. (1973), "Environmental Impact: A Case Study", pp.13-15.

[62] Brooks, P.J. (1973), "Environmental Impact: A Case Study", p.15.

4.4.2 Control over the Implementation of the Procedures.

The issue of control over the implementation of the environmental impact procedures touched upon two questions: which department would be responsible for administering the procedures, and what would be the exact terms under which the procedures would be managed.

The first question seems to have been decided at an early stage of the development of the procedures. As referred to earlier, both the National Government before December 1972 and the Labour Government thereafter were keen to allocate the new environmental impact procedures to the new environmental agency, giving it something "real" to do, and thus reducing expressed or potential criticsm of making another token gesture in response to growing environmental demands. At an early stage MacIntyre expressed his desire to have the procedures introduced, implicitly claiming responsibility for this new process under his portfolio. This brought him into a position of competition with the Minister of Works, in whose department the initiative to study the American example for potential introduction into New Zealand had been developed.

MacIntyre's move did not affect he Ministry of Works' determination to gain formal responsibility for the procedures. The Ministry of Works, already having a wide range of environmental responsibilities considered itself the natural candidate for taking on any new environmental tasks, in particular the environmental impact reporting in which it had taken the initiative. Before the establishment of the Commission for the Environment the Ministry pointed out that a new agency would have to be more than just a clearing house for environmental impact reports, and "that it would need a group of people who had the expertise to evaluate environmental reports."[63]

In the discussion about the establishment of a new environmental agency the Ministry of Works took the position, supported by Treasury and the Department of Health, that work on the development of the environmental impact procedures would have to be finished before a decision would be taken on the question of the administering agency and its location. This implied the possibility that even if a new agency would be created to administer the procedures, it might be located formally within the Ministry of Works.

The Ministry promoted itself as the department commanding more expertise in this area than anyone else. In a letter explaining the Ministry's attitude on

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[63] Executive Committee for the Environment, Minutes of Meeting 20 July 1972; Commission for the Environment, File ENV 5/2.

environmental impact reporting the Minister of Works stated that "It is probably the only department at this time which fully appreciates all of the complexities and problems associated with achieving environmental balance in the process of meeting the needs of a developing community."[64]

However, the Commission for the Environment was established before a decision on environmental impact reporting was taken, indicating that the Government definitely wanted to create an "independent" environmental agency, not a new branch of any other department. Apparently the Ministry of Works realised that it was fighting a lost battle, accepting already in its first report on the procedures that the Commission for the Environment would carry responsibility for "auditing" environmental impact reports and keeping an overview role.

In April 1973, after the Ministry of Works had presented its second (Peart) report on environmental impact assessment, the Minister for the Environment, Joe Walding, directed the Commission for the Environment to take over the responsibility for a further redrafting of the proposals. From then on the Ministry of Works had to take a back-seat, and the Commission was in a position to take the initiative in proposing adjustments to the procedures according to its own views.

This also put it in a position to emphasise its own future role in maintaining control over the process of environmental impact assessment, in particular with regard to the question whether an environmental impact report had to be prepared. The previous proposals were based on the principle that proponents of development projects would be the first responsible for assessing environmental impacts of their proposals and for deciding whether or not these warranted the preparation of an environmental impact report. It was considered that such a system would have an important educative effect, potentially raising the level of environmental awareness of those responsible for proposed developments:

> *The most effective way of achieving the changed attitude necessary, is in placing clear responsibility for environmental measures with those departments responsible for a proposal. In this way environmental considerations should become just a matter of course as economic and technical considerations are now.*[65]

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[64] Letter Hugh Watt to I.G. Eagles, 29 October 1973; Commission for the Environment, File ENV 8/0.

[65] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.8; Commission for the Environment, File ENV 8/0.

On the other hand, however, it was recognised that some sort of external check would be required to assess whether a department had fulfilled this responsibility adequately. Partly the solution was sought in giving the Commission for the Environment some form of overview or watchdog role. It was proposed that the Commission should have access to departmental information to identify policies and proposals with significant environmental implications. The Commission would then be able to indicate independently to departments its views on the need for environmental statements.[66]

Also, the Commission would receive responsibility for "auditing" environmental impact reports. The audit process would entail a check by the Commission whether a department had adequately covered the environmental implications of a particular proposal in its environmental report. It would then make recommendations to those responsible for the proposal about desirable measures for addressing the environmental impacts. This role of the Commission was compared to the role of Treasury in providing the Government with advice on the implications of particular proposals.[67]

Whether or not the recommendations of the Commission would be accepted was a matter for the decision making agencies, either the Government or a government-committee, a minister or a department. It was made clear that the final say in these matters did not rest with the Commission, but with the agencies which would normally be responsible for the decisions about proposals. Thus, in case of conflicting views between the Commission and the promoting agency, the Cabinet Works Committee, the initiating minister, or the permanent head under whose department the proposal resorted would retain control over the decision whether or not to accept the Commission's advice, with final decision making power resting with the Government. There was definitely "no suggestion of an environmental overlordship which could result in a diminution of the ultimate authority of Government to decide the course to be followed."[68]

Neither was it proposed that the procedures would receive statutory backing. This would have created an opportunity to legally challenge the quality of reports or audits, or a department defaulting to implement the Commission's recommendations, in analogy to the United States. The officials' proposals implied that formally the executive branch of the Government would retain final control over the process, and that within that branch the allocation of decision-making

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[66] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.11.

[67] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.9.

[68] "Memorandum for Cabinet, Environmental Impact Reporting", 6 October 1972; Commission for the Environment, File ENV 8/0.

powers would not be altered by the introduction of the procedures. The new process was primarily designed to generate additional information about an aspect which required more specific focus of attention in the existing decision-making structures.

The Commission was to receive the task of developing guidelines which might help departments to enhance their capacity for environmental scrutiny, and of assisting the Government in determining whether an acceptable balance had been struck. This idea was also borrowed from the American example, where the Council of Environmental Quality (CEQ) provided guidelines for the preparation of impact reports (replaced by regulations in 1978). Although the American guidelines were not adopted, a chart system to identify potentially relevant environmental factors (originally developed by the United States Department of the Interior Geological Survey) was proposed.[69]

Specific care was also taken to fence in the involvement of the Cabinet Committee for the Environment in this area. This Committee was seen to have only a role in the "first line" of environmental defence insofar as major Government works and management policies were concerned at the "conception stage". It was noted that:

> [...] once the course has been set for a particular proposal, the Cabinet Committee for the Environment is not expected to deal with the proposal again, unless it is referred to the Committee at the specific request of a Minister or Government itself for advice on a particular aspect. However, [...] the Cabinet Committee for the Environment should not have to concern itself very often with proposals after the conception stage.[70]

In compensation it was recommended that "to advise on the adequacy of environmental provision, the Minister for the Environment should be a member of the Cabinet Works Committee", and likewise the Commissioner for the Environment should be a member [emphasis added] of the Officials Committee for the Environment and its Executive.

Having received responsibility for the further redraftting of the environmental impact proposals in April 1973 the Commission for the Environment managed to alter some of the provisions related to the implementation of the procedures. These changes relate in particular to the issue of deciding in what cases the preparation of an environmental impact report

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[69] "Report of the Officials Committee for the Environment, Environmental Impact Assessment",p.4; Commission for the Environment, File ENV 8/0.

[70] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", pp.11-12.

would be required. It also succeeded in eliminating some constraints and escape clauses which would have further weakened its role.

Brooks strongly attacked the provision that departments proposing a project would also decide for themselves whether an environmental impact would have to be produced. He considered this "unacceptable", as "too much was left in the hands of the departments." He suggested that either formal criteria should be introduced indicating to departments when environmental impact statements should be produced, or that the Commission "would receive, as a matter of course, an environmental assessment of all proposals originating from a department."[71]

Both suggestions were rejected by the officials. "It was felt that there was no need for explicit criteria at this stage". The second suggestion was seen as unworkable and contrary to the underlying philosophy of the original report "emphasising the advantages of [...] responsibility for the environment remaining as much as possible with the promoting departments." As no consensus could be reached it was agreed that Mr.Brooks would further study the problem[72]

Despite the opposition of the officials Brooks persevered and included in his proposals a list of criteria ("considerations") by which Government organisations were to be guided in their assessment of environmental impacts and the need for preparing an environmental impact report. He further included a provision that in cases where there was disagreement between the Commission for the Environment and the proponent about the need for preparing an impact report the matter would be referred to the Minister for the Environment for decision. Both additions were accepted by the officials, although the second provision was amended to include that the Minister for the Environment would decide "after consultation with the Minister involved" (responsible for the proposal).[73]

Other changes to the procedures related to the time the Commission would have for auditing (extended from 4 weeks to 60 days), the elimination of a clause that (in its audit) the Commission should take into account the economic implications (costs) of proposed changes. Also, a clause was eliminated providing that "where a proposal because of its broad scope or wide environmental implications, or technical complexity or other special features requires examination and analysis to a degree not normally expected from the Commissioner for the Environment" the proposal could be referred to the Officials

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[71] Executive Committee for the Environment, Minutes of Meeting 30 April 1973; Commission for the Environment, File ENV 5/2.

[72] Executive Committee for the Environment, Minutes of Meeting 30 April 1973, pp.2-3.

[73] "Environmental Protection and Enhancement Procedures - Procedures to be Followed", 13 July 1973; Commission for the Environment, File ENV 8/0; Executive Committee for the Environment, Minutes of Meeting 19 July 1973; Commission for the Environment, File ENV 5/2.

Committee for the Environment for auditing, so that a report from the Commissioner would not be required.[74] This provision could have been used as an escape clause by labelling projects as "too hard to handle" for the Commission.

Brooks noted that "in general the Officials were helpful and constructive". He attributed this to the fact that the Commission was "under riding instructions from our Minister not to give way on any matters of principle", so that they could claim "on almost all important issues that we had a mandate from the Minister for the Environment." On the other hand, he remarked, other officials appeared not even to know the thoughts of their Ministers on these matters.[75]

It should be added that the Commission at this stage knew itself supported by a high level of public interest in environmental matters, a growing environmental movement and increasingly significant public input. Its stand in favour of greater public involvement had generated much goodwill for itself. It had built up good contacts with environmental groups, in particular with the Environmental Defence Society, which it had given, on a confidential basis, a preview of the original proposals for environmental assessment. This was also to the Commission's benefit as the comments made by the Society could be used by the Commission to reinforce its own argumentation and position.[76]

With the full support of Walding the Commission released its new proposals for environmental impact assessment for public comment in July 1973. More than 150 submissions were received, the majority of which supportive of the proposals. Some submissions went even further and demanded a stronger position for the Commission and statutory backing for the procedures. This enabled the Commission to present itself as moderate and quite "reasonable" in its aspirations, helping it to extract further concessions from other officials.[77]

As a result, the Commission managed to reinforce its "control" over the process of environmental impact assessment, although it can be argued that the degree of its grip was still relatively small as key elements of the original proposal remained in place. For instance, the preparation of impact reports remained under the control of the initiating departments. The Commission's input and advice was not binding and it lacked the "teeth", capacity or status to enforce the implementation of its "audit" recommendations. The assessment procedures were

[74]. "Environmental Impact Assessment and the Preparation of Environmental Impact Statements - Guidelines and Instructions to Departments", April 1973, pp.8-9; Commission for the Environment, Files ENV 5/1 and 8/0.

[75] Brooks, P.J. (1973), "Environmental Impact: A Case Study", Talk to the D.P.A. Class, 15 November 1973 (Unpublished), p.16.

[76] Letter from the Environmental Defence Society, 14 May 1973; Commission for the Environment, File ENV 8/0.

[77] "Environmental Impact Procedures, Summary of Comments Received", Submissions (no date); Commission for the Environment, File ENV 8/0.

not backed up by any legislation, and the small size of the Commission's resources (in 1972-73 a budget of $100,000 and a staff ceiling of 12 people) made it unlikely that it would be able to exert much influence at all on many of the proposals put forward by other departments.

4.4.3 The Scope of Application of the Procedures.

The question of the scope of application of the procedures has three aspects: first, the kind of proposals that are subject to assessment; second the categories (or levels) of proponents which have to comply with the requirements of the procedures; and third, the definition that is given to the term environment.

Although the original blueprint for impact assessment drawn up by the Officials Committee noted that ideally all proposals should be subject to environmental impact assessment, it was recommended that only capital works and management proposals lying at the basis of such projects would be covered by the procedures.

Two other potential areas of application were identified, "Science and Technology" and "National Welfare Policies" (including immigration, population growth and distribution, economic growth and social welfare measures), but it was considered that it would be too difficult to establish suitable means of assessment and control in these fields. It was further argued that as the results of science and technology would eventually be applied in works and management proposals, these areas would anyhow be scrutinised at a later stage. As for "social proposals" it was remarked that these tended to reflect "deep rooted community values", which would make it "premature" to deal with them in the same way as the "essentially administrative proposals" under the works and management categories.[78]

This selection of areas or kinds of proposals to which environmental impact assessment will be applied reflects the tendency of this mechanism to be applied primarily to concrete, physical proposals (to be referred to as projects). In these cases impacts on the environment can be assessed with relative ease and accuracy, related to "site specific" factors (the physical characteristics of the environment, both natural and human). Although there may be some uncertainty about the exact magnitude or long term effects of changes, many impacts can be immediately foreseen and visualised (such as changes in landscape, destruction of forests or buildings).

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[78] "Environmental Impact Procedures, Summary of Comments Received", pp.2-3.

The fact that much of the growth of environmental concern and action in New Zealand over the 1960s and early 1970s was inspired by the impact of projects initiated or supported by the state on the surrounding landscape (as discussed in Chapter II) made that environmental impact assessment was seen by many inside and outside government as a suitable or desirable mechanism that would meet the growing concern and criticism.

Although the original proposals of the Officials Committee also contained a provision for the assessment of management policies,[79] it was admitted by the drafter of the proposals, Mr. Peart, that the reports were written "with a bias towards construction proposals". He suggested that further thought had to be given "to accommodating management policies within the general framework of the guidelines."[80]

A second proposed restriction in scope applied to the level of application. It was suggested that only major central Government proposals would be subject to the procedures. Only after sufficient experience had been gained with the application of the procedures on this level, the process would be considered for application on lowers levels of government and private enterprise. Meanwhile local authorities would be invited to follow the Government's example, but they would not be compelled to do so.

The reluctance to apply the procedures immediately to local government and the private sector was based on the conviction held by many (bureaucrats and other) that there were already adequate statutory mechanisms for environmental control on these levels (for instance the Town and Country Planning Act 1953, the Health Act, and legislation controlling air and water pollution). It was feared that the imposition of the procedures on local government would cause further delays in the construction of necessary or desirable works, such as sewerage schemes.[81] Another argument in favour of postponing the introduction of the procedures on this level was that local authorities lacked the skills and other means (financial) to implement them.[82]

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[79] Specifically mentioned were policies related to: forest management, agricultural and fisheries management, natural water management, soil conservation and rivers control management, waste treatment and disposal, coastal waters and seabed management, transportation management and recreational and cultural activities; "Environmental Impact Reporting", Paper presented to the Cabinet Committee for the Environment, 14 September 1972, pp.2-3. Commission for the Environment, File ENV 8/0.

[80] Executive Committee for the Environment, Minutes of Meeting 30 April 1973, p.4; Commission for the Environment, File ENV 5/2.

[81] Executive Committee for the Environment, Minutes of Meeting 15 June 1973; Commission for the Environment, File ENV 5/2.

[82] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.14; Commission for the Environment, File ENV 8/0.

It was also considered that an adjustment of the Town and Country Planning Act to accommodate environmental assessment requirements would be preferable above the introduction of a completely new process parallel to the planning process. It has even been argued that if the Crown would have been prepared to submit and bind itself to these planning procedures (as it did not) the (possibly adjusted) Town and Country Planning Act would have provided adequate environmental protection in the case of central government works.[83] The question of integration of the environmental impact procedures with other (statutory) controls was seen as a major problem and would surface time and again.

A third aspect of the scope of the procedures is related to the definition that is given to the term "environment" in environmental assessment. Obviously, the narrower the concept is defined, the smaller the range of impacts that will be considered in the process. The question of definition of what "the environment" is or how it should be delineated lies at the core of the debate on the ideological foundations for environmental policy making, the relations between environmental policy and other policy areas, and the issue of distribution and co-ordination of governmental/bureaucratic responsibilities. It is therefore also politically a highly relevant question. Earlier in this chapter reference was made to the very wide definition given to the concept of "environment" in order to indicate the wide distribution of environmental responsibilities over departments, thus making it very hard to justify the establishment of only one "department for the environment".

On the other hand, the concept of environment was not clearly defined in the two Officials Committee's reports on environmental impact assessment. The guidelines, criteria or check-lists all contained references to aspects of the environment, but no definition. The reports indicated that environmental *and* *social* impacts of proposals (impacts on the human environment) should be assessed.[84] However, there seems to have been a lack of consensus about the meaning of these concepts amongst the officials, related to an effort by some to fence in scope of the procedures.

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[83] Nahkies, G.E. (1976), Environmental Decision-making. A Critical Evaluation of the Contribution of Environment Impact Reporting in the United States of America and New Zealand. Auckland: University of Auckland, p.36.

[84] "Report of the Officials Committee for the Environment, Environmental Impact Assessment", p.4; Appendix, pp.2-3; Commission for the Environment, File ENV 8/0; "Environmental Impact Assessment and the Preparation of Environmental Impact Statements - Guidelines and Instructions to Departments", April 1973, pp.1;8;10; Appendix, pp.2-3; Commission for the Environment, Files ENV 5/1 and 8/0.

On all three aspects of the scope of the procedures there were clear differences of opinion between the Commission and other officials, most strongly on the second aspect. The Commission indicated in its draft proposals that management policies would be subject to environmental impact assessment.The reference to specific policy areas was eliminated, thereby avoiding that the procedures could only be applied to a relatively narrow and exhaustive of range of policy areas. On the other hand, the Commission made a "concession" by accepting a (longer) list of Acts delineating the field of actions or management proposals under which the preparation of environmental impact reports could be required. There seems to have been little debate on this aspect, however.

Much more heat was generated by the conflict on the application of the procedures to local Government proposals. In the House the Minister for the Environment, Walding, answering a question of the issue, indicated that he was "anxious that similar procedures should also be applied to the activities of local authorities and the private sector."[85] The Commissioner confirmed this in an meeting of the Officials Committee for the Environment the next day. In the row that developed many counter-arguments, such as referred to above, were brought forward, most notably by the Assistant Commissioner of Works, R.G. Norman, who also chaired the Officials Committee for the Environment and by Mr.R.R. Harcourt, Assistant Director (Environmental Health) of the Health Department.

Strong opposition against the proposed extension in application to local government was also expressed in submissions on the Commission's draft procedures, particularly by many borough, county and city councils. Many of these were opposed to the whole concept of environmental impact assessment and wanted to throw the whole proposal overboard. An illustration of the strength of feelings against the proposals can be read from the following statements:

> *The proposal merely created a cumbersome machinery which will cause delays in planning and will be wide open to outside pressures mostly of an emotional or political nature and of only incidental relevance.*[86]

Another council added that "nature should be subject to human beings..." and stated that it did not agree to the bringing of impact reports to the attention of "the noisy uninformed minority".[87]

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[85] Hansard, Parliamentary Debates, 14 March 1973, p.1017.

[86] Submission Waipukurau Borough Council, "Environmental Impact Procedures, Summary of Comments Received" (no date), p.19, Commission for the Environment, File ENV 8/0.

[87]. Submission Otahuhu Borough Council, "Environmental Impact Procedures, Summary of Comments Received", p.17.

Strong reservations were also expressed by the New Zealand Institution of Engineers and other professional organisations, notably of planners. They advocated a review of the Town and Country Planning Act before any impact procedures would be introduced. Peter Brooks, together with Joe Walding and the Minister of Local Government, who was also supportive of the introduction of the impact procedures, succeeded, however, in convincing the Secretaries of the Municipal and Counties Associations that they could only be helped by the procedures "to extricate themselves from difficult local environmental problems". They also pointed out that, because of a lack of resources, the Commission for the Environment would only be able to get involved in very major issues, and that there were no grounds for the fear that a new heavyweight bureaucratic system would come down upon local authorities.[88]

In order to be able to show the Cabinet that there was broad support for the proposals and no opposition from any key actors in the environmental policy community, Brooks was keen to get the Environmental Council strongly behind him. However, the Council, having a strong representation from reluctant departments and local authorities on it, was in Brooks' words, "not very sympathetic to environmental aims and objectives", and was not able to reach firm conclusions on the impact procedures.[89]

In order to get the Council firmly behind the proposals Brooks felt that it was necessary to make some concessions. Therefore, the scope of the draft procedures was somewhat reduced, bringing only those local proposals under the scheme (apart from works and management policies of government departments) which involved government subsidies, or which were subject to the Cabinet Works Committee programming or which involved the granting by the Crown of licenses, authorisations, permits and privileges under a list of specified Acts. As a result local projects would only have to be submitted to environmental impact reporting if they were considered to be: (a) environmentally significant and (b) subject to Government support or approval under the specified Acts.[90]

As this reduction in scope still left an impressive field of potential application intact, a further concession was granted. In the guidelines for deciding which projects would require environmental impact reporting a clause was added advising that it would be taken into account whether proposals had already been

[88] Brooks, P.J. (1973), "Environmental Impact: A Case Study", Talk to the D.P.A. Class, 15 November 1973 (Unpublished), pp.22-24.

[89] Brooks, P.J. (1973), "Environmental Impact: A Case Study", p.25.

[90] Brooks, P.J. (1973), "Environmental Impact: A Case Study", pp.25-26.

fully considered under the procedures of the Town and Country Planning Act 1953 or the Water and Soil Conservation Act 1967.[91]

In themselves these concessions did not prove to be effective in turning the Environment Council around, however. Brooks therefore asked Walding to talk to the Council "to give the proposals as submitted his personal blessing and stamp of authority." The effect, according to Brooks, was decisive, at least in the sense of forcing the Council to take a clear stand. Yet, even after a day of deliberations the Council was still unable to reach a conclusion, and took the unusual step to give the chairman and deputy chairman a mandate to present the views of the Council in a letter to the Minister for the Environment.

According to Brooks, the letter was drafted by the Chief Executive Officer of the Council (residing within the Ministry of Works), and taken to Mr.Davidson, who chaired the Council, by Mr.Norman, the Assistant Commissioner of Works, also a member of the Environmental Council. The result was a letter presented to the Minister which "agreed in principle", but which in fact proposed an alternative scheme where "there would be no place for the Minister for the Environment" (and consequently the Commission servicing the Minister).[92]

In a last minute action, three days before the decision about the procedures was due in Cabinet, Brooks succeeded in convincing the chairman and deputy chairman of the Environmental Council to withdraw the awkward paragraphs in the letter and to replace them by a much more supportive section, formulated by Brooks himself.[93]

This late effort by the Associate Commissioner of Works to frustrate the Commission's proposals was not an isolated event. In September 1973, feeling that the process of policy making on the procedures had slipped through his fingers, he went public in expressing his strong criticism on the form the environmental impact procedures had taken.[94] This provoked a sharp rebuttal by Brooks in the same newspaper suggesting that if public servants criticise in public decisions taken by Cabinet "they deserve to have the book thrown at them."[95]

In the same month, the Assistant Commissioner of Works also wrote a paper for discussion in the Officials Committee stating that "The objectives of the

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[91] Commission for the Environment (1973), Environmental Protection and Enhancement Procedures,p.5, clause 12 (1); "Environmental Impact Assessment Procedures", Memo for Minister, 9 November 1973; Commission for the Environment, File ENV 8/0.

[92] Brooks, P.J., "Environmental Impact: A Case Study", pp.28-30.

[93] Brooks, P.J., "Environmental Impact: A Case Study", pp.30-31; "Recommendations of the Environmental Council", 9 November 1973, Memo for Minister for the Environment; Commission for the Environment, File ENV 8/0.

[94] Auckland Star, 20 September 1973.

[95] Auckland Star, 22 September 1973.

system recommended by the Officials Committee have been largely disregarded and the system is now primarily being used for informing the public and soliciting public participation in the planning of works proposals." This whilst the Officials' report had "specifically cautioned against unrestricted public participation."[96]

He further noted that the proposed procedures would interfere with statutory processes, "misdirect" the public by creating an "undesirable distortion in favour of the natural environment", cause undesirable delays and create a new bureaucratic system parallel with those already existing. They would also expose Ministers "to undesirable pressure before making decisions on proposals."[97]

In the hope of creating some counterweight on the political level the Commissioner of Works also presented a very critical paper on the proposed scheme to the Minister of Works, asking the Government to review the scope and function of the Commissioner for the Environment.[98] In a letter to the Minister for the Environment, the Associate Minister of Works suggested that the procedures should be reviewed to be integrated into a revised Town and Country Planning Act, and not be applied for the time being to local authorities. In a sharp reaction the Minister for the Environment responded that the Government was committed to introducing a system of environmental impact reporting and that he could not "conceive of Ministers being convinced that our objectives and our pledge can be met by a few adjustments to the 1953 Act administered by a department which has major responsibilities in the construction and development field." He added that "it might, however, be possible to integrate the work of the Town and Country Planning Division in the Commission for the Environment."[99]

The issue of definition of the concept of environment in the context of the drafting of the impact procedures emerged most sharply in the conflict between the Commission for the Environment and the Ministry of Works. The Assistant Commissioner of Works stated that "it seems right and proper to include the natural environment in the procedures for assessment and audit." But, he added: "To go beyond this penetrates an area covered very adequately by a number of statutes which embrace the environment", notably the Town and Country Planning Act and the Water and Soil Conservation Act (both administered by the Ministry

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[96] "Discussion Paper on the Environment Procedures Proposed by the Minister for the Environment", 17 September 1973; Commission for the Environment, File ENV 5/1.

[97] "Discussion Paper on the Environment Procedures Proposed by the Minister for the Environment", p.2.

[98] "Environmental Impact Reporting Procedures", Paper prepared by R.G. Norman for the Minister of Works and Development, 29 August 1973; Commission for the Environment, File ENV 8/0.

[99] Letter J.A. Walding to the Associate Minister of Works, 19 October 1973; Commission for the Environment, File ENV 8/0.

of Works). He added that "at present the Commissioner and his staff are oriented towards dealing with the natural environment only and have not the expertise to deal with the broader environment or the manifold other factors which influence the viability and merit of a proposal."[100]

This effort to fence the Commission in together with bees and flowers seems to have aroused some confusion earlier within the Executive Committee for the Environment. In a meeting of the Committee on 30 April a clause specifying that the Commissioner for the Environment in his audit report "shall have regard to the needs of the human environment as well as to the needs of the natural environment, particularly when a conflict is apparent" was scrapped. Likewise, a sentence indicating that "where conflict occurs between needs of the human environment and the natural environment a decision may be required to reject *inessential* elements of the natural environment" [emphasis added] was deleted. On the other hand, other references to the need to assess impacts on the social or human environment were kept in place.[101]

However, these efforts by the Ministry of Works to insulate its own territory of the human environment (related to the Town and Country Planning Act) from interference by the Commission also failed. In a letter to the Associate Minister of Works, the Minister for the Environment confirmed that there was "no artificial barrier (...) between natural and man-made environment" and that "we rightly specifically included social considerations in our policy."[102] The procedures finally adopted by the Government did indeed refer to the need to consider impacts on the human environment.[103]

On the other hand it should be noted that the Commission clearly excluded the economic realm from its responsibilities. In a letter the Commissioner for the Environment noted that the Commission's audit "will not be an assessment of the contribution to the economy which might be made by a proposed project. This information will be provided by others." He emphasised that in the final decision making process "the appropriate authority" will have regard to all the

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[100] "Environmental Impact Reporting Procedures", Paper prepared by R.G. Norman for the Minister of Works and Development, 29 August 1973; Commission for the Environment, File ENV 8/0, pp.2;6.

[101] "Environmental Impact Assessment and the Preparation of Environmental Impact Statements - Guidelines and Instructions to Departments", April 1973, clauses 9 (i) and 10 (g); Executive Committee for the Environment, Minutes of Meeting 30 April 1973; Commission for the Environment, Files ENV 5/1 and 8/0; Commission for the Environment, File ENV 5/2.

[102] Letter J.A. Walding to the Associate Minister of Works, 19 October 1973; Commission for the Environment, File ENV 8/0.

[103] Commission for the Environment (1973), Environmental Protection and Enhancement Procedures. Wellington: Commission for the Environment pp.4-5;13.

considerations, "environmental, economic and technical".[104] This self-restraint by the Commission may appear strange in the light of later efforts by the Commission to get some grip on the question of "wise resource use", touching upon the core of economic debate. This early attitude of the Commission should not be seen as a purely tactical manoeuvre to get the procedures accepted, but also as a reflection of the Commission's environmental ideology, which will be analysed in Chapter VI.

The result generated by this battle can thus be labelled as a qualified victory for the Commission for the Environment. On the one hand, it succeeded in extending the scope of the proposed procedures (with respect to areas and level of application), but on the other hand it had to give way by allowing limited application on the local level and even more limited application in the private sector. Yet it was also clearly a compromise to reality in the sense that the Commission had to bear in mind that with the few resources at its disposal, it would have been relatively easy for it to become overloaded, thus bogging down and discrediting a system which it was keen to implement as an instrument.

On 12 November 1973 the Government approved the procedures as submitted by the Commission, somewhat to Brooks' surprise as he thought that "the majority of the Ministers, mindful of the need to press ahead with their own development programmes, were hostile to new control procedures which might frustrate or delay their programmes."[105] The procedures came into effect on 1 March 1974. It was agreed that there would be a review by the Officials Committee one year after they had been in operation.

4.5. The Limits of Institutional Reform.

The experience of the Commission in its dealings with other departments and the Officials Committee for the Environment confirmed its distrust in the degree of commitment of at least part of the bureaucracy. Already in the first year of its operation, under the leadership of Peter Brooks, it therefore searched for other ways apart from the introduction of the environmental impact procedures to reinforce its own position and role in the development of environmental policy. In particular two efforts stand out.

In the first place there was an combined effort by the Commission and J.A. Walding, the second Minister for the Environment, to get a "hands on" role in

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[104] Letter P.J. Brooks to Mr.P.D.L. Holmes, 17 September 1973; Commission for the Environment, File ENV 8/0.

[105] Brooks, P.J. "Environmental Impact: A Case Study", p.31.

managing the environment, in particular with respect to the control of pollution. In spite of the reassurance Brooks gave to the Officials Committee in March 1973 that both he and the Minister did not seek a reorganisation of existing environmental responsibilities, they embarked on such a course only a few months later.

In July 1973 Brooks drafted a letter for Walding addressed to the Prime Minister complaining about the "inherent weakness" in his portfolio, which provided him "plenty of opportunities for exhortations and explanation but none for purposeful action. The resources at my disposal are minimal (...), and my powers are non-existent." He stated further that "in the circumstances I am little more than a sideline barracker. While I may exhort and warn, and even suggest new tactics, I am always doubtful that my voice reaches those on the field. More often than not I find myself explaining to press and spectators why the team has not been more successful - explanations which I personally would find more convincing if I had greater involvement in deciding the tactics."[106]

Subsequently, he proposed that he would become responsible in his portfolio as Minister for the. Environment for the problems of dealing with pollution, an area which many people identify with environmental problems. In particular he suggested that he would become responsible for the National Water and Soil Conservation Organisation (resorting under the Ministry of Works) and the Environmental Health Division of the Health Department. He was "very keen that we should be seen as a Government of 'doers' rather than 'talkers' on environmental matters" and this implied that "this must mean a Minister with powers."[107]

Walding's request was officially dispatched to the Prime Minister on 4 September 1973, but failed to provoke a formal answer.[108] Partly, this can be contributed to the fact that only a short time after the proposal was launched, in December 1973, Brooks left the Commission to take up the function of Deputy-Secretary of Internal Affairs and was succeeded by I.L.Baumgart as Commissioner for the Environment. The latter was strongly opposed to such a "hands on" role for the Commission, and put, in his own words, "cold water over the feet of every Minister wanting to go that way."[109]

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[106] Letter Walding to Prime Minister, 4 September 1973 (draft 19 June 1973); Commission for the Environment, File 1/0.

[107] Letter Walding to Prime Minister, 4 September 1973.

[108]. According to John Hill, then Assistant-Commissioner for the Environment, Walding received informal approval for his proposal from the Prime Minister, Norman Kirk. However, Kirk's illness and ultimate death in 1974 prevented the approval from being formalised. John Hill, Personal Interview, 5 July 1990. It would appear, however, that there were also other reasons why the proposal did not go ahead, as will be pointed out.

[109] Baumgart, I.L., Personal Interview, 7 December 1987.

On the other hand, of course, the Government could have expected strong opposition against such a proposal from the departments involved and would have had to provide a very convincing justification for picking out one particular area and transfering the responsibility to the Commission for the Environment. The fact that pollution problems in New Zealand were hardly perceived as pressing compared to other countries or other environmental problems gave such a proposal a very weak basis.

A second example of the efforts by the Commission to strengthen its position relates to the Officials Committee for the Environment and its smaller Executive Committee. It has been shown that these Committees, and in particular the last one, played an important role in the formulation of the first proposals for environmental impact assessment, and reference has been made to the disagreement which developed within the Committees between the Commission's representatives and some other Departments.

In a memo addressed to the Minister for the Environment Peter Brooks noted that the Committee was "too large to be an effective means of forming policy although it might have its use for those who cared to exploit its potential as a blocking device."[110] Although he hastened to add that he could not say that it had been used for this purpose (it met only once in 1973), it was clear that he had in mind the recent efforts by R.G. Norman, the Assistant-Commissioner of Works who also chaired the Committee, to frustrate the adoption of the Commission for the Environment's redrafted proposals for environmental impact assessment.

Brooks recommended three changes. Noting the need for an effective co-ordinating committee in order to assist the Commission with its responsibility for policy co-ordination, he suggested the disbandment of the larger Officials Committee and its replacement by a somewhat adjusted Officials Executive Committee. Secondly, as the Executive Committee at the time, comprising representatives of the Ministry of Works, Lands and Survey, the Forest Service, the Department of Health and the Commission for the Environment was "still weighed in favour of project promoting departments" he proposed to "redress the balance somewhat" by adding a representative of Internal Affairs (a role that he might have undertaken himself after having been transfered to that department!). Thirdly, he recommended that the Commissioner for the Environment and not the Ministry of Works would chair the Committee, which appeared quite reasonable given the Commission's co-ordinating responsibilities in environmental matters.[111]

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[110] Officials Committee for the Environment, Memo for Minister for the Environment, 15 November 1973; Commission for the Environment, File ENV 5/1.

[111] Officials Committee for the Environment, Memo for Minister for the Environment, 15 November 1973.

Although these recommendations were not translated into any official decisions or statements by the Minister the fact is that, in practice, the Officials Committees for the Environment stopped functioning. It has been noted that the relationship between the Commission and the Officals Committee was never cleared up, and that the Commission did not exercise the opportunity to use the Committee as a co-ordinating mechanism.[112] In the following years the Committee met only sparingly, but would again play a significant role (still chaired by R.G. Norman!) in 1980 when the role and position of the Commission came under review.

These examples clearly demonstrate the limited success of the Commission's efforts in the early stages of its existence to enhance its position through institutional reform. Although it managed to significantly alter the nature of the proposed environmental impact procedures from a predominantly internal bureaucratic exercise into a much more open process it did not succeed in any way in modifying the underlying parameters of its own status and powers. Its role was to remain purely advisory, and its powers exclusively those of its arguments. In such a position it had to rely more on diplomatic skills and the development of good co-operative relationships with other departments in order to be effective. However, given the climate of conflict in which it found itself so shortly after its establishment it had a long way to go.

4.6. Conclusion.

The analysis of the establishment of the Commission for the Environment generates four conclusions:

(1) The creation of a new environmental agency was a reluctant step taken in the wake of the earlier introduction of a ministerial portfolio for the Environment, which can be characterised as an act of symbolic policy making. At the time the portfolio was introduced the establishment of any new environmental agency was considered by both the Government and the bureaucracy as superfluous and even undesirable. The consequences of the appointment of a Minister for the Environment, the enhancement of public expectations and demands, as well as the growth in the need for administrative support for the

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[112] Gresham, P.H. (1983), "Some Reflections on the Origins, Evolution and Future of the Commission for the Environment", (Unpublished paper), Wellington: Commission for the Environment, p.6.

Minister, created a dynamic that was largely unforeseen and unintended, but which necessitated further adjustments in the bureaucratic apparatus.

(2) The allocation of the status, powers and scope of responsibilities to the new agency was mainly determined by the prevailing bureaucratic interests on the one hand, and the need for the Government to undertake a more substantial step in response to the growing environmental demands, particularly in the face of political competition for the coming elections.

Bureaucratic interests led to the creation of a new agency that would not affect the distribution of existing responsibilities, be purely advisory, and small and limited in resources. It was not to have any management ("hands on") functions, and no powers to interfere with the responsibilities of other departments or to direct them to do or not do something.

On the other hand, there was a need for the Government to react to public criticism on its own record, and that of government departments, with respect to the environmental impact of government projects on the New Zealand landscape. This criticism had been building up for at least a decade and was the main focus of a range of new environmental groups which had become more vocal and assertive, strengthened by the rise in public interest in and concern for environmental issues. The growth in these concerns had also manifested itself amongst the professions involved in development issues ("concerned experts"), also within local and central government. This had led to the adoption of the idea of environmental impact assessment within the Ministry of Works, an idea borrowed from the United States. The idea to apply this new process to all central government works seemed to fit remarkably well the need for the Government to be seen as environmentally conscious and responsible, and was consequently embraced on the political level.

The allocation of these responsibilities to a new agency was seen as necessary in order for the procedures to be credibly applied, given the "suspect" nature of existing government agencies with development responsibilities. This was despite the strong reservations of some departments against this allocation and their desire to obtain control over this new area themselves.

(3) The newly established environmental agency, the Commission for the Environment, manifested itself from the very beginning as an independent and assertive actor, particularly in the process of determining the nature and scope of the environmental impact assessment procedures, which it was expected to gain responsibility for. This demonstrates that the Commission could in no way be characterised as a puppet of the Government or a symbolic institution without any real substance. From the very start, the Commission's officials showed a strong

dedication to reinforcing the Government's environmental commitment and capacities, this despite (or because?) of their own background within the government bureaucracy. The analysis also demonstrates the potential importance of individuals ("policy entrepreneurs") in the policy process, and of political skill in advancing a cause and getting proposals accepted by the Government.

On the other hand, it should be recognised that this relative early success also depended on the strong backing the Commission received from the Labour Minister for the Environment, Joe Walding. Whereas the first Minister for the Environment under the National Government, Duncan MacIntyre, approached his role primarily as an environmental ombudsman and showed caution in the process of determining the status and powers of the Commission, Walding was more inclined to claim real "teeth" for himself as a Minister for the Environment and for the Commission. Such political backing, together with the Commission's success in gaining the support of the public, was a crucial factor in the battles between the Commission and officials of other departments and agencies (including local authorities and the Environmental Council).

It should also be noted, however, that the the Commission was not wholly successful in achieving desired outcomes. Not only did it fail to basically enhance the status and powers of itself and those related to the environmental impact procedures, but it also provoked, through the way it had operated and the distrust it had shown in the environmental commitment of some other departments, the wrath of these other departments. It made itself unpopular, which would contribute to later difficulties in dealing with these departments or with particular officials within them.

(4) The establishment of the Commission and the determination of its status, powers and responsibilities was not based on any clear concept of environmental policy. Neither the National nor the Labour Government had developed a coherent view on the environment and the need for policy or institutional adjustments.

Although the Labour Government may have shown a stronger commitment on particular environmental issues (such as Manapouri), it did not develop or formulate an "overall" environmental policy based on particular principles or goals. Both on the political and the bureaucratic level "the environment" was not seen as embracing anything more than the sum the existing areas of responsibilities allocated to departments.

The view that New Zealand was environmentally in a very favourable position compared with many other countries contributed to this. Problems were seen as either under control or relatively minor. Of all environmental worries,

those about landscape despoliation figured highest, and were consequently recognised as deserving more explicit attention. The prevailing attitude both within the Government and the bureaucracy was that all necessary environmental legislation was already on the books and was adequate to prevent the emergence of any serious problems. Consequently, there was no perceived need for fundamental changes in policy, and the prevention of problems was seen primarily as a question of changing attitudes in the implementation of policies, and the grafting of a greater environmental consciousness on those responsible for development.

However, the emphasis on education was not accompanied by guiding principles, goals or values towards which environmental policy should be directed. Nowhere it was stated which principles, goals or values should be changed, or what kind of programmes were needed to guide the actions of institutions or individuals into the desired direction. Basically, this amounted to the acceptance of existing value patterns and practices, and the idea that problems could be solved in a technocentric way, within the existing political, economic and social structures. Education in such an approach comes down to an appeal to individuals to behave "responsibly". The solution for environmental problems was seen as lying in the provision of information or guidance by experts, or on a "technological fix".

Because of the lack of a clear environmental policy provided by the Government and the failure of the bureaucrats to provide environmental guidelines or principles for such a policy, the Commission's mandate with respect to co-ordination and policy development in the environmental area was also undefined and vague. Although this could be seen as an advantage for the Commission, providing it with flexibility and an opportunity to focus on issues of its own choice, it would also create obstacles in the search for a meaningful role in the development of environmental policy, as will be shown in the following chapters. Also, with the responsibility for environmental impact assessment relatively clearly defined, the absence of vision or direction created the basis for an unbalanced preoccupation by the Commission with environmental issues on a project level.

It should be noted, however, that the Commission, despite the fact that it was not guided at its start by a coherent environmental policy, showed an early commitment to principles which departed from the technocentric approach. The Commission strongly emphasised the value of public participation and an opening up of the environmental decision-making process, thus acknowledging the importance not just of expert knowledge, but also of the values and opinions living in the society. It thereby also departed from the "top-down" model in the

approach to policy development, which emphasises the role of bureaucrats and experts in the setting of priorities.

Underlying the departure from a technocentric approach is the way the Commission defined the concept of the environment. It refused to accept a definition of the environment which would narrow down its responsibilities to watching over birds and bees (the "natural environment"), and advocated the incorporation of the social dimension (the "man-made environment"). Although the economic dimension was excluded from this definition, it showed that the Commission rejected another aspect of the technocentric approach, the compartmentalisation of the environment.

CHAPTER V - THE POLITICS OF ENVIRONMENTAL IMPACT ASSESSMENT.

5.1. Introduction.

In the previous chapter it has been analysed how the Commission for the Environment acquired responsibility for the administration of the environmental impact assessment (EIA) procedures. The procedures, based on the American model, but without statutory backing, were introduced into New Zealand in response to the growing concern about the environmental impacts of State-sponsored development. The Commission, as a new and "untainted" government agency, and having no development or management role, was seen as the most suitable organisation for implementing this new task credibly.

In this chapter the way the EIA procedures have been implemented by the Commission will be analysed. More specifically, we will focus on the extent to which the Commission has been able to use the EIA process as a mechanism for environmental policy development, and on the factors which have affected its performance in this respect.

However, before entering into an analysis of the Commission's implementation of EIA, some attention needs to be given to the variety of perspectives on EIA, as potential guides for the analysis. EIA has been interpreted and approached in different ways, each with different implications for an assessment of the extent to which it has been implemented successfully.

After the discussion of perspectives on EIA, the views on EIA that were adopted within the Commission, particularly by its leadership, will be analysed. Then, the Commission's audit reports will be analysed and interpreted on the basis of the perspectives. Finally, the Commission's performance of its EIA role, and the effectiveness of EIA as an instrument for environmental policy development, will be discussed in the wider policy context.

5.2. Perspectives on EIA.

Although possibly more perspectives could be identified, we will focus on three approaches most commonly adopted, and that seem the most applicable to the New Zealand situation. The three perspectives are:

(1) EIA as a mechanism for enhancing rational decision-making;
(2) EIA as a strategy for reform;

(3) EIA as a legitimation tool.

The three perspectives on EIA presented here are not necessarily mutually exclusive, but they provide a basis for conflict and different ways of implementation. In reality, no single point of view prevails. The proposition which is central to the analysis in this chapter is that the significance of EIA can not be derived analytically from any or even all of the proclaimed goals which are commonly associated with it (such as the prevention of environmental problems), but that the EIA process has meant different things to different actors involved. Its mode of implementation has been the resultant of an interaction between different views on EIA and of the relative strength of the interests and actors behind these views.

(1) EIA as a Mechanism for Enhancing Rational Decision-making.

"EIA aims at logical and rational decision-making."[1] Often environmental impact assessment is looked at as a "neutral" instrument designed to avoid environmental deterioration. At the core of the process, now adopted in a wide range of countries,[2] lies the idea that before (development) action is being undertaken environmental implications need to be objectively assessed. The information generated is then communicated to the decision-makers, who can take it into account, weighing its importance against other aspects or interests. The task of the environmental "assessor" is thus the strictly neutral and objective one of information provider.[3] It is often recognised that this role needs to be further professionalised and that the methodology of environmental assessment needs to be further developed in order to make it a more effective instrument.[4] EIA, in this

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[1]. Clark, B.D. (1984), "Environmental Impact Assessment (EIA): Scope and Objectives", in: Clark, B.D., A.Gilad, R.Bisset & P.Tomlinson, eds., Perspectives on Environment Impact Assessment, Dordrecht, Netherlands: D.Reidel, p.6.

[2]. For an overview of EIA practices in various countries Clark, B.D., A. Gilad, R. Bisset & P. Tomlinson, eds., Perspectives on Environment Impact Assessment; Wathern, Peter, ed. (1988), Environmental Impact Assessment, Theory and Practice. London: Unwin Hyman.

[3]. "EIA is intended to be an 'objective', technical and predictive exercise, with no decision-making component." Clark, B.D., A.Gilad, R.Bisset & P.Tomlinson, eds., Perspectives on Environment Impact Assessment, pp.3;6.

[4]. See for a discussion of methodologies of EIA and the need for professionalism in this area Jain, R.K., L.V.Urban and G.S.Stacey (1981), Environmental Impact Analysis. New York: Van Nostrand Reinhold; Clark, B.D., A.Gilad, R.Bisset & P.Tomlinson, eds. (1984), Perspectives on Environment Impact Assessment, Dordrecht, Netherlands: D.Reidel, in particular part C; Lee, N. and C. Wood (1985), "Training for Environmental Impact Assessment within the European Economic Community", Journal of Environmental Management, Volume 21, pp.271-286.

perspective, revolves around the question "how to improve the intelligence that goes into environmental policy making."[5]

The view that EIA has been introduced and implemented with the purpose of enhancing the quality of decision-making is one which is probably the most common and widely accepted.[6] EIA was supposed to address some of the shortcomings related to the way environmental issues were dealt with in the decision-making process. With the increased attention in environmental problems and concerns since the late 1960s came the recognition that environmental considerations had to be given a more prominent place in questions of development. One way to improve the quality of decisions about development, and thereby also the quality of development itself, was to provide decision-makers with more information about the environmental consequences of development options, and about the possible ways in which the negative effects associated with proposals could be avoided or mitigated.

As a mechanism to generate information about the environmental consequences of proposals EIA acquires the nature of an objective exercise. More and more emphasis has been laid on the need to make environmental impact assessment more precise and scientific, and to develop and use quantitative methodologies. This trend has been particularly strong in the United States where the Council of Environmental Quality enunciated in the 1979 regulations for federal EIAs that every attempt should be made to use scientific and quantitative techniques.[7] Canter argues that "environmental impact studies must be conducted from a scientific perspective and basis" and that not doing so "represents a complete misunderstanding of the concept of environmental impact studies and their requirements and potential uses."[8] In publications EIA is often referred to as a new discipline which is in the process of developing its own methodology and techniques, although doubts have been raised whether it could or should be more than applied science.[9]

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[5]. Taylor, Serge (1984), Making Bureaucracies Think: The Environmental Impact Statement Strategy of Administrative Reform. Stanford, Calif., Stanford University Press, p.4.

[6]. This was allegedly the view underlying the introduction of EIA in the United States. See Fairfax, Sally K. and Helen M. Ingram (1981), "The United States Experience", in O'Riordan, T and W.R. Derrick Sewell, eds. (1981), Project Appraisal and Policy Review, New York, John Wiley & Sons, p.30.

[7]. Canter, L. (1984), "Environmental Impact Studies in the United States", in: Clark, B.D., A.Gilad, R.Bisset & P.Tomlinson, eds., Perspectives on Environment Impact Assessment, Dordrecht, Netherlands: D.Reidel, pp.18-19; the need for developing a more scientific basis for EIA is, however, also recognised outside the US. See: Morgan, R.K. (1984), Environmental Impact Assessment: Current Status and Future Prospects, Dunedin, University of Otago, Department of Geography.

[8]. Morgan, R.K., Environmental Impact Assessment, p.23.

[9]. Morgan, R.K., Environmental Impact Assessment.

Although it has increasingly been recognised that the assessment inevitably involves the making of value judgments, it is generally recommended to keep this as much as possible separate from an objective assessment of the facts. In connection with that doubts may be expressed about the value of public participation in the EIA process. Some of the problems perceived relate to the fear of delays and consequently increased costs, the question of representativeness, the potential polarisation of views, the incitement of unwarranted fears and "emotional" reactions, the lack of "informed opinion" amongst the public and a cluttering of political and bureaucratic channels.

More recently methodologies have been developed which include values on a more scientific basis with the argument that "unless a quantitative approach is adopted for measurement of both facts and values, an environmental assessment will be largely descriptive and of limited use to decision makers."[10] It is also argued that such an approach "could reduce conflicts among parties".[11]

Given the emphasis on science, objectivity and professionalism, and the tendency to ignore value considerations, this perspective on EIA can also be characterised as technocentric, and is more likely to be adopted by professional managers of resources, who have been associated with a technocentric approach to the environment.[12]

(2) EIA as a Strategy for Reform.

It has been argued that EIA is much more than an effort in making government more like science or of enhancing rationality in the policy process. EIA can also be interpreted as a strategy for administrative and policy reform, reform directed at institutionalising environmental values within the decision-making framework of the administrative State. From this perspective EIA deals with the key question: "How can the social thinking for intelligent trade-offs between different goals be institutionalised?"[13] As environmental values have tended to be ignored or underrated in the decision-making process, the problem is how to achieve a change in attitudes and practices within the agencies that are responsible for initiating actions with environmental implications (particularly those involved in the development of resources).

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[10]. Hyman, E.L. and B.Stiftel (1988), <u>Combining Facts and Values in Environmental Impact Assessment. Theories and Techniques</u>. Boulder, Westview Press, p.16.

[11]. Hyman, E.L. and B.Stiftel, <u>Combining Facts and Values</u>, p.17.

[12]. See Chapter I, pp.20-21.

[13]. Taylor, Serge, <u>Making Bureaucracies Think</u>, p.3.

According to Bartlett, EIA institutionalises both procedural and substantive ecological rationality:

> *By requiring and encouraging political actors, as individuals and as organizations, to think ecologically and to consider environmental values, EIA imbeds procedural ecological rationality in political institutions. By establishing, continuously reaffirming, and progressively legitimating environmental values and ecological criteria as standards by which individual actions are to be structured, chosen and evaluated, EIA institutionalizes substantive ecological rationality.*[14]

EIA, as a mechanism designed to promote ecological rationality within the government bureaucracy, may be an alternative to organisational reform, which is often difficult to achieve and uncertain in its effects. EIA, by changing the *process* of decision-making, attempts to guide the attitudes and actions of those involved in the policy process into the direction of incorporating environmental considerations. It is a case of trying to promote social learning by changing the process.[15]

Within this EIA perspective two further approaches can be distinguished, one emphasising the use of mechanisms to effect change from *within* organisations, by e.g. promoting education of existing staff, or by necessitating the hiring of new personnel with ecological qualifications to prepare impact reports (the internal reform model), and one, in which outside agencies and mechanisms (such as "control" departments, co-ordination, litigation, public participation, or making the organisation dependent on other organisations) are used to induce a change in attitudes and practices (the external reform model).[16]

It should be noted that both approaches are not mutually exclusive but may be combined. Taylor, in his analysis of the institutionalisation of environmental values in the US Forest Service and Army Corps of Engineers, points out the interplay between external and internal factors. Institutionalisation of "precarious" values requires not only the existence of a group within the agency committed to the value, but also outside support for the inside group's goals.[17]

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[14]. Bartlett, Robert V. (1990), "Ecological Reason in Administration: Environmental Impact Assessment and Administrative Theory", in Robert Paehlke and Douglas Torgerson, eds, Environmental Politics and the Administrative State. Peterborough, Ontario: Broadview Press, pp.81-96.

[15]. Caldwell, Lynton K. (1982), Science and the National Environmental Policy Act: Redirecting Policy Through Procedural Reform. Alabama: University of Alabama Press.

[16]. For a succinct summary of these two models, see Culhane, Paul J., H. Paul Friesema, and Jancie A. Beecher (1987), Forecasts and Environmental Decisionmaking: The Content and Predictive Accuracy of Environmental Impact Statements. Boulder, Colorado: Westview Press, Chapter I.

[17]. Taylor, Serge, Making Bureaucracies Think, Chapter 12.

Changing processes and introducing mechanisms should, however, not be seen as sufficient for causing change in policy, attitudes and practices. It has been rightly pointed out that the "human agency" is an important factor in the success or failure of EIA as a mechanism for reform. The impact assessment process is not self-sustaining and self-regulating, but evolves in an interplay with the broader political process. Individual political entrepreneurs, using a variety of strategies (such as building coalitions, "making a case on merits", promoting values) make an essential contribution to the evolution and outcome of the EIA politics and process.[18]

Apart from institutionalising environmental values, EIA can also be seen as contributing towards a more general process of reform of the administrative State. It has been argued that EIA, by providing new opportunities for public input and public participation, has provided an "open door" to the administrative State. It has helped to undermine the traditional belief that what the Government does is automatically in the public interest and that decision-making by government departments (experts) is value free. EIA legitimises the public's "right to know" and can be seen as an important step towards greater democracy in the making of decisions affecting the welfare of society and the environment.[19]

With the introduction of EIA new opportunities were created for public input into development decisions. The specific nature and form of these opportunities varies from country to country, related to the particular EIA-scheme that has been adopted. They vary from public hearings, submission-systems, appeal procedures, panels and telephone hotlines to seminars, workshops, surveys and "Delphi-exercises".[20] Indeed, the only common feature seems to be an agreement that public participation allows for the introduction of value judgments into the process before final decisions are being taken and that it is not just a mechanism to gather more information (although the value of public participation in this respect is also often recognised). Potential benefits of public participation are seen in a reduction of opposition to proposals and consequently a facilitation of

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[18]. Wandesforde-Smith, G. (1989), "Environmental Impact Assessment, Entrepreneurship, and Policy Change", in Robert V. Bartlett, ed., Policy Through Impact Assessment: Institutional Analysis as a Policy Strategy. Westport, Connecticut: Greenwood Press, pp.155-185; Wandesforde-Smith, G. and J. Kerbavaz (1988), "The Co-evolution of Politics and Policy: Elections, Entrepreneurship and EIA in the United States", in Peter Wathern, Environmental Impact Assessment, Theory and Practice. London, Unwin Hyman, pp.161-191.

[19]. Paehlke, Robert C. (1990), "Democracy and Environmentalism: Opening a Door to the Administrative State", in Robert Paehlke and Douglas Torgerson, eds., Limiting Leviathan: Environmental Politics and the Administrative State. Peterborough, Ontario: Broadview Press, pp.35-55.

[20]. For a discussion of the various methods see Jain, R.K., L.V.Urban and G.S.Stacey, Environmental Impact Analysis, Chapter 8; and Hyman, E.L. and B. Stiftel, Combining Facts and Values in Environmental Impact Assessment, Chapter 3.

implementation, depolarisation (a "safety-valve for pent-up feelings"), and an enhanced level of democracy and legitimacy of the decision-making process.[21]

Although EIA it is not the only instrument used by environmental groups to express their concerns and promote their ideas, the new opportunities have been used more or less intensively, depending on the "hotness" of issues.[22] Overall, EIA has been supported by environmentalists as an important check on developers, and has been adopted as a provision that, if anything, needs to be strengthened and extended. On the other hand, however, it has been argued that EIA is too much a part of the "rational" tradition to allow for a more "ideological" approach, and that environmentalists run the risk of being trapped or encapsulated by relying too heavily on EIA as an instrument.[23]

(3) EIA as a Legitimation Tool.

A third perspective on EIA, and the most sceptical one of the three discussed here, is that EIA serves to legitimise actions or developments that are socially or environmentally damaging. In this view EIA is used by those committed to development, in government, government departments and the private sector, for justifying development projects. EIA, on this basis, is a process for overcoming public opposition and for making projects acceptable by granting minor concessions, and particularly by subjecting proposals to a quasi-legal procedure which led to an official stamp of approval.

This view has been associated with those theories of the State that emphasise its role in advancing "system imperatives" such as the continuance of productivity and the problems generated by resource exploitation. The State's function is to stabilise the system's performance by engaging into a "preventive crisis management" and consensus-formation processes. These processes do not generally yield substantive solutions, but generate rules and procedures that appear to be optimally efficient and value free. As such, they help to maintain the smooth functioning of the system and to legitimise the State's authority.[24]

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[21]. Munn, R.E., ed.(1979), Environmental Impact Assessment. Principles and Procedures. Toronto, John Wiley, pp.85-86.

[22]. In the US, for instance, more than 1500 court cases have resulted from the EIA requirements until 1981, many of which initiated by environmental groups. See Canter, L., "Environmental Impact Studies in the United States", pp.22-23.

[23]. Tester, Frank J. (1987), Losing Ground: A Neo-Existential Critique of New Zealand Environmentalism. PhD-thesis, University of Waikato, Department of Geography, p.119-122; see also Fairfax, S.K. (1978), "A Disaster in the Environmental Movement", Science, 199, pp.743-748.

[24]. Vanderpool, Christopher K. (1981), "Environmental Policy and Social-Impact-Assessment Ideology: Fishery Conservation and Management", in Dean E. Mann, (1981), Environmental Policy Formation: The Impact of

This perspective challenges the scientific nature of EIA as advocated in the first approach, and contradicts that EIA can be successfully used as a strategy for reform, as pointed out in the discussion of the second perspective. Instead, what it does is to "...provide legitimation to the State's environmental policies and procedures and to those groups that have the greatest stake in the continuance of those policies." Environmental assessments, in this view:

> [...] are not designed to provide hard evidence that will be decisive in determining the direction of the State's concern with the environment. Rather, they tend to underwrite decisions that have already been made. Thus, social-impact assessments are more ideological than they are scientific.[26]

It should be noted, though, that one does not have to agree with these theoretical interpretations to observe that EIA may be used as a symbolic device. As Bartlett notes: "We know that EIA certainly can exist merely as symbolic window dressing, with little or no influence on choice processes."[26] In fact, much of the criticism on EIA could be used to argue that it is a legitimating device. It has been argued that, if applied late in the decision-making process, it is little more than a paper exercise, "wasting money and ruffling tempers".[27]

If only performed on a project level, leaving policies untouched, important sources of environmental degradation will persist. Clark states that "unless an environmental instinct is implanted at the policy determining level [...] EIA will tend to be a cosmetic exercise."[28] On the other hand, dealing with development on a project by project basis through EIA, is inadequate as a mechanism for dealing with cumulative impacts, the combined strength of which may lead to a *de facto* policy change.[29]

Values, Ideology and Standards. Lexington: D.C.Heath, pp.161-175; Offe, Claus and Volker Ronge (1979), "Theses on the Theory of the State", in J.W. Freiberg, ed., Critical Sociology. New York: Irvington, pp.345-356.

[26]. Vanderpool, Christopher K., "Environmental Policy and Social-Impact-Assessment Ideology, p.164; It should be pointed out that the author uses the term social-impact assessments to refer to "assessments [...] designed to determine the costs and benefits of proposed courses of action that may be taken in implementing an environmental policy." The term, as used here, is therefore broader than usually associated with the concept of social impact assessment.

[26]. Bartlett, Robert V., "Ecological Reason in Administration", p.89.

[27]. Ashby, Lord (1976), "Background to Environmental Impact Assessment", in: O'Riordan, T. and R.D. Hey, eds., Environmental Impact Assessment. Westmead, Saxon House, pp.8-9.

[28]. Clark, B.D. (1984), "Introduction", in B.D. Clark, A.Gilad, R.Bisset & P.Tomlinson, eds., Perspectives on Environment Impact Assessment, Dordrecht, Netherlands: D.Reidel, p.9.

[29]. See for an example of this Wathern, P. and S.N. Young (1987), "Assessing the Impacts of Policy: A Framework and an Application", Landscape and Urban Planning, Volume 14, pp.322; also Wathern, P., Brown, I., Roberts, D., and S.Young (1988), "Assessing the Environmental Impacts of Policy", in Michael Clark and John Herington, The Role of Environmental Impact Assessment in the Planning Process. London: Mansell Publishing Ltd., pp.103-123.

However, caution is warranted in interpreting the weaknesses and instances of failure of EIA, as these do not necessarily reflect *an intentional* nature of the process in legitimising development. The legitimation perspective on EIA assumes that the process has been *introduced* and *designed* to fulfil that purpose. It is, of course, very well possible that EIA may have, in a number of cases and respects, legitimating effects. However, the legitimation thesis can only be confirmed by proving that EIA has been implemented with a consistent *intention* of "window dressing", not by referring to its weaknesses and failures as such. After all, such weaknesses and failures may stem from a wide variety of other causes.

In the next section the implementation of EIA in New Zealand will be analysed on the basis of the three perspectives outlined above. The focus will be on the role of the Commission for the Environment and the way it implemented the environmental assessment procedures. Whilst doing so, the constraints on the Commission to follow its own course will also be portrayed.

5.3. The Commission's Views on EIA.

Undoubtedly the administration of the environmental impact procedures and the audit role of the Commission were generally seen as the Commission's most important function. It was a new and well-defined task, and gave the Commission an image as an environmental "watchdog" or the public's advocate for environmental interests. In this role the Commission received a relatively high profile, overshadowing its other responsibilities (such as the co-ordination of the Government's environmental matters, international contacts, the initiation of environmental policy and its educational role).

The Commission itself, as will be shown in this section, looked at its involvement in the EIA process with much more ambivalence than the public and considered the procedures as a mixed blessing at best. In the course of developments, however, the Commission would be thrown back and pinned down on its EIA responsibilities, largely beyond its own volition.

To a large extent the Commission's views on EIA can be deduced from the opinions expressed by the Commissioners, although it should be acknowledged, of course, that not necessarily everyone in the Commission shared these views. However, within the scope of the Commission's discretion, it was the Commissioner who sanctioned the way the EIA procedures were operated or any changes therein.

The views on EIA held within the Commission were not static reflections of personal opinions, but evolved with the conditions under which EIA had to operate. The actual way EIA was implemented by the Commission can therefore be seen as an outcome of a complicated interaction between internal and external factors, between convictions held within the Commission and political and other developments.

5.3.1. Peter Brooks: "Control" and Public Participation.

The first Commissioner for the Environment, Peter Brooks, who played an important role in the introduction of the procedures, left the Commission even before the procedures officially took effect in March 1974. He actively involved himself in the process, however, from the very first "unofficial" audit undertaken by the Commission in September 1973 on the Rangipo Power Scheme proposal.

For Brooks the importance of EIA lay in two things. In the first place it represented a mechanism by which environmentally irresponsible behaviour of departments and other agencies (such as local authorities) involved in development activities could be controlled. In particular, he had little confidence in the commitment to the environment of the so-called "development oriented departments", such as the Ministry of Works and Development. External scrutiny by the Commission for the Environment, through the EIA process, was therefore seen by him as an important control-mechanism. In this respect, his views relate to the "external control" variation within the "EIA as reform strategy" perspective, discussed in the previous section.

A second important element in the EIA process, in Brooks' view, was the opportunity it offered for public participation. He committed himself quite strongly on that point in the deliberations about the introduction of EIA, and would continue to do so later as well, as will be shown shortly. Personally he maintained good contacts with the Environmental Defence Society, whose contributions he considered as valuable. In this respect, Brooks' views can be related to the "open door" or public participation variation within the "EIA as reform strategy" perspective.

The first (unofficial) audit on the Rangipo Power Scheme, in which Brooks was actively involved, reflects both principles, but also shows the need to take into account the political reality. As a test-case, before Government approval for the procedures was to be granted, the Rangipo audit had to be carefully

undertaken. Too negative an outcome would no doubt have thrown more fuel on the opposition Brooks had to face.

In the audit report considerable attention was paid to the social impacts of the proposal, although these were generally not found to be very serious. The proposal received a positive evaluation from the Commission, but only on the condition that "constraints should be *imposed*" [emphasis added]. The report hastened to add, however, that the Commission:

> [...] is concerned only with the environmental impact of the proposed project. It is not concerned with the wider implications of proceeding or not proceeding with the Rangipo Scheme. It is for Ministers to decide what weight should be given to environmental factors when considering all the elements which are relevant to a decision on the project. For this reason it cannot be said that the Commission is in favour or is against the scheme proceeding.[30]

This cautious approach was meant to show that the Commission was not intent on blocking the Government's or other departments' interests, despite the rather confrontational style Brooks had adopted in the process of "winning" the procedures on his terms. It demonstrated that the Commission was aware of its limited responsibilities and would act as a "responsible" agent.

5.3.2. Ian Baumgart: Education and Co-operation. Reducing the Burden of EIA.

This line was also adopted by Brooks' successor, Ian Baumgart. Under his rule the Commission's EIA role was very much developed into a a co-operative effort between the Commission and other government departments. His personal skills and style contributed to his success in overcoming much of the apprehension within departments when the procedures were introduced. Many people interviewed referred to him as a likeable person and as a diplomat, a "Henry Kissinger", who "made policy on a personal level".[31] Due to this approach the EIA process was an accepted practice in most departments after one year of operation.

Baumgart's approach to EIA, however, was more than just a question of personal style. It was also sustained by a view of the procedures as a means of promoting environmental awareness and self-scrutiny. He rejected a policing role for the Commission and the negative connotations associated with such a position.

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[30]. Commission for the Environment, Rangipo Power Scheme - Audit Report, 1973, p.16.

[31]. Crook, G., Investigating Officer with the Commission for the Environment, Interview 9 December 1987.

Instead, he advocated a positive approach and saw environmental issues as challenges.[32]

Baumgart's approach to EIA can be identified as an example of the "internal reform" variation within the "EIA as reform strategy" perspective. The task of the Commission, in Baumgart's view, was not to control departments, but to "educate people into thinking". However, this task was not geared towards instilling *particular* environmental values. Baumgart did not see it as the Commission's responsibility to develop a future for New Zealand, but primarily to "let people think what *they* want with their future". Accordingly, Baumgart argued that it was not up to the Commission to defend one particular view on the environment, and was not in favour of an advocacy role for the Commission.[33]

This view of the Commission's role was very well summarised by another long-serving member on the Commission:

> [...] the Commission believes that the development of environmental protection and integration of environmental interests in policies and practices will best be facilitated by a multi-staged approach substantially relying [...] on fostering good relationships and allowing the evolution of processes to occur in a more 'ecological' manner.[34]

In this line of thinking a legislative basis for the environmental procedures or the Commission was not only unnecessary, but possibly a hindrance. The most important ingredient for the implementation of the procedures was not status but flexibility. The process had to allow the Commission to vary its approach to proponents and other departments, depending on the nature of the proposal and the organics of the situation. Legislation, in this view, would have imposed a much more formal and uniform approach which could have detracted from the Commission's capacity to educate others into environmentally conscious behaviour.

During the Baumgart era, the emphasis on the importance of close co-operation with environmental groups, as advocated by the previous Commissioner, Peter Brooks, diminished. The days of a "special relationship" between the Commission (Peter Brooks) and EDS seemed definitely over. In fact, in the Baumgart-years of the Commission, the relations with environmental groups in general were on a pretty low level.

In a memo on "liaison with environmental groups" written in 1978 it was noted that "we were much closer to EDS in Auckland in 1973 than we now are to

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[32]. Baumgart, I.L. (1974), To Meet the Challenge of the Environment. Nelson: Cawthron Institute.

[33]. Baumgart, I.L., Interview, 7 December 1987.

[34]. J.W. Wendelken, Assistant-Commissioner from 1975 to 1981, in a letter to Geoffrey Wandesforde-Smith, 24 January 1979.

ECO, although its office is only two blocks from our own." Yet, it was admitted
that "to some extent environmental groups form a special constituency which is of
interest to the Commission as the doctors are to the Health Departments or the
farmers to MAF (Ministry of Agriculture)." It was suggested to assign special
responsibility to one person to develop better relations with environmental
groups.[35] In an interview Baumgart confirmed: "...we certainly didn't see us as
their (environmental groups') voice in the system", but admitted that "some were
very constructive" and "that we probably should have done more with them."[36]

Another factor which played an important role in Baumgart's views on EIA
was the degree to which the procedures became a burden on the Commission.
After one year, the Commission had performed more than twenty audits with only
3 to 5 advisory officers, and the demands made upon it were still growing.
Although there was a prospect of staff increase, Baumgart and others in the
Commission were apprehensive about the extent to which the procedures
dominated their activities. Instead of being a means to an end EIA tended to
become an overwhelming burden which preventing them from undertaking long-
term strategic activities,[37] or even worse: "[...] the surest way to kill the
Commission was to smother it with the auditing of a growing number of
repetitious impact reports."[38]

Baumgart set out to ease the EIA pressure in a number of ways: introducing
"variations" on the procedures, transferring the review of local projects to other
departments, shifting the responsibility for the public input process to proponents,
and integrating the procedures with consent granting statutory processes.

From 1976 full environmental impact reports were increasingly replaced by
written "assessments" ("EIAs"). This implied that the first stage of the full
procedures, an assessment by the proponent of the environmental implications of a
proposal, was no longer seen solely as a basis for a decision whether an impact
report had to be produced, but as an adequate statement of such effects in itself.
A principal difference was that under such an alternative route no audit had to
take place, and consequently, no round of public submissions. It saved the
Commission a lot of work (producing an audit-report, receiving and processing
public submissions), and for proponents it had the advantage of a faster and less
exposed review process.

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[35]. Commission for the Environment, File ENV 8/0, Environmental Impact Procedures/Review, Volume 6, 24
October 1978.

[36]. Baumgart, I.L., Interview, 7 December 1987.

[37]. Commission for the Environment, File ENV 8/0, Environmental Impact Procedures/Review, 2 May 1975.

[38]. Letter NZ Ecological Society, 23 June 1976, Commission for the Environment, File ENV 8/0.

This variation on the procedures was proposed by Baumgart during the 1975 review (which was scheduled to take place when the procedures were introduced). Although the change was not formally sanctioned by Cabinet (approval was complicated by the change of Government in 1975), it was nevertheless put into practice. From 1976 onwards many projects of assumed lesser environmental impact would be dealt with in this way. When environmental consequences were thought (or in an assessment proved to be) more significant, the full process was to be used.

Related to this change was the shift of responsibility for review of small or local projects to the departments under whose jurisdiction a consent had to be granted. These departments (such as the Ministry of Works and the Health Department) were to deal with these projects unless they considered that it was desirable to involve the Commission. Also this change was introduced without formal Cabinet approval, and was part of the discretionary power of the Commission with respect to the implementation of the procedures.

In 1978, when another review of the procedures took place, the practice of "tailored variations" was officially sanctioned by Cabinet, granting the Commissioner the right to "vary the procedures to suit particular circumstances in consultation with the permanent head affected". Environmental impact reports were to be used for projects and policies "for which this procedure is best suited".[39]

A third change proposed by Baumgart in 1975 was the transfer of responsibility for the public input process (receiving and processing of submissions) from the Commission to proponents. This was standard practice in the US and such a procedure was also being introduced in Australia. The arguments in favour of such a transfer were that this would cause the public to get involved at a much earlier stage of the proposal, and that it could have an educative effect on proponents, who would be obliged to react to the submissions in a second, more definitive impact report. The proposal was in line with Baumgart's educative approach to EIA, and would have had the additional advantage of relieving the Commission from a considerable amount of work.[40]

The proposed change, although accepted by most other departments, was not implemented, partly because of the change in Government in 1975, and partly

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[39]. Commission for the Environment, File ENV 8/0, Folio 22.

[40]. The average number of submissions received in 1974 (on the 10 impact reports included in this study) was 22. The first impact report audited in 1975 (the Auckland Thermal No.1 Power Station) alone, however, provoked 465 submissions, and the average number of submissions (on 19 reports) in this year rose to 59. The highest number of submissions received on any impact report was 981 (on the Proposed Boat Launching Facility in Browns Bay Report in 1979).

because it aroused much opposition from the public and environmental groups when it leaked out. The Environmental Defence Society characterised the proposed new procedures as "a disgraceful attempt to weaken the EIR (Environmental Impact Reporting) procedures to near uselessness" and noted that "it is particularly worrying to realise that the CFE is a member of the Officials Committee which drafted the procedures [...]."[41]

The desire of environmental groups that the procedures would be extended and strengthened was met by Baumgart with the argument that "the surest way to kill the Commission was to smother it with the auditing of a growing number of repetitious Impact Reports." The Ecological Society, on the other hand, made clear that the Commission "offers the only mechanism for public surveillance of large and small projects" and wanted therefore to maintain the Commission's responsibilities for the public input process in the procedures.[42]

A fourth avenue explored by the Commission to reduce the EIA burden was closer integration between the procedures and statutory consent granting mechanisms, such as under the Water and Soil Conservation Act and the Town and Country Planning Act. The desirability of such closer integration was already recognised by Baumgart in 1975, during the first review of the procedures, and would have met a major point of criticism against the procedures as a separate mechanism from other departments, in particular the Ministry of Works and Development.

This issue was taken up by in 1975 by Venn Young (the new Minister for the Environment) who postponed the review of the environmental assessment procedures on the ground that changes to the procedures had to be in line with the Town and Country Planning Act, which was also under review. Baumgart accepted this point and noted that "we will have to continue with the procedures for some considerable time" but added that it was his intention to "find ways of operating within the present procedures more effectively."[43]

The issue of integration of the procedures with statutory processes, however, proved to be full of fishhooks. Although Baumgart was prepared to replace the audit process with an appearance of the Commissioner before the Planning Tribunal to present the Commission's assessment of projects, and, in order to enable him to do so, Cabinet granted him the right to present his case independently to the Tribunal, legal and political stumbling blocks arose on this road. For this alternative to be feasible it seemed necessary to give the

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[41]. Environmental Defence Society, EDS-News, Vol. 3, December 1976.

[42]. Letter NZ Ecological Society, 23 June 1976, Commission for the Environment, File ENV 8/0.

[43]. Memo Baumgart for Minister for the Environment, 8 July 1976, Commission for the Environment, File 8/0.

Commission statutory backing, a matter from which the Government, despite initial steps made in this direction, ultimately shied away.[44]

Apart from these stumbling blocks doubts also existed within the Commission about the desirability of a complete replacement of the audit process by a participation of the Commission in legal procedures. The difference in philosophy between the procedures and the legal process, the limitations of the latter for adequate environmental assessment, and therefore the need to maintain the EIA process regardless of such integration, were pointed out by various of the Commission's officers, and this added to the doubts Baumgart himself had about a legislative basis for the Commission or the procedures.[45]

In the course of time, as will be demonstrated later in this chapter, the number of projects which were subjected to the full EIA procedures, dropped significantly. Increasingly, the Commission relied on less formal forms of contacts with proponents (particularly government departments) for ensuring that environmental considerations were taken aboard. This had two important implications. In the first place the opportunities for public involvement in the assessment of development projects had been reduced. With less projects going through the full EIA process, public input was again mainly confined to the (legal) opportunities offered under statutory procedures. The less formal and much wider opportunity to comment on projects through the audit-submission system, and consequently the presentation of public feelings in the Commission's review, had in many cases been lost. This opportunity was more and more confined to major projects only.[46] For many projects of local or regional significance no similar EIA process and opportunities had been put in place as a substitution for the Commission's involvement.

Baumgart's efforts in reducing the "burden" of EIA demonstrate that he was well aware of the limitations of the procedures as a mechanism for policy development. Although he did see the EIA process as a means of changing

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[44]. The right (and legal basis) of the Commission to present its views independently from (or under) the "Crown case" was successfully questioned by the Ministry and Minister of Works, who claimed that the Commission's views had to be fitted into the Ministry of Works' presentation of the Crown's position. The Solicitor-General confirmed that, legally, the Commission could not stand independently. Letter Solicitor-General to the Commissioner of Works, 20 June 1979; Baumgart, Memorandum for Cabinet, 18 July 1979. Commission for the Environment, File ENV 8/0.

[45]. Hutchinson, A.H., File note 7 July 1978; Letter W.J. Wendelken to D.A.R. Williams, 14 March 1979, Commission for the Environment, File ENV 8/0.

[46]. The danger that this new formula would be used by departments to avoid public scrutiny had been pointed out to the Commission, both by environmental groups as well as the Department of Internal Affairs, where Peter Brooks, the ex-Commissioner for the Environment, had been appointed as deputy-secretary. He added that the Department of Internal Affairs would not support any change which would reduce public participation opportunities in the environmental procedures. Submission Department of Internal Affairs, 3 September 1975, Commission for the Environment, File ENV 8/0.

environmental attitudes and practices, he realised that a preoccupation with the procedures prevented the Commission from becoming more seriously involved on the environmental policy formation level. Indirectly, this can be interpreted as a recognition of the weakness of EIA as a reform strategy, and as an admission that the EIA process did not achieve much more, at least in the short term, than improving the decision-making process on a project level.

On the other hand there was a feeling outside the Commission that, in reducing the emphasis on the formal EIA procedures and by shifting its attention to other ways of influencing decision-making, the Commission was getting too "close" with the bureaucracy, and that it was losing its sting or environmental watchdog role. A danger was perceived that it would be "absorbed into the bureaucratic structure", thus "weakening its role as an avenue for vigorous public disapproval."[47] It was pointed out that the CFE had to remain an "irritant within the system" (but to avoid being a "pariah" as well), and that the Commission's audit-role was its most important power.[48] Clearly, there was a growing fear outside the Commission that the Commission's role in EIA would develop into a legitimising one.

5.3.3. Ken Piddington: EIA and the Quality of Development.

For the third Commissioner for the Environment, Ken Piddington (1980-1986), EIA was something of a mixture between Brooks' conception (control and public participation) and Baumgart's educational approach. Similar to Brooks, Piddington saw EIA as a check on irresponsible development initiated by the Government and government departments. On the other hand he tried to apply EIA in a manner intended to raise awareness about the importance of the qualitative aspects of development, emphasising social and cultural (in particular Maori) values and aspects.

In contrast to Brooks, however, the control aspect was much less a matter of choice for Piddington, but forced upon him by the course of developments, in particular by the type of development proposals, and by the hostility which the Commission's evaluations provoked from the Government. In contrast to Baumgart, on the other hand, Piddington saw EIA as a way to promote awareness of particular environmental values and to educate people in a distinctive direction.

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[47]. Evening Post, Editorial, 20 June 1978.
[48]. Oliver Riddell, The Press, 23 June 1978.

In terms of the three perspectives, Piddington's views on EIA cover all three variations within the "EIA as reform strategy" perspective.

Under Piddington, the Commission no doubt went through its most difficult phase in its existence. This was because of the combination of an increased workload, the (political) insecurity of its position and the growing doubt within the Commission about its own effectiveness. Piddington's views on EIA and those of others in the Commission in this period, were therefore as much a reflection of external developments as of an independent commitment to a particular cause or goal.

The growing tensions between the Government and the Commission in this period can be attributed, more than to anything else, to the Government's commitment to development and the economy's continuing deterioration since the early 1970s and Britain's entry to the European Community. Economic constraints and imperatives combined with the National Party's and Government's thinking on economic affairs into the "Think Big" strategy, in which energy projects figured prominently. The strategy exemplifies the belief in the responsibility and capability of the State to promote economic growth.[49]

In order to facilitate a more rapid passage of projects considered to be in the "national interest" through the consent granting process the "fast track" National Development Act was passed in 1979. The Act provided for a combined review before the Planning Tribunal of projects selected by the Government, but reserved the final decision for the Government. Although the Act has been widely criticised for its authoritarian character, it was the only statute which recognised the Commission for the Environment and provided a legal obligation for the EIA process.

[49.]The philosophical origins of the "Think Big" strategy have been assigned to the National Party MP Barry Brill, and have been mostly associated with National's Minister of Energy of National Development from 1978 to 1984, Bill Birch. The strategy also corresponded with Prime Minister Muldoon's belief in the need for Government intervention to regulate the economy. Both conceptions seem out of line with National's "free market" ideology, but fit in with a longer term practice of State sponsored development by New Zealand governments. The exceptionally high degree of involvement of the State in New Zealand in this area goes back to the 19th century (particularly under the Vogel administration). This involvement has extended far beyond the provision of an infrastructural framework to facilitate development by the "private sector", and has continued in the more recent times. Both Labour and National Governments have contributed to this growing involvement. Labour Governments were keen to promote the establishment of an aluminium smelter in 1960 and to conclude an agreement about the exploitation of gas reserves in 1972. Meanwhile, the development ethic was institutionalised and formalised in many government departments and agencies. See Condliffe, J.B. (1968), New Zealand in the Making, London, Allen & Unwin. Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment. Auckland, Earthworks Press, Chapter 3; Boston, J. (1984), Incomes Policy in New Zealand. Wellington: Victoria University Press for the Institute of Policy Studies; Roberts, John (1987), Politicians, Public Servants and Public Enterprise. Wellington: Victoria University Press, Introduction.

From 1980 the Commission was again very much under the pressure from the EIA process. This time not so much because of the *number* of projects subjected to the audit process as well as because of the size and complexity of the projects and corresponding environmental effects. On the other hand there was a tendency in the Commission to carry out more research and use more international information prior to the auditing phase.[50]

Broader social and economic implications of proposals had been raised in the Commission's audit reports from the very start.[51] Quite often, though, these issues were not being followed up by either specific recommendations or by some other way by the Commission. Increasingly, however, the Commission did become involved in policy issues, in particular with respect to energy/resource use. Questions of type and scale of development had been raised, and an assessment of energy policy had been proposed.

Under Piddington the Commission firmed up in its insistence that the wider implications of projects, especially with respect to the environmental aspects of resource use, should be included in the assessment of proposals and the decision-making process. The scale and size of proposed projects no doubt contributed to this, as these projects, in combination, amounted to a *de facto* policy change (with respect to energy). On the other hand was the widening of the scope of assessment, a reflection of the growing awareness of the "inextricable link between economic development and environmental management." In a memo for the Cabinet Economic Committee the Commissioner noted that:

> *[...] the scope of the Commission's work has extended beyond the examination of specific impacts on the physical and social environment. It has had to deal with the upstream process which leads to adverse environmental effects [original emphasis].*

And added that:

> *[...] the conflict [emphasis added] is not between environment on the one hand and progress on the other, but between different options for development. Some of those choices respect environmental principles, such as the limited degree to which certain substances can be reabsorbed and the need to protect natural systems. Other choices treat*

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[50]. J.T. Gilbert, Commission Energy/Environment Programme 1980-81, 27 March 1980, Commission for the Environment, File ENV 8/0.

[51]. G.J. Ashbridge, "Review of Past Audits", 21 January 1981, Commission for the Environment, File ENV 8/0/3.

> *environmental damage as one of the inevitable costs of economic development.*[52]

He pointed out that it was the Commission's task to "inform this judgment" by making an objective assessment of the degree to which certain impacts could be contained or eliminated, and that this could imply the raising of conflicts in the use of limited resources. "...quite frequently it will revolve around the scale of a proposed development." He defended that it was the Commission's task to look into "impacts on other sectors and on the future pattern of resource use", and that, generally therefore, "the range of issues which need to be covered in an audit can thus be quite broad" and that "more often than not it will link [social and regional impacts] to the justification for the project in economic terms."[53]

The insistence on the broad scope of the EIA process brought the Commission into a sharp conflict with Cabinet, and in particular with the Prime Minister, Robert Muldoon, as will be shown later. It must be emphasised, however, that even after the imposed review of the procedures by the PM, Piddington persisted on this line. He objected strongly to suggestions that the Commission had its "wings clipped",[54] and remained "adamant that no environmental evaluation worth its salt can avoid the issue of resource allocation."[55]

In practice, however, the conflict with Cabinet caused a fright within the Commission and led to a more cautious implementation of the audit role, particularly by avoiding economic comments, by an even greater emphasis on factual aspects and by a more careful wording and presentation. It was noted that "In view of the current focus on the Commission [...] we shall have to tread warily in 1981. The Commission's future is likely to be heavily influenced by its performance on the next few NDA audits." It was seen as vital that the Commission would be "seen to be neutral" and as "essential that the Commission's case repose, as much as practicable, on hard facts with a minimum of speculation."[56]

On the other hand it was admitted by the investigating officers in the Commission that the Commission was an "advocate" for the environment: "Our role is to safeguard the environment; we are "for the Environment", and it was argued

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[52]. "Functions and Duties of the Commission for the Environment", 29 November 1980, Commission for the Environment, File ENV 8/0.

[53]. Ibid.

[54]. Memo Piddington to Investigating Officers, 9 February 1982, Commission for the Environment, File ENV 8/0.

[55]. Ken Piddington, Letter to G. Hensley, Prime Minister's Department, 20 July 1981, File ENV 8/0.

[56]. G.J. Ashbridge, "Review of Past Audits", 21 January 1981, Commission for the Environment, File ENV 8/0/3.

that "as the proponent is advocating his viewpoint, we would 'look silly' pretending to be neutral, especially as we are not seen as neutral by the proponent."[57]

Under Piddington the EIA process became, partly voluntary and partly involuntary, a mechanism to question particular forms of development. Voluntary in the sense that the Commission's criticisms were more and more based on a commitment to particular environmental principles and a tendency to assess proposals in a more holistic way, emphasising the interrelationship between the three dimensions of environmental policy. But also involuntarily in that the scale, nature and impacts of many proposals it had to deal with seemed to defy these principles, thus bringing it into conflict with proponents and, sometimes, the Government.

This led to an almost schizophrenic situation in the Commission. On the one hand there was a belief, reflecting the technocentric perspective on EIA (enhancing rational decision-making), that the Commission had to be neutral and objective, and that its task was only to provide information to decision-makers. On the other hand there was a growing realisation that environmental considerations had to be included in the upstream decision-making process (involving resource allocation) and that it was the Commission's task to advocate policy "correction" if these environmental values had been ignored or inadequately taken into account.

Both views had their supporters in the Commission. A cogent example of the first line was adopted by one of the investigating officers, who wrote:

> [...] environmental evaluation should be just that and it may not be desirable to use it to establish, adjust or reverse policies", and: "The environmental evaluation is [...] primarily a cold, objective, unbiased quantification of the impact on the environment of a proposal, selected from a number of options.[58]

Piddington took the second line. In order to create "a better environment for planning and vice versa" he advocated six things: (1) a more open decision-making process; (2) an increasing acceptance that resources are finite and that even renewable resources impose limits on the sustainable harvest; (3) an appreciation that the passive use of resources for tourism and recreation does offer long-term economic benefits; (4) the need for longer-term strategies on

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[57]. Minutes of IO's meeting, 22 March 1982, Commission for the Environment, File ENV 8/0A.

[58]. Letter Philip Tortell to G. Allen, 10 January 1980, Commission for the Environment, File ENV 8/0. He added that there was "a strong feeling" in the Commission that the audit should be a "final act"; another officer, Mike Holm, even questioned whether the audit should contain any recommendations at all. See Alisdair Hutchinson, "The Role of the CFE in the environmental process: advocate, broker, democratic voice", 30 May 1980, CFE File ENV 8/0.

resource use; (5) a move toward integrated planning, across different sectors, and bringing economic, environmental and lifestyle aspects under simultaneous review and (6) a move away from the "monocultural bias" of earlier planning and decision-making models.[59]

In his view the Commission had "come to carry the burden" of deficiencies which existed elsewhere in the planning sequence. The existing system, and the planning of major projects reflected "the short-term imperatives of the political economy", whereas the Commission, with environmentalists, advocated a long-term perspective. He argued that on this point the Commission could be "strongly partisan because (here) we are not dealing with the specific review of one major project."[60]

Piddington added that there was no doubt in his mind that "by denying holistic reality and by attempting to separate out 'environment' from 'economics' within artificial compartments, we have in New Zealand blocked progress" in the direction of an integrated approach to planning which recognises the interconnected nature of economic, environmental and lifestyle effects.

In an interview Piddington confirmed that it was needed to bring in the "qualitative elements of policy", as these tended to be ignored. For the "Think Big" Government only two "hard hat factors" (economy and technology) were important. At that time the environment was not more than "cardboard".[61]

Other people in the Commission[62] admitted that Piddington brought an emphasis on social and cultural values to the Commission. In particular he introduced a sensitivity for and awareness of the Maori-culture, speaking Maori fluently himself. Ironically, however, despite his background in the diplomatic service, he was much less successful in advancing his cause than the previous Commissioner, Ian Baumgart.

Overall, an analysis of the views on EIA within the Commission shows a heavy leaning towards the "EIA as reform strategy" perspective, with elements of all three variations within the perspective emphasised differently by the various Commissioners. For all Commissioners, EIA was primarily a means towards changing policies, prevailing attitudes and values towards the environment. The goal was to graft an environmental consciousness onto the agencies responsible for

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[59]. Piddington, Ken (1983), "A Better Environment for Planning - And Vice Versa", in: Environmental Defence Society/Centre for Continuing Education, Planning For Major Resource Utilisation. Auckland.

[60]. Piddington, Ken, "A Better Environment for Planning - And Vice Versa".

[61]. Ken Piddington, Interview, 9 December 1987.

[62]. Helen Hughes, Assistant-Commissioner for the Environment from 1982 to 1986, Interview, 10 December 1987; Jenny Robertson, Senior Investigating Officer with the Commission from 1981 to 1986, Interview, 15 October 1986.

initiating development. They had somewhat different views on the *way* EIA could or should be used to bring about such change, ranging from an emphasis on the need for external "control" and public participation (Brooks) to a reliance primarily on internal reform and educative mechanisms (Baumgart), and a mixture between the two (Piddington).

As can be expected, no reference was made in the views of the Commissioners, to a legitimation perspective. It is unlikely that such a view, comprising using EIA *intentionally* for justification purposes, would be acknowledged, even if it existed. Although the perspective on EIA as a strategy for enhancing the rationality of the decision-making process (generating and providing information) does not seem to have been explicitly supported by any of the Commissioners, it can be argued that Baumgart's views came closest to that perspective, given the fact that he did not see it as the Commission's role to provide guidance on value issues. His conception of environmental education primarily comprised the raising of environmental awareness through providing information, not to advocate particular environmental principles or values. This seemed to have been supported by the views of at least some other officers within the Commission who saw EIA as an objective, neutral exercise.

However, the views on EIA expressed within the Commission cannot be relied upon as the single element of proof for how the Commission has implemented its EIA responsibilities. Some form of analysis of how these views were brought into practice is also required. It is to this task that we will now turn.

5.4. The Implementation of EIA by the Commission for the Environment.

As the Commission's main formal responsibility comprised the auditing of EIA reports, and as audit-reports are a well-documented source of the Commission's opinions on specific proposals subjected to EIA, an analysis of audit-reports seems to offer a good basis for an assessment of the actual implementation of the Commission's EIA role.

It should be remembered that under the procedures adopted in November 1973 (which became effective in April 1974) the Commission for the Environment (CFE) itself was not given responsibility for the preparation of environmental impact reports. Under the procedures the assessment of the environmental effects of proposals was done by the proponents themselves. Only when it was considered that the environmental implications were important enough (in an assessment process in which the CFE could be asked for advice or could become involved on

its own initiative) an environmental impact report would be prepared by the proponent (or under its responsibility by others, e.g. consultants). When so desired, an impact report could also be prepared for a proponent by the Department under whose jurisdiction the proposed activity resided.

The principal responsibility of the Commission was to audit environmental impact reports. The audit encompassed an assessment by the Commission whether the impact report adequately covered the environmental consequences of a proposal, and recommendations about desirable measures to avoid or mitigate those consequences. Before doing so, the environmental impact report would be made available for public comment, and it was the Commission's task to receive submissions and take these into account in its audit conclusions. The Commission's findings (audit-report) would then be conveyed to the proponent, released to the public and forwarded to the Minister for the Environment.[63]

It should also be kept in mind that the environmental procedures did not have a statutory basis.[64] The Commission, therefore, did not have any formal power to impose a particular course of action, and its recommendations were purely advisory. On the other hand there was a general understanding and unwritten rule that the Commission was independent in its audit-role, e.g. not subject to ministerial or government direction about the way it fulfilled this task. As many proposals scrutinised by the Commission would have been initiated by, or under responsibility of the Government this independence was considered an essential element in a credible review process, especially to avoid accusations of the Government "whitewashing" its own projects.[65]

5.4.1. Some Facts about the Implementation of EIA.

From 1973 until 1986, the year of the Commission's transformation into a Ministry for the Environment, 93 audits were performed. Although other forms of review have taken place by the Commission (such as "appraisals"), the audit represented the "weightiest" form, comprising the subjection of a proposal to a "full" process of public notification, invitation for public comment, the processing

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[63]. Ian Baumgart, the second Commissioner for the Environment, stressed that he always made sure that a copy was first released to the press before the Minister would receive one, in order to avoid any allegations of political interference with the Commission's findings, thus emphasising the independence of the Commission in performing its audit-role. Baumgart, personal interview, 7 December 1987.

[64]. The only legal recognition of the procedures and the Commissioner's responsibilities with respect to these were to be found in the National Development Act 1979 (see below in this chapter).

[65]. At first appearance, then, this arrangement seems to contradict a "legitimation" role of EIA. In reality, the situation was more complex, as will be shown later in the chapter.

of public submissions by the Commission and a review by the Commission in its
audit report. Although the Environmental Protection and Enhancement Procedures
(as the EIA-process was named) became only operational from April 1974, a few
reviews by the Commission of environmental impact reports took place before that
time and have been included in the count.

Table 5-1 shows the number of audits which have taken place per year, the
average number of pages of the audit-reports in each year, and a breakdown of
the type of proposals subjected to the audit-process.

TABLE 5-1
NUMBER OF AUDITS PER YEAR; AVERAGE NUMBER OF
PAGES AND TYPE OF PROPOSALS

Year	Number audits	Av.no pages	Ener-gy	Land use	Infra struc	Sew Waste	Indu stry	Recr	Mi-ning	Other
1973	5	12	2	2	1	-	-	1	-	-
1974	16	10	5	3	2	2	-	2	2	1*
1975	20	16	5	4	5	2	1	1	1	1*
1976	16	16	3	3	2	4	3	1	-	1*
1977	3	21	1	-	-	-	-	1	-	1
1978	8	30	3	1	-	1	1	1	-	1
1979	3	28	1	-	-	-	-	1	-	1
1980	5	53	2	-	-	-	2	-	-	1
1981	4	93	1	-	2	-	1	-	-	-
1982	3	65	1	-	1	-	-	-	-	1
1983	1	55	1	-	-	-	-	-	-	-
1984	4	57	2	-	-	-	-	-	1	1
1985	3	103	1	-	-	-	-	-	2	-
1986	2	85	-	-	1	-	-	-	1	-
Total	93	32	28	13	13	9	8	8	7	9
%	100%		29.5	13.5	13.5	9.5	8.5	8.5	7.5	9.5

TYPE OF PROPOSAL (spanning Ener-gy through Other)

* As some proposals have been included under two types (e.g. a reclamation/land use for harbour
facilities/infrastructure) the total number under types of proposals is 3 higher than the total number
of audits).[66]
Source: Commission for the Environment Audit-reports 1973-1986. See also Appendix D.

[66]. Energy proposals comprise hydro-dams, power stations, gas exploitation/pipelines, gas-processing projects
and geo-thermal development; under Land use has been included: forestry proposals, agricultural development,
reclamations, sub-divisions; Infrastructure proposals incorporate harbour facilities, road/motorway construction,
transmission lines and stations, railway lines and a runway extension; under Sewerage/Waste proposals are
included sewage schemes, waste disposal facilities, landfills; Industry covers pulpmill, cement, poly-vinyl,
fertiliser, steel and aluminium projects; Recreation refers to marina proposals, tourist and ski-field development;
Mining proposals relate to coal and gold exploitation and facilities; the category Other finally contains a marine
research facility, fisheries proposals, water storage and exploitation, a naval base extension and conservation
proposals.

As can be seen from the Table, the number of audits per year was highest in the first few years of the operation of the procedures, but declined sharply in 1977. From then on not more than a handful of audits took place each year. However, as can also be read from the Table, the length of the audit reports did increase considerably, reflecting the larger scale and complexity of many of the later projects compared to many of the earlier ones, although this is not the only reason, as will be demonstrated later.

The largest category of proposals falls in the Energy sector, followed by Land use and Infrastructure. The other five groups of projects take a roughly equal position overall. However, if a dividing line is drawn between the first seven and the second seven years of the Commission's operation, a striking difference in the distribution of proposals can be noticed. Also, the difference in the average number of pages of audit reports becomes quite apparent.

TABLE 5-2
COMPARISON AUDITS: FIRST AND SECOND SEVEN YEARS

	Total	Pages	Energy	Land	Infr	Sew	Ind	Recr	Min	Other
1973-79	71 (74)*	17^a	20	13	10	9	5	8	3	6
%	100%		27	17.5	13.5	12	7	11	4	8
1980-86	22	72^b	8	-	4	-	3	-	4	3
%	100%		36	0	18	0	14	0	18	14

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* For the same reason as explained under Table 5-1 the numbers in the categories add up higher than the number of audits.
^{a} Per report; the number of audit-reports on which this average is based is 69 as two reports were unavailable.
^{b} The number of audit-reports on which this average is based is 22.
Source: Commission for the Environment Audit-reports 1973-1986.

The average number of pages per audit-report in the second seven years is almost four times that from 1973-79, indicating a much heavier work-load per proposal. One should be cautious, however, of drawing conclusions on the basis of these figures about the total workload on the Commission related to its EIA-role. Although the total number of audit-report pages is almost 40% higher in the second period, it should be taken into account that the Commission was also involved in other forms of review on a less formal basis, for which it is hard to find data on the amount of time involved.

Also, the number of CFE-staff increased over time, from 11 (including 3 advisory officers) in 1973 to 49 (including 22 investigating officers/scientists) in 1986. However, from 1978 to 1983, in which most of the increase in page numbers

per audit-report took place) staff numbers remained virtually stationary (total staff: 30; number investigating officers: 15/14).[67] It is plausible to assume, therefore, that over those years the implementation of EIA meant a significant increase in the workload of the Commission.

In 1976 it was estimated that about 60% of the CFE's total operations and expenditure was related to the Commission's EIA-responsibilities (40% audits, 20% other).[68] Although no comparable data could be obtained for the years thereafter, it is likely that, after an initial reduction in the workload associated with EIA in the late 1970s, EIA pressure was on the increase again in the early 1980s. This is confirmed by a remark in the Commissioner's annual report for the year ended 31 March 1982 that the Commission's activities in the past year were dominated by a series of environmental impact audits, and that by consequence other activities were "slightly obscured".[69]

As for the type of proposals subjected to the audit-process a definite change in pattern can be observed. Whereas energy-proposals remained the most important category, and the proportion of mining, infra-structural and industrial projects increased, land-use, sewage and recreation schemes disappeared altogether after 1979. This reflects a move away from projects with a predominantly local/regional emphasis, and corresponds with a sharp decline in the percentage of audits performed on proposals initiated by local and regional authorities after 1979, as can be observed in Table 5-3.

TABLE 5-3
PROJECTS BY INITIATOR

Years/Initiator	Govt/Govt Dep	Local/Reg Auth	Private Sector	Total
1973-1979	31 (43%)	26 (36%)	15 (20%)	72*
1980-1986	14 (61%)	2 (9%)	7 (30%)	23*
Total	45 (47%)	28 (29%)	22 (23%)	95*

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* As some proposals were initiated under combined responsibility, the total number is three higher than the real number or projects.

Source: Commission for the Environment Audit-reports 1973-1986.

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[67]. Data provided by the Ministry for the Environment. See also Appendix A.

[68]. Paper on "Costing of the EIR-system", 19 May 1976, Commission for the Environment, File ENV 8/0, Volume 6. A survey of ex-CFE officials, however, indicated that an estimated 29% of the time of investigating officers was spent on EIA activities. It is obvious that it is very hard to obtain precise figures on this matter for the whole of the period of the Commission's existence, and that things varied considerably over time. See Table 6-2, Chapter VI.

[69]. Commission for the Environment, Annual Report for the Year ended 31 March 1982, p.2.

To summarise, the total number of audits per year performed by the Commission for the Environment declined significantly since 1976, suggesting a reduced emphasis on this part of the Commission's responsibilities. However, in the eighties we see a significant increase in the size of audit-reports, indicating an increase in the workload associated with EIA. At the same time we see a shift in the type of projects subjected to the auditing, with the disappearance from the audit process of proposals of a primarily local nature, initiated by local/regional authorities. Altogether these developments suggest a trend towards a much more selective use of the audit process for proposals with significant environmental implications on a national scale.

5.4.2. The Nature of Audit-Recommendations.

Audit-reports include conclusions and recommendations reflecting the Commission's findings about the adequacy of the environmental impact report in dealing with the environmental implications of a proposal and about the measures the Commission considered necessary or desirable to eliminate, contain or mitigate adverse consequences. Although these recommendations do not always cover all the aspects of the Commission's discussion of a proposal and its impact report, it can be argued that they reflect the issues which the Commission regarded as the most significant. It seems plausible to assume that a proponent would only feel some need for or pressure to adjust a proposal if such a change had received some weight by being explicitly recommended by the Commission. The recommendations are therefore also a natural point of departure for an analysis of the effectiveness of the Commission with respect to its audit-function.[70]

In Table 5-4 the recommendations of 89 audit-reports have been classified in five categories. The first category (G) contains recommendations of a general nature. These may relate to a general evaluation of the project or impact report, but most of the recommendations in this category refer to procedural issues, such as the desirability for further research or consultation with particular agencies. Most recommendations in this category are not specific in the sense of depicting or suggesting a particular outcome or direction for such action.

More specific recommendations have been arranged under four other categories: T(echnical), S(ocial), E(conomic) and P(olicy). Technical

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[70]. It can be argued that the Commission may have been very effective in the pre-audit stage by providing advice or guidelines to proponents and by the anticipation of the Commission's scrutiny generally. It is hard to assess the influence the Commission had in this respect, however, given the very informal and often undocumented ways in which such influence may have been exerted.

recommendations are recommendations on project level, related to location, design or technical aspects, and aimed at protection of the natural environment (landscape, soil, rivers, wildlife etc.). Most pollution questions have also been included in this category, except when specific reference was made to potential harm or negative effect on people or the quality of the environment, in which case the recommendation was included in the S(ocial) class (all noise pollution questions have been incorporated in this latter group as well).

The category S(ocial) comprises all recommendations related to the social (or human) environment (including recreational needs, access-issues, Maori-values and employment). E(conomic) recommendations relate to questions of (alternative) resource use and justification (including questions of rate, scale and depletion). Under P(olicy) recommendations finally suggestions or advice for changes in legislation, policies, regulation, management-structures and distribution of responsibilities have been put together.[71]

Recommendations referring to value and attitudinal aspects of environmental management can primarily be found in the latter three categories (Social, Economic and Policy), although not always explicitly. On the other hand, value judgements may underlie technical recommendations, but questions of value (conflict, setting of priorities) are not explicitly referred to in this T(echnical) category. The desirability of changing policies, values, attitudes and management practices, in line with a "strategy for reform" emphasis, is therefore more likely to be reflected in the last three categories (Social, Economic and Policy), whereas an approach emphasising information on ecological aspects, in line with the technocentric (enhancing rational decision-making) perspective is more likely to be reflected in the category of T(echnical) recommendations.

As can be seen from the Table, the bulk of recommendations fall into two categories, the categories of general and technical recommendations. On an average 14 recommendations were made per audit-report, with each report containing 5 recommendations in the G(eneral) and T(echnical) categories, 3 in the S(ocial) category, and one in the P(olicy) category. Overall, the number of economic recommendations is too small to figure even as an average of one per report.

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[71]. Inevitably, recommendations could not always unequivocally be located in one single category. In these cases they have often been included in two categories, and consequently double counted. In other cases recommendations have been placed in one category, although there would no doubt have been room for differences in interpretation. As it did go beyond the means of the author to organise a special panel for this rather elaborate exercise, some degree of subjectivity in the classification process had to be accepted.

TABLE 5-4
TYPE OF AUDIT-RECOMMENDATIONS

Year \ Category	G	T	S	E	P	Total/Aver*
1973 (4)	18 (5)	18 (5)	11 (3)	0 (0)	1 (0)	48 (12)
1974 (15)	45 (3)	45 (3)	9 (1)	0 (0)	3 (0)	102 (7)
1975 (20)	55 (3)	49 (2)	8 (0)	2 (0)	15 (1)	129 (6)
1976 (14)	40 (3)	30 (2)	13 (1)	0 (0)	9 (1)	92 (7)
1977 (3)	5 (2)	4 (1)	0 (0)	0 (0)	8 (3)	17 (6)
1978 (8)	29 (4)	42 (5)	12 (2)	4 (1)	12 (2)	99 (12)
1979 (3)	17 (6)	8 (3)	3 (1)	0 (0)	7 (2)	35 (12)
1980 (5)	41 (8)	51(10)	25 (5)	0 (0)	16 (3)	133 (27)
1981 (4)	34 (9)	36 (9)	23 (6)	0 (0)	7 (2)	100 (25)
1982 (3)	27 (9)	45(15)	20 (7)	8 (3)	8 (3)	108 (36)
1983 (1)	8 (8)	12(12)	3 (3)	0 (0)	0 (0)	23 (23)
1984 (4)	35 (9)	40(10)	28 (7)	0 (0)	14 (4)	117 (29)
1985 (3)	45(15)	61(20)	59(20)	4 (1)	7 (2)	176 (59)
1986 (2)	32(16)	28(14)	25(13)	0 (0)	13 (7)	98 (49)
Total (89)	431 (5)	469 (5)	239 (3)	18 (0)	120 (1)	1277 (14)

* Number of recommendations per category per year; average number of recomm. per report in each category in between brackets. See also Appendix E.
Source: Commission for the Environment Audit-reports 1973-1986.

A comparison of the number of recommendations per audit/category of the first seven years (corresponding mostly with the Baumgart era) with the second seven years (corresponding mostly with the Piddington era) generates a distinct trend, however:

TABLE 5-5
TYPE OF AUDIT-RECOMMENDATIONS: AVERAGE
PER AUDIT/CATEGORY 1973-1979/1980-1986 (% in brackets)

Year \ Category	G	T	S	E	P	Total
1973-1979	3.7	3.4	1.0	0.1	1.0	9.2
	(40.2)	(37.0)	(10.9)	(1.1)	(10.9)	(100.1%)
1980-1986	10.1	12.4	8.3	0.5	3.0	34.3
	(29.4)	(36.2)	(24.2)	(1.5)	(8.7)	(100.0%)
1970-1986	4.8	5.3	2.7	0.2	1.4	14.7
	(33.8)	(36.7)	(18.7)	(1.4)	(9.4)	(100.0%)

Source: Commission for the Environment Audit-reports 1973-1986.

In all categories the number of recommendations per audit has risen considerably, and the total number per audit has increased 3.7 times in the second period. This is in line with expectations given the growth in the size of audit-

reports, discussed earlier. It seems plausible to expect a larger number of recommendations on the basis of a more elaborate discussion of projects and their environmental impact reports.

From Table 5-5 a distinct trend in the type of recommendations can be distilled. Whereas the percentage of technical recommendations remains approximately the same over the whole period, the percentage of social recommendations has more than doubled in the second period (from 11% to 24%). The proportion of economic recommendations, although slightly increased, remains very small with 1.4%. The share of general and policy recommendations, on the other hand, shows a slight decline.

The picture created by these figures is that of a Commission for the Environment with a growing interest in the human environment. Whereas the protection of the natural environment remains important, the attention to the social implications of development has proportionately grown much stronger, to about one quarter of the recommendations per audit. It can be argued that the increase in attention to social matters, reflects a change in orientation of the Commission towards a "EIA as strategy for reform" perspective, increasingly putting emphasis on value aspects of environmental management.

On the other hand the relatively low proportion (and absolute number) of economic and policy related recommendations, also in the second period, is striking. This seems to confirm the suggestion that environmental assessment has primarily taken place on project-level, with relatively little room for policy matters or the environmental implications of policies. Indeed, only one audit can be said to deal primarily with policy issues[72], although the relative proportion of policy recommendations in a few other audit-reports has also been considerable.[73]

However, one should be cautious in drawing conclusions on the relative proportion of policy recommendations, given the nature or quality of this type of recommendation compared to the other categories. By definition policy issues refer to matters on a higher level of abstraction, covering whole classes or categories of more specific or concrete problems or phenomena. Where an assessment of a

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[72]. The audit on "Trap Nets in New Zealand", performed in 1977. All five recommendations in this audit relate to (fishing) policy issues. It should be noted, however, that also this audit was triggered off by a specific proposal to use trap nets, and was not a reaction to a policy-proposal. In this case it can be argued that the audit-process has been used as a "stop-gap" in the respective policy area.

[73]. A few notable cases are the Upper Clutha Valley Development audit in 1975, (7 policy recommendations out of 16, and 2 economic recommendations), the Auckland Thermal No.1 Power Station audit in 1977 (3 policy recommendations in a total of 7), the Te Marua Water Storage Scheme in 1978 (4 out of 10), and the Fergusson Wharf Extension audit in 1976 (6 out of 20). The highest absolute numbers of policy recommendations can be found in the NZ Steel Expansion audit in 1980 (9), and the Huntly Stratford Transmission Line audit in 1986 (also 9).

project on "site specific level" may invoke a multitude of technical problems and comments, only a few recommendations may be needed to refer to shortcomings in the general policy, guidelines or rules governing a whole class of phenomena (such as pollution aspects).

Complicating this matter further is the importance of the size of projects. Inevitably projects consuming a very large amount of resources and/or with a definite impact on the economy, environment or society as a whole have de facto important policy implications. Particularly since 1979 (with the start of the "Think Big" era) projects of considerable size within the New Zealand context have been subjected to the audit process. Consequently many technical or social issues raised by these projects had important (economic, social and technical) policy repercussions. Nevertheless, recommendations have only been included in this category if they explicitly referred to a need for changes on a level more general than the project itself.[74]

A total of 50 audit-reports (out of 89 surveyed: 56%) did not contain any policy recommendations at all. However, only six audits (out of 22: 32%) in the period from 1980-1986 did not deal with policy patters, as against 44 (out of 57: 77%) in the first seven years. It appears, therefore, that policy issues were raised more often since 1980 than in the period before, in spite of their relative decline in the total number of recommendations. This may be interpreted as additional support for the thesis that the "EIA as reform strategy" became more important during the Piddington years.

With regard to the importance of public input and participation in the EIA process, it can certainly be demonstrated that the procedures have been used consistently by the public as a means to express concerns and opposition against proposals. Although the degree of influence of public input on the final outcomes of the review process remains not clear and debatable, there is no doubt that the procedures were seen as an important avenue for the expression of public concerns.

The degree of public concern about a proposal was, according to an internal analysis by the Commission, the principal ground for a decision to insist on the production of a full EIR: "In fact, "public profile" seems to have been more decisive a criterion than "degree of impact", and it was noted that the initial assessment of public reaction was essential. Sometimes, an EIA was changed into an EIR after mounting pressure had built up, such as in the case of the Devonport

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[74]. See for a discussion and definition of the policy concept, Chapter I, section 1.2.1., pp.6ff; a policy distinguishes itself from a project in that both goals and decisions extend to a class of purposeful (non)actions and are not specific to one case.

Naval Base. On an other occasion an EIR was changed into an EIA after pressure from the proponent.[75]

Table 5-6 shows the number of submissions on EIR reports received by the Commission over the years. Of the total number of submissions presented to the Commission, more than 81% (4428 out of 5446) came from private individuals and organisations. The erratic movement in the average number of submissions per report is caused by a small number of EIRs (the "big four") which provoked a very high number of submissions, in particular the Auckland Thermal No.1 Power Station in 1975 (438 public submissions), the Half Moon Bay Marina in 1978 (434), the Browns Bay proposal in 1979 (974), and the Aramoana Smelter in 1981 (446). When these are excluded, the average number of submissions per report drops to 26.

TABLE 5-6
NUMBERS OF SUBMISSIONS ON ENVIRONMENTAL IMPACT
REPORTS RECEIVED BY THE COMMISSION FOR THE ENVIRONMENT

	Total	No. EIRs	Public Subm.[a]	Aver. EIR		Total	No. EIRs	Public Subm.	Aver. EIR
1973	30	3	15	5	1980	231	5	157	31
1974	317	16	183	20	1981	635	4	559	140
1975	1141	19	913	48	1982	239	3	201	67
1976	494	13	345	27	1983	54	1	41	41
1977	25	2	12	6	1984	224	4	167	42
1978	716	7	617	88	1985	208	3	149	50
1979	1026	3	989	330	1986	106	2	80	40
Subt	3749	63	3074	49	Subt	1697	22	1354	62
Total	5446[b]	85[b]	4428	53					

[a]. Submissions from Government departments and local and regional authorities have been subtracted from the total number of submissions in order to arrive at the number of submissions presented by private individuals and organisations ("The Public").

[b]. Of 8 EIRs the information on submissions could not be acquired: 2 in 1973, 1 in 1975 and 3 in 1976, 1 in 1977 and 1 in 1978. Of two of these (Muritai Reserve in 1976, and Auckland Thermal No. 1 Power Station in 1977), the number of submissions was known (24 and 48 respectively). Hence the difference in the total number of submissions with Appendix D.

Source: Commission for the Environment, Environmental Impact Audits, 1973-1986.

From 1973 to 1976 (inclusive) 30 public submissions were received per EIR, compared to 87 in the period from 1977 to 1986. The low number of submissions on the earlier reports also suggests that many of these proposals were not

[75]. Jenny Robertson, "Criteria for using EIR or EIA", Commission for the Environment, File ENV 8/0/3, 30 April 1982.

particularly controversial, with one exception, the Auckland Thermal No.1 Power Station in 1975. If this project is excluded, the average number of submissions per proposal drops to 22. Even when the other "big three" are excluded, the difference with the period after 1976 is still a significant 12 (average 34 submissions per proposal after 1976). The average number of submissions presented on proposals after 1981 is 49, indicating an further increase in public input compared with the previous years. Although these numbers may not seem high, they nevertheless demonstrate that the EIR process has increasingly been used by the public as a means to express its opinions on development proposals.

If it is assumed that the number of public submissions is an indication of the criticism or opposition present amongst the public on proposals, these numbers can then be related to the nature of the evaluation of proposals (and their EIRs) by the Commission for the Environment.[76] Even though the Commission arrived at its conclusions and recommendations independently, and public disapproval of a proposal did not necessarily imply that the Commission would advise against it, the question arises to what extent the Commission's recommendations were in line with public feelings on these issues.

In Table 5-7 the number of public submissions on proposals have been related to the evaluation by the Commission. With increasing public input the proportion of proposals which received qualified approval dropped from three-quarters to less than half. Conversely, the proportion receiving qualified disapproval increased from one-quarter to more than half where there was a high level of public input. Although no causal relationship between these two factors can be demonstrated (the increase in both public input and the Commission's disapproval may stem from another cause, such as the environmental implications of a proposal), this suggests that there has been a tendency for the Commission's evaluation to be in line with public feelings where these feelings were strong. On the other hand, however, it should be noted that even in situations of a high level of public input, the Commission still approved of projects in nearly half of the cases (such as the Aramoana smelter). By far most proposals received qualified approval (56 out of 85: 66%), also when there was a substantial level of public criticism.

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[76]. Although public submissions may contain support for proposals, it appears safe to assume that a higher level of reaction reflects various forms and degrees of public concern. This not only on logical grounds (people are easier to mobilise when potentially negatively affected by a proposal than when they are indifferent or even favourably disposed), but also on empirical grounds. Although not all submissions have been analysed, the Commission, in its assessment of public submissions in audit-reports, frequently indicated that a large majority of the submissions expressed opposition against proposals. As submissions from Government departments and local authorities have been excluded from this analysis, the assumption seems even more plausible.

TABLE 5-7
LEVEL OF PUBLIC INPUT AND EVALUATION BY THE
COMMISSION FOR THE ENVIRONMENT.

Level of Public Input	Evaluation "Qualified Approval"[a]	"Qualified Disapproval"[b]	Total[c]
Low (<10 Public Submissions)	25 (76%)	8 (24%)	33 (100%)
Medium (10-50 Public Submission)	23 (66%)	12 (34%)	35 (100%)
High (>50 Public Submissions)	8 (47%)	9 (53%)	17 (100%)

[a]. "Qualified approval" has been defined as situations where a proposal has been approved "on conditions" (no serious environmental problems; EIR adequate), or where a proposal has been approved "on conditions" and strong reservations have been expressed on environmental implications and/or EIR.

[b]. "Qualified disapproval" has been defined as situations where deferral and/or re-consideration of a proposal has been suggested (inadequate information available and/or deficient EIR), or where a proposal has been rejected on environmental grounds, or where a suggestion has been made to put a proposal "on hold" indefinitely, or a new alternative has been suggested. See also Table 5-8 further in this chapter.

[c]. Only those proposals have been included of which the number of public submissions was known (total 85).

Source: Commission for the Environment, Environmental Impact Audits, 1973-1986.

All this must be seen against the background of the Commission's emphasis on its independent role in the auditing function. When critical of proposals or environmental impact reports it did so on the basis of "environmental grounds", "objectively" and "professionally" assessed. As Piddington expressed in the audit-report on the proposed Aramoana smelter:

> [...] it is not the Commission's job to support one particular view against another. Indeed, I do not require the team to take a position "for" or "against" the proposal. It is the function of the Audit to test any claims made about impacts, from whatever source, in an objective and professional manner.[77]

It has been argued that in some cases public opposition played a vital role in decisions not to go ahead with projects, such as the PVC-plant at Whangarei. On the other hand, however, there have been cases where a negative finding by the Commission, combined with strong public opposition, did not bring about a halt to projects, such as in the Clyde Dam case. In other situations, such as the Aramoana Aluminium smelter and the non-introduction of nuclear power, decisions not to go

[77]. Commission for the Environment (1981), Proposed Aluminium Smelter at Aramoana, Environmental Impact Audit, Wellington, Preface.

ahead can be attributed to other, primarily economic, considerations, and can not be accredited to either the Commission's or the public's opposition.[78]

The public participation rationale for the environmental procedures in New Zealand was certainly not so strong as in the United States, where the statutory nature of the procedures allows for the effective enforcement of public input through the courts. In New Zealand no formal power basis has been assigned to the public input "leg" of the procedures, apart from the existing statutory opportunities (such as through the Town and Country Planning Act and the Water and Soil legislation).

Overall, it seems that the public participation (reform of the administrative State) rationale for the procedures has been the least powerful of the three "EIA as strategy for reform" approaches to EIA. Although the environmentally interested public and environmental groups may have been an important constituency for the procedures, it was also clearly the least influential in shaping them according to its needs. Review of the procedures was always dominated by Government needs and/or departmental dissatisfaction (including the Commission's own) with the way the procedures were implemented. On various occasions, the procedures have been reviewed with virtually no public input, or with public input only at a stage when the basic decisions about desired amendments and changes had been made, either by the Government, the departments (through officials committees) or by the Commission itself.[79]

In the conclusions and recommendations the Commission would most of the time also indicate whether, on the basis of environmental criteria, a project should go ahead or not. In many cases such advice took the form of a "conditional" approval, implying that if certain measures to control environmental impacts would be taken, there would be no grounds, from an environmental point of view,

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[78]. These arguments are also forwarded by Tester, who maintains that the environmental movement in New Zealand, because of the predominantly "positivist-rational" approach of its leaders, has largely been ineffective. The successes which have been booked can for the larger part be attributed to other factors. Tester, Frank J., Losing Ground, e.g. pp.156; 159-160; 187 and 201.

[71]. Many of the changes proposed in the 1975 review (which faltered because of the change of government) expressed the ideas, developed by Baumgart, on the educative role the procedures were supposed to play, although amendments also resulted from the deliberations in the Officials Committee for the Environment. Most of the key suggestions proposed by environmental groups designed to strengthen the procedures, were laid aside. The 1977-78 review took place without a formal round of public input, and expressed ideas developed by the Government and departments about the desirability of the integration of the procedures with statutory consent procedures. The 1980-81 review was an initiative from the Government, in particular from the Prime Minister, Muldoon, designed to reduce the perceived "nuisance" caused by the Commission in the further development of resources and promotion of economic growth. Finally, the post 1984 review of the procedures took place without any public consultation or input. The Government was anxious to include revised procedures in the proposed Environment Act, but was prevented from doing so by dissension amongst the officials. Only because the officials succeeded in convincing the Government that there was no real ground for haste, was it decided that a "full round of public participation" would take place.

to withhold consent. From the outset the Commission was very conscious of the limits of its power and responsibility with regard to the granting of such consent. Having no formal authority whatsoever to impose conditions or even stop a project from going ahead its advice had to be convincing and sound. On the other hand the Commission's capacity to publicly expose through the audit process cases of environmental negligence was a power that should not be underestimated. Generally, proponents were keen to receive a favourable audit by the Commission in order to prevent damage to their public image.

Only in nine cases (out of the 91 audits about which data were available) did the Commission advise, on environmental grounds, that the project would not proceed altogether.[80]

TABLE 5-8
THE EVALUATION OF PROPOSALS/IMPACT REPORTS
BY THE COMMISSION FOR THE ENVIRONMENT

Proponent Evaluation	Govt/Govt. Dep.	Local/Reg. Authority	Private Sector	Total
+[a]	22 (49%)	13 (48)	7 (32%)	42 (45%)
+/-[b]	11 (24%)	4 (15)	4 (18%)	19 (20%)
-/+[c]	11 (24%)	5 (18.5)	8 (36%)	24 (26%)
-[d]	1 (2%)	5 (18.5)	3 (14%)	9 (10%)
Total	45 (99%)	27 (101%)	22 (100%)	94 (100)[#]

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a Proposal approved "on conditions" (no serious environmental problems; EIR adequate).

b Proposal approved "on conditions", but strong reservations expressed on environmental implications and/or EIR.

c Deferral and/or re-consideration proposal suggested (inadequate information available and/or deficient EIR).

d Proposal rejected on environmental grounds or suggestion to put "on hold" indefinitely; new alternative suggested.

The total number is three higher as two proposals were initiated under combined responsibility of central and local government agencies and one as a combined initiative of the Government and the private sector.

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[80]. These are: the T.H.C. Development proposals for Mt. Cook and the Mount Maunganui Oxidation Pond Reclamation (1974), the Ngataringa Bay Devon Island Development (1975), the Oyster Farming: Houhora Harbour (1975), the Hydro Electricity Investigation of the Otaki River (1975), the ARA & Pikes Point Reclamation (1976), and the Proposed Boat Launching Facility at Browns Bay (1979) audits. In some of these cases (such as the first two) the Commission suggested that "alternative proposals" would be developed, in others it confined itself to expressing an environmental "unacceptable".

In many other cases (23), however, the Commission recommended that a decision should be deferred because of the inadequacy of the impact report, a lack of information or the need for further research. An overview of the evaluation of 91 proposals/impact reports by the Commission is provided in Table 5-8.

Of the nine proposals rejected by the Commission, five were initiated by local government authorities, three by the private sector, and one by a government agency. Overall, the private sector proposals seem to have fared less well than proposals of both other sectors. If the first two categories are combined into one ("qualified approval"), and the latter two into another one ("qualified disapproval"), this impression is confirmed (see Table 5-9).

TABLE 5-9
"QUALIFIED (DIS)APPROVAL" OF
PROPOSALS BY THE COMMISSION FOR THE ENVIRONMENT

Sector	"Qualified Approval"	"Qualified Disapproval"	Total
Government/govt. agencies proposals	33 (73%)	12 (27%)	45 (100%)
Local/Regional govt. proposals	17 (63%)	10 (37%)	27 (100%)
Private Sector proposals	11 (50%)	11 (50%)	22 (100%)
Total	61 (65%)	33 (35%)	94 (100%)

Source: Commission for the Environment, Audit-reports, 1973-1986.

These data suggest at least two things: either the Commission was more favourably disposed towards initiatives originating from the Government and/or government departments, or the proposals coming from this realm were already environmentally less damaging and more acceptable than proposals from the other two sectors, in particular from the private sector. If the first suggestion is correct, this would provide some support for the claim that the EIA process had a legitimising function for the central government in New Zealand, but less so for local government and not at all for the private sector. If the second proposition is true, it confirms the idea that the degree of environmental awareness or care on local government level and in the private sector has generally been significantly lower than on central government level.

However, as stated earlier, confirmation of the legitimation thesis requires that evidence be provided that an approval of proposals took place *intentionally*. This is hard, if not impossible, to verify, given the likelihood that such an intention, if it were present, would have been denied. As discussed in the previous section, the "EIA as reform strategy" was the perspective most openly adhered to within the Commission. On the other hand, as demonstrated in this section, a significant proportion of proposals subjected to the audit process have received a critical judgment by the Commission (35% overall, 27% of proposals initiated by government agencies). It can therefore be concluded that the evidence for the legitimation thesis is, at most, very weak, and that there is more reason to suggest that the Commission acted "objectively" and independently. This suggestion, however, will be further tested in the following section, where the Commission's performance in using EIA as an instrument for policy development (reform) will be further analysed in the light of contextual constraints.

5.5. EIA as a Policy Instrument: Contextual Constraints.

In the first section it has been argued that EIA was seen by many as a mechanism for enhancing the rationality of decision-making (the first perspective). Related to that is the question to what extent the Commission for the Environment has been able to use EIA as an instrument to promote environmental policy development, and in particularly, of a more coherent, comprehensive environmental policy as defined in Chapter I. In order to answer this question some of the shortcomings of the New Zealand EIA procedures will be discussed within the policy context.

The shortcomings of the New Zealand EIA-process have been studied and discussed by various authors, particularly by Nahkies,[81] Mills,[82] Markham,[83] and a group of government officials.[84]

Nahkies suggests that the form and status of the procedures in New Zealand indicate that they were primarily a form of window-dressing for

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[81]. Nahkies, G.E. (1976), Environmental Decision-Making: A Critical Evaluation of the Contribution of Environmental Impact Reporting in the U.S.A. and New Zealand. Unpublished Dip. TP Research Essay. Auckland: University of Auckland.

[82]. Mills, S.J. (1979), "Environmental Impact Reporting in New Zealand: A Study of Government Policy in a Period of Transition", New Zealand Law Journal, 20 November, pp.472-484; 4 December, pp.494-501; 18 December, pp.515-524.

[83]. Markham, G.S. (1983), The Environmental Impact Assessment and Review Process: the Role and Effectiveness of the New Zealand Procedures. Unpublished M.Sc. thesis, University of Canterbury.

[84]. Speden, I., J. Robertson, K. Warren and P. Wilkinson (1983), Environmental Audits and Appraisals 1976-81, Wellington: Commission for the Environment.

environmental concerns. The absence of national environmental objectives (a necessary framework for an effective application of EIA), the non-legal status of the procedures, and the lack of integration with the planning system all contribute to a low level of effectiveness and to the incrementalist nature of the process.[85]

Mills sees the lack of legal status of the NZ procedures and the Commission as the major obstacle to a more effective implementation of the procedures. A statutory basis would allow the Commission to be more independent, critical and consistent in the implementation of the process.[86]

Markham blames weakness in the policy context (framework), the lack of integration with planning procedures, and institutional factors (the specific form and status of the process) as obstacles for a substantive influence in the decision-making process, but declines to draw a definite conclusion about the effectiveness of the procedures. He also advocates a legislative basis for EIA as a means to eliminate confusion and to reduce many of the problems.[87]

Similar conclusions were reached by a group of officials, who emphasised the need to strengthen the (post-audit) monitoring role and capacity of the Commission in order to promote the implementation of its recommendations. They also advocated the formalisation of earlier involvement of the Commission in the assessment process, improved access to information and the introduction of legislation to establish the Commission as a department of State, also to enable the Commission to review policy proposals.[88]

Overall, these assessments point to structural constraints in the form and status of the procedures and the Commission as the principal factors responsible for a more effective implementation of EIA. Although it is acknowledged, particularly by Mills, that some of the blame may be ascribed to inconsistency in implementation by the Commission, these studies agree that the Commission's performance has generally been constrained by the conditions under which it had to operate. The form and status of the procedures did define the framework and set the limits for the implementation of the procedures.

Although political will is sometimes referred to in these studies as an important factor, also for reform to improve the process, little insight is provided, however, into the political obstacles for such reform or improved implementation. Nahkies' analysis is the most political amongst these studies, but also advocates organisational and legislative change as a remedy without discussing how realistic

85. Nahkies, G.E., Environmental Decision-Making.

86. Mills, S.J., "Environmental Impact Reporting in New Zealand".

87. Markham, G.S., The Environmental Impact Assessment and Review Process.

88. Speden, I., J. Robertson, K. Warren and P. Wilkinson, Environmental Audits and Appraisals 1976-81.

the prospects for such change are, a question which seems particularly relevant given the alleged "window-dressing" function of EIA.

Much of the debate about EIA in New Zealand has been dominated by the legal and planning professions. These viewed environmental impact assessment primarily as a planning tool. The fact that EIA was not or poorly integrated with planning procedures caused an almost continuous pressure for such integration (and the frequent denial of the need for separate EIA procedures). Improved effectiveness and performance of the procedures was therefore primarily coupled to a formal strengthening and integration of EIA in the planning system.

The emphasis on EIA as a planning tool, as a neutral planning instrument, obscures the political nature of the process, related to the various interests involved. Reform proposals inspired by such an approach reflect a technocentric view to EIA, which stresses the information generating function and emphasises the need for improved methodology and professionalisation.

The weaknesses in the effectiveness of the procedures illustrate the difficulties of "speaking truth to power". Wildavsky argues that "social forces use analysis to advance as well as to understand their own interests."[89] The outcome of the policy process generally reflects the power of the strongest interests involved in the particular pattern of social interaction surrounding an issue.

The Commission's power in the EIA-procedures relied primarily on the strength and "truth" of its arguments and on its capacity to publicly expose environmentally irresponsible (aspects of) proposals. Despite the Commission's discretion in implementing EIA, it did not control the process. There were definite limits imposed on its discretion. The kind of "truth" it arrived at was conditioned by the nature of the information supplied to it, the limited resources to its disposal, its dependence on the co-operation of proponents in the implementation of its recommendations, the need the be "realistic" and "credible" in order to be effective, political vulnerability (it could be abolished by a stroke of the Government's pen) and outright efforts to put limits on the kind of recommendations it could come up with.

These contextual constraints on EIA reflect the boundaries of what the process (and the Commission) was *not* supposed to interfere with. When the Commission tried to remove obstacles for a more effective implementation, it always encountered these political obstacles and interests, reflected in a lack of political will. The independence of the Commission was acknowledged, but the scope of its freedom was narrowly defined.

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[89]. Wildavsky, A (1979), <u>The Art and Craft of Policy Analysis</u>, London: The MacMillan Press, p.126.

The dependence of the Commission on the "good will" of EIA subjects to co-operate manifested itself in various ways. In the first place it was dependent on proponents for the stage at which it would become involved. Although the Commission emphasised the importance of getting involved at the earliest stage possible, there have been numerous instances in which the Commission was involved only after fundamental decisions had been taken, consents applied for, or even work had started.

That such practice was not an exception is reflected in the fact that the Commission found it worthwhile enough to laud proponents in its audit reports for involving the Commission at an early stage, mentioning the benefits of this to all parties involved. It has been argued that the late involvement of the Commission became institutionalised, more a rule than an exception.[90] This in connection with the scope of the Commission's role under the National Development Act 1979, and the outcome of the review of the procedures in 1981, which both formally sanctioned the Commissions involvement after fundamental decisions had already been taken.

A second area of dependency existed with respect to the supply of information needed to assess the environmental implications of proposals or the adequacy of the proposed measures to eliminate, abate or contain these. The proponent was responsible for the assessing environmental impacts and the preparation of an environmental impact report (if deemed necessary). It is obvious that this opened the opportunity for a selective perception of impacts, the manipulation of data and the presentation of the most favourable picture in general.

During the 1975 review of the procedures both the Mines Department and the Minister of Forests stated that it seemed inevitable, despite the requirement of objectivity in the assessment of environmental impacts contained in the procedures, that the impact reports would be justifications for the proposals involved.[91] That this was also the case for impact reports prepared by local authorities was admitted by the Health Department, that stated:

> *Many 'assessments' presented to the Department have tended to be superficial and self-serving. In too many cases it appears that impact*

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[90]. Markham, G.S. (1983), "How effective is the Environmental Impact Assessment and Review Process in New Zealand?", Planning Quarterly, 69, p.12.

[91]. Submission Minister of Forests, 25 February 1975; submission Mines Department, 7 March 1975; Commission for the Environment, File ENV 8/0.

*assessment is regarded as a further administrative exercise rather than
a genuine attempt to identify environmental impact.*[92]

The fact that proponents and departments themselves admitted that it was hard to see how an environmental impact report could be other than a justification for a proposal, and the frequent preparation of such reports by hired consultants, seem to run counter to the argument that the allocation of this responsibility to proponents is likely to have an educational effect, making them more environmentally aware.

The argument that such bias, manipulation and shortcomings would be picked up by the Commission in the auditing process anyway, thus acting as a deterrent, is partly true. The very nature of the audit was to point out such deficiencies, and was reflected in the Commission's conclusions and recommendations. On the other hand, however, it was clear that the Commission did not have the resources and time to always assess these matters adequately. It was often dependent on the provision of (supplementary) information by the proponent or responsible department, and on the secondment of specialists to the Commission by other departments. These problems were intensified with the growing size and complexity of projects, particularly under the "Think Big" policy.

Another aspect of the Commission's dependence was related to the implementation of audit-recommendations. The Commission, as in all its functions, lacked any formal authority to enforce its advice. Although over time follow-up procedures became more institutionalised, this remained a relatively neglected area. In a memo on the follow up process it was admitted that this process had to be carried out "as cooperatively as possible" in order to promote "the understanding of both the usefulness of recommendations and the reasons behind the decisions taken up by agencies or proposers."[93]

The reasons mentioned in an officials' report on the non-implementation of the procedures provide a key to the identification of interests responsible for the limits imposed on the EIA process in general. It was noted that:

> *Major recommendations not implemented mostly concerned issues of
> policy or arose where the proponent considered that implementation of
> the Audit recommendation would have involved increased delays or
> additional cost.*[94]

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[92]. Submission Department of Health, 7 March 1975, Commission for the Environment, File ENV 8/0.

[93]. File Note "Environmental Impact Assessment Process", 13 October 1982, Commission for the Environment, File ENV 8/0, Vol.10.

[94]. Speden, I., J. Robertson, K. Warren and P. Wilkinson, Environmental Audits and Appraisals 1976-81, p.47.

Policy development, the basis on which proposals are initiated, involves the consideration and/or involvement of interests. A policy legitimises the allocation of values by the Government on a more durable basis than ad hoc decision-making. A policy acknowledges (or denies) the legitimacy of interests, allows (or restricts) a range of activities to take place on a repetitive basis, and justifies the allocation and use of resources. Policies are more than a recognition of problems; they also imply a particular approach to (the resolution, softening or way of "living with") the problem, thus affecting those who are involved with it (either as causers or victims).

All proposals (but one[95]) submitted to the EIA-process have been of a project nature. Although the procedures allowed for the assessment of policies, this in fact never happened. The implication of this was that the Commission was repeatedly confronted with projects of a kindred character (such as hydro-dams, power stations etc.) which, although potentially different in site-specific environmental impacts, raised similar salient policy questions. This was particularly true with respect to energy projects, but was also manifest in other areas such as mining, waste disposal and conservation issues.

Although the issuing of guidelines for the assessment of similar projects was one way in which the Commission tried to reduce the need for repetitive criticism, these did not address the underlying policy problems. Guidelines did not, and could not, provide criteria for assessing whether the project was really necessary, whether particular alternative strategies would be more desirable, or what weight had to be assigned to the costs and benefits in the selection of a particular option. Although the "wise use of resources" was the general slogan under which the Commission was supposed to operate, the criteria for what wisdom from an environmental point of view were either completely lacking or found deficient. In other words, policy failures became manifest when activities were assessed on a project level.

To some extent, these deficiencies instigated the Commission to raise policy matters outside the EIA process, such as in the case of the wild and scenic rivers and hazardous chemicals areas. In these matters, which will be discussed in Chapter VIII, there was often a clear policy vacuum, in the sense that the perceived problems had not yet been sufficiently acknowledged and/or no solutions had been provided. This allowed the Commission to adopt these problems, although even then it did encounter the rivalry and obstacles presented by other departments.

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[95]. On Trap Nets; see p.187, and footnote [72] in this chapter.

In other cases, such as energy and mining, however, environmental policy failure did not stem from the absence of policies, but from the lack of integration of environmental criteria or considerations in these areas. Projects initiated under these policies reflected almost exclusively a preoccupation with economic interests, or alleged or perceived economic interests by the Government or goverment departments. In these areas the Commission's role was to *add* environmental considerations to the ad hoc decision-making process, not to question the economic (policy) assumptions from an environmental or alternative point of view.

That the questioning of policy assumptions through the environmental procedures by the Commission was not welcome became already obvious in 1975, one year after the procedures had been in operation. During the process of review of the procedures the Commissioner of Works expressed his opinion that policies were not "a suitable subject for the procedures" and that this "requirement" should be dropped. He even suggested that the procedures were "unsuitable for broad schemes" such as the Clutha Valley Development.[96]

In the Clutha Development audit the Commission strongly criticised the "exclusive focus on one goal: electricity generation", advocated a "multi-objective planning approach" and recommended a re-appraisal of the proposal.[97] This was fuel for the Commissioner of Works' point of view. The matter was raised in the Officials Committee for the Environment, which noted that the Commission for the Environment had obviously "considered the policies of Government to come within its scope" and declared that the "meeting agreed that while the Commission should be able to comment on management policies, an audit of a specific project was not the appropriate place [...]."[98]

Criticism transcending the project-level uttered by the Commission on some other occasions in the same year further added to the unease about the Commission's ventures into policy matters. In its audit on the oyster farming proposal in the Houhora harbour the Commission recommended that no oyster farm be authorised until the Ministry of Agriculture and Fisheries had identified areas around the New Zealand coast "where oysters can be grown efficiently without unacceptable effects on the public or on the natural environment."[99] In the Hydro Electric Investigation of the Otaki River-audit the Commission rejected

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[96]. Submission Commissioner of Works, 3 April 1975, Commission for the Environment, File ENV 8/0.

[97]. Commission for the Environment (1975), Upper Clutha Valley Development, Audit-report, Wellington,

[98]. Minutes of OC-meeting 9 September 1975, Commission for the Environment, File ENV 8/0/3.

[99]. Commission for the Environment, Oyster Farming: Houhora Harbour, Environmental Impact Audit, 18 June 1975.

the proposals on the ground that investigation on "a systematic and planned basis rather than just within administrative boundaries" was needed.[100]

In reaction, the Ministry of Energy Resources stated that environmental impact reporting should not cover "matters properly dealt with at the national level, for example, overall growth in electricity consumption" and rejected the inclusion of resource management and conservation questions in the assessment of impacts, as these matters were different from "the environment".[101] Baigent & Sons let know that it had an "unsatisfactory experience with the procedures", and advocated that the process should be focused on the natural environment (not including social-economic aspects). The company also expressed its fear that the procedures would "virtually eliminate industrial growth and development."[102]

The Ministers of Forests, Energy and Works supported the view that the scope of the procedures had to be narrowed to the "direct effects of a project".[103] Consequently, "management policies" were indeed deleted from the scope of the new draft procedures, which were however never adopted due to the change of government in that year.[104] The new Minister for the Environment, Venn Young, stalled the review of the environmental procedures as he took the line that it was necessary to integrate EIA with the Town and Country Planning procedures, which were also under review.[105]

Under the Muldoon governments (1975-1984), the issue of the Commission's involvement with policy matters through the procedures continued to recur. Under Baumgart the Commission managed to reduce the number of environmental impact reports considerably, and developed more and more a policy orientation.

Overall, the years 1976 to 1979 could be referred to as the years of optimism or the "happy years" of the Commission. The Commission had acquired more self-confidence and clearly became more assertive. It reassessed its own objectives, produced discussion or "ideas" papers, initiated a symposium on public involvement and started to look more seriously at the issue of toxic substances. It

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[100]. Commission for the Environment, Hydro Electric Investigation of the Otaki River, Environmental Impact Audit, 24 September 1975.

[101]. Letter Ministry of Energy Resources to the Chairman of the Officials Committee for the Environment, 3 October 1975, Commission for the Environment, File ENV 8/0.

[102]. Submission H.Baigent & Sons, 7 May 1975, Commission for the Environment, File ENV 8/0.

[103]. Submissions on the review of the environmental procedures from the Minister of Forests, 25 February 1975; Minister of Energy, quoted in "Reactions to the Procedures", p.5; the Minister of Works, 25 February 1975, Commission for the Environment, File ENV 8/0.

[104]. Commission for the Environment, Revised Environmental Protection and Enhancement Procedures, October 1975.

[105]. Question for Oral Answer asked by Dr. Shearer, 30 July 1976; Reply 4 August 1976, Commission for the Environment, File ENV 8/0, Vol.6; Question for Oral Answer asked by R.Prebble, 18 August 1977, Reply, Commission for the Environment, File ENV 8/0A, Vol.3.

seemed to have the EIA-process well under control, and suggested that it was considering applying EIA to policies.[106]

The Commissioner boldly stated that New Zealand had entered the stage of developing anticipatory policies instead of just reacting to environmental problems.[107] Venn Young, the Minister for the Environment, remarked in 1978 that:

> [...] over the last two years the role of the Commissioner for the Environment has changed. The administration of the enhancement procedures is important, but it is only one of the Commission's responsibilities. The overall contribution the Commission is now making to environmental policy-making and management covers a much wider area.[108]

A second important implication of this development was that the Commission's desire to get involved in "more general and fundamental" issues brought it into other areas of potential conflict. In its reformulated objectives the Commission had included to "promote policies of wise resource use" and:

> To stimulate the development of proposals most appropriate to the scale and characteristics of New Zealand's physical and social environment, and . to draw attention to the limitations of projects considered environmentally inappropriate.[109]

In 1977, following a suggestion made by the Director of the Environmental Defence Society, S.J. Mills, Baumgart proposed to the Minister for the Environment to undertake an audit of the Government's energy policy:

> The preparation of the Government's energy policy provides an excellent opportunity to apply the Environmental protection and Enhancement Procedures, perhaps in modified form, to a policy area at the very heart of the environmental question.[110]

The idea was rejected by Young, who answered that what Mills' letter "really highlights is the need for careful environmental assessment of the

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[106]. Commission for the Environment, Annual Reports of the Years ended 31 March 1977, 1978 and 1979.

[107]. Commission for the Environment, Annual Report for the Year ended 31 March 1979.

[108]. Statement from the Minister for the Environment, 24 May 1978, Commission for the Environment, File ENV 8/0A.

[109]. I.L. Baumgart, Environmental Protection and Enhancement Operations, Commission for the Environment, 12 September 1978, File ENV 8/0.

[110]. Letter Baumgart to Venn Young, 10 February 1977, Commission for the Environment, File ENV 8/0, Vol.6.

Government's overall energy policy" and that the Commission would be working together with the Ministry of Energy Resources in this regard.[111]

The emergence of the "Think Big" strategy in 1979 indicated, however, that the Commission's advocacy of "small scale, high value" projects found little sympathy with the Government, particularly with the Minister of Energy, Birch, and his Under-Secretary, Brill. The fear that their proposals, based on the need to find applications for Maui gas, would lead to costly and unacceptable delays led them to introduce a "fast track" procedure for the granting of consents for projects considered to be of "vital national importance". The proposal, contained in the National Development Bill 1979, allowed for a single hearing before the Planning Tribunal, but reserved the final decision to the Government.[112]

Although the National Development Act contained the (only) legal recognition of the Commission for the Environment and the environmental procedures, it also narrowly constrained the Commission's input. The audit of the (under the Act mandatory) environmental impact reports had to be an examination and evaluation of "the accuracy and adequacy of the report in so far as it relates to the proposed work", implying that the Commission was not expected to comment on broader (policy) considerations, but to confine itself in its comments to "site specific" aspects.[113]

The issue of the Commission's questioning of policy matters through EIA came to a climax in 1980 on the occasion of the audit of a CSR/Baigent pulp-mill project. The Commission advised that approval be "withheld pending commitments" on the grounds that the proposal was likely to be the thin end of the wedge for a much larger undertaking, that it did foreclose other development options, and that, apart from a range of other environmental considerations "the economic benefits claimed in the EIR for the proposal appear to be based on wrong assumptions."[114]

The company complained about the Commission's findings with Treasury, which advised the Prime Minister on the matter. In a meeting on 26 August 1980 the Cabinet Economic Committee expressed concern "with the apparent role the CFE saw for itself in economic and social matters", and voiced doubts about the Commission's expertise, responsibility, ability and objectivity. The Officials

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[111]. Letter Venn Young to S.J.Mills, 17 February 1977, Commission for the Environment, File ENV 8/0, Vol.7.

[112]. New Zealand Herald, 2 September 1979; Wells, N.A. (1984), A Guide to Environmental Law in New Zealand, Wellington: Commission for the Environment, pp.52-55.

[113]. Wells, N.A., A Guide to Environmental Law in New Zealand, pp.52-55.

[114]. Commission for the Environment, CSR-Baigent Thermomechanical Pulp Mill Proposal, Audit-report.

Economic Committee was directed to present a submission identifying the
Commission's precise functions and duties.[115]

Piddington's insistence on the introduction of the "best available
technology" in the case of the proposed Tiwai Point aluminium smelter further
fuelled the Government's anger. The Cabinet Economic Committee noted that the

> *[...] unbalanced perception by the Commission for the Environment of
> the costs and benefits related to environmental standards for projects
> [...] damages New Zealand's investment climate and its prospects for
> economic progress.*[116]

The affair apparently put the Commission's very existence at risk.
Speculation that the Commission was about to be abolished emerged in the press.
Shearer, who had just taken over from Venn Young as Minister for the
Environment, denied that, at that stage, the Commission was directly at risk, but
that on another occasion he tendered his resignation because of a lack of
consultation.[117]

A battle over the Commission's role was also waged between the officials,
with the Ministry of Works, Treasury and the PM's department on one side,
advocating that its role should be constrained, and the Commission, supported by
DSIR, Lands & Survey, the Ministry of Transport and the NZ Forest Service on
the other side, wanting to maintain the existing situation.[118]

As a result, the EIA procedures were amended to the extent that where
decisions on location, scope and "operational characteristics" (technology) had
already been decided upon by the proponent, the environmental impact report
would describe the "direct physical and biological impacts" of the project and
"provide a general treatment of significant impacts on the surrounding
community." Where choices about technology had been made alternatives did not
need to be described in the report. It was further added that in his audit:

> *The Commissioner will not concern himself with the economic
> implications of the proposal including those relating to alternative
> resource use. Comments received in public submissions on aspects of the*

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[115]. Referred to in letter Piddington to the State Services Commission, 17 September 1980, Commission for the Environment, File ENV 8/0.; McClymont, R.B., "Review of the Commission's Role: a Record of Events", Commission for the Environment, File ENV 8/0.

[116]. Interview with P. Gresham, 8 December 1987; McClymont, R.B., "Review of the Commission's Role: a Record of Events", Commission for the Environment, File ENV 8/0.

[117]. Editorial in The Dominion, 6 July 1981; Ian Shearer, Personal Interview, 25 November 1987.

[118]. McClymont, R.B., "Review of the Commission's Role: a Record of Events", Commission for the Environment, File ENV 8/0.

*proposal which relate to policy questions will be referred to the
appropriate Government departments or local bodies.*[119]

Piddington strongly denied that the Commission's audit-role had been
constrained, and interpreted the clause quoted above to mean that "the rationale
of our audit must cover the *environmental* [emphasis added] implications of
alternative resource use."[120] The Commission would continue to comment on policy
aspects on the basis of this interpretation.[121]

The early 1980s were "unhappy times" for the Commission. There was a
heavy workload, much pressure and little recognition for what it did. Doubts were
raised about the effectiveness of the procedures and the Commission's work in
general. The Commission was treated with suspicion by the Government and with
scepticism by the public. Helen Hughes, Assistant-Commissioner at the time,
summarises: "...the Commission by the end of 1982 found itself criticised by
Government, criticised by the environmental movement and the public and aware
that its administration of the environmental protection and enhancement
procedures might be inadequate."[122]

With the coming to power of the fourth Labour Government, a dramatic
ideological and practical change in the role of the State took place. The thrust of
the new approach was the drastic reduction of direct State involvement in the
development of resources (initially presented as the restructuring of such
involvement on a more efficient footing). Instead, the concept of the State as
facilitator for development (primarily through monetary policies) led by the
private sector received prime status. State intervention became an almost dirty
concept, and deregulation fashionable, even, some argue, an "orgy".[123]

Although much of the drive towards a more "market driven" government
administration can be attributed to the new Minister of Finance, Roger
Douglas,[124] it should be noted that his ideas were not original, and followed the

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[119]. Commission for the Environment, <u>Environmental Protection and Enhancement Procedures</u>, 1981 Revision,
Wellington.

[120]. File Note Ken Piddington to Investigating officers, 9 February 1982; Letter Ken Piddington to
Environment & Conservation Organisations of New Zealand, 9 February 1982; File ENV 8/0, Commission for the
Environment; "Environmental guideline audits revised", <u>The Press</u>, 24 November 1981.

[121]. Minutes IO's Meeting, 22 March 1982, Commission for the Environment, File ENV 8/0A.

[122]. Helen Hughes, "What's Wrong With New Zealand's Environment Impact Assessment Procedures?",
Commission for the Environment, File ENV 8/0.

[123]. The presentation of these changes here is inevitably simplistic, and meant only to indicate the "flavour" of
the new dominant ideology, needed to explain the consequent developments with regard to the environmental
procedures. For a more extensive analysis see James, Colin (1986), <u>The Quiet Revolution</u>. London: Allen &
Unwin; Collins, Simon (1987), <u>Rogernomics, Is There a Better Way</u>. Wellington: Pitman; John Roberts,
<u>Politicians, Public Servants and Public Enterprise</u>.

[124]. Simon Collins (1987), <u>Rogernomics, Is There a Better Way</u>.

revival of monetarist and right-wing economics both in Britain and the United States. In New Zealand, Treasury was also an important driving force behind the introduction of this ideology, presenting the incoming Labour government a market driven agenda for economic management.[125] It had made an inventory of many instances of "misallocation" of resources by government policies and became an important source of support, if not authority, for the "iron triad" of Finance Ministers in the Labour Government.

Treasury's views on the environmental impact procedures played a crucial role in the review process of the procedures initiated by the Labour Government. In 1985 a working group of representatives from the Commission for the Environment and the State Services Commission was established to review the procedures. The proposals presented by this group were built upon the existing procedures, but provided for an extension of scope and coverage (by including infrastructural requirements of proposals, alternatives, unresolved policy issues related to the proposals, the "do nothing" option, Maori concerns and the need for the proposal; all previously not generally dealt with in assessments), the introduction of a formal "screening process" (to assess the degree of significance of environmental implications of proposals), implying early notification of proposals to the Commission, and a statutory basis for the procedures and the Commission.[126]

Treasury rejected these proposals on the grounds that they seemed to be contrary to the Governments policy:

> [...] where the emphasis has been on getting the regulatory framework right, and allowing market incentives to operate within that; there has been a move away from direct Government involvement in resource allocation decisions; the EAP (Environmental Assessment Procedures) appear to represent a move back towards increased involvement.[127]

Treasury advocated a "fundamentally different type of approach to environmental policy intervention" than this "all encompassing" one, which was characterised as "a belt and braces approach to resource allocation which is wasteful of resources and hazardous to efficient allocation." The "more focused approach" preferred by Treasury was "to use policy instruments which build on existing resource allocation processes (market processes or statutory consent

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[125]. The Treasury (1984), Economic Management, Wellington: Government Printer.

[126]. D. Peterson, "Working Party of Environmental Procedures, Discussion Document", December 1985, Commission for the Environment, File ENV 8/0/3.

[127]. Memo Treasury to the Minister of Finance, 8 November 1985, Commission for the Environment, File ENV 8/0/3.

procedures)", such as taxes, (potentially tradable) standards, positive incentives and the introduction of requirements for payment of compensation for environmental damage. It was also pointed out that "In some instances, environmental damage may be most efficiently controlled by introduction of a market process where none exists at present (for example, the introduction of tradable pollution rights)."[128]

A key difference between Treasury's approach and that of the Commission related to the definition of the concept of the environment. Although Treasury did not provide an explicit definition of the concept, it made it clear that environmental assessment was primarily concerned with *externalities* of resources use (such as pollution, noise, social disruption and damage to the natural environment). It would not cover questions related to the *allocation* or use of resources: "For example environmental policy need not concern itself with the question of whether it is in the community's interests for a firm to produce pulp and paper in a certain quantity or using a certain process - the market provides the incentives for the proponent to do this."[129]

Instead of changing the procedures and/or giving them a statutory basis, Treasury advocated a more fundamental review of the (need for) the environmental procedures, combined with a review of resource management statutes (such as the Town and Country Planning Act and Water and Soil legislation). Meanwhile, the existing procedures could remain in place, administered by the proposed office of the Parliamentary Commissioner.

Treasury's views were supported by the Ministry of Works and Development and the Department of Trade and Industry.[130] Consequently, in December 1985, Cabinet Policy Committee, did not accept the proposals advocated by the Commission for the Environment (formally presented through the Minister of State Services), and directed that the working party for the review of the procedures be reformed to include Treasury representation.

The new working party's report, presented in February 1986, can be characterised as a qualified victory for the Commission for the Environment. Although the bulk of the responsibility for the implementation of the procedures were to be delegated to consent granting (often local) authorities, and the Ministry for the Environment would not receive a direct role in their operation (receiving

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[128]. Proctor, R.G. (1985) "Environmental Assessment Procedures", Paper presented by Treasury to the Commissioner for the Environment, December 1985, Commission for the Environment, File ENV 8/0/3.

[129]. Proctor, R.G. (1985) "Environmental Assessment Procedures".

[130]. Memo Treasury to the Minister of Finance, 8 November 1985, Commission for the Environment, File ENV 8/0/3.

responsibility on the integration of environmental considerations on a policy level), the proposals still meant a considerable strengthening of the procedures.

To some extent the scope of EIA had been narrowed. Two original EP & EP "criteria for determining environmental significance" were deleted, namely whether environmental effects of a proposal were "likely to be of substantial public interest" (which was considered "unnecessary and open to exploitation"), and whether a proposal would "create a significant demand on a resource which is likely to become in short supply" (which was regarded as requiring policy changes, seen as the province of the proposed Ministry for the Environment). On the other hand were the procedures extended to local government, and were additions made to the list of environmentally significant criteria (to include Maori-concerns, introduced species, the endangering of human health or of food and water supplies, and uncertain environmental effects). However, the report boldly stated that the "vast majority of proposals will not be environmentally significant."[131]

Also, a majority of the working party considered "that a statutory base for the EAP was necessary". The Parliamentary Commissioner, who would "provide the check on the system", was granted the right to decide "at any time to review a proposal even if the consent agency has made other arrangements for review", as well as the right to present findings at any hearing conducted by a consent agency or by the Planning Tribunal. Compliance with the procedures would be a prerequisite to the granting of consents required. The proposal also included the formal requirement for consent authorities to take account of the outcomes of the environmental assessment review. Treasury's desire to include a "sunset clause", if the procedures would be given a legislative base, was rejected. Other members of the working party took the position that the environmental assessment procedures might progressively "wither away" in scope and coverage when other Acts would be amended to include environmental review, thus eliminating the need to include these Acts in the schedule to which the procedures applied.[132]

The Commissioner for the Environment, Ken Piddington, indicated that the proposal represented "a significant advance on the present procedures."[133] Treasury, however, maintained its objections, and stated that "doubts about the effectiveness of the proposed EAP, and concerns about the potential the EAP have to generate legal and administrative problems and high costs" led it to the

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[131]. Report of the Working Party on Environmental Assessment Procedures, 24 February 1986, pp.6;8 and 16. Commission for the Environment, File ENV 8/0/3.

[132]. Report of the Working Party on Environmental Assessment Procedures, 24 February 1986, pp.3;5;8 and 16.

[133]. Letter Piddington to State Services Commission, 6 March 1986, Commission for the Environment, File ENV 8/0/3.

conclusion that "the EAP should not be introduced in legislation even as an interim measure."[134]

Treasury's arguments were strong, exposing the main weaknesses of the environmental procedures, also in their proposed new form. It attacked the ad hoc, case by case nature of the assessment process, the lack of guidance as to how trade-off is to be made between environmental considerations and other factors, the lack of enforceability of the findings of the review process, the fact that the procedures did not contain incentives for conflicts of interests to be resolved, the duplication with planning procedures, and the potential generation of litigation if they were to be cast in legislation.[135]

Although these criticisms were hard to rebut, and Piddington had to admit that the procedures did not address the cumulative environmental impacts of proposals or policies, he pointed out correctly that many of the shortcomings were related to the existing statutory planning and licensing processes in general. He also found Treasury's comments overstated, showing an absence of any practical experience with the procedures and the very positive contribution they could make to project evaluation.[136]

To some extent Piddington had been caught between his views on the "inextricable link between economic development and environmental management", which had led the Commission to question more and more the policy assumptions behind proposals on the one hand, and the "official" view, also adhered to in the Commission, that environmental impact assessment was purely a "means of providing information" to proponents and consent authorities, an "aid to decision-making", but not part of the decision-making process itself. The general strengthening of the procedures, and the plea for a statutory basis in particular, seemed hard to justify on the basis of the second view; but in order to avoid the impression that the Commission wanted to use the procedures to reinforce its influence in resource management (allocation) issues on environmental grounds (a view not popular with the Government and Treasury) Piddington had to adopt the second view and retreat from his earlier position.

At various Officials Steering Meetings[137] officials tried to resolve the differences, but no consensus could be reached, leaving Cabinet no other option than to delay a decision until a more "in depth" review would have been

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[134]. Letter Treasury (L.Hawkins), to the Environmental Secretariat, SSC, 7 March 1986, Commission for the Environment, File ENV 8/0/3.

[135]. Letter Treasury (L.Hawkins), to the Environmental Secretariat.

[136]. Memo Piddington for Minister for the Environment, 30 April 1986, Commission for the Environment, File ENV 8/0/3.

[137]. On 12 and 26 March, 2 April 1986. Minutes in File ENV 8/0/3, Commission for the Environment.

conducted. The Government proceeded with the decision to establish a new Ministry for the Environment and the Office of Parliamentary Commissioner, leaving the existing procedures in force, with the auditing role transferred to the latter. The new Ministry for the Environment became responsible for the administration of the procedures, and initiated a further review process.[138]

Although no definitive decision had been reached on the future of the environmental procedures, it became obvious that in their existing form EIA had met its fate. The swing in political climate created by the change in government went clearly against the search for stronger environmental control through procedures that were seen as "interventionist". Treasury and the "free marketeers" in government considered this as "just the wrong sort of policy intervention".

The occasion was gladly picked up by departments which had always cultivated their doubts about the desirability of having a separate process of environmental review by another agency. In particular by the Ministry of Works, for which the shift in the balance of forces against such procedures was a vindication for its long-held view that the environmental procedures were just another ingredient in the planning system and had to be integrated as such within the existing structures.

It appeared that "no one was happy with the existing procedures".[139] The Commission's efforts to address the weaknesses and strengthen the procedures was met by an unfavourable political climate for such a course. At some stage it was the only department supporting a new proposal. Apparently, the Commission had failed to build up a strong constituency for the procedures amongst the departments. Their support base within the State appeared to be virtually non-existent.

5.6. Conclusion.

The way EIA has been implemented in New Zealand cannot be characterised as "window dressing" designed to legitimise development. Although there have been instances in which the Government and government departments have sought to impose limits on the way the Commission fulfilled its audit function, particularly with respect to exposing policy weaknesses or failures and environmentally "unsound" resource management practices, these efforts have largely been unsuccessful. The Commission did not lend itself to becoming a

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[138]. Letter Blakeley to Minister for the Environment, 22 July 1986, Commission for the Environment, File ENV 8/0/3.

[139]. Minutes Officials Steering Committee meeting of 26 March 1986.

"rubber stamp" and continued, throughout its existence, to operate as a "nuisance" on the basis of its own assessment of what was environmentally responsible. When proposals passed the Commission's test, this was on the basis of the Commission's judgment that there would be no major environmental drawbacks, or that these could be accommodated. In about one third of the cases, proposals were sent back to the drawing board or received a label of environmentally unacceptable. In another 20 percent the Commission expressed strong reservations, and in virtually all cases the Commission "imposed conditions" on proposals in order to control their environmental impacts.

Much less categorical is the answer to the question which of the other perspectives on EIA best fits the implementation of the process by the Commission. The analysis of the views on EIA within the Commission, in particular of the Commissioners, reveals an orientation towards the "EIA as a reform strategy" perspective, with variable emphasis on external and internal control, and public participation mechanisms. On the other hand, however, there are indications (such as the relative weight of technical recommendations in audit reports, and the emphasis on the objectivity or neutrality of the process) to suggest that reform of attitudes and values was not a prime concern in the audit process, and that, in practice, EIA functioned as a supply of information mechanism for decision-makers.

However, the analysis of audit reports also shows that social considerations became increasingly important, as well as policy issues.[140] This is confirmed by the analysis of the Commission's efforts to use EIA as a policy reform mechanism within the constraints imposed by the policy context. On many occasions the Commission's suggestions for policy change or review have been ignored, and sometimes ill-received, particularly with regard to the economic dimension of environmental policy.

Although the Commission, by administering the public input responsibility, provided an "open door" to the administrative State, it did not see itself exclusively, or even primarily, as a vehicle for public input in the EIA process. Although the need to cultivate the relations with its environmental constituency was more sharply perceived in the early (Brooks) and later (Piddington) years of the Commission, it never led to the Commission becoming the "voice" of environmental groups. On many occasions it did not side with environmental critics in the assessment of proposals. At some stage, it even tried to rid itself of the public input "burden" by proposing it to be shifted to proponents. Overall,

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[140]. Although not reflected in the overall figures, policy recommendations were more likely to be included in audit reports after 1980 than before. See the discussion on p.188.

contacts with environmental groups were not intensive, and it could even be argued that the Commission kept too much distance and neglected the environmental constituency as its natural power base. However, it should be reminded that the attitudes of the Commission in this area were very much influenced by the need to be (seen as) independent and "credible", objective and knowledgeable, for having its recommendations accepted. It may well be that outside the EIA process the Commission took a much more active role in promoting and strengthening public input, a question which will be returned to in later chapters.[141]

Time and again the Commission encountered the political nature of the EIA process, in the sense of being confronted with the different, and often conflicting, interests and expectations of the parties involved in the process. Often it found itself under cross-fire between public expectations and proponents' interests. By raising its input from the project level to the policy level, by exposing policy failure, gaps and inconsistencies, and by pointing out the lack of environmental criteria in resource allocation and management, it touched upon issues lying at the core of the political process.

As a mechanism for enhancing the quality of decision making, EIA in New Zealand has certainly been significant on a project level. There is no doubt that even within the constraints imposed on the Commission and the EIA procedures, the Commission did often "hit where it hurt". Policy advice can be accepted without immediate effect, by not implementing it or implementing it in a symbolic way. Project level recommendations are specific, mostly unambiguous and often cost money. It is therefore on this level that policy intentions can be tested. Not surprisingly, it has been argued that "there were only two groups in the country that could make the Government jump - the trade union movement and the Commission for the Environment."[142]

As a "strategy for reform" the evidence of success of the EIA process in New Zealand is, as yet, incomplete and inconclusive. On the one hand it has contributed to the exposure of inadequacies and gaps in environmental policy areas, as evident in audit-reports. On the other hand, it is not clear to what extent this has led to actual policy change, an issue that will be elaborated upon in the following chapters. As for the effect of the EIA process on environmental attitudes and values, the assessment can only be inconclusive, as such change has

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[141]. Particularly in Chapters VII and VIII, where the mobilisation of public demand as a strategy for policy reform used by the Commission will be discussed.

[142]. Quoted in a paper titled "What's wrong with New Zealand's Environmental Impact Assessment Procedures" by Helen R.Hughes, Commission for the Environment, File ENV 8/0/3.

to be seen in the wider context of societal developments.[143] Doubts can be expressed about the Commission's success in grafting an environmental consciousness on other government departments or governments, as demonstrated by the analysis of EIA in the policy context.[144] Perhaps the greatest significance of the EIA process in New Zealand has been the fact that it provided an "open door" to the bureaucracy, forcing development proponents to subject their proposals to public scrutiny. Even though the Commission took an independent position in presenting its findings, and did not necessarily side with public opinion on proposals, the process ensured that public input, by being taken into account in the Commission's audit, was taken seriously.

However, as a mechanism to promote the development of a more coherent, comprehensive environmental policy, EIA has been less successful. Although the Commission paid increasingly attention to the social and economic dimensions of environmental policy in the EIA process, the messages, as mentioned earlier, were often not or ill-received. Indirectly, EIA may also have contributed to environmental policy development by having revealed gaps and shortcomings on this level. From the perspective of the desirability of developing anticipatory environmental policy, however, it can be argued that EIA in New Zealand has been more a liability than an asset. Having to deal with many similar proposals displaying and reflecting the same policy shortcomings (such as a lack of environmental criteria in deciding on energy development), is not only an uneconomic way of using scarce (also Commission) resources, but also ineffective in avoiding a repetition of environmental mistakes. It is also utterly demoralising.

This has always been acknowledged within, and to some extent also outside the Commission. It raises the question whether other, more direct avenues for environmental policy development have been, and can be, more fruitful. It also raises questions related to the respective responsibilities of governments and government departments in the development of such policies. More specifically, it invokes the question what the specific responsibilities of an environmental government agency should be, given the potentially all-encompassing nature of the environment. In the following chapters we will therefore analyse how the Commission did fare with its non-EIA responsibilities, and whether these have

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[143]. It can be argued, for instance, that even if departmental attitudes towards the environment have changed, such change can be just as much, if not more, attributed to rising environmental awareness in society as a whole, the influence of environmental groups, or external influences (such as the international scientific community, or export considerations).

[144]. This issue will be further elaborated upon in Chapter VII, where the Commission's co-ordinating efforts with respect to other departments will be analysed.

provided a better avenue for its contribution in the area of environmental policy
development.

CHAPTER VI - CO-ORDINATION OF ENVIRONMENTAL POLICY: THE SUBSTANTIVE APPROACH.

6.1. Introduction: Co-ordination Through a Coherent, "Overall" Environmental Policy.

In Chapter I it has been argued that the concept of environmental policy, despite its vagueness, is important as an expression of the interrelatedness of environmental phenomena. If "the environment" is more than the sum of its parts, then environmental policy has to be more than the accumulated policies developed in response to a wide variety of environmental problems or pressures. Environmental policy as an integrative mechanism addresses the interconnectedness of environmental problems, and incorporates principles, guidelines and goals which reflect this interdependence. Ideally, it tries to deal with environmental problems in a coherent way, taking into account the multiple interactive effects of policies or measures. In doing so, it is comprehensive and anticipatory, preventing problems rather than curing them.

The concept of a coherent, "overall" or comprehensive, environmental policy has been introduced to distinguish such a concept of environmental policy from the multiple policies developed in response to specific environmental problems. Three major dimensions (ecological, economic and social) have been identified as categories covering most important environmental phenomena as they present themselves to us. Is was emphasised, however, that these dimensions are purely analytical in nature, given the interdependence between these aspects.

From the recognition of environmental interconnectedness to the implementation of a concerted effort to solve, mitigate or avoid environmental problems is a big step, however. Generally, responsibilities for environmental problems are dispersed over a large number and variety of agencies. This situation often implies unnecessary overlap, duplication and costs on the one hand, and the existence of responsibility gaps and the following of contradictory or mutually negating courses of action on the other.

This situation also raises the question of the co-ordination of environmental policy and of the role of central environmental agencies. Obviously, it would be unrealistic to try to reflect environmental interdependence in the administrative structure by concentrating all management responsibilities for the environment into one agency. Such a "hands on" agency would comprise a large proportion of the whole of government administration and would be a bureaucratic monster and nightmare. A more realistic approach would seem to

allocate the responsibility for the *co-ordination* of environmental policy to a central agency, without binding it to a particular area.

However, the question then shifts to the interpretation of the co-ordination task. What does co-ordination exactly mean? And related to that, what kind of status, powers and functions should a central environmental agency receive? Although the meaning of the term co-ordination may seem self-evident, there are in fact a number of different interpretations or approaches to the concept.[1]

In this chapter we will focus on the *substantive* approach to the co-ordination of environmental policy, and see to what extent this approach has been adopted in the development of environmental policy in New Zealand. The substantive approach to environmental policy co-ordination is based on the rational (comprehensive) tradition in policy and decision-making studies, and emphasises the need to formulate clear common policy goals or principles as a mechanism for co-ordinating the activities of all agencies involved in one policy area. By providing clarity of goal or purpose and by ensuring that the mandates of the agencies involved are mutually supportive or at least compatible, co-ordination is achieved. This is seen as a way for avoiding contradictory or mutually negating missions and unnecessary and wasteful overlap, at the same time enhancing the chances of co-operation and effectiveness in achieving the goals which have been set.

Some of the practical problems which have been identified with such an approach are: uncertainty (related to incomplete knowledge about the complex patterns of interaction within the environmental area); disagreement on the values underlying the interpretation of environmental data and the formulation of environmental goals or principles; and the difficulty of giving political weight to such goals or principles so that they provide effective guidance to all those involved in environmental management.[2]

On a theoretical level other objections can be raised. In Chapter I it has been pointed out that in the eyes of many public policy theorists and public administrators the idea of rational-comprehensive policy-making is considered a chimera. Such an approach is not only seen as hopelessly failing in practice, but also as potentially undemocratic, as much information and power would have to be concentrated in the hands of a central policy-maker for the approach to be even attempted with some chance of success. Instead, these critics argue, an incrementalist and more decentralised form of policy development is both more

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[1]. See for a discussion of a variety of interpretations and approaches Chapter I, pp.43ff.

[2]. See Buhrs, Ton (1990), "The Co-ordination of Environmental Policy: An Unresolved Dilemma", Paper presented at the New Zealand Political Studies Association, 14-16 May, Dunedin.

realistic (in terms of more accurately reflecting the reality of the policy process) and desirable (as a multiplicity of policy actors contributes to the generation of a qualitatively better information basis for decision-making and avoids a dangerous concentration of power into one agency).[3]

Although the formulation of an "overall" environmental policy[4] is not necessarily something which can only be undertaken by one agency (as the previous section demonstrates), it can be plausibly argued that its success or failure stands with the backing or guidance of at least one *key* actor, the central government. After all, policies are ultimately decided on by central governments, and given the comprehensive nature of an "overall" environmental policy (affecting many other policy areas and actors), it seems unlikely that such a policy in particular could ever be introduced without solid central government commitment.

However, it can also be pointed out that political rationality strides against a comprehensive approach to policy making, at least in modern pluralist political systems (or "polyarchies"). Politicians are confronted with many particularistic, specific and competing demands which are not always compatible with each other. They are also faced with election cycles which force them to "deliver" in the short rather than the long term. Comprehensive, long-term policies designed for protecting public goods, not only require an immense effort to harmonise conflicting interests, but also offer very indeterminate benefits, both in the short and the long run. As Bartlett argues, there is little consistent support for a focus on comprehensiveness, even among environmentalists, many of whom seem to think that the environment is better served by concrete, achievable results.[5] It is therefore not surprising that for most politicians things such as planning, co-ordination and comprehensive policy making have a relatively low value and priority.[6]

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[3]. Lindblom, Charles E. (1959), "The Science of 'Muddling Through'", Public Administration Review, 19, pp.81-86; Lindblom, Charles E. (1965), The Intelligence of Democracy. New York, The Free Press.

[4]. In rest of the chapter, the term "overall" environmental policy will be used to refer to a coherent, "overall" environmental policy. That is, "overall" environmental policy is taken as referring to a comprehensive environmental policy whereby the interdependence between the three dimensions of environmental policy has been explicitly recognised and addressed, and does not refer to the "sum total" of environmental policies of governments.

[5]. Bartlett, Robert V. (1990), "Comprehensive Environmental Decision Making: Can It Work", in Norman Vig and Michael Kraft, eds. Environmental Policy in the 1990s: Toward a New Agenda. Washington, D.C.: Congressional Quarterly Press, pp.242-243.

[6]. As Painter points out, co-ordination is "not always" a political good: there are few political rewards in it, it is hard to fulfil, and arouses little interest. By contrast, ad hoc problem-solving may be much more rewarding. Painter, Martin and Bernard Carey (1979), Politics Between Departments. The Fragmentation of Executive Control in Australian Government. Queensland, The University of Queensland Press, p.108.

Given the theoretical and practical objections raised against comprehensive policy making, and the need for an "overall" environmental policy to be backed by central government commitment, it can be safely concluded that the odds against the emergence of a such a policy are indeed certainly very great. One could argue that "what must be done cannot be done."[7]

In this chapter it will be analysed to what extent environmental policy co-ordination in New Zealand through the development of an "overall" environmental policy has been attempted. More in particular the role of the Commission for the Environment, as the central government agency responsible for the co-ordination of environmental policy, will be scrutinised in this respect. First, the obstacles within the Commission for the development of such a policy will be analysed. Second, the involvement of the Commission in the development of a New Zealand Conservation Strategy (which can be seen as an effort in formulating an "overall" environmental policy) will be looked at, and third, the question of the political viability of this form of co-ordination will be discussed in the light of the commitment of New Zealand governments between 1972 and 1986.

6.2. The Development of an "Overall" Environmental Policy: Obstacles within the Commission for the Environment.

In a survey of ex-officers of the Commission for the Environment the question was asked which of a number of matters were seen as part of the Commission's mandate. As Table 6-1. indicates, a large majority of the Commission's officers considered the development of an "overall" environmental policy as a part of the Commission's mandate. Altogether thirty-three respondents (out of a total of forty-one) expressed this opinion, whereas only four found that this was only marginally so, and no one suggested that it was not seen as part of its mandate.[8]

However, the fact that only nine of the respondents saw this matter as *very much* part of the Commission's mandate suggests that this task received a lower priority than five of the other items mentioned. Indeed, no one referred to the development of an "overall" environmental policy when asked to describe the role which the Commission saw for itself, although frequent reference was made under this question to the role of the Commission as educator and promoter of environmental awareness.

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7. Bartlett, Robert V. (1990), p.235.

8. For the complete results of the survey, see Appendix C.

TABLE 6-1
MATTERS CONSIDERED TO BE PART OF THE COMMISSION
FOR THE ENVIRONMENT'S MANDATE.[a]

	Very much so	Yes	Margin- ally	No
a. The protection of ecosystems	17	17	2	0
b. The promotion of sustainable resource use	18	16	4	1
c. The protection of quality of life	14	23	1	0
d. The development of an inte- grated pollution strategy	8	21	7	3
e. The promotion of equity in access to resources	4	14	11	8
f. The development of an "over- all" environmental policy	9	24	4	0
g. Long-term development planning	8	14	12	4
h. The protection of environ- mental awareness	25	13	0	0
i. The facilitation of conflict resolution in environmental issues	15	17	6	1

[a.]The question asked was: "Did the Commission, in your view, see the following matters as part of its mandate?" Given the relatively small number of respondents it has been chosen to use figures representing the actual number of respondents instead of percentages.

Neither were there many respondents who, when asked to define what co-ordination meant in the context of the Commission's task to support the Minister for the Environment in the co-ordination of environmental policy, associated this task with the development of a comprehensive environmental policy. Only two officials included "developing overall environmental policies" and "promoting a common approach to policy development" in their definitions, and one referred to "policies emerging that work together instead of at odds." Many refer to efforts to enhance the Commission's (and the Minister's) input in the policy process as such, and one official stated explicitly that there was no effort to undertake a comprehensive approach: "Our task was to advise Government on environmental issues. Policy doesn't exist."

Also, when asked whether the Commission had contributed to the development of environmental policy, one person noted: "Not in an integrated overall way. Contribution was to sectors eg energy, wild & scenic rivers policy or noise policy", a contention which is confirmed by virtually all other respondents who mention only specific areas in which the Commission has made a contribution.

As a matter of fact, the Commission never developed anything like a comprehensive environmental policy. Although it was involved in the work on a New Zealand Conservation Strategy, which will be discussed later, it never produced a document which might have served as the basis for a government to develop a comprehensive environmental policy, integrating ecological, economic and social principles and goals. Even more, it can be argued that the Commission has never *initiated* an effort in such a direction, neither on its own, nor in co-operation with other agencies.

The reasons why the Commission has never seriously embarked on the development of a comprehensive environmental policy are largely of an external nature, such as the lack of public demand and political interest for such a policy, and the fact that the Commission had very little time to spend on policy initiatives, due to the heavy weight of other responsibilities, in particular those related to the environmental impact procedures, discussed in the previous chapter.

Table 6-2 presents a picture of the average time allocation as estimated by thirty-eight officers of the Commission.[9]

TABLE 6-2
AVERAGE ESTIMATED TIME ALLOCATION OF CFE OFFICIALS[a]

	%
a. Environmental Protection and Enhancement Procedures (EP&EP) related work	29
b. Work for Minister (ministerials, briefing papers)	18
c. Policy development and research, including drafting of legislation (NOT EP&EP related)	17
d. Educative/Informative activities (answering letters from individuals/groups; preparation of educative material/press releases; conferences, seminars)	13
e. CFE meetings (of Investigating Officers a.o.)	6
f. Contacts with other departments	7
g. Other things, such as [international liaison, general administration, reading]	9
Total	99%

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[a]. The question was: "How would you estimate the AVERAGE amount of time at the CFE YOU spent on: [HOURS per WEEK]?"

Only an estimated 17% of the Commission's time was available for policy development. This is on average about one in every six days per officer. Given all the specific demands and problems with which the Commission saw itself

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[9]. It should be added that clerical workers with the Commission were not included in the survey. All respondents were ranked as (assistant) investigating officers or higher.

confronted (from indigenous forests, mining controversies and energy development, to hazardous waste, pesticides, pollution, coastal management and land use issues, to name a few), it is obvious that the Commission had to set priorities, and that those questions which were considered less urgent (certainly in the eyes of the public and the Government) received less attention.

Many respondents in the survey emphasised the reactive nature of the Commission's activities. When asked to rank items on the basis of their influence on the Commission's priorities, external factors such as government direction and initiatives taken by other departments or actors (projects subject to the EP&EP), together rated more than twice as much first on the list than the Commission's own assessment of needs, as Table 6-3 indicates.

TABLE 6-3
RANKING OF INFLUENCES ON THE COMMISSION'S PRIORITIES[a]

	1	2	3	4	5	6	7
A. Government direction	12	9	7	4	0	1	1
B. Environmental groups	0	6	4	9	11	3	0
C. CFE's own assessment of needs	10	8	10	4	0	2	0
D. Other government departments (initiatives)	6	7	6	4	3	4	2
E. Public opinion	1	2	4	6	12	7	0
F. International organisations	1	1	1	3	6	12	8
G. Other, namely	5	2	2	1	1	3	5[b]
Total number of rankings	35	35	34	31	33	32	16

[a]. The question was: "Rank the following items on the basis of their influence on the Commission's PRIORITIES."

[b]. Four of the five "other" factors ranked first referred to are development proposals subject to EP&EP (included also under D); the fifth one mentions the Minister (which could be included under A).

Of the total number of thirty-five first rankings the Commission receives only 10, whereas all the other (external) factors together are mentioned twenty-five times. In their comments respondents frequently referred to "firefighting", a "reactive role", and a "work programme driven by other agencies". One official stated:

> Firefighting (i.e. issues that popped up, or EPEP proposals that arrived out of the blue). CFE was very reactive. It didn't set priorities and was constantly flooded with 'urgent' issues and EPEP assessments (which CFE couldn't control -their timing was at the whim of developers). Some hard decisions were needed and CFE should have filtered out less important work.

On the other hand the environmental assessment procedures functioned as a catalyst for policy development initiatives by the Commission. The wild and scenic rivers legislation is a frequently mentioned example of a Commission initiative which found its origins in the EP&EP. Through its EIA responsibilities the Commission was time and again confronted with the same or similar environmental problems related to types of development projects (such as hydro-dams). Other examples of such an "overflow" from the EIA process into policy initiatives can be found in the areas of wetlands and geothermal resources.[10]

Apart from external factors, ideological problems inherent to the development of an "overall" environmental policy also played a role *within* the Commission. Although, as we will see, people working with the Commission saw it very much as a "green" agency, there was no coherent corporate "green" ideology.

When asked which view of the Commission they considered "closest to the truth", twenty-one officers mentioned the view of the Commission as an environmental advocate, and five that of a neutral arbiter. Five people indicated that the Commission played both roles, and another three expressed the opinion that the position of the Commission varied, depending on the issue, and that there were therefore grounds to support the argument that all views were to some extent correct, and that the truth depended on the eye of the beholder.[11]

Some of the respondents who chose the "environmental advocate" option indicated that the Commission was "green": "we tried, we were green!" and "We were very green on the whole and environmental protection was our business" were a few of the comments given. Also, various officers commented that the Commission was the only government department with a serious commitment to the environment: "no one else much in Government was lobbying for environmental protection."

However, when asked whether the Commission had an environmental ideology, a somewhat confusing picture emerges. Although twenty-seven respondents indicated that the Commission had such an ideology, ten officials denied this. Moreover, when asked to describe the Commission's ideology, a wide spectrum of interpretations arises, from "akin to that of the Values Party" to "caring for the biosphere" and "protection and enhancement of the environment." Although many officers mentioned ecological principles, and indicated that the

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[10]. P.H. Gresham, Personal interview, 8 December 1987.

[11]. Two other views on the Commission the respondents were asked to choose from were the Commission as "just a nuisance" and as "development friendly". In a previous question about how the Commission was perceived, respondents could identify more than one of these options. It is obvious that the view of the Commission as "just a nuisance" can be very well combined with that of "environmental advocate". See Appendix C, pp.446-448.

Commission was "pretty green", consisting of environmentally very committed people, no picture of a coherent corporate ideology arises.

This seems to confirm the views of the minority of ten officials, most of whom indicate that there was a diversity of ideologies within the Commission. They note that the Commission was "too diverse to have an ideology", that there was "not a coherent", "consistent", or "agreed" ideology, and that this was "implicit rather than explicit". One person claims that the staff varied in ideological outlook "from those who saw environment as a fringe luxury to those with what now be called a green outlook." Another one characterises the views of various groups within the Commission as varying from radical to conservative, and one official indicates to "always doubted sincerity of <u>some</u> of the officers", adding that:

> *One had the communist manifesto pinned to his wall, and this could explain much of his modus operandi. Main point is that CFE was made up of individuals <u>all</u> with their own agendas (mostly sincere) and were not controlled enough to allow development of an <u>effective</u> ideology. [original emphasis]*

When asked about how the concept of "environment" was interpreted at the Commission, virtually all respondents indicated that this was done very broadly, comprising the physical, natural social, and cultural environment. One officer used the expression "completely holistically" to describe how the environment was approached by the Commission. Various respondents referred to the very broad definition of "environment" in the Environment Act 1986 (designed by the Commission) as proof of a comprehensive interpretation.[12]

However, despite the generally broad interpretation of the "environment" concept, argument is possible about the *extent* to which *social* and *economic* factors were drawn into the Commission's approach to environmental issues. Some officers denied that economic matters were incorporated in the approach. One stated that in the Commission "environment" was largely interpreted as the physical environment, and that the Commission "never developed a great understanding of social/economic matters." Another one added that "Some thought it included economic matters, but most were scientists." A third official, who worked for the

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[12]. The Environment Act 1986 defines "environment" as including:
   (a) Ecosystems and their constituent parts; and
   (b) All natural and physical resources; and
   (c) The social, economic, aesthetic, and cultural conditions which affect the environment or which are affected by changes to the environment. Wellington: Government Printer.

Commission until late 1976, noted that "Social issues were slow to be included, economic questions even slower."

That social-economic aspects of environmental policy might have received a lower priority in the attention of the Commission could also be deducted from the survey results. Only 22 of the respondents thought that long term development planning (a concept which has *development* at its core and as such has much to do with economics) was more than marginally part of the Commission's mandate, whereas 12 thought it was only marginally so, and four not at all (See Table 6-1). Also, eight of the respondents in the survey indicated that the promotion of equity in access to resources was not considered as being part of the Commission's mandate, and a further 11 stated that it was only marginally so. This was the only item to score higher in the combined categories of "marginal/no" answers than on the combined "very much so/yes" categories (if only by one: 19 versus 18 answers). Although it is possible that these answers have been influenced by vagueness in the formulation of this item (one officer indicated not to understand it), it is not likely that this is the only reason (also other items on the list were vague, for example items c and f). It at least suggests that economic and social aspects were seen as *less* "environmental", and *weakens* the argument that the environment was approached by the Commission in a comprehensive way.[13]

To some extent the definition of the term "environment" in the Commission can be seen as an evolutionary process. Ian Baumgart, Commissioner from 1974 until 1980 admits that initially there was a greater emphasis on the physical environment, and that this was gradually broadened to include the social environment. In another respect, however, the question of how to interpret the concept "environment" can be connected to the personal views of the Commissioners.

As discussed in the previous chapter, Ian Baumgart was much more cautious in providing economic comments on development projects subject to the Commission's audit than Ken Piddington. This reflects not just a difference in style or personality,[14] but also a difference in philosophies with respect to the role of the Commission for the Environment. Baumgart put a very heavy emphasis on the educative role of the Commission, on the need to "educate people into

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[13]. It can also be argued that this reflects the view that ecological considerations should have lexical priority over social and economic considerations, even though the latter are still seen as part of environmental policy. The point is, however, that even if this were the case, a comprehensive environmental policy cannot be developed without integrating the social and economic dimensions. For a discussion of the difficulty of allocating lexical priority to one of the dimensions of environmental policy, see Chapter I, pp.12-14. Also Dryzek, John S. (1987), Rational Ecology: Environment and Political Economy. Oxford: Blackwell, pp.58-60.

[14]. Baumgart was seen as much more a "diplomat" in his dealings with the Government and other departments than Piddington, despite the latter's background in the Foreign Service.

thinking", and did not see the role of the Commission as advocating a particular course of development.[15] Ken Piddington, although accepting the importance of education, saw the role of the Commission much more as a watch-dog against a type of development which he considered as being environmentally unsound.[16] He noted that:

> *We considered short term economic and political advantage always down graded the NZ community's long-term needs, and that these could only be served by careful environmental stewardship.*[17]

Piddington's views brought him much more to comment on the economic and technological ("hard hat"[18]) aspects of resource management, which led, as described in the previous chapter, to conflicts with the "developers" in government and other government departments. In an address given in 1984 Piddington stated that:

> *The battle over the environment [...] has moved closer to the heart of economic decisions about resource use and the planning of societies priorities [...].*[19]

Next to economic aspects Piddington, more than Baumgart, also emphasised social factors, and in particular Maori issues and the sexual revolution, as being an integral part of New Zealand's environmental challenges. "Sensitivity to the environment and the development of an environmental ethic is indistinguishable from growth and compromise in all three areas."[20]

However, despite the generally broad interpretation of the concept of environment under both Baumgart and Piddington, the Commission was also restrained by a lack of expertise in particular areas. Many respondents in the survey noted the lack of economists and the gap in the Commission's expertise in this field. One officer remarks: "It needed more highly qualified non libertarian economists and more senior experienced environmental managers with operational

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[15]. I.L. Baumgart, Personal interview, 7 December 1987; One official who had been working under Baumgart noted "We never got into economics while I was there because the Commissioner didn't want us to."

[16]. K.W.Piddington, Personal interview, 9 December 1987.

[17]. K.W.Piddington, Personal communication, 7 May 1990.

[18]. K.W.Piddington, Personal interview, 9 December 1987.

[19]. Piddington, Ken (1984), "The Greening of New Zealand", Address at the Regional Conference of the New Zealand Institute of Horticulture, Wellington, 19 May. (Unpublished), Commission for the Environment, File ENV 1/7, Vol.5.

[20]. Piddington, Ken, "The Greening of New Zealand", p.6.

experience [original emphasis]." Piddington recognised that "We lacked economic and sector expertise but could not attract such people."[21]

Despite the predominance of the view among the officials that the Commission was an "environmental advocate" a significant number supported the view that the Commission was a "neutral arbiter", or that the Commission had both roles. This ambivalence reflects the inherent difficulty in the position in which the Commission found itself. Although there is no doubt that many of the officers working for the Commission were environmentally committed and wanted the agency to be an environmental advocate, and despite the fact that it had a *de facto* wide open mandate which allowed for the adoption of such a role, there were also strong forces which compelled the Commission to take a "neutral" position.

One factor is the fact that the Commission, despite the independence with which it carried out its audit responsibilities under the environmental impact procedures, was also a "public servant" which was expected, in the formal tradition of the Westminster system, to serve its political masters in a politically neutral way. Although this "neutrality" does not mean that an administrative agency is not allowed to develop views or opinions, it does imply that there are political limits with respect to the *kind* of policies which an agency can embark upon. Not only is the civil service expected to respect the views of its political masters (however different they are from those of its officers), but it is also required to loyally implement the ideas or proposals based on these views.[22]

The roles of environmental advocate and public servant are therefore potentially in conflict with each other, particularly where the formal role and responsibilities of an environmental agency are not clearly defined. This was also noted by the OECD committee reviewing New Zealand's environmental policies, which wrote that:

> [...] the Commissioner for Environment also appears obliged to play a difficult set of roles. He is a public servant responsible to a Minister of the Crown to whom he provides advice. He is also a "potential public critic" of the environmental implications of government policies and plans, including, conceivably, proposals being put forward by his own Minister in discharge of his other portfolio responsibilities. [...] Finally, although the role seems less well defined, he is expected to be an "advocate" for environment, not only within but also outside government.

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[21]. K.W. Piddington, Personal communication, 7 May 1990.

[22]. For a discussion of the "paradox of neutrality" see Roberts, John (1987), Politicians, Public Servants and Public Enterprise. Wellington, Victoria University Press, pp.82-84.

Considering the obvious conflicts between these roles, it is remarkable that the system has worked so well until now.[23]

That the system "worked so well" can be largely attributed to the self restraint practised by the Commission(er) in criticising government proposals and policies. Although no instances of direct political interference with the construction of the Commission's comments on proposals subject to the audit process can be documented, Baumgart in particular saw to it that advice provided by the Commission was carefully formulated in order not to antagonise ministers or the Government.[24]

A second, related factor was the need for the Commission, given the lack of a statutory backing of its advice, to be credible and objective in the eyes of the recipients of its comments. The Commission had to rely on professional quality for its advice to have any power of persuasion vis-a-vis other departments, the Government, and private developers. One official in the survey noted that "The credibility of each individual officer determined the effectiveness of the working relationship [with other departments] in my view."

On the other hand, as the following Table shows, was the Commission very much perceived by the public and environmental groups (as *perceived* by CFE officials!) as playing the role of environmental advocate.

TABLE 6-4
PERCEPTIONS OF THE COMMISSION FOR THE ENVIRONMENT[a]

Perceived as by	Environment-al advocate	Neutral arbiter	Just a nuisance	Development friendly
a. MOST environmental groups	26	9	1	6
b. The public in general	34	4	1	0
c. MOST government de- partments	18	4	24	0
d. MOST local government agencies	16	5	21	1
e. MOST private develop- ers	18	4	26	0

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[a]. The question asked was: "How was the Commission, do you think, PERCEIVED by other groups or agencies? (Tick more than one if appropriate)."

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[23]. Organisation for Economic Co-Operation and Development (1981), <u>Environmental Policies in New Zealand</u>, Paris: OECD, p.19.

[24]. G. Crook, Interview, 9 December 1987.

Given the public's expectations on the one hand and the rather negative perception of the Commission by developers ("just a nuisance") on the other (as perceived by officials within the Commission), the Commission had to try to "enhance" its image as an objective or "neutral" (professional) agency in the eyes of development proponents, and at the same time to maintain its "green" image. Having to balance between these two requirements, it is therefore not surprising to find a degree of ideological schizophrenia in the perception of its own role within the Commission.

Despite these external and internal constraints, however, the Commission did undertake an effort to formulate a set of objectives to provide guidance for its *own* activities. In 1977, after years of long (even after-work) discussions amongst a group of officials, the Commission produced a set of objectives, which were included in its annual report. The objectives reflect a broad view of "the environment" and demonstrate a commitment to the development of a comprehensive approach.

The Commission defined as its "Principal Objectives":

To preserve and enhance the quality of life by creating increasing awareness of the environmental implications of human actions and of natural processes, and by promoting co-ordinated social, economic, and environmental planning and management towards that end.

Further, another eight "Subsidiary Objectives" were identified:

1. To facilitate understanding of inter-relationships of resource use, waste disposal, population patterns and trends, social conditions, people's aspirations, and environmental quality; to identify the implication of these relationships for present and future generations.

2. To encourage people to give informed consideration to these relationships and to foster public participation in the formulation of national, regional, and local goals, and in the planning and implementation of projects arising from them.

3. To encourage the identification and characterisation of resources available to New Zealand, and the establishment of their limits; in the light of these findings to promote policies of wise resource use.

4. To stimulate the development of proposals most appropriate to the scale and characteristics of New Zealand physical and social environment, and to draw attention to the limitations of projects considered environmentally appropriate.

5. To provide information and advice to decision-makers on the environmental implications of their policies and operational proposals.

6. To foster co-ordinated research to provide information necessary to achieve these objectives.

7. To develop and continually upgrade procedures - both legal and administrative - towards improving efficiency and effectiveness of management of the environment.

8. To undertake international responsibilities, and to participate in international activities towards improving the management of the global environment.[25]

The "Principal Objectives" reflect the three-dimensional nature of the Commission's view of the environment, comprising ecological, social and economic aspects. Recognition of the importance of the interrelatedness between these aspects is further brought out in the first subsidiary objective, and in the fact that the promotion of co-ordination is considered to be part of the Commission's principal objective.

On the other hand, however, the objectives do not reflect the idea that it is *the Commission's* task to give further *substance* to an "overall" environmental policy. The terminology used indicates that the Commission saw its role primarily as that of a catalyst or facilitator *for others* to elaborate on these matters: terms such as encourage, stimulate, foster and facilitate are used in five of the eight subsidiary objectives. Only the fifth, seventh and eighth objectives refer to other means of implementation, but also these do not seem to call upon the Commission itself to elaborate on *substantive* goals and are more of a procedural kind.

The fourth objective might be seen as carrying a substantive message, even though implicitly. This can be interpreted to mean that only "small scale, high value" projects are desirable in the New Zealand context. Some passages in the Commission's annual reports can be found to support this view. However, concepts such as "wise resource use" (used in the third subsidiary goal), require elaboration if they are to provide any practical guidance.

In the 1977 annual report is was stated that:

[...] it was considered that [these objectives] would assist in setting priorities, improve understanding of the commission's role, and provide a

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[25]. Commission for the Environment (1977), <u>Report of the Commission for the Environment for the Year ended 31 March 1977</u>, p.4.

basis for assessing the performance of the commission as it works
towards these objectives.[26]

Without further *substantive* elaboration, however, and the development of *criteria*, it is hard to see how these objectives could have fulfilled these purposes. It is therefore not surprising that, given the fact that the formulation of these objectives was not followed up by efforts to transform them into *operational* goals, they have been of little consequence to the actual operations of the Commission or their evaluation. Paddy Gresham, the longest-serving officer of the Commission for the Environment, noted that these objectives "have not been particularly useful as a framework for our own work effort."[27]

As mentioned earlier, the development of a comprehensive environmental policy, comprising ecological, social and economic dimensions, invokes different values and conflicting views and interests. Obviously, such an effort implies the making of choices or trade-offs between goals which were not always compatible, and the assignment of priorities. Gresham in this context notes that:

> *Some of the difficulties were due to inherent conflicts in the role of the*
> *Commission. We did not have a narrow brief like the Nature*
> *Conservation Council. The Commission had a responsibility for*
> *protecting and enhancing the environment. But 'environment' was not*
> *simply nature but 'everything'. How could we protect and enhance*
> *everything? Where did we stand on the trade-offs that must be made*
> *between development (with its benefits for the social environment) and*
> *the inevitable impacts on nature? This was the dilemma, between being*
> *an 'environmental advocate' and an 'objective' assessor of the*
> *environmental implications of proposals.*[28]

Given the (forcibly) reactive nature of much of the Commission's work, its "firefighting" role, the need to set priorities on the basis of immediate demands, conflicting role expectations, and ideological diversity within the Commission, it is understandable why an "overall" environmental policy has not emerged from within the Commission. Two other factors still have to be analysed, however, to explain why the Commission has not succeeded in bringing about the development of such a policy in a wider context. These are the difficulty of arriving at common goals within the civil service (where "the environment" impacts on many

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[26]. Commission for the Environment (1977), <u>Report of the Commission for the Environment for the Year ended</u> <u>31 March 1977</u>, pp.3-4.

[27]. Gresham, P.H. (1983), "Some Reflections on the Origins, Evolution and Future of the Commission for the Environment", p.10.

[28]. Gresham, P.H. (1983), "Some Reflections on the Origins, Evolution and Future of the Commission for the Environment", p.10.

interests), and the lack of political commitment to the development of a comprehensive environmental policy.

6.3. Inter-departmental Obstacles in the Development of an "Overall" Environmental Policy: the Case of the New Zealand Conservation Strategy.

Early in 1980 the *World Conservation Strategy* was launched as a concerted effort of the International Union for the Conservation of Nature (IUCN), the United Nations Environment Programme, and the World Wildlife Fund. The strategy formulated three main objectives: (1) to maintain essential ecological processes and life-support systems; (2) to preserve genetic diversity; and (3) to ensure the sustainable utilisation of species and ecosystems.[29] The strategy pointed out that close to a third of the world's arable land will be destroyed in the next twenty years if current rates of land degradation continue,[30] that it was estimated that by the end of this century between half a million and a million species will have been made extinct,[31] and that existing utilisation rates of species and ecosystems were not sustainable.[32]

The strategy emphasised the need to integrate conservation and development in the policy-making process, advocated the adoption of anticipatory environmental policies, and proposed planning and "rational use allocation" as the integrating mechanisms for the implementation of such policies.[33]

The World Conservation Strategy further called upon every country to "review the extent to which it is achieving conservation, concentrating on the priority requirements and on the main obstacles to them."[34] National and sub-national strategies were seen as a means of "focussing and coordinating the efforts of government agencies, together with nongovernmental conservation organizations, to implement the World Conservation Strategy within countries."[35] A series of steps and "strategic principles" were suggested to facilitate such implementation.

In New Zealand the Department of Lands and Survey, a member of the IUCN, had been involved in the drafting of the World Conservation Strategy, particularly through its Deputy Director-General of Lands, Bing Lucas. Lucas

[29]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>. Gland: Switzerland, section 1.

[30]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>, section 2.

[31]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>, section 3

[32]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>, section 4.

[33]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>, sections 9 and 10.

[34]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>, section 8.

[35]. IUCN/WWF/UNEP (1980), <u>World Conservation Strategy</u>, section 8.

promised the IUCN that New Zealand would have a draft of its own national strategy ready for presentation at the IUCN General Assembly in Christchurch in October 1981. The Government approved the preparation of a National Conservation Strategy.[36]

The Nature Conservation Council, as an advisory body to the Minister of Lands on conservation and also a member of the IUCN, was given the task of co-ordinating the preparation of the NZ Conservation Strategy. The Council had an "unfulfilled statutory responsibility to draw up a national policy for the conservation of nature." Although the Commissioner and the Assistant-Commissioner for the Environment had attended the launching of the World Conservation Strategy, the Commission for the Environment was not involved up to this stage.[37]

However, from the moment the Nature Conservation Council called for a meeting of a small group of departmental officers to discuss a draft of a discussion paper produced by the Council, the Commission for the Environment expressed a strong interest in the work on the NZ Conservation Strategy, and became heavily involved.[38] Although, as Gresham noted, the discussion paper "belonged" to the Nature Conservation Council, and the NZ Committee of the IUCN was expected to "pick up ownership" at the stage of the first draft of the policy, the efforts to introduce a NZ Conservation Strategy provided a trigger for the Commission for the Environment to contribute to the development of a comprehensive approach to environmental policy in a larger framework. At the same time, the involvement enabled the CFE to develop its own thinking on these matters. Gresham, in a further comment on this subject to the Commissioner, noted: "If you are searching for a CFE ethic this exercise could be a trigger for a written position paper."[39]

One of the first inputs from the Commission into the working party was to broaden the approach to a conservation strategy. Firstly, the fairly narrow focus of the World Conservation Strategy on living resources was criticised:

> *A major criticism must be that the strategy restricts itself to the consideration of living resources whereas the extractive use of non-*

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[36]. Memo P.H.Gresham for the Commissioner, 8 May 1980, Commission for the Environment, File ENV 1/7, Vol.1.

[37]. Memo P.H.Gresham for the Commissioner, 8 May 1980.

[38]. A working party was established initially comprising representatives of the Department of Lands & Survey, the NZ Forest Service, DSIR, the Commission for the Environment, and ECO, chaired by Helen Hughes (DSIR). Representatives of the National Water & Soil Conservation Organisation were also added to the working party.

[39]. Memo P.H.Gresham for the Commissioner, 8 May 1980, handwritten comment on the Memo. Commission for the Environment, File ENV 1/7, Vol.1.

renewable resources has also had a major degrading impact on the ecosphere.[40]

It was noted that a conservation strategy "must be an inherent part of a development strategy." The principles of a "conserver society" and "sustainability" were seen as important ingredients for such a strategy with respect to the management of resources.[41]

Secondly, the need to incorporate cultural aspects in a conservation strategy was emphasised. In its submission on the NZ Conservation Strategy the Commission noted that such a strategy "should incorporate the more aesthetic elements of resource development, such as rural and urban landscape quality, the need for recreation, and creative and spiritual growth." Also, the goal of maintaining genetic diversity was extended to include *cultural diversity.*[42]

Among the specific issues to be addressed by a NZ Conservation Strategy the Commission mentioned the need for agriculture and forestry to be based on the principle of sustainability (a.o. by reducing the use of artificial fertilisers and pesticides, and the reliance on monocultures), and the long term elimination of water systems for sewage disposal. It was also noted that:

> *The development of nuclear energy is not appropriate to New Zealand. Large-scale energy projects may be relevant in the short term, but the long term energy programme should be directed towards diversification and regional self-sufficiency.*[43]

The latter issue in particular led the working party to comment on the "specific and controversial nature" of the submission of the Commission for the Environment.[44] Nevertheless the main thrust of the Commission's contribution, the need to broaden the perspective of a NZ Conservation Strategy, was accepted, and two objectives were added to the original three of the World Conservation Strategy, namely:

> *To provide for cultural, spiritual and other intangible needs of society by protection and development of diversity in the use of living and non-living resources.* and *To ensure that non-renewable resources are*

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[40]. Howard Ellis, "The NZ Conservation Strategy, Notes for Discussion", Commission for the Environment, File ENV 1/7, Vol.1.

[41]. Howard Ellis, "The NZ Conservation Strategy"; also J.B.C. Lenart, "Memo for Howard Ellis & Philip Simpson", 20 August 1980, Commission for the Environment, File 1/7, Vol.1; Commission for the Environment (1980), "New Zealand Conservation Strategy - Submission Prepared by the Commission for the Environment", p.2.

[42]. Commission for the Environment (1980), "New Zealand Conservation Strategy - Submission", pp.1-2.

[43]. Commission for the Environment (1980), "New Zealand Conservation Strategy - Submission", p.4.

depleted at a socially acceptable rate having regard to present and future generations.[45]

Yet, at the tenth meeting of the working party the potentially controversial nature of a conservation strategy document surfaced again. Although it was noted that "there are various safe ways to deal with controversial issues" it was recognised that the working party would "still be producing a sensitive document." The working party decided "to work to the general restraint of concentrating only on decisions which alter the way resources are managed" and the Nature Conservation Council was asked to take steps "to ensure its political credibility."[46] *De facto*, this meant that the working party document would avoid criticising controversial resource use decisions taken by the Government in connection with the "Think Big" projects. On the other hand did this decision cause uncertainty within the working party about "how far they [would] go in suggesting policy and structural changes.[47]

Despite this uncertainty, a "Proposal for a New Zealand Conservation Strategy", titled "Integrating Conservation and Development" was produced in June 1981. The document was officially launched by the Minister for the Environment, Ian Shearer, on 13 July 1981, and a call for submissions was made.

Commenting on the submissions, an official of the Commission for the Environment who had been involved in the working party preparing the document, recognised some of the weaknesses of the proposal, particularly the absence of a cogent ethical statement, and the lack of "vision" in the area of indigenous forests:

> *It is the most important environmental concern in New Zealand and has always been. The Strategy really does nothing for the protection of forests whether private or public [...]*[48]

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[44]. New Zealand Conservation Strategy, Notes of Fifth Working Party Meeting, 10 November 1980. Commission for the Environment, File ENV 1/7.

[45]. Letter Dr.C.W. Burns (Chairman Nature Conservation Council) to K. Piddington (Commissioner for the Environment), 3 December 1980, Commission for the Environment, File ENV 1/7.

[46]. New Zealand Conservation Strategy, "Notes of Tenth Working Party Meeting", 8 December 1980, Commission for the Environment, File ENV 1/7.

[47]. "Brief for Dr.C.W. Burns for NZ Conservation Strategy Working Party Meeting", 8 December 1980, Commission for the Environment, File ENV 1/7.

[48]. Philip Simpson, Comment on Submissions to "Integrating Conservation and Development", 29 September 1981, Commission for the Environment, File ENV 1/7.

On these issues, according to the official, "we copped out", and he added: "I believe that the greatest criticism has been made in those fields where the document avoids the real issues."[49]

Despite this, it can be argued that the proposed strategy was a serious effort to formulate the basis for a more comprehensive "overall" environmental policy, indicating the gaps in existing policies with regard to ecosystem protection, the provision for non-material needs, and the sustainable use of resources. The proposal suggested various options to improve the co-ordination of environmental policy (amongst which the establishment of a Ministry of Conservation and National Development), and provided a list of priority requirements, priority national actions and priority international actions.[50]

In December 1983[51] a steering committee of officials was convened by the Department of Lands & Survey to assemble departmental reactions to the NZ Conservation Strategy proposal, to identify themes and important issues, and to draw up an alternative structure for a final document for consideration by Cabinet.[52]

In its turn the steering committee established a "core group" which inventoried departmental reactions to a series of questions about the steps needed to implement the NCC proposal. The summary of departmental submissions produced by the core group revealed a wide variety of views on the proposed strategy. Although about two thirds of the submissions stated that the department or agency supported the principles of "Integrating Conservation and Development" it was also noted that "In the majority of the submissions there were indications that departments were not quite clear on the purpose of the exercise on the Conservation Strategy."[53]

That this "lack of understanding" could also be interpreted as a lack of interest on the side of at least some departments is implicitly acknowledged by the core group. It was noted that a number of the submissions "adopted a somewhat defensive approach" and that some issues which were of obvious relevance to departments had been ignored. For example, it was found:

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[49]. Philip Simpson, Comment on Submissions to "Integrating Conservation and Development", p.2.

[50]. Nature Conservation Council (1981), Integrating Conservation and Development, A Proposal for a New Zealand Conservation Strategy. Wellington: Nature Conservation Council.

[51]. For an explanation of the time gap see section 6.4.3. in this chapter (p.253).

[52]. The group consisted of representatives of the following departments: Lands & Survey (Convenor), DSIR, Ministry of Works & development, Ministry of Agriculture & Fisheries, the NZ Forest Service, the Commission for the Environment, Treasury, and Trade & Industry. Commission for the Environment, File ENV 1/7, Meeting of CORE group for NZCS, 26 May 1983.

[53]. "Meeting of Core group for NZ Conservation Strategy", 13 June 1983; "New Zealand Conservation Strategy Proposal, Summary of Departmental Submissions", Commission for the Environment, File ENV 1/7, Vol.2.

[...] a little surprising that the Health Department did not comment on the suggestion that the genetic diversity of indigenous species should be preserved because of possible pharmaceutical values. Similarly, it would have been appropriate for the Ministry of Agriculture and Fisheries to comment on the section of the strategy proposal which discussed management of off-shore fishing resources.[54]

The core group report further identified a number of themes and issues which would have to be addressed before a final document could be drawn up. Most notable amongst these were: the inevitability of conflict, the concept of sustainability, and the issue of costs and benefits.

In their submissions, some departments, notably Railways and the Ministry of Works and Development, had pointed out that conflict between conservation and development would in many cases be inevitable and that choices would have to be made.[55] The Department of Trade and Industry correctly stated that: "A concise statement of policy goals against which individual activities can be assessed will be required before an action plan can be implemented."[56]

The core group identified the heart of the problem as one of short term versus long term considerations. The fear was expressed that the expression "integrating conservation and development", which was used as the title for the NCC proposal, "may be misinterpreted to mean that development and conservation activities are always compatible in all situations." It was noted that the philosophy of integration and interdependence of conservation and development would have to be elaborated in the final strategy.[57]

Another difficulty which was identified was the concept of sustainability, given its centrality in the strategy proposal and the different interpretations used by departments. It appeared that various departments used the term in a sense which covered their own activities, and which tended to stretch the meaning of the concept beyond the one used in the strategy proposal.[58]

A third difficulty identified, the weighing of costs and benefits of conservation measures, proved to be the most complicated and controversial. The issue was raised in an elaborate submission drawn up by Treasury. Given the weight of Treasury's advice in government decision-making, Treasury's argumentation deserves some detailed attention.

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[54]. "Report of the Core group to NZ Conservation Strategy Steering Committee", p.4.

[55]. "Report of the Core group to NZ Conservation Strategy Steering Committee", General Comments.

[56]. "New Zealand Conservation Strategy Proposal, Summary of Departmental Submissions", Commission for the Environment, File ENV 1/7, Vol.2, p.3.

[57]. "Report of the Core group to NZ Conservation Strategy Steering Committee", pp.5-6.

[58]. "Report of the Core group to NZ Conservation Strategy Steering Committee", p.7.

Treasury's submission was set in a broad economic policy perspective as, it was argued:

> [...] in many cases, economic analysis may usefully be extended to aspects of well-being other than material ones. The 'conservation strategy' provides an appropriate opportunity to direct attention to some of the economic policy aspects of environmental issues, at a time when the Government is planning to set out the broad directions of its economic policy in a comprehensive national development strategy.[59]

The key argument in Treasury's submission was that the costs and benefits of conservation have to be weighed against the costs and benefits which can be derived from alternative uses of resources allocated for conservation purposes. It was noted that the NCC document appeared:

> [...] to place a heavy emphasis on the goal of conservation as an objective in its own right. Instead, it appears more appropriate to analyse the possible contribution of some environmental services [emphasis added] to improving the welfare of the community.[60]

Although it was admitted that economic statistics alone do not accurately measure changes in community welfare, it was argued that "environmental issues are inevitably economic issues" and that in the making of decisions, value judgments about the value of "environmental services" are being made.

The warning was made, however, that the need to weigh the relative costs and benefits of conservation and "growth" did not imply that there was necessarily a conflict between the two:

> Economic growth tends to facilitate the achievement of the community's priorities, including society's preference for a better environment. From an economic perspective, therefore, the focus should not be directed at how economic growth might or might not affect the environment: rather the question is how the use of resources to protect and improve the environment is to be reconciled with the competing demands on resources to satisfy people's other desires.[61]

In a discussion of the specific characteristics of many environmental problems, the "common good" aspect was identified as an "absence of property rights". It was argued that one explanation for environmental problems was that

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[59]. The Treasury, "New Zealand Conservation Strategy Proposal: Integrating Conservation and Development", Treasury Evaluation, 8 June 1983.

[60]. The Treasury, "New Zealand Conservation Strategy Proposal", p.1.

[61]. The Treasury, "New Zealand Conservation Strategy Proposal", p.3.

"many vitally important resources are not owned by anyone and consequently lack the protection and guidance that a private owner normally provides."[62]

As "the proper remedy" for environmental problems Treasury indicated that it:

> *[...] is not to halt growth or slow it down, but to change the conditions under which producers and consumers are allowed free and unrestricted use of the shared resources of the environment.*[63]

As additional options to the use of direct regulation, the use of various market mechanisms were mentioned, such as the implementation of fees, charges or taxes, and a system of tradeable property rights, although it was admitted that in some cases (such as highly toxic chemicals) regulation was likely to be least costly and most effective.[64]

With regard to the use of resources the need to weigh the costs of adopting a sustainable yield approach was emphasised, as preventing current exploitation also incurs costs which have to be weighed against "the expected level of benefits to present and future welfare."[65]

The submission concluded by stating that:

> *One important conclusion is that we do not necessarily do either current or future generations a favour by forgoing opportunities for development. The present New Zealand community is already experiencing stresses associated with low growth in the economy, while future New Zealanders are likely to have more wealth at their disposal anyway, for reasons which include the increased capital stock made possible by taking advantage of current development opportunities.*[66]

The Commission for the Environment questioned Treasury's arguments. For example, in the officials committee which discussed the core group report, Helen Hughes, a representative for the Commission for the Environment, expressed concern that "market signals could be wrong from a conservation point of view" and said that she "found it worrying that Treasury could not understand the concept of sustainable use."[67]

Clearly, the disagreement between Treasury and the Commission reflects a fundamental difference in the relative status allocated to environmental versus

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[62]. The Treasury, "New Zealand Conservation Strategy Proposal", p.4.

[63]. The Treasury, "New Zealand Conservation Strategy Proposal", p.6.

[64]. The Treasury, "New Zealand Conservation Strategy Proposal", pp.7-8.

[65]. The Treasury, "New Zealand Conservation Strategy Proposal", p.11.

[66]. The Treasury, "New Zealand Conservation Strategy Proposal", p.14.

[67]. "New Zealand Conservation Strategy Proposal" Officials Committee, Meeting 7 October 1983, Commission for the Environment, File ENV 1/7, Vol.3.

economic values. Whereas in Treasury's approach environmental values were seen as values competing with other values *within the paradigm of an economic model*, for the Commission these environmental values provided the basis (new paradigm?) for a determination of what is economically rational. As such, the disagreement illustrates how environmental and economic rationality are in conflict at a deeper level.

A fourth issue raised in the core group report was that of legislation and procedures. It was noted that the departmental submissions did not generally favour new or amended legislation, and that there was a consensus of opinion that existing legislation had the capacity and potential to enable implementation of conservation objectives "providing the use and administration of that legislation is improved and optimised."[68]

Although it was also found important to improve co-ordination and consultation, the question how this was to be achieved was hardly entered into, and no link was established between this problem and the role of a central co-ordinator generally or that of the Commission for the Environment in particular. To some extent, this may have been due to the fear of departments about the potential implications of such a strategy for the distribution of departmental responsibilities. For example, it was concluded that there was little support among the departments for the idea to establish a Ministry for Conservation and Development, and that it seemed clear that this idea needed not to be further considered.[69]

One need not be surprised that given the considerable differences in views or principles within the core group and steering committee, and the nature of the hurdles which were identified, progress on the NZ Conservation Strategy proposal was slow. "Major philosophical topics" kept recurring in the discussions, and at a later stage major changes in the structure of the proposed document were introduced.[70]

However, even if the level of departmental commitment to the development of a NZ Conservation Strategy would have been higher and more consistent, this would not have been a guarantee for the adoption of such a proposal by the

[68]. "Report of the Core group to NZ Conservation Strategy Steering Committee", p.11.

[69]. "Report of the Core group to NZ Conservation Strategy Steering Committee", p.14; It should be added, however, that opposition against this proposal was also inspired by other motives. For instance, it was argued by the Department of Scientific and Industrial Research (DSIR) that in such a combination of development and conservation responsibilities it was likely "that conservation would lose out". "New Zealand Conservation Strategy Proposal, Summary of Departmental Submissions", Commission for the Environment, File ENV 1/7, Vol.2, p.52.

[70]. "New Zealand Conservation Strategy Proposal Officials Committee Meeting", 29 March 1984, Commission for the Environment, File ENV 1/7, Vol.4, p.2.

Government. As noted in the submission by the department of Scientific and Industrial Research, "non scientific factors such as political pressures and demands of market economy" were part of the problem and that "unfortunately Government decisions will not necessarily follow [the] most reasonable advice or preferred option."[71]

The diversity of views on the NZ Conservation Strategy proposal among government agencies, the opposition to administrative change, and the fact that the advancement of a proposal to the status of government policy requires the making of political choices, were all factors responsible for the fact that the process of searching for a NZ Conservation Strategy came to a virtual standstill. It is to the latter category of factors that we now turn in order to assess why a comprehensive or "overall" environmental policy has not emerged.

6.4. "Overall" Environmental Policy: the Commitment of New Zealand Governments.

For the period covered in this study, from the early 1960s to 1986, it can certainly be upheld that the formulation of a comprehensive environmental policy received a very low priority, if any priority at all, from New Zealand governments. To back up this argument we will be looking at the party manifestos on which governments supposedly base their policy programmes,[72] at the priorities set by the successive Ministers for the Environment, and at the commitment shown by governments to the NZ Conservation Strategy

6.4.1. Commitment to "Overall" Environmental Policy: Party Manifestos.

As mentioned in Chapter II, separate sections on "the environment" only began to emerge in the two major party manifestos in 1972. Before that time, party manifestos dealt with environmental issues under different headings, such as land development policy and forestry. The pre-1972 manifestos of both major parties can generally be characterised as very "development friendly", emphasising

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[71]. "New Zealand Conservation Strategy Proposal, Summary of Departmental Submissions", Commission for the Environment, File ENV 1/7, Vol.2, p.51-52.

[72]. Although it can be argued that party manifestos are an unreliable guide for what governments actually do, particularly in recent times in New Zealand, they are important in that they have traditionally been a vital ingredient in the functioning of and justification for the two party system. Elaborate manifestos presented by two ideologically distinct parties, so goes the argument, have provided the basis for a clear choice by the voters, who expect that the manifesto of the winning party will at least be the basis for the Government programme. See e.g. Chapman, Robert M. (1979), "On Democracy as a Clear Choice of Government", in Hoadley, J.S., Improving New Zealand's Democracy. Auckland: New Zealand Foundation for Peace Studies, pp.85-95.

the desire to intensify the development of resources in New Zealand in order to promote economic growth.[73]

In the following discussion only the manifestos of the *governing* parties will be dealt with, as these may be seen as a potential source for the successive governments' positions on the issue of developing an "overall" environmental policy. Consequently, the manifestos of (1) Labour (1972); (2) National (1975, 1978 and 1981) and (3) Labour (1984) will discussed.

(1) The 1972 Labour manifesto which provided the basis for the government between 1972 and 1975 has a separate section under the heading "environmental". It opens with a paragraph on "administration" in which it is promised that:

> *The Minister of Environment in a Labour Government will be given the resources and power to carry out the following functions:*
>
> *(a) To provide a social and physical environment audit on all major projects before approval is granted.*
> *(b) To advise on the measures necessary to preserve the natural purity of our air, land and water.*
> *(c) To advise on the stages necessary to preserve for all present and future New Zealanders the right to reasonable ready access to the natural scenic beauty and wildlife.*[74]

This definition of functions is peculiarly specific, and does not refer to any "overall" responsibility (co-ordinating or otherwise) for the environment. The first function was a confirmation of what the Commission for the Environment was likely to be doing (The Minister for the Environment under the previous Government, MacIntyre, was already committed to this and set into motion the preparation of environmental procedures). The second function seems to imply that the Minister for the Environment will become responsible for one specific policy area, pollution control, whereas the third function is very specific (more referring to an issue than a policy area).

This "hotchpotch" approach is characteristic for the whole of the environmental section in Labour's 1972 manifesto. It has sub-headings on population, land, international responsibilities, recreation and sport and pollution, but does not formulate fundamental principles or objectives. Instead, it deals with a range of topics, ranging from broad (such as population and public education) to very specific (such as Manapouri, Lake Wanaka, and nuclear testing). Although

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[73]. See for example National's 1969 manifesto, "Policy in Action. A Pocket Edition of National's Manifesto for the '70s;" and Labour's 1966 and 1969 manifestos. The latter contains the proposal to establish a Ministry of Natural Resources to assist in the development of industries based on natural resources.

[74]. New Zealand Labour Party, 1972 Election Manifesto, p.12.

reference is made to the need for "sustained yield management of renewable natural resources"[75] this is not backed up by specific commitments, and is not supported by policy statements in other sections such as the one on forestry (which demonstrates a strong development focus).[76]

The need to control pollution is mentioned, but in a very general way (need to "avoid", "campaign against"). No objectives are being formulated, and no specific programmes advocated. Little attention is paid to the social or "quality of life" dimension of environmental policy. The ecological dimension is confined to a paragraph on parks and reserves. Overall, the impression one gets from the manifesto is that of a vote catching exercise (by making promises on specific issues such as the promise not to raise the level of Lake Manapouri!), and of an otherwise shallow environmental ideology (reflected in a weak discussion of the direction in which *policies* should be developed).

(2) National's party manifesto of 1975 (carrying the theme: "New Zealand the way *you* want it") is in various respects a "progressive" manifesto, promising universal superannuation, the establishment of a Human Rights Commission, the creation of a Commission for the Future and paying attention to women's rights. The section on the environment, however, is hardly more principled than Labour's 1972 manifesto, although it is more comprehensive in its coverage of environmental aspects. While the section starts with a "philosophy", this does not go any further than very general statements referring to "proper concern for our environment", that "maintenance and improvement of New Zealand's life style depends on the wise use of soil, water and air", and that "waste must be avoided and resources conserved."[77]

The Environment section has sub-headings about Land, a National Trust, Water, Air, Crown, Urban Development, Pollution, Administration, Resources, Population and Nuclear Testing.[78] Under some of these, the discussion of subjects is relatively detailed, containing specific steps to be undertaken (such as in the area of urban development, which is also discussed in a separate section). Under other sub-headings, however, the subjects are dealt with in a much less substantial way. On Resources, for instance, it is stated that "National will seek the most efficient use of resources, particularly those of energy." Also, the pollution control sections mention the need for a "practical" approach, and the introduction of controls "where they are found necessary"), and contain very few specific

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[75]. New Zealand Labour Party, 1972 Election Manifesto.

[76]. New Zealand Labour Party, 1972 Election Manifesto, p.19.

[77]. New Zealand National Party, 1975 General Election Manifesto.

[78]. New Zealand National Party, 1975 General Election Manifesto, policy no.38.

measures to deal with problems (an exception is the proposal to introduce a levy on "difficult-to-dispose-of" products).

Although other sections in the manifesto sometimes refer to environmental aspects (eg in Forestry, Energy and Urban Development), there is no linkage between the environment and "hard core" subjects such as Economy, National Development (although the need for long-term planning is here acknowledged and the establishment of a Commission for the Future announced), Agriculture and Transport. In practice, therefore, environmental policy is relegated to an area of its own whereas the stimulation of economic growth (in particular agricultural development) receives priority.[79]

The National Party's 1978 manifesto (With the theme: "We're keeping our word")[80] is in many ways a prolongation of the previous one, although somewhat less "progressive". A review of legislation with respect to the freedom of information and protection of individual privacy is announced (the Alan Danks committee had already been established), as well as the creation of the New Zealand Planning Council (as an instrument of consultative planning and research with a scope of up to five years ahead).

Again, however, there is no formulation of principles in the environment section (although it opens with a beautiful citation: "This we know: The earth does not belong to man; man belongs to the earth"). "The environment" is again discussed under a range of headings without apparent coherence, suggesting that it is not seen as comprising more than the sum of these topics. Although some other sections again refer to environmental aspects (particularly the Energy and Forestry sections[81]), there is an overall emphasis on the promotion of economic growth and development (particularly in the Agriculture, Economic, Energy, Fishing, Forestry and Manufacturing sections). Yet, one phrase in the section on National Development refers to a more comprehensive approach, namely where a continued commitment to consultative planning (through the New Zealand Planning Council) is confirmed:

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[79]. Of all policy areas, agriculture receives most attention, with seventeen pages spread over two sections (policies no.1 and 31); the environmental section comprises seven pages (policy no.38).

[80]. New Zealand National Party, 1978 General Election Policy.

[81]. The Transport section also refers to environmental values, but this seems of a purely token nature, as it is not followed by any specific suggestions. It is simply stated that "the efficient use of energy is an extremely important element in any transport policy", and that "National pledges to pursue policies which maximise the efficient use of energy in transport." New Zealand National Party, 1978 General Election Policy, p.55.

[...] aiming at the adoption by Government of guidelines for [a]
development policy which will promote stable economic expansion and
social, cultural and environmental improvement.[82]

This could be interpreted as meaning that, although the Government did not yet have a comprehensive policy in which these elements were integrated, it was committed to the adoption of such a policy once preparatory work had been done by the newly established Planning Council.

However, in National's 1981 manifesto (Carrying the themes: "This is Your Future" and "National for Growth") little of this pretension is left standing. Both in substance and style this manifesto has more the appearance of an advertising pamphlet than of a policy document. Unequivocally the promotion of economic growth is presented as an overriding goal, and much of the "programme" is in the nature of a justification of the Government's existing policies (particularly in the energy area).

The environment section ("Conserving Our Environment for Future Generations") seems to suggest that economic development and environmental protection can go "hand in hand" by setting aside "areas of New Zealand that contain unique ecological systems, scenery of distinctive quality, or natural features that are beautiful, unique or scientifically important."[83] Very little is said about protection of that part of the environment which is not "unique". Apart from the subsidising of the purchase of electric space heaters in the Christchurch clean air zone ("Keeping the Air Clean"), there is preciously little specific environmental policy in this manifesto. One exception is the section on "Our Majestic Forests" where it is noted that the volume of timber taken from native forests has been reduced by more than fifty percent, and that a total reduction by eighty percent over the next decade is targeted. It is added that "National's long term policy is to reduce the milling of native forests to the point where our native timbers are only used for specialist functions."

Other sections in this manifesto are virtually devoid of references to the environment. In the Energy section it is simply stated that "National will not squander our non-renewable energy resources but rather use them to ensure an orderly transition towards dependence on renewable resources." How it planned to do this, however, is a question which remained unanswered, and which is particularly intriguing given the emphasis on the need for a "rapid development of energy resources" in this section.

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82. New Zealand National Party, 1978 General Election Policy, p.40.

83. "This is Your Future - Policies for the Decade of the 80s - National for Growth" (pages not numbered).

(3) The environment policy section in Labour's 1984 manifesto ("Policy Document") began with a very short paragraph on "basic principles". It was stated that:

> *Labour recognises that the fundamental purpose of a sound environment policy is to ensure the management of the human use of the biosphere to yield the greatest sustainable benefits to present generations while maintaining potential to meet the needs and aspirations of future generations.*[84]

It was added that Labour would integrate conservation and development so that:

> *(a) we move to a sustainable economic base by shifting from the use of non-renewable to renewable resources.*
> *(b) those resources are use to achieve the ends of social justice.*
> *(c) our trusteeship responsibilities for future generations are recognised.*
> *(d) our remaining endangered species and ecosystems and representative examples of our full range of plants, animals and landscapes are protected.*[85]

Such principles, it can be argued, provide a potential basis for the formulation of a comprehensive environmental policy, comprising the economic (resource use) dimension (a), the social dimension (b and c) and the ecological dimension (d). However, the principles were not being elaborated in the subsequent paragraphs or in other sections of the manifesto. Instead, the environmental section continued with the issue of native forests and national parks and reserves, arguably the environmental topics which have received most public attention in New Zealand and where vote-catching was most likely to occur.

Part II of the environmental policy section of Labour's 1984 manifesto dealt with administration and planning, and contains promises for the establishment of a Ministry for the Environment, to give statutory independence to the Commission for the Environment (which would remain responsible for environmental impact audits), and to ensure that the Minister does not hold incompatible portfolios.[86] These promises can also be regarded as a response to the demands of many environmentalists and to the frustrations expressed by the Commission for the Environment with regard to the weaknesses in the then existing system of environmental administration.

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[84]. New Zealand Labour Party, 1984 Policy Document, p.30.

[85]. New Zealand Labour Party, 1984 Policy Document, p.30.

[86]. New Zealand Labour Party, 1984 Policy Document, p.31.

Parts III and IV of the environmental policy section refer to a series of other specific issues, such as natural waters, mining, heritage protection, noise and air pollution, conservation and recycling. These paragraphs are very short and hardly touch upon the question how the general principles referred to above would be applied to these topics. Instead, they consist mainly of a selection of specific points and steps.[87]

Many policy areas directly related the environment, such as energy, forestry and fisheries, lands, and transport policy, were dealt with in separate sections in the manifesto. Although in these other sections sometimes reference was made to one or another of the principles outlined in the environment section, they certainly cannot be regarded as programmes which consistently apply or elaborate these principles. For example, the energy policy section did not discuss how a transition to sustainable use of resources would be achieved (apart from the promotion of conservation) and seems to have been drawn up completely independently from the section on transport policy, in which conservation measures are hardly mentioned at all. Similarly, the economic policy section concentrates on goals such as full employment, economic growth and "fairness and social justice" but does not contain one reference to the need for economic growth to be environmentally sustainable, to quality of life aspects of economic development, or to the *type* of development which is considered suitable or desirable for New Zealand.[88]

The list of examples could be extended to demonstrate that in fact Labour's 1984 environmental policy, despite the formulation of environmental principles, is in fact not a comprehensive policy at all. Although this is not meant to say that Labour in 1984 was not committed to address environmental *issues*, it implies that the contention that it had an "overall" environmental *policy* could be seriously challenged. In fact, as the section on environmental policy clearly shows, the economic, social and ecological dimensions of environmental policy were not coherently or consistently related to one another or elaborated upon.

It could be argued that, even if party manifestos did not provide comprehensive environmental policies, it is still possible that governments did develop these in practice. In order to test this argument it seems plausible to assume that, if this were the case, this would be most clearly reflected in the views and actions of the key persons responsible for environmental policy within governments, the Ministers for the Environment.

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[87]. New Zealand Labour Party, 1984 Policy Document, pp.32-33.

[88]. New Zealand Labour Party, 1984 Policy Document, pp.14-18.

6.4.2. Commitment to "Overall" Environmental Policy: Ministers for the Environment.

Although only interviews with two of the Ministers for the Environment and one Under-Secretary for the Environment have been conducted,[89] it can safely be concluded that none of the Environment Ministers in New Zealand demonstrated that a comprehensive policy had been adopted by their governments.

TABLE 6-5
MINISTERS FOR THE ENVIRONMENT 1972-1990[a]

Name	Period	Other portfolios held
D. MacIntyre	09/02/72-08/12/72	Lands, Forests, Maori & Island Affairs, Val.Dep.
J.A. Walding	08/12/72-10/09/74	Overseas Trade, Recreation/Sport, Ass.For.Aff.
T.V.M. Tirikatene Sullivan	10/09/74-12/12/75	Tourism
V.S.Young	12/12/75-11/02/81	Lands, Forests, Val.Dep.
I.J.Shearer	12/02/81-26/07/84	Science & Technology, Broadcasting
C.R.Marshall	27/07/84-19/02/86	Education
P.B.Goff	19/02/86-24/08/87	Housing
G.W.R.Palmer	24/08/87-27/10/90	Justice, Attorney Gen., Legisl.Dep/Gov print. Prime Minister

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[a]. Source: Wood, G.A. (1987), Ministers and Members in the New Zealand Parliament. Dunedin: Tarkwode Press.

As described in Chapter III, the first Minister for the Environment, Duncan MacIntyre, saw himself very much as an environmental ombudsman, responding to the increasing number of public environmental concerns lodged with his office. He acquired a fairly high profile, particularly during his performance at the Stockholm conference, but did not have very specific expectations of his job as Minister for the Environment, and "did not want to rush in". During most of the time he was in office he was not supported by his own department (the Commission was only established in August 1972 and became only fully operational under Walding). MacIntyre therefore stood very much on his own, and

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[89]. Interviews were conducted with Venn Young, Minister for the Environment from 1975 until 1981; Ian Shearer, who succeeded him in 1981 and remained Minister for the Environment until 1984; and Philip Woollaston, who became Under-Secretary for the Environment in 1984. Woollaston was stand-in for Marshall, who was unavailable at the time. The assessment of the views and commitment of the Ministers who have not been interviewed relies exclusively on official documents and on the opinions of officials of the Commission for the Environment who have worked under these Ministers.

was not in a position to develop ambitious plans of any comprehensive nature. Yet, two of the three officials in our survey who had worked for him indicated that he was "very committed", and the third one judged him as moderately "committed" as the Table below shows.

TABLE 6-6
COMMITMENT MINISTERS FOR THE ENVIRONMENT AS
JUDGED BY OFFICIALS[a]

Minister	Very committed	Moderately committed	Indifferent/ uncommitted	Total
D.MacIntyre	2	1	0	3
J.A.Walding	0	4	1	5
T.V.M.Tirikatene Sullivan	2	1	2	5
V.S.Young	1	6	10	17
I.J.Shearer	18	6	0	24
C.R.Marshall	16	11	3	30
P.B.Goff	9	14	3	26
Total	48	43	19	

[a]. The question asked was: "How COMMITTED were, in your opinion, the following MINISTERS for the Environment to the environmental cause? (tick ONLY those under whom you have served)."

Joe Walding, the first Labour Minister for the Environment, appeared to be rather unhappy with the opportunities which his position offered. In a letter to the Prime Minister he complained about the "inherent weakness in my portfolio responsibilities" and that his position offered "plenty of opportunity for exhortation and explanation but non for purposeful action."[90] As he wanted the Government "to be seen as a Government of 'doers' rather than 'talkers'" he suggested that the responsibility for the National Water and Soil Conservation Organisation (NWASCO, resorting under the Minister of Works) and the Environmental Health Division of the Department of Health would be transferred to him. If the suggestion would have been accepted, the Minister for the Environment would have received a "hands on" role in one area of environmental policy, that of pollution control.

Walding's proposal, which was likely to have led to an emphasis on policy development in one environmental sector (and not "overall"), was not put into practice, however.[91] Possibly, his disappointment about this is reflected in the

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[90]. Letter J.A. Walding to the Prime Minister, 4 September 1973, Commission for the Environment, File ENV 1/0, Vol.2.

[91]. See for a discussion of the reasons for this, section 4.5. of Chapter IV.

judgment of officials about his commitment, as indicated in Table 6-6. More than anything else, the affair illustrates that at this stage there was still a lot of uncertainty about the role of the Minister for the Environment, and of the Commission for the Environment serving him. That this uncertainty persisted during most of the time Walding was Minister for the Environment is confirmed in other correspondence.[92] In fact, it was the Commissioner, and not the Minister, who clarified the situation.[93] There is therefore very little basis to suggest that Walding provided much guidance in developing a comprehensive approach to the environment.

Neither have any clues been found that the third Minister for the Environment, Whetu Tirikatene Sullivan, took a strong conception of direction for environmental policy to the job. Officials who worked for the Commission for the Environment during her period of office were divided in their judgment on her degree of commitment (See Table 6-6). In the Commission's files no papers have been found which could suggest that she initiated new policy proposals or directions. In fact, it appears that she let herself be guided by the views of the Commissioner who's ideas about the role of the Commission had by now been pretty well crystalised. When interviewed Baumgart acknowledged that "she was always willing to take his advice".[94]

Venn Young stands out as the Minister for the Environment who, in the eyes of officials who worked under him, was least committed to the environmental cause (with ten out of seventeen respondents indicating that he was indifferent or uncommitted (See Table 6-6). He is the only Minister for the Environment to receive such a majority judgment.

When asked about the goals or ideas which he took to the job, Young indicated that he wanted to develop "clearer demarcation lines between land and forests that were to be productive and what to be conserved."[95] In fact, during much of the interview he continued referring to forest issues, indicating that he saw his role as Minister for the Environment very much as intertwined with the portfolios of Lands and Forests which he held concurrently. He acknowledged the controversial nature of this combination, but indicated that he still believed that

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[92]. In a letter written by Walding on 22 July 1974 it was stated that the Commission for the Environment was "still in the process of working out its role". Commission for the Environment, File ENV 1/0, Vol.2.

[93]. In a briefing paper for Walding, Baumgart, who had just been appointed Commissioner for the Environment, stated that "Since my appointment as Commissioner I have set out to clarify the role of the Commission for the Environment and the manner in which it might carry out that role most effectively." I.L.Baumgart, "Policy and Programme of the Commission for the Environment", 27 February 1974, Commission for the Environment, File ENV 1/0, Vol.2.

[94]. I.L.Baumgart, Personal interview, 7 December 1987.

[95]. V.S.Young, Personal interview, 15 October 1986.

this was correct and that one could make fair decisions whilst holding these portfolios.

When pressed more specifically about his goals for the Environment portfolio Young answered: "I wanted to involve more people in the decision making", referring to the work of the Commission for the Environment in increasing opportunities for public participation, and (again) forestry issues (opening up management plans for public comment). Otherwise, he did not indicate to have had any views on environmental policy, let alone on an "overall" or comprehensive environmental policy. In many respects he saw his role as Minister for the Environment as interwoven with his development responsibilities in his other portfolios without, however, connecting the two on the basis of environmental principles.

By contrast, Ian Shearer received top marks for his commitment to the environmental cause from most officials responding to the survey, with eighteen out of twenty-four indicating that he was "very committed". Shearer, before becoming Minister for the Environment, was well-known as a committed environmentalist who actively participated in campaigns to save New Zealand's indigenous forests.[96]

Once Minister for the Environment, Shearer held weekly meetings with representatives of environmental groups "to keep him informed of what was going on." On various occasions these meetings led him to ask the Commission for the Environment to undertake research or steps on issues which had been raised. According to Shearer, three major issues dominated at the time: the protection of native forests, the protection of wild and scenic rivers, and mining. All of these, of course, relate primarily to the conservation (nature protection) aspect of the environment.

When questioned about the development of an "overall" environmental policy and the co-ordination of environmental policy Shearer indicated that this never got off the ground, as he and the Commission had their hands full "fire fighting" and "holding the fort". The major priority was to get legislation for the Commission in order to reinforce its position. Only after that would have been put in place anything more ambitious could have been expected to have some chance.

It was after the change of government in 1984, and under the next Minister for the Environment, Russel Marshall, that the process of environmental

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[96]. Among other things, Shearer participated in the actions to save Pureora forest from being logged; he was also the presenter of the "Maruia Declaration" to Parliament in 1977, one of the biggest petitions in New Zealand's history, which asked for the protection of native forests. Ian Shearer, Personal interview, 25 November 1987; see also Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment. Auckland: Earthworks Press.

reorganisation really got off the ground. It is very likely that this fact has influenced the judgment of officials about the new Minister's commitment to the environmental cause (See Table 6-6), although he scored lower than his predecessor in the "very committed" category, despite a higher total number of respondents. One official explicitly stated that the high marks for Marshall were given very much because of the excellent work done by the Under-Secretary for the Environment, Philip Woollaston.

In an interview Woollaston elaborated on the political feasibility of various reorganisation options, and emphasised the importance of public input into the review process. On the other hand, however, he was much vaguer on the implications of the restructuring process for the kind of environmental policy that would emerge, apart from indicating that a major review of resource statutes would be undertaken and that the "overall objective is to achieve better decision-making and a more efficient use of resources, not to lock them up willy-nilly."[97]

That a reform of administration reform was seen as the key to improved environmental policy-making is also apparent in a speech delivered by Marshall in 1985. In particular, the creation of a new Ministry for the Environment with a policy role was seen as an important step forward.[98] Elsewhere, Marshall indicated that he considered the allocation of a planning function to the new Ministry as particularly important. A new Ministry with a "reduced" planning function and no conservancy division (as advocated by officials) was his bottom line, and without this "the position of the minister and central government would be untenable."[99]

Although Phil Goff was perceived by most officials in the survey as moderately to very committed (See Table 6-6), he became Minister for the Environment less than ten months before the new Ministry for the Environment would become operational. At that stage, the Commission was already winding down its policy activities, and on the way to disintegration. Therefore, although he was involved in the passing of legislation for the new Ministry, he cannot be considered as an important Minister for the policy performance of the *Commission for the Environment*.

Overall, then, little ground has been found for the argument that, despite the lack of a comprehensive environmental policy in political party manifestos,

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[97]. Philip Woollaston, Personal interview, 22 October 1986; see also two speeches by Philip Woollaston, on 21 June 1985 at the Annual General Meeting of the Royal Forest and Bird protection Society in Wellington, and on 2 October 1985 for the South Island Local Bodies Association Annual Conference in Queenstown (quote from p.8 of this speech).

[98]. Speech delivered by the Hon. Russel Marshall at the University of Waikato Seminar "Environmental Administration in New Zealand: A New Era", 22 November 1985.

[99]. Keith Johnston Report, "Ailing Environment a Blot on the Landscape", New Zealand Times, 10 March 1985.

governments might have been committed to such a policy in practice. The commitment of Ministers for the Environment has been either to specific *issues* or to a reform of environmental *structures*, not to the development of an "overall" environmental *policy*.

6.4.3. Commitment to "Overall" Environmental Policy: the Case of the New Zealand Conservation Strategy.

Although the National Government approved the preparation of a New Zealand Conservation Strategy (NZCS) in 1980[100] it should be noted that the initiative for such an undertaking originated on a departmental level, and that the trigger for that initiative was very much a matter *external* to New Zealand, namely the development of the *World Conservation Strategy* and the call, therein, for the development of national conservation strategies.[101]

That the Government was not really keen to embrace a New Zealand Conservation Strategy, and was somewhat embarrassed by the document produced by the working party in June 1981, is apparent by the fact that more than a year after the launching of the proposal it had not yet been followed up by any further government action. As many of the matters raised in the document touched upon the responsibilities of a wide range a government departments and other (development) agencies, a clear commitment of the Government was required to take the proposal a step further. However, despite the fact that two ministers claimed that the Government supported the *World Conservation Strategy*[102] and that the NCC document (including public submissions) was presented to the IUCN General Assembly in October 1981, the proposal seemed to undergo a similar fate as the OECD report on New Zealand's environmental policies, referred to earlier, and to become another "forgotten report".[103]

It was again on a departmental level that the idea of developing a New Zealand Conservation Strategy was revived. In November 1982 the Department of Lands & Survey asked its Minister to put the train back on the rails.[104] The catalyst for that was the Government's desire to produce a "National Development Strategy" dealing with the development of New Zealand. It was thought by the

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[100]. See p.233.

[101]. See p.232.

[102]. Jonathan Elworthy, New Zealand Conservation Strategy: "Integrating Conservation with Development", 8 November 1982, Commission for the Environment, File ENV 1/7/1, Vol.1.

[103]. Horrocks, J. (1984), "Environmental Policies in New Zealand: the Forgotten Report", New Zealand Environment, 41, pp.38-40.

[104]. Garratt, K.J. (1986), "Preparing and Implementing a National Strategy - The New Zealand Experience", Paper presented to the World Conservation Strategy Conference in Ottawa, Canada, June 1986, p.1.

Minister of Lands, inspired by his department, that the NZ Conservation Strategy had to be built into the proposed National Development Strategy and that it was "an essential start in the process of resolving traditional conflicts related to the development of New Zealand's resources.[105] He also noted that:

> [...] it is clear the proposal cannot be left to go into limbo. There at least has to be an acceptance or non-acceptance of the principles contained in the strategy document by the Government.[106]

Following Elworthy's suggestion the Government formally "noted" the New Zealand Conservation Strategy proposal and agreed to refer the document to the ad hoc Cabinet Committee on National Development that was also responsible for the development of the National Development Strategy. At the same time, a steering committee to be convened by the Department of Lands & Survey was established to co-ordinate the departmental reactions to the NZ Conservation Strategy proposal, and to prepare draft principles for such a strategy for consideration by Cabinet "for formal acceptance or otherwise".[107]

Another indication that there was not much commitment to the development of a NZ Conservation Strategy was the very low level of resources made available for further work on the NCC proposal. None of the officials of the Core group worked full-time on the project, funding was inadequate, and meetings were once a fortnight. The steering committee recognised that the rate of progress depended on the time core group members had available for the work and that some "were definitely having problems with workloads at present".[108]

Although in September 1983 the Government approved mounting a comprehensive public awareness campaign, and agreed to the holding of a national conference to involve a broader range of people in the development of a NZ Conservation Strategy, the conference did not proceed. The Government deferred giving its approval to the establishment of a NZCS Consultative Committee, which

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[105]. Jonathan Elworthy, "New Zealand Conservation Strategy: Integrating Conservation with Development", 8 November 1982, Commission for the Environment, File ENV 1/7/1, Vol.1, p.2.

[106]. Jonathan Elworthy, "New Zealand Conservation Strategy: Integrating Conservation with Development", p.3.

[107]. Secretary of the Cabinet, Letter to Minister of National Development and Minister of Lands, Commission for the Environment, File ENV 1/7/1, Vol.1.

[108]. "New Zealand Conservation Strategy Proposal Officials Committee Meeting", 29 March 1984, Commission for the Environment, File ENV 1/7, Vol.4, p.2; Garratt, K.J. (1986), "Preparing and Implementing a National Strategy - The New Zealand Experience", p.2.

was the key to the implementation of the decision, due to the election in July 1984.[109]

After the July 1984 elections the process of development of a NZ Conservation Strategy came virtually to a standstill in 1985. Following Labour's election promises, the system of environmental administration came under review. Although the Government was urged by the Commission for the Environment to release an official statement reaffirming the Government's commitment to the development of a NZ Conservation Strategy, and the steering committee for the NZCS continued to function until early 1985, the issue was deferred until a new Ministry for the Environment would be in operation.[110] It has been argued that because of the process of fundamental change in environmental administration "the responsibility for and content of, and even the need for a strategy [was] far from clear".[111]

In large part, the lack of government commitment to the development of a NZ Conservation strategy can be attributed to the fact that the proposal for such a strategy was not carried by strong public demand. As mentioned earlier, the trigger for the NZ Conservation Strategy initiative was primarily external (the *World Conservation Strategy*), and was picked up in New Zealand by a government department. In fact, it seems that the level of public interest for the development of a NZ Conservation Strategy was not very high.

Although the NCC document was subjected to two rounds of public submissions (in draft form, and as the June 1981 publication), only sixty-one comments were received altogether, more than half of which from Government departments and agencies, local bodies and large organisations. Most notable was the very low level of interest shown by organisations with development interests.[112] In 1983, Shearer, Minister for the Environment, noted that:

> *[...] the complete absence of any submission from a business house suggests to me that the proposal is not being accorded the serious*

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[109]. Letter Jonathan Elworthy, Minister of Lands, to I.J. Shearer, Minister for the Environment, 2 July 1984; Briefing Note for the Minister for the Environment, 22 August 1984, Commission for the Environment, File ENV 1/7, vol.4.

[110]. Briefing Note for the Minister for the Environment, 22 August 1984; Letter Philip Woollaston, Under-Secretary for the Environment, to Mr.George Porter, Pacific Institute of resource Management, 12 August 1985, Commission for the Environment, File ENV 1/7, vol.4.

[111]. Garratt, K.J. (1986), "Preparing and Implementing a National Strategy - The New Zealand Experience", p.4.

[112]. Gwenda Harris, "Interim Review of Public Submissions on "Integrating Conservation and Development", p.1, Commission for the Environment, File ENV 1/7.

*consideration it deserves. Without the support of these organisations I do
not see any future for the Strategy.*[113]

The problem was also signalled in the core report, which remarked that
"The strategy itself is only as important as the process by which it is developed." It
was added that:

> *Little is achieved if a conservation strategy is written by a single group
> in society under the misconception that they are producing the so called
> 'tablets of stone' - immutable laws which will be obeyed by all to come.
> Such a notion is nonsensical. Clearly, a strategy has greater overall
> effect on a larger number of society if it is regarded as a consensus or
> 'optimal' document, rather than being regarded as extreme and thus
> respected by a lesser number. Furthermore, it will need to be kept under
> ongoing review.*[114]

Given the absence of a strong public demand for a NZ Conservation
Strategy, and the dictates of political rationality, it is not surprising that NZ
governments have not allocated a high priority to the development of such a
strategy. On the other hand it can also be argued that governments have the
capacity to stimulate or arouse public interest on an issue which they find
important, and that also in this respect governments in New Zealand have
certainly not shown much enthusiasm.[115]

6.5. Conclusion.

In this chapter we have analysed to what extent the substantive approach
to the co-ordination of environmental policy has been endeavoured in New
Zealand, and more in particular what the role of the Commission for the
Environment, as the central government agency responsible for the co-ordination
of environmental policy, has been in this respect.

It can be concluded that the New Zealand experience largely confirms the
odds existing against the development of an "overall" environmental policy. Such a
policy never got off the ground in New Zealand, despite the fact that the

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[113]. Letter Dr.Ian Shearer, Minister for the Environment, to the Minister of Lands, 22 April 1983, Commission
for the Environment, File ENV 1/7/1.

[114]. "Report of the Core group to NZ Conservation Strategy Steering Committee", p.19.

[115]. Although in September 1983 the National Government apparently approved the mounting of a
comprehensive public awareness programme, and the holding of a national conference to discuss the strategy
proposal published by the Nature Conservation Council in June 1981, there was obviously no rush to organise
such a conference, as the necessary steps for the implementation of the decision had not yet been taken by July
1984. Briefing Notes for Minister for the Environment Meeting with Minister of Lands on a NZ Conservation
Strategy, 22 August 1984, Commission for the Environment, File ENV 1/7, Vol.4.

Commission for the Environment regarded the development of an "overall" environmental policy as a part of its mandate, and the efforts undertaken by a group of officials, in which the Commission for the Environment also participated. The reasons for this failure can be found in a variety of practical and political obstacles identified at the beginning of the chapter.

Firstly, the sheer complexity of the task requires the full-time commitment of a multi-disciplinary, well-resourced team. The Commission for the Environment had neither the resources, nor all the expertise available to undertake the task on its own, and was condemned to a largely reactive role. A first (interdepartmental) working party on the New Zealand Conservation Strategy worked intensively and for a period even full-time on the project, and managed to produce a proposal for a strategy. However, a second group of officials, having the task to transform the proposal into a politically viable document, was hopelessly under-resourced, which led to a significant retardation of the process.

Secondly, both within the Commission and in the working parties on the New Zealand Conservation Strategy, ideological diversity complicated the search for common principles with respect to "the environment" and the related problem of how to integrate (and allocate priorities to) a diversity of ecological, economic and social values. Although realism dictates that the development of an "overall" environmental policy cannot be expected to take place without disagreement and conflict, it seems plausible to expect that the chances for such a policy to be introduced would be higher if a convincing case would be put up by an environmental "advocate" capable of showing the way. The Commission, despite the fact that many of its officials saw it as such an advocate, did not in fact have a clearly developed environmental ideology itself, and was thrown into ambivalence about its role (as "advocate" or "arbiter") because of conflicting pressures and role expectations.

The experience also shows that if principles or goals are formulated without being assessed on their mutual interdependence and contradictions (as in the case of the goals formulated by the Commission in 1977), they tend to become meaningless in practice. On the other hand, if mutual consistency is challenged, conflicting views may run so deep as to make consensus extremely difficult to reach within the existing dominant paradigm (as in the case of the "philosophical" cleavage between the Commission for the Environment and Treasury on the NZ Conservation Strategy).

Thirdly, the expected low level of political commitment to comprehensive policy development has also been confirmed in this study. Governments and Ministers for the Environment were primarily interested in addressing or solving

issues, particularly those which are electorally significant. Also, the tendency to keep environmental issues away or separate from "hard core" policy areas (based on the "economic growth paradigm") leads to a *de facto* isolation of environmental policy (with an emphasis on some aspects of the ecological and "quality of life" dimensions), and a disregard for or token acknowledgement of an environmental perspective in economic policy formulation.

Governments in New Zealand, it can be concluded, have never had or developed a coherent, "overall" environmental policy if the concept is interpreted as being more than the sum of a range of policies or measures evolving independently from each other. In fact, the ad hoc and incremental approach to the environment which public policy theorists claim as being typical of the policy process in general, can very much be recognised in the New Zealand practice. There is, therefore, no basis for arguing that the impetus for the reorganisation of environmental administration after 1984 arose from a comprehensive and *substantive* view on environmental policy. Possibly, these reform efforts arose from another strategy for environmental policy reform or improvement, namely by changing the *structure* in which environmental policies are being developed (a *meta-policy* exercise). This argument will be further elaborated in Chapter IX, where the process of reform after 1984 will be analysed.

Finally, the argument could be advanced that comprehensive environmental policy has *de facto* been practised through the "integration of development and conservation (or environment)" in the policy *process*. It could be argued that such integration is not the result of a conscious effort or intention by a central co-ordinator to develop and implement an "overall" environmental policy, but of a different approach to co-ordination, for example by "partisan mutual adjustment". This argument will be subjected to a closer view in the next chapter, where the co-ordination performance of the Commission for the Environment as an actor in the broader environmental policy process will be analysed.

CHAPTER VII - CO-ORDINATION OF ENVIRONMENTAL POLICY: THE PROCEDURAL APPROACH.

7.1. Introduction.

In the previous chapter we have analysed to what extent the Commission for the Environment has been involved in efforts to co-ordinate environmental policy through the development of "common purposes", as exemplified in the search for a national conservation strategy or a coherent, "overall" environmental policy. However, as discussed in Chapter I, such a "substantive" approach to co-ordination is only one of various possible forms of co-ordination. In this chapter the environmental policy co-ordination performance of the Commission for the Environment on the basis of other forms of co-ordination, together labelled as the *procedural* approach to co-ordination, will be analysed.

As noted in Chapter I, the procedural approach to co-ordination comprises those forms of co-ordination in which common goals are *not* considered to be an important precondition for co-ordination. Instead, co-ordination is associated with the *process of interaction* between actors, the success of which is not measured in terms of common goals, but on the basis of the goals of the various actors involved. Within the procedural approach to co-ordination three main forms of co-ordination have been identified: co-ordination by hierarchical control, co-ordination by power, and co-ordination by "adjustment".[1]

Co-ordination by hierarchical control or central command, which has been identified as "the benchmark for co-ordination in public administration",[2] involves a centralised decision-maker at the apex of the bureaucratic hierarchy, handing down directives to other agencies to ensure unity of direction and efficiency in the development and implementation of policy. Although this is a long-standing, traditional perspective on co-ordination, it has been noted that this view has become increasingly problematic, not fitting the reality and needs of the interdependent and inter-organisational nature of today's public service, in which "control" tends to be rejected in favour of co-operative forms of co-ordination.[3]

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[1]. See Chapter I, pp.43-45; Minnery, John R. (1988), "Modelling Coordination", Australian Journal of Public Administration, Vol.47, No.3, pp.253-262.

[2]. Minnery, John R., "Modelling Coordination", p.255. This approach to co-ordination has also been called the "corporate model"; see Molnar, Joseph J. and David L.Rogers (1982), "Interorganizational Coordination in Environmental Management: Process, Strategy, and Objective", in Dean E.Mann, ed. Environmental Policy Implementation. Lexington, MA: Lexington Books, pp.95-108.

[3]. Molnar, Joseph J. and David L.Rogers, "Interorganizational Coordination , pp.255-256; see also Painter, Martin and Bernard Carey (1979), Politics Between Departments. The Fragmentation of Executive Control in Australian Government. Queensland: The University of Queensland Press.

Environmental policy co-ordination on the basis of this approach requires the existence of an authoritative central environmental agency, having the formal, legitimate power to direct other agencies in the way environmental policy should be developed and implemented.

Environmental policy co-ordination on the basis of the use of power requires a powerful actor, an agency capable of coercing others to adjust to its own views on the desirable direction for environmental policy (without having the *formal* authority to do so). Although the use of illegitimate power may be frowned upon in the context of the Westminster public service ethic (where public servants are supposed to implement the directives of their ministers, and not to engage in "power games"), it cannot be denied that, in reality, the exercise of power within and between departments is a normal phenomenon.[4] Even without a strong *formal* position, then, a central environmental agency may be capable of co-ordinating policy on the basis of its *informal* power capability.

In the third form of procedural policy co-ordination, adjustment, there is no central co-ordinator. Individual actors react to each other on the basis of their own definitions of interests and goals. Under "partisan mutual adjustment" (PMA) "...people [can] co-ordinate with each other without anyone's co-ordinating them, without a dominant common purpose, and without rules that fully describe their relations to each other."[5] Lindblom defines "partisans" as "persons without a common purpose".[6]

As a parallel to the free market model, this perspective on co-ordination is based on the assumption that none of the actors is capable to impose its will on *all* the others, and to dominate the whole system. Yet, power discrepancies between actors do play a role, and there is no assumption that everyone will be satisfied with the outcomes of the process. However, as each "partisan" tries to maximise its own goals, so goes the argument, there is a greater likelihood that the overall outcome will be closer to some kind of "optimum" (in terms of the *diversity* of goals) than when a central co-ordinator would define what the "best" result would be.[7]

[4]. The classic references in this context are the Crossman diaries, and the "Yes Minister" television programme. Crossman, R.H. (1975), The Diaries of a Cabinet Minister. London: Hamilton and Cape. For an analysis of interdepartmental politics in the Australian context, see Painter, Martin and Bernard Carey, Politics Between Departments. Coercion, it should be noted, does not only refer to the use of force, but also comprises milder and indirect forms of power, such as the manipulation of information, the formation of coalitions, and the withholding of resources (such as expertise) in a relationship of dependency.

[5]. Lindblom, Charles E. (1965), The Intelligence of Democracy. New York: The Free Press, p.5.

[6]. Lindblom, The Intelligence of Democracy, p.4.

[7]. Lindblom uses the criterion of "consistency" as a measure of the level of marginal satisfaction or utility, similar to the "Pareto optimum", to evaluate the outcome of the co-ordination process: "In a set [of decisions]

As indicated, there is no role for a central co-ordinator in the PMA perspective on co-ordination. Consequently, if such an agency exists, it seems logical that the model cannot be applied. However, if it can be demonstrated that a central agency is not in a position of co-ordinating on the basis of hierarchical control or the use of power, but is in a similar position compared to other agencies (in the sense of not being able to impose its will on *all* other actors), it seems plausible to conclude that *de facto* a situation of PMA exists. Lacking the formal and informal power to coerce other agencies to develop policies in the desired direction, a central agency will have to rely on adjustment strategies in trying to achieve its goals. In many respects such a central agency will be just an agency among the others, a "partisan" for environmental values.

There is, however, an alternative role for a central agency in a non-hierarchical or non-power position, apart from being an environmental "partisan", in co-ordinating environmental policy from an adjustment perspective. A central environmental agency may take a neutral position, recognising the diversity of legitimate interests, views and goals with respect to environmental policy development. In a role as mediator or arbiter, the agency could be involved in searching for "acceptable" solutions (mutually acceptable adjustments) on the basis of the diversity of interests, views and goals of the actors ("partisans") involved. To succeed in such a role, obviously, requires recognition and acceptance by other agencies.[8]

It should be noted that there is still another possible role for a central environmental agency to play, namely that of "process guardian" or "custodian". In such a role the agency would focus on the *institutional* (*meta*-policy) requirements for keeping the flow of advice to decision-makers as open and competitive as possible (such as by addressing the problem of maldistribution in resources between agencies, the problems of access to official information and public input, or what may be more generally and fashionably called creating or maintaining a "level playing field").[9] As the kind of changes sought by a "custodian" are not on a

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decisions are consistent with one another if there is no way to alter any decision(s) in such a way as to benefit one person and harm no one." Lindblom, The Intelligence of Democracy, p.193.

[8]. Theoretically, such a role is compatible with the hierarchical model of co-ordination, which is also "value neutral". However, the fact that a central agency in a hierarchical model of co-ordination has the power the impose a solution (e.g. a compromise of its own making), may corrupt the mediator role (in the sense that the solution imposed is not acceptable to all actors involved). For the same reason, it seems improper to see a hierarchical co-ordinator as an arbiter or arbitrator (Although actors involved may agree to accept its ruling as binding, it should be noted that, by definition, a decision of a hierarchical co-ordinator is binding, whether accepted or not).

[9]. Alexander George, for instance, recognises the need for a "custodian" of the policy process whose task it is to address the problem of "imperfect competition" in the flow of information to decision-makers. Such an agency would clearly have to be seen as independent (in the sense of not being an actor in the policy process), and would

policy, but on a *meta-policy* level, we cannot strictly speak in this case of *policy* co-ordination or adjustment. However, as mentioned in Chapter I, institutional change can be identified as an indirect way of influencing policy development, and will be further discussed in Chapter IX.

In this chapter the environmental policy co-ordination role and activities of the Commission for the Environment will be analysed on the basis of the three procedural approaches to co-ordination identified. First, it will be demonstrated that the Commission was not in a position of co-ordinating by hierarchical control or power. Consequently, the Commission's co-ordination efforts will be analysed from the perspective of the need to use adjustment strategies. Finally, a general assessment will be made of the Commission's environmental policy co-ordination performance and of the obstacles that stood in its way.

7.2. Environmental Policy Co-ordination: The Relative Position of the Commission for the Environment.

In the first section of this chapter three models of procedural co-ordination have been identified: (1) a hierarchical model; (2) a power model; and (3) a mutual adjustment model. We will first demonstrate that the first two models were no realistic options available to the Commission for the Environment, and that it had no other alternative but relying on non-hierarchical and non-power based approaches to co-ordination.

7.2.1. Limitations on Options: the Lack of Authority.

In Chapter IV it has been pointed out that the Commission for the Environment was established in 1972 by Cabinet directive. Consequently, it did not have a statutory backing, no formal powers, and no specific management responsibilities for any particular environmental policy area. The role of the Commission was described as follows:

> *The principal functions of the Commission for the Environment are to provide advice and administrative support to the Minister for the Environment, to secure the co-ordination of Government policies in the environmental field, to initiate relevant new policy proposals for the consideration of the minister and appropriate Government departments,*

not itself carry policy advisory or implementation responsibilities. This role should therefore be distinguished from the role of "mediator" or "arbiter", which requires involvement in the policy process (in the search for "acceptable" solutions). George, A.L. (1972), "The Case for Multiple Advocacy in Making Foreign Policy", The American Political Science Review, Vol. 66, pp.751-785.

and to ensure that the Government takes full account of environmental factors when reaching decisions on major new developments.[10]

The only statutory responsibilities the Commission had were related to the *Lake Wanaka Preservation Act 1973* (which made provision for the preservation of the normal water levels and shoreline of the lake and for the creation of the Guardians of Lake Wanaka), and, since 1979, for its audit functions under the *National Development Act* (allowing for "fast tracking" of consent granting procedures for projects considered to be in the "national interest").[11]

Outside the *National Development Act* the Environmental Protection and Enhancement Procedures, seen as one of the principal areas of administrative responsibility of the Commission, also lacked a statutory basis. Although in practice this did not so much affect whether environmental impact reports were prepared or not (in general they were if the Commission found this necessary) it did restrain the Commission's capacity to be fully informed about development initiatives, and to get involved at an early stage of the development of proposals. It also meant that the Commission's audit findings were only advisory (recommendations) and could not be enforced.[12]

Given the lack of formal powers underlying its co-ordination function it seems obvious that the Commission was not in a position to exert co-ordination on the basis of the hierarchical control or central command model. Although being made responsible for the co-ordination of advice to the Government on environmental matters the Commission had not received a control or reporting function analogous to the one allocated to Treasury or the State Services Commission for their areas of responsibility. This meant that other government departments could choose to ignore the Commission and that policy proposals, even those with major environmental implications, could reach the Cabinet table without the Commission having been consulted.

Being a newcomer on the bureaucratic stage the Commission, as theories on bureaucratic conduct predict, encountered the reserved, guarded or even

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[10]. "Programme Statement of the Commission for the Environment, Estimates Commission for the Environment", Appendices to the House of Representatives, 1973 (B.7). Wellington: Government Printer. This definition of the Commission's functions remained very much the same during the years of the Commission's existence. In 1974 the term "secure" was replaced by "foster" and by "promote" in consequent years, reflecting an admission that the initial expectations were somewhat too optimistic. From 1974 the Commission's function as "auditor" of environmental impact reports was also included in its programme statement.

[11]. Wells, N.E. (1984), A Guide to Environmental Law in New Zealand. Wellington: Brooker & Friend for Commission for the Environment, pp.52-55 and pp.103-104.

[12]. For an analysis of the implementation of the EP & EP by the Commission see Chapter V. As the procedures have only been applied to projects, they had only limited value as a co-ordinating mechanism on a policy level, despite the fact that in a number of cases the application of the procedures functioned as a catalyst for the initiation of policy reviews.

distrustful attitudes which have been associated with the establishment of new agencies in an established policy area. Although an era of "new" environmentalism might have begun in the early 1970s this didn't mean that environmental responsibilities had not already been ingrained in the established bureaucratic structures. As pointed out in Chapter IV, vested bureaucratic interests had a significant input in the determination of the Commission's status and mandate, keeping it away from already existing responsibilities. Even the allocation of a new field of environmental responsibilities, the environmental impact procedures, to the Commission did not take place without some fierce opposition from potential rivals.

Ironically, the protective moves by existing bureaucratic agencies led to a situation in which the Commission found one of its greatest strengths: a very flexible, virtually open ended mandate. Not having specific responsibility for any particular environmental policy area, the Commission could in principle concentrate on any environmental issue of its own choice. As long as it could demonstrate that existing policies and arrangements were unsatisfactory, the Commission could choose to bring issues to the attention of its Minister and the Government and initiate a process of review. This role of the Commission was formally strengthened in 1978 when the "overview" function of the Commission was confirmed by the Government.[13]

One mechanism which would have allowed the Commission for the Environment to exert an overview role would have been through an interdepartmental officials committee for the environment. In such a committee departments with environmental responsibilities might have been represented, and policy or project proposals with potentially significant environmental implications might have been screened by such a committee before being referred to Cabinet.

In fact, such a committee existed. When in February 1970 a Cabinet Committee on the Environment was established with the task to "consider matters concerning the physical environment, especially the question of conservation and air and water pollution, and to report to Cabinet as appropriate"[14] an Officials

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[13]. However, it was clearly pointed out to the Commission by the Secretary to the Cabinet that the emphasis given by Cabinet to the "overview" role of the Commission in May 1978, including the requirement of other departments to consult with the Commission, did not imply a "control function" similar to that of Treasury, the State Service Commission or the Ministry of Works and development, and that this was to be avoided. P.G. Millen, Secretary of the Cabinet, Letter to Commissioner for the Environment, 19 January 1982, CFE File ENV 5/1.

[14] The Committee comprised the Ministers of Finance, Health, Internal Affairs, Lands and Marine, and Works, and was chaired by the Minister of Works.

Committee for the Environment was also established shortly after that to provide the necessary administrative backing.[15]

The Officials Committee for the Environment, chaired by the Assistant Commissioner of Works, met frequently in 1972 and 1973, discussing major projects, legislation (such as the Clean Air Bill), the distribution of environmental responsibilities, and the introduction of the environmental impact procedures.[16]

After the Commission for the Environment became fully operational, however, the Officials Committee went into de facto recess. It was only now and then reactivated, especially on occasions when the role of the Commission for the Environment was under review, such as in 1980, when the Commission came under heavy fire from Cabinet after allegedly having exceeded its mandate by questioning the economics of a pulp mill proposal near Nelson.[17]

One of the reasons why the Commission did not use the Officials Committee for the Environment as a co-ordinating mechanism much more intensively was that it was not given the chair of the committee. This meant that the Commission was not in control of the agenda of the committee and that it developed a rather ambivalent attitude towards it. One of the longest serving CFE officials noted that:

> There is no doubt that this [Officials Committee for the Environment], in its early days, was an effective mechanism for interdepartmental co-ordination. The committee continued after the establishment of the Commission but the relationship between the two was never clear. The Commissioner for the Environment was not made chairman of the Committee which remained in the hands of Bob Norman of the Ministry of Works and Development. The opportunity for the Commission to 'use' the Officials Committee as a co-ordinating mechanism was not effectively used.[18]

Another reason why the committee was not used was the Commission's unfavourable experience with the committee in the early years, particularly in the case of the introduction of the environmental impact procedures. As a result, Peter Brooks, the first Commissioner, advised the Minister for the Environment to abolish the committee, noting that it was too large and that it "might have its use for those who cared to exploit its potential as a blocking device." He suggested that the Executive Committee of the Officials Committee be expanded with a

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[15] New Zealand Herald, 19 October 1970, p.8; Commission for the Environment, File ENV 1/0, 7 December 1972.

[16]. Commission for the Environment, File ENV 5/1, Officials Committee for the Environment.

[17]. See for a discussion of this issue Chapter V, pp.204-205.

[18]. Gresham, P.H. (1983), "Some Reflexions on the Origins, Evolution and Future of the Commission for the Environment" (Unpublished paper), Wellington: Commission for the Environment.

representative from Internal Affairs (Wildlife Division) "to balance the weight in favour of project promoting departments" and that the chair be transferred to the Commission for the Environment.[19]

Ian Baumgart, Commissioner for the Environment from 1974 until 1980, preferred ad hoc interdepartmental meetings on specific issues above dealing with the Officials Committee for the Environment: "I consider this ad hoc system is more flexible and more efficient than standing committees."[20] Nevertheless, he did not recommend that the Officials Committee be formally disbanded. *De facto*, however, it ceased to function as a regular co-ordinating mechanism and was re-convened only sparingly since.

With the Ministry of Works remaining in the driving seat of the Officials Committee for the Environment, it is hardly surprising that the Commission for the Environment found it hard to take the initiative. Working relations with the Ministry, as will be discussed further in this chapter, were "not always easy". The Commission's faith in the Committee was, of course, not enhanced when it was revived in 1980 when the Government wanted to "put the Commission on its place".

In July 1984, Ken Piddington, drawing lessons from the past, noted in a briefing paper to the new Minister for the Environment that the Officials Committee for the Environment could be a useful vehicle for co-ordination if chaired by a new Ministry for the Environment and "if you want it to act as the principal co-ordinator within Government on policy issues concerning the environment."[21]

7.2.2. Limitations on Options: the Lack of Power and Resources.

Even though the Commission lacked the formal authority to back up its co-ordination function, it could be argued that, in theory, it might have "co-ordinated by power". In fact, when looking at the power base of the Commission it becomes clear that "co-ordination by power" was not an option for the Commission.

Beside the lack of statutory powers the Commission was also not richly endowed with other resources: it had only a small staff and modest budget, certainly by comparison with some of the other government departments it had to

[19]. Peter Brooks, Briefing Paper for the Minister for the Environment, 15 November 1973, Commission for the Environment, File ENV 5/1.

[20]. Ian Baumgart, Briefing paper for the Minister for the Environment, 27 February 1974, Commission for the Environment File ENV 1/0.

[21]. Ken Piddington, Briefing paper for the Minister for the Environment, 24 July 1984, Commission for the Environment File ADM 0/0.

deal with, such as the Ministry of Works and Development, the Ministry of Energy, the Department of Trade and Industry and the Department of Health, as Tables 7-1 and 7-2 indicate.

TABLE 7-1
STAFF NUMBERS OF SELECTED GOVERNMENT DEPARTMENTS[a]

YEAR \ DEP.	CFE	DOH[b]	MOE[c]	MOWD[d]	SSC[e]	T&I[f]	TREASURY
1975	29	3,889	31	6,871	570	755	425
1980	32	3,840	5,733	6,654	626	625	450
1985	41	3,666	7,004	6,073	729	600	466

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[a]. The figures are staff ceilings set for the year starting on 1 April until 31 March of the following year. In practice actual staff numbers were often somewhat lower. See also Appendix A.

[b]. Department of Health.

[c]. In 1972 the Government created a small Ministry of Energy Resources responsible for the development, promotion and co-ordination of energy policies. From 1/4/1978 the Ministry of Energy was established, bringing together the former departments of Electricity, Mines and Energy Resources. In 1975 these three departments together had a total staff ceiling of 5,255.

[d]. Ministry of Works and Development.

[e]. State Services Commission.

[f]. Department of Trade and Industry.

Source: Appendices to the Journals of the House of Representatives, 1975, 1980 and 1985 (B-7). Wellington: Government Printer.

TABLE 7-2
BUDGETS OF SELECTED DEPARTMENTS (NZ$ million)[a]

YEAR \ DEP	CFE	DOH[b]	MOE[c]	MOWD[d]	SSC[e]	T&I[f]	TREASURY
1975	0.3	562.3	0.7	584.3	30.4	18.5	4.2
1980	0.7	1,329.5	529.1	819.3	64.7	53.4	9.9
1985	1.7	2,143.4	410.7	212.8	92.0	70.7	16.9

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[a]. The figures are the Votes for the 1 April of the year until 31 March of the next year, and have been rounded off.

[b]. Department of Health.

[c]. Ministry of Energy.

[d]. Ministry of Works and Development.

[e]. State Services Commission.

[f]. Department of Trade and Industry.

Source: Appendices to the Journals of the House of Representatives, 1975, 1980 and 1985 (B-7). Wellington: Government Printer.

It could be argued that given the major (resource) management functions of departments such as the Ministry of Works and the Ministry of Energy, such figures are not comparable, and that it would be fairer to compare the resources

allocated to the Commission to those apportioned to State agencies such as Treasury, the State Services Commission or the Department of Trade and Industry. These other departments also combined a mixture of administrative functions (in the case of Trade and Industry the administration of an import licensing system) with policy advice functions.[22] Yet, also compared to these departments the resources allocated to the Commission were very small.

That the very modest resources of the Commission limited its effectiveness in environmental policy development and co-ordination is also confirmed by many ex CFE officials. CFE officials participating in the survey agreed in a ratio of 5:2 that the resources assigned to the Commission were not adequate.

The principal reason for the Commission's lack of resources, according to these officials, was the low priority given to the environment by Governments. One official suggested that the resources of the Commission were deliberately kept low in order to limit its effectiveness. Another official, however, doubted whether the Commission had put up a convincing enough case for extra resources. Also, those who found the Commission's resources adequate pointed out that, compared to other departments, the growth rate in the Commission's resources compared not unfavourably, and that it is always possible to argue that not enough resources are available, particularly in the field of environmental policy where, it was noted, "the task is open ended".[23]

In Chapter VI it has been pointed out that much of the Commission's time was consumed by its responsibilities under the environmental impact procedures, and that, according to an estimate of CFE officials only approximately 17% of their time was available for policy development work.[24] Given the wide scope of areas in which there was a demand for the Commission to get involved, it had to be very selective in where to put its resources. But even then available resources were spread very thinly, with sometimes only one person working in a particular policy area, such as toxic substances. When, for one reason or another, that person left the Commission (even temporarily) the continuity of the Commission's involvement in that field suffered.

Over the years various requests for increased staff ceilings were put forward to the State Services Commission, but many were not or only partially

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[22]. This view was confirmed by the State Services Commission which noted in 1982 that work at the Commission for the Environment was similar to that in Treasury, the State Services Commission, Foreign Affairs, and the Department of Statistics in that these departments provided policy advice to the Government rather than having operational responsibilities. Memo S.Wilson, State Services Commission, 24 November 1982, Commission for the Environment, File ADM 0/0, Folio 71, p.3.

[23]. Survey results, see Appendix C, pp.449-450.

[24]. See Chapter VI, p.221; see also Chapter V, p.169.

honoured.[25] In 1975, when asking for an additional four staff, the Commissioner noted that if his request would not be granted:

> [...] training, strategic studies, development of guidelines, and initiatives for environmental improvement taken by the Commission itself would have to be sacrificed, with very serious effects on the role of the Commission, its efficiency, and the morale and quality of its staff.[26]

In response to the request only 1 extra staff was allocated to the Commission. In 1978 the Commissioner noted that the Commission had been "inhibited in its effectiveness through rigid staff ceiling controls."[27] Between 1975 and 1985 the number of advisory officers, the group forming the backbone of the audit and policy work in the Commission, had only increased from 11 to around 20.[28]

To some extent the smallness of the Commission's staff was compensated for by the practice of relying on external expertise, particularly of other departments. From the outset of the Commission's existence it was noted that it was not envisaged that the Commission would be "omnicompetent" in the sense of having experts on all areas within its staff. It was seen as important that it would have sufficient expertise to be able to know what matters called for further investigation by experts in other departments or from outside the public services.[29]

This idea was given substance in the form of a system of secondments, whereby experts from other departments were invited to work with the Commission on specific projects, and Commission officials were encouraged to do the same at other departments.[30]

The system of secondments was strongly supported by Ian Baumgart, the second Commissioner, who included the "movement in and out operating departments" among the principles "relevant to the size and operating pattern" of

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[25]. Letters with such requests were sent to the SSC by Baumgart on 12 February 1974, 1 August 1974, 25 August 1975, 11 August 1976, 16 February 1979, and by Piddington on 7 July 1980, 23 March 1981 and 29 May 1981 (All in Commission for the Environment File ADM 0/0). On the other hand, the "sinking lid" policy aimed at controlling the increase in departmental staff was not applied to the Commission. SSC Memo, 14 September 1979, Commission for the Environment, File ADM 0/0.

[26]. Ian Baumgart, Letter to the State Services Commission, 25 August 1975, Commission for the Environment File ADM 1/2.

[27]. "Commission for the Environment Achievements", 23 May 1978, Commission for the Environment, File ENV 1/0, Vol.5, folio 11.

[28]. See Appendix A.

[29]. P.J. Brooks, Briefing paper for the Minister for the Environment, 7 December 1972, Commission for the Environment, File ENV 1/0; at a later stage, the Commission also entered into an exchange programme with Australia (the "Nareen" programme), and was able to draw on this as a source of expertise. See e.g. Commission for the Environment (1981), Report for the Year Ended 31 March 1981, p.12. See also the discussion on the hazardous issue in Chapter VIII.

[30]. Commission for the Environment (1978), Report for the Year Ended 31 March 1978, p.13.

the Commission.[31] The practice fitted well into Baumgart's philosophy of the Commission's education role, as it would allow officials from other departments to become familiar with the Commission's way of thinking.[32] On the other hand he saw it also as a good thing for the Commission. He argued that it was important that the Commission:

> [...] should not seek to be self-contained in its ability to cover all disciplines involved in environmental studies. [...] we supplement by borrowing staff from other departments. [...] The main purpose of this continued interchange is to keep Commission staff in close touch with operational activities of Government departments and to apply the best available expertise to the problems we are investigating. It prevents the Commission becoming insulated from the realities of operational activities.[33]

Although the practice seemed to have worked satisfactorily overall, it also increased the dependence of the Commission on other departments, leading in some cases to difficulties. In 1979, for instance, when the Commission was trying to get an engineer from the Ministry of Works for assessing petro-chemicals projects, the Ministry was less than forthcoming, and it was noted by the Assistant-Commissioner of Works that "perhaps ILB [Ian Baumgart] should review his previous stand that the Commission does not intend to be self-sufficient technically." Commenting on this remark an officer of the Commission for the Environment noted that "I think this is a hint that it might be difficult to get an engineer from MWD despite the fact that there appears to be an over-staffing situation of current and foreseen work."[34]

Another factor affecting the Commission's capacity to attract experts was the lack of career perspectives with the Commission, given its small size, flat structure and lack of positions to offer on a scientist level. Being small, and because of the overwhelming workload, it was virtually inevitable that the Commission developed a very non-hierarchical structure, in which people worked together flexibly in teams, depending on the demands made on the Commission. There were no formal job descriptions, and most officers had only a promotion to the position of "senior investigating officer" as a prospect. Salaries on this level

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[31]. Ian Baumgart, Letter to the State Services Commission, 5 July 1977, Commission for the Environment File ADM 0/0, Folio 6.

[32]. As such, it was part of the "internal reform strategy" discussed in the previous Chapter.

[33]. Paper on "Staffing Philosophies in the Commission for the Environment", 27 July 1979, Commission for the Environment File ADM 1/2.

[34]. W.J. Wendelken, "Notes of Liaison Meeting with the Ministry of Works", 4 October 1979, Commission for the Environment, File ENV 9/0, Volume 1.

were low compared to those of what scientists could get elsewhere in the public service (on the scientists scale).[35]

The situation threatened even to get worse with a State Services Commission proposal in 1982 to restrict the number of senior investigating officer positions to six. The suggestion was met by strong opposition and even indignation from within the Commission for the Environment, as it would have affected the career prospects of CFE staff even further in a negative way, introducing competition and potentially disrupting the co-operative team practice and spirit, as well as reducing the capacity to attract qualified people. Faced with such a strong reaction, the State Service Commission agreed to continue the existing practice of promoting people on an individual basis.[36]

Options for the Commission were also constrained by the *kind* of expertise not available to the Commission. When asked in which areas the Commission lacked expertise, ex-CFE officials mentioned technical expertise (in e.g. engineering, farming, pesticides) and expertise in economics in particular, and a few referred to a lack of policy analysts. Some, however, complained about the quality of the leadership of the Commission, blaming it for weak management and "political posturing".[37]

However, it appears that the small size of the Commission, the lack of career perspectives, its flat structure and non-hierarchical way op operating, did also have significant positive implications. Most important amongst these was the very high level of commitment to the Commission's work and goals demonstrated by the officials. Some officials, asked about their opinion on career perspectives, responded that they were "not into 'career' goals" and that they had joined the Commission for other reasons. Twenty-seven respondents indicated that they were satisfied with their salary, whereas twelve expressed dissatisfaction. A slight majority (20 versus 17) also conveyed to have been content with their career prospects with the Commission.[38]

Many ex-CFE officials lauded the level of dedication of their colleagues to their work, although one noted that the many hours of overtime which had to be worked to get the work done indicated that the organisation exploited staff

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[35]. Only during the last few years of the Commission's existence did Commission for the Environment officials move up to the science scale.

[36]. Ian Baumgart, Memo to support CFE response to the SSC, 1 January 1982, Commission for the Environment File, ADM 0/0, Folio 76A; Ph.Simpson, Letter to the SSC, 7 December 1982, Commission for the Environment, File ENV 1/17.

[37]. Survey results, see Appendix C, p.450.

[38]. Survey results, see Appendix C, p.455.

goodwill to achieve this. However, by far most respondents spoke highly of the social climate within the Commission, with reactions such as:

> *Brilliant, dedicated people to work with, real sense of purpose, commitment. Very caring people on whole.*
> *In the main it was an excellent organisation to work in under all Commissioners [...].*
> *CFE was a delightful organisation to work for, small, dedicated, democratic.*
> *There was an extremely positive and committed working environment within the Commission, which was well facilitated by the Commissioner.*
> *Good team spirit, strong motivated people, unusually egalitarian and democratic for a government department.*[39]

That the special nature of the Commission for the Environment's work was attractive to many people is also evident from the number of applications when a vacancy in the Commission came up. Two vacancies in 1979 attracted 112 applications, and one vacancy in March 1980 provoked 101 reactions, many of which from outside the public service.[40]

Once working with the Commission many people stayed on for a considerable time. More than 70% of the non-administrative personnel of the Commission (investigating officers of all ranks) served more than two years with the Commission, and 21% of them five years or more.[41]

These figures and answers suggest that there was a high level of loyalty amongst (non-administrative) CFE personnel towards the agency. It can be argued that this high level of commitment was probably the Commission's most important, qualitative resource, compensating at least to some extent for a quantitatively relatively low level of resources.

Perhaps more important for the relative power position of agencies than the relative amount of available resources is the nature of the relationship between agencies. Scharpf has argued that the feasibility of particular influence strategies depends on the structure of relationship, particularly on the nature of resource dependence relationship.[42] Earlier, a similar idea had already been

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[39]. Survey results, see Appendix C, p.456-457.

[40]. Bob McClymont, Letter to F.J. Tester, 21 October 1981, Commission for the Environment, File ENV 1/0.

[41]. It should be noted, however, that the rate of turnover was much higher under administrative/secretarial staff. See Appendix A - Commission for the Environment: Personnel.

[42]. Scharpf, F.W. (1978), "Interorganizational Policy Studies: Issues, Concepts and Perspectives", in Hanf, K. and F.W. Scharpf, Eds., Interorganizational Policy Making. Limits to Coordination and Central Control. London: Sage Publications.

expressed by Thompson, who distinguished between "pooled, sequential and reciprocal interdependence", in order of increased interdependence.[43]

The nature and degree of interdependence between agencies affects not only their relative power positions, but also the likelihood of co-ordination taking place. The greater the level of interdependence, the greater the incentives are for co-ordination[44], although at the same time the level of conflict may be increased.[45]

When analysing the pattern of interdependence that existed between the Commission for the Environment and other departments, a pattern of sequential dependence on the Commission by other agencies with respect to the auditing of environmental impact reports can be discerned (even though this was not backed up by legislation). Other departments depended on the Commission to have their projects environmentally "legitimised", a dependence which provided the Commission a lever to insist on adjustments considered to be environmentally necessary or desirable. On the other hand, however, did the Commission depend on these agencies for the provision of information and sometimes also expertise, as will be discussed below. Neither could the Commission enforce its recommendations, their implementation depending on the good will of the agencies involved.

The dependence of other agencies on the Commission was exclusively based on the audit lever, however, and existed only on the level of projects. It did not apply on the level of *policy development*, even though formally policies could have been subjected to the audit process as well.[46] However, departments had few or no incentives to have their policies screened by the Commission, and have never been *required* to do so. Neither did they perceive a *need* to involve the Commission in their work. The more typical situation with regard to the incorporation of environmental considerations into policy was therefore one of sequential interdependence, with the Commission on the receiving end. To get involved into the policy process the Commission depended on other departments to get notified, to receive information, and for co-operation.

[43]. Thompson, J.D. (1967), Organisations in Action. New York: McGraw Hill. In a situation of "pooled interdependence" agencies depend on the same source for their resources, but are otherwise not dependent on each other; a situation of "sequential interdependence" refers to a situation in which an agency depends for its functioning on the output of another, obviously putting the first in a weaker position; a relation of "reciprocal interdependence" represents a situation in which agencies are dependent on each other for achieving their goals, thus forcing them to interact with each other.

[44]. Molnar, Joseph J. and David L.Rogers (1982), "Interorganizational Coordination", pp.95-108.

[45]. Langhorn, Ken and Bob Hinings (1987), "Integrated Planning and Organizational Conflict", Canadian Public Administration, Vol. 30, No. 4, pp.550-565.

[46]. See for an elaboration of the reasons for this Chapter V, Section 5.5.

Only in some cases, where the Commission had adequate resources at its disposal to initiate a policy review, a situation of "pooled interdependence" can be said to have existed. Even then, however, the Commission depended on other agencies for transforming policy initiatives into viable policy options, given its own lack of administrative or management responsibilities in these areas.

Given the Commission's weak formal status and very restricted resources it seems obvious that it had to resort to other strategies than formal control or the use of power in order to give substance to its co-ordination responsibilities. The Commission was not a *primus inter pares*, but even on a less equal footing relative to many of the agencies which it was supposed to co-ordinate. In reality, the Commission was in a situation more akin to that described by the model of mutual adjustment, a situation where co-ordination does *not* occur via a dominant central agency. The Commission was only one actor in the field of environmental policy, and certainly not the most powerful one. By default, the Commission had to rely on adjustment strategies to effectively influence the policy process.

7.3. Adjustment: Three Strategies Used by the Commission.

That the Commission saw environmental policy co-ordination in terms of adjustment is indicated by Baumgart's description of the role of the Commission as:

> [...] to stimulate and complement these activities [of other departments], to avoid duplication of effort, to reconcile conflicts, to seek to achieve balances, and to undertake its own investigations when these have not been carried out elsewhere.[47]

Given its relatively weak position compared to other departments, the Commission depended on three main strategies in trying to initiate and co-ordinate environmental policy: (1) gaining political support; (2) mobilising external support; and (3) relying on the "power of persuasion" in relations with other departments.

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[47]. Ian Baumgart, Briefing paper to the Minister for the Environment, 27 February 1974, Commission for the Environment, File ENV 1/0.

7.3.1. Gaining Political Support.

Given the primacy of the executive power in the New Zealand political system, it can be argued that policy development depends primarily on "political will". A government in New Zealand, if committed to a particular cause, can overrule any opposition, although it will normally be restrained by the limits of what is considered essential for its political viability.[48] No matter how judged, however, there is little doubt that New Zealand governments have a far greater capacity to introduce radical policies than governments in political systems where formal power is more dispersed, such as in the United States.[49]

The situation of concentrated executive power leads almost naturally to the first strategy for enhancing greater effectiveness in policy performance that will be discussed here: trying to gain political support for chosen policy options. If a government can be persuaded to get behind a proposal or course of action, so goes the argument, it will be feasible to overcome many of the bureaucratic hurdles that may stand in the way. Obviously, the strategy was appealing to the Commission, given its relative weakness vis a vis other departments.

On a number of occasions the Commission has been able to win government support for its initiatives, even against departmental opposition, such as with the introduction of the environmental impact procedures, in the case of the nuclear power issue, and, to a lesser extent, in the wild and scenic rivers issue.[50] However, it can be argued that this option has been subject to severe limits, given the active role NZ governments have played in resource development. This role has often put governments on uneasy terms with their environmental responsibilities, "from Manapouri to Aramoana".[51] Relying on the "objective and rational" tradition in trying to convince governments to protect the environment did therefore find its

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[48]. For a discussion of the (lack of) constraints on New Zealand governments see Palmer, G. (1987), Unbridled Power: An Interpretation of New Zealand's Constitution & Government. Auckland: Oxford University Press; Mulgan, R.G. (1984), Democracy and Power In New Zealand: A Study of New Zealand Politics. Auckland: Oxford University Press; Mulgan, R.G. (1980), "Palmer, Parliament, and the Constitution", Political Science, 32, No.2, pp.171-177; Mulgan, R.G. (1985), "New Zealand, an Elective Dictatorship?" in Hyam Gold, ed. (1985), New Zealand Politics in Perspective. Auckland: Longman Paul, pp.348-357.

[49]. See, for instance, Boston, J. (1987), "The Fourth Labour Government in New Zealand: the Economics and Politics of Liberalization", The Australian Quarterly, Vol. 59, Nos 3/4, pp.366-376 and Gregory, Robert (1989), "Political Rationality or 'Incrementalism'? Charles E.Lindblom's Enduring Contribution to Public Policy Making Theory", Policy and Politics, Vol.17, No.2, pp.139-153; for a discussion of the widespread availability of "veto powers" in the United States see Lindblom, Charles E. (1977), Politics and Markets. The World's Political-Economic Systems. New York: Basic Books.

[50]. The first example has been discussed in Chapter V, the second and third cases will be discussed in the following chapter.

[51]. Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment. Auckland: Earthworks Press; see also Chapter I, Section 1.5.

limits in the Government's economic interests and in economic imperatives, according to Tester.[52]

The assessment of government commitment being a subjective matter, we will rely on the opinions of ex CFE officials to indicate the degree of government commitment to the environment, as they were in a position where such (lack of) commitment was likely to be most directly felt. The following Table presents the findings of their assessment:

TABLE 7-3
ENVIRONMENTAL COMMITMENT OF NEW ZEALAND GOVERNMENTS[a]

Degree of Comm. Govt.	Very Committed	Moderately Committed	Indifferent/ Uncommitted	Total
Marshall (until Dec.72)	1	3	0	4
Kirk (72-74)	1	3	0	4
Rowling (74-75)	0	3	1	4
Muldoon (75-84)	0	5	20	25
Lange (84-87)	9	21	1	31
Total	11	35	22	68[b]

The question asked was: "How committed to the environmental cause, were, in your view, the following GOVERNMENTS?"

[a]. Only those officials who had served under a government were asked to give a judgement about that government.

[b]. As a number of officials served under several governments, the total number of answers is higher than the number of respondents (36) who answered this question.

As can be read from the Table, most governments were seen by a majority of respondents as moderately committed to the environment, with one notable exception, the Muldoon government, which was overwhelmingly (by 80%) seen as indifferent or uncommitted to the environment.[53] On the other hand, the Lange Government received the highest proportion of "very committed" ratings (29%). Overall, it would appear that from 1975 until 1984 the Commission had a hard time relying on this strategy, and that it could only count on a moderate level of support from the other governments.

Even if governments were not very committed to the environment the Commission would still have been able, to some extent at least, to rely on this strategy of trying to gain political support if the Ministers for the Environment

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[52]. Tester, Frank J. (1987), Losing Ground: A Neo-Existential Critique of New Zealand Environmentalism. PhD-thesis, Hamilton: University of Waikato, Department of Geography.

[53]. Some officials found even this characterisation not adequate and indicated that "hostile" would be a more suitable term.

would have been very committed *and* very effective in getting government approval for the Commission's initiatives and points of view. In Chapter VI we have already summarised the assessment of the commitment of Ministers for the Environment by CFE officials. As demonstrated in Chapter VI, Duncan MacIntyre (1972), Ian Shearer (Minister for the Environment under the Muldoon Government from 1981 to 1984) and Russel Marshall (from 1984 until 1986) were rated by a majority of respondents as "very committed". Venn Young, Minister for the Environment from 1975 until 1981, was seen by most respondents as indifferent or uncommitted.[54]

Of the three ministers who were rated as "very committed", only MacIntyre was seen by most respondents (in his case all) respondents as "very effective". R.Marshall was seen as "very effective" and "moderately effective" by about equal proportions of the respondents[55], but Shearer, who received the highest "very committed" rating of all ministers, was seen by most respondents as only moderately effective.[56]

TABLE 7-4
EFFECTIVENESS MINISTERS FOR THE ENVIRONMENT[a]

Degree of effect. Minister	Very Effective	Moderately Effective	Very little Effective	Total
D. MacIntyre (72)	3	0	0	3
J.A Walding (72-74)	3	2	0	5
T.V.M. Tirikatene Sullivan (74-75)	0	2	3	5
V.S. Young (75-81)	2	5	9	16
I.J. Shearer (81-84)	3	13	7	23
C.R. Marshall (84-86)	11	13	3	27
P.B. Goff (86-87)	9	14	1	24
Total	31	49	23	103[b]

[a]. The question asked was; "How effective were these ministers, in your opinion, in promoting environmental issues within their governments? (Tick only those under whom you have served)."
[b]. As a number of officials served under various ministers, the total number of answers is higher than the total number of respondents (38) for this question.

These figures suggest that only in the early stages (under MacIntyre and Walding) and in the latter stages of its existence (under Marshall and Goff), the

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[54]. See Chapter VI, p.249-250.
[55]. One official indicated that his high rating of Marshall in this respect could be partly attributed to the "significant role played by Philip Woollaston."
[56]. In fact, a few respondents qualified their positive rating of Shearer on "effectiveness" by such comments such as "he tried", and "considering his colleagues' views".

Commission could rely on ministers who were relatively effective in promoting its case in government (although of these, only MacIntyre and Marshall were seen as by a majority of respondents as "very committed").

To some extent the apparently higher effectiveness of MacIntyre and Marshall in particular can be related to their relative position in Cabinet. Given the hierarchical nature of the New Zealand Cabinet system, it seems plausible to assume that the higher the ranking of a minister in Cabinet, the greater his or her potential effectiveness. Only MacIntyre (5th ranking) and Marshall (8th ranking) were relatively senior ministers in their Cabinets. All the other Ministers for the Environment occupied junior positions in Cabinet, which can also be taken as a sign of the relatively low priority and importance assigned to environmental matters.[57]

Another factor which can be seen as having affected the potential for "gaining the support of government" strategy is the way environmental issues were *structurally* dealt with in Cabinet. Environmental issues referred to a special Cabinet Committee for the Environment, chaired by the Minister for the Environment, have a smaller chance of being "snowed under" other government priorities. Although such a committee does not necessarily reflect a high status of environmental values within the government, it offers at least a *potential* for environmental matters to be co-ordinated from a stronger position on Cabinet level.[58]

However, although in February 1970 a Cabinet Committee on the Environment was established with the task to "consider matters concerning the physical environment, especially the question of conservation and air and water pollution, and to report to Cabinet as appropriate" it did not exist for very long.[59] Until December 1971 the Committee met on an ad hoc basis, chaired by the Minister of Works. Altogether it met seven times, discussing a range of mostly minor issues. From December 1971 the Committee was transformed into a standing committee, and in February 1972 Duncan MacIntyre, on becoming Minister for the Environment, took the chair. However, many important issues "which perhaps

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[57]. Of the other ministers Walding was ranked 17th, Tirikatene-Sullivan 15th, Venn Young 18th and 12th in the first two Muldoon governments respectively, Shearer 16th, and Phil Goff was the most junior minister in Cabinet, in 20th position. Wood, G.A. (1987), Ministers and Members in the New Zealand Parliament. Dunedin: Tarkwode Press. One should, however, be cautious not to over-emphasise the importance of these formal positions. Despite his junior position in Cabinet, Phil Goff was rated by 9 respondents (38%) as "very effective".

[58]. According to Painter and Carey it is the absence of an effective co-ordinating mechanism on Cabinet level in Australia that is largely responsible for the lack of co-ordination on a departmental level. Instead of issues being addressed on a combined political-administrative level, they often get bogged down in the rivalry between departments. Painter, Martin and Bernard Carey (1979), Politics Between Departments.

[59] The Committee comprised the Ministers of Finance, Health, Internal Affairs, Lands and Marine, and Works, and was chaired by the Minister of Works.

should have been referred to the Cabinet Committee were dealt with by other longer established Cabinet Committees because those issues had obvious financial or other machinery of government implications."[60]

Although the Cabinet Committee for the Environment was formally maintained by the new Labour Government in December 1972, within a short time its functions were taken over by the powerful Cabinet Committee on Policy and Priorities. Its effective existence ceased and it was not revived under subsequent administrations.[61]

This meant that, when the Commission for the Environment was established in August 1972, the Cabinet Committee for the Environment only continued to function for a few more months, and that it had ceased to exist before the Commission became fully operational in early 1973. Consequently, the Commission has never been able to rely on a Cabinet Committee for the Environment as a mechanism for environmental co-ordination on a political level.

7.3.2. Mobilising External Support.

A second strategy used by the Commission to strengthen its position in environmental policy development has been the mobilisation of external support.[62] It did so in specific cases (e.g. the wild and scenic rivers issue, as will be demonstrated in the next chapter), as well as in a more general way by consistently promoting the need for public participation in decision-making.

From its early days, the Commission advocated the opening up of bureaucratic decision-making. Earlier, reference has already been made to the case made by the Commission for the incorporation of public input in the environmental assessment procedures, to the good contacts between Peter Brooks, the first Commissioner, and the Environmental Defence Society, and to the way the Commission incorporated public comment in its auditing of environmental impact reports.[63] In its 1974 Annual Report the Commission stated that:

> *Both the Minister and staff of the commission have maintained close*
> *links with environmental interest groups during the year and to an*

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[60]. C.J. Hill, Deputy Secretary of the Cabinet, Personal communication, 30 April 1990.

[61]. C.J. Hill, Deputy Secretary of the Cabinet, Personal communication, 30 April 1990.

[62]. "External" support is referred to here as support from outside the government system (the Government, bureaucracy and quangos).

[63]. See Chapters IV and V.

increasing extent have become the point of contact with Government for these groups.[64]

The Commission played an important role in promoting public input in the discussion on nuclear power, the management of indigenous forests, energy planning, and environmental planning in general. It organised and participated in many conferences and seminars in order to provide a link between itself, environmental groups and the public in general.[65] In its submissions on new legislation or policy proposals it consistently supported greater opportunities for public participation.[66] The "People and Environment Section" of the Commission saw the promotion of public participating and freedom of information as the two fundamental issues of its work, and suggested that the Commission set an example in this respect.[67]

On the other hand, however, there were limits to the extent to which the Commission did associate itself with its environmental constituency. Some of the constraints in this respect were related to the question of role expectations, and the "where you stand depends on where you sit" phenomenon.[68] This refers to the fact that an agency, in defining its role, is constrained in doing what it thinks is "right or natural". It has to take into account what others have come to expect from it in that position.

As pointed out in Chapters V and VI, although the Commission was expected by the public to play the role of environmental advocate, there were also strong pressures upon it to take a more "neutral" position (both in its audit role and public servant role). More importantly, perhaps, was the need for the Commission to be seen, in the eyes of other departments, as "credible, objective and professional" if it wanted to have any chance of its advice being adopted. Even if public demands were well founded, the Commission had to avoid being seen as "siding with" environmental groups.[69] These contradictory role expectations, seen by some as incompatible and by others as a source of "creative

[64]. Commission for the Environment, <u>Annual Report for the Year Ended 31 march 1974</u>, p.6

[65]. For instance the "Environment Conference", and a seminar on small hydro schemes in 1977, the Seminar on "Public Involvement in Environmental Planning" in 1979 (jointly with the Ministry of Works), an "Environmental Korero" with environmental groups in 1983, and a seminar on hazardous waste management (organised for the Commission for the Environment on contract by ECO in 1985).

[66]. For instance in its submissions to the Task Force on Economic and Social Planning in 1976, on the Toxic Substances Act in 1977, on official information in 1978 (Danks Committee), and the review of mining legislation in 1986.

[67]. A. Hutchison, File Note, 20 February 1979, Commission for the Environment, Files ENV 1/0A.

[68]. For a discussion of this phenomenon in the context of the role of environmental agencies see Enloe, Cynthia (1975), <u>The Politics of Pollution in Comparative Perspective</u>. New York: David McKay, pp.92-93.

[69]. Baumgart noted that "...we certainly didn't see us as their [environmental groups'] voice in the system." Baumgart, I.L., Personal interview, 7 December 1987.

tension", may have led to some degree of ideological schizophrenia within the Commission with regard to its own role.[70]

However, the fact that only a minority of CFE officials indicated that the Commission had the role of a "neutral arbiter"[71] suggests, that both roles did not carry equal weight in the Commission. When asked to describe the Commission's role many respondents referred to it as an environmental watchdog, a green conscience within government, an "irritant" or educator, and almost no one mentioned that of neutral arbiter.[72] This suggests that there was little support within the Commission for a role as mediator or arbiter.

The fact that the Commission was perceived as an environmental advocate, and did much to gain public support, did not always help to strengthen its case in its battles with other departments. By enhancing its "green" image or by promoting greater public participation the Commission only reinforced the suspicions and ill feelings held against it by some within other departments or the Government. Ken Piddington stated that "we had to be the piece of grit in the political eye, so that if the politicians rubbed too hard it would simply set up more irritation. So the role was survival."[73]

Mustering external support, despite being an important strategy for strengthening an agency's position, may contribute to a deterioration of already adversarial relationships within the bureaucracy. On the other hand, it is even likely that the *security* of the Commission's own position largely depended on a high level of public support, and on the likelihood of a public outcry if it would have been disbanded or muzzled. Given the fact, however, that it is not always easy to mobilise a high level of public concern or support, and that areas of public indifference are likely to remain, the strategy has limited applicability as a strategy for policy development. Particularly in such areas of relatively low public concern, other strategies are required for influencing the course of policy development, such as relying on the power of argument and expertise.

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[70]. The OECD, in its report on New Zealand's environmental policies, noted the incompatibility between the Commission's role as "public critic" and "public servant". See Chapter VI, p.227; Ken Piddington, the last Commissioner for the Environment, was of the opinion that the OECD had failed to understand how the Commission could very well handle the "creative tension" between these two roles. Ken Piddington, "Environmental Management in N.Z.", Memo for Minister for the Environment, Commission for the Environment, File NRS 0/0, Volume 1.

[71]. See Chapter VI, p.227; Appendix C, p.447-448.

[72]. See Appendix C, Survey Results, pp.434-435.

[73]. Ken Piddington, Personal communication, 5 July 1990.

7.3.3. Persuading Other Departments.

A third strategy adopted by the Commission in the development and co-ordination of environmental policy was to rely on the "power of persuasion" in its relations with other departments.[74] As noted above, the Commission, not being in a position to impose anything on other departments, had to rely on the quality of its arguments for its advice to be accepted. Consequently, it had to build up a reputation as a group of experts, and to demonstrate this expertise in its dealings with other departments, "educating" them how to take environmental considerations aboard.

Bringing environmental considerations under the attention of the Government and government departments was seen by Baumgart, but also by his successor, Ken Piddington, as the principal function of the Commission.[75] By doing so it was hoped that environmental values would be integrated into the decision- and policy-making process. The Commission was seen as having an educational role, promoting a change in attitudes, goals and priorities. It was recognised that this was not an easy process and that it could require a long time.[76]

The Commission, it could be argued, lacking a strong formal and informal power base, could do little else. However, it was probably also genuinely felt by Baumgart that such a strategy could work. He believed that an environmental consciousness could be grafted onto other government agencies. Deliberately, the Commission did not seek greater powers or control: "Sometimes persuasion can be far more effective than regulation."[77]

In Baumgart's view, the principal mechanism for the implementation of this strategy was the development of co-operative relations with individual departments on the basis of "frequent and free personal contact" between staff.[78] At the same time, as discussed in Chapter V, he was keen to steer the Commission away from a preoccupation with the (reactive) environmental impact procedures towards a more initiating role.

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[74]. For a theoretical discussion of the policy process in terms of processes of argumentation and public deliberation, see Majone, Giandominico (1989), Evidence, Argument and Persuasion in the Policy Process. New Haven: Yale University Press.

[75]. Ian Baumgart, Briefing paper for the Minister for the Environment, 27 February 1974, Commission for the Environment, File ENV 1/0. See also the views of both Commissioners on EIA as a strategy for reform, discussed in Chapter V.

[76]. P.J. Marriot, Letter to C. Crothers, 13 March 1974, Commission for the Environment, File ENV 1/0.

[77]. P.J. Marriot, Letter to C. Crothers, 13 March 1974.

[78]. Ian Baumgart, Briefing paper to the Minister for the Environment, 27 February 1974, Commission for the Environment, File ENV 1/0.

To implement this strategy the Commission set out trying to adjust projects and policies by liaising with individual departments. In 1974 it was reported that regular contacts had been established with divisions and officers of major departments with specific responsibilities for the environment (such as the New Zealand Forest Service, the Electricity Department and the Ministry of Works and Development[79]). Yet, these contacts appeared to be rather volatile. If, in fact, liaison existed it was on an informal, ad hoc basis between individuals. Hardly anything of which has been recorded by the Commission on inter-departmental liaison before 1978.

In 1978, when the "overview" role of the Commission was confirmed by the Government, the Commission set out to formalise and regularise its liaison with other departments. A memorandum, outlining the objectives and role of the Commission and referring to the Cabinet decision about the Commission's overview role, was sent out to other departments.[80] Following this, the Commission contacted a number of departments, inviting them to arrange a meeting to establish a system of regular liaison.

From the end of 1978 through to early 1979 liaison establishment meetings were held with the Ministry of Works and Development, the Ministry of Energy, the Ministry of Transport, the Department of Social Welfare and the Department of Trade and Industry, among others. Apparently, many of these meetings were successful and regular liaison meetings started to take place.

Apparently, these renewed contacts contributed in several cases to an improvement of mutual understanding and co-operation. Officers reported on various occasions that meetings had been very "useful".[81] In one case, for instance, a meeting with the Planning Division of the Ministry of Works was described as "very helpful" and it was noted that "this [...] may help to overcome some of the misunderstandings that have occurred in the past."[82]

Relations with other divisions of the Ministry of Works (such as the Town and Country Planning Division and the Water and Soil Division), and with some other departments remained strained, however. In the case of the Town and Country Division this had to do with the Division's view that environmental

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[79]. Briefing paper for the Minister for the Environment, Commission for the Environment File ENV 1/0, 12 September 1974,

[80]. Memorandum on the Commission for the Environment, 12 September 1978, Commission for the Environment File ENV 9/0.

[81]. Such as in the case of the Ministry of Energy, with which relations seemed to have improved. John Gilbert, Liaison meetings with Ministry of Energy, 21 December 1978, 21 February 1979, 6 June 1980, Commission for the Environment File 9/0.

[82]. John Gilbert, "Notes of Liaison meeting with the Power Division of MWD", Commission for the Environment, File ENV 9/0.

impact assessment should be integrated with the Town and Country Planning Act procedures.[83] The Commission also had difficulty "winning the confidence" of the Water and Soil Division, which was reluctant to inform it about (water management) projects. One reason for this was the fear, expressed by an official of the division, that informing the Commission would lead to the application of the environmental impact procedures, involving public participation and promoting "emotional argument".[84]

The Ministry of Transport resisted the Commission's efforts in grafting an environmental consciousness on to the Ministry, as it considered that "environmental responsibilities were not their business". An official of the Commission concluded that "there will be quite a bit of work to be done in incalculating environmental thinking and application into other aspects of MOT's activities" (apart from the Marine Division with which a good contact existed).[85]

Relations with the Department of Trade and Industry were at times very strained (apart from the contacts with the small Resource Conservation Unit within the department). The department's general role was to promote the interests of industry, and the Commission's critical assessment of some projects (such as the CSR-Baigent pulp mill proposal near Nelson) had certainly not helped to improve relations.[86]

With some departments, such as Treasury and the Department of Health, the Commission never developed a system of regular liaison. But even with those departments with which it had built up liaison, relations seemed to remain volatile. In 1982 some of these contacts had apparently again languished, and another call was made for the establishment of regular liaison with some of these departments.[87]

That the Commission had particular difficulty in getting to the "hard core" (economic) area in its interdepartmental relations is also evident from the fact that it was not represented on an interdepartmental committee which evaluated

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[83]. In May 1978, after Cabinet had granted the right to the Commissioner for the Environment to make independent submissions under statutory procedures, the Ministry of Works claimed that the environmental impact procedures no longer needed to be applied when statutory procedures were available. Notes Liaison meeting with Ministry of Works, 12 December 1979, Commission for the Environment, File ENV 9/0.

[84]. W.J. Wendelken, "Notes Liaison Meeting with Ministry of Works", 1 December 1978, Commission for the Environment, File ENV 9/0. This concern was, for instance, expressed with respect to the Rakaia scheme; Notes Liaison meeting with Ministry of Works, 12 December 1979, Commission for the Environment, File ENV 9/0.

[85]. W.J. Wendelken, File Note meeting with Ministry of Transport, 12 December 1978, Commission for the Environment, File ENV 9/2.

[86]. A. Hutchison, Liaison meetings with the Department of Trade and Industry, 16 February 1981, 3 February 1982, 3 may 1982, 11 October 1982; see also K.Piddington, Letter to the Secretary of the Department of Trade and Industry, on the Triune proposal, 8 June 1984, Commission for the Environment, File ENV 9/2.

[87]. John Gilbert, File Note, 18 December 1982 (with handwritten comments by Ken Piddington), Commission for the Environment, File ENV 9/4.

major industrial projects.[88] Economic policies and projects continued to be initiated and developed on the basis of mainly economic criteria. A CFE official posed the question: "...how can we achieve the situation where Trade and Industry and the Overseas Investment Commission included environmental considerations alongside economic criteria in evaluating major projects."[89]

That the Commission had difficulties in developing and maintaining good working relationships with other departments was also acknowledged in the survey of CFE officials. 52% was of the opinion that the Commission was perceived as "just a nuisance" by government departments. Only 9% thought that it was seen by other departments as a neutral arbiter.[90] Virtually all officials indicated that relations with at least a few departments were particularly difficult.[91]

However, when asked to specify the departments with which the Commission had developed good relationships, and those with which it had failed to do so, an apparently confusing picture emerged, as Table 7-5 demonstrates.

Some departments, such as the Ministry of Works and Development, the Ministry of Energy, the Department of Health and the Department of Trade and Industry, were mentioned frequently on both sides. There are various explanations for this apparent confusion. The first is that relations with different divisions of the same department varied, as seems to have been the case with the Ministry of Works (where the Water and Soil Division and the Town and Country Division were singled out as divisions with which the Commission had difficulty in establishing good relationships), and the Department of Trade and Industry (where the Resource Conservation Unit was mentioned as having good relations with the Commission). A second explanation is that the quality of relations fluctuated over time: "at times they were good, at times bad". Thirdly, the relations between the Commission and other departments existed in a variety of forms, from "high level contacts" to contacts in working parties and working relationships between individuals. Differences in judgment of the relations between departments may also stem from this variety in experience and involvement.

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[88]. Composed of representatives of the Department of Trade and Industry, Treasury, the Prime Minister's Department and the Ministry of Energy.

[89]. A.H. Hutchison, "Notes Meeting with Trade and Industry", 16 February 1981, Commission for the Environment, File 9/2. Ken Piddington, in a letter to Treasury proposing an informal system of liaison, referred to the Land Development Encouragement Loans Scheme as an example of a budget proposal with significant environmental implications which was introduced in 1978 without environmental assessment. Ken Piddington, Letter to the Secretary to the Treasury, 27 May 1980, Commission for the Environment, File ENV 9/3.

[90]. It should be noted that the view that the Commission was perceived as "just a nuisance" could be combined with that of an "environmental advocate" (attracting 39% of the answers). See Appendix C, Survey Results, p.446.

[91]. See Appendix C, Survey Results, p.444.

TABLE 7-5
WORKING RELATIONSHIPS OF THE COMMISSION FOR
THE ENVIRONMENT[a]

Nature relations Department	Good working relationship	Difficult working relationship
DSIR	14	1
Ministry of Works & Dev.	12	17
Ministry of Energy	9	14
Dep. of Lands & Survey	7	1
Dep. of Health	6	6
Dep. of Trade & Industry	6	5
Ministry of Transport	5	2
NZ Electricity Department [b]	5	1
Ministry of Foreign Affairs	4	0
NZ Forest Service	4	7
Department of Internal Affairs	2	0
Ministry of Agriculture & Fish.	2	6
Mines Department [b]	1	6
Department of Labour	0	1
PM's Department	0	1
Treasury	0	16

[a]. The questions asked were: "With which other government departments or agencies did the Commission develop a good working relationship?" and "With which other government departments or agencies did the Commission have difficulties in establishing good working relationships?"

[b]. The Mines Department and the NZ Electricity Department existed before 1978; since then these departments have been incorporated into the Ministry of Energy.

Nevertheless, it appears that there was at least some consensus among CFE officials about the quality of relations with some departments. Most notable, of course, is the consensus about the difficulty in relations with Treasury. On the other hand, relations with DSIR and the Department of Lands & Survey were generally considered as good. However, respondents indicate that relations with most departments have been difficult *at times*.

The most obvious reason for the lack of co-operation between departments is the assumption that bureaucrats act primarily to promote and protect their own interests.[92] Such interests lead to struggles about "territory" and resources, and may

[92]. This assumption is perhaps most explicitly developed in Anthony Downs' work. "The fundamental premise of the theory is that bureaucratic officials, like all other agents in society, are significantly - though not solely - motivated by their own self-interests." Downs, Anthony (1967), Inside Bureaucracy. Boston: Little, Brown, p.2. The assumption, which has been further elaborated in public choice and other economic theories of organization, is, as Downs suggests, a simplification (allowing the construction of models of bureaucratic behaviour) which should not detract from the fact that in reality bureaucrats are guided by a much more complex variety of factors, such as constitutional rules and traditions, a public service ethic, or even commitment to public good values! See for a criticism of the assumptions underlying the economic theories of organisation Boston, Jonathan (1989), "Philosophical and Theoretical Underpinnings of Public Sector Reform in New Zealand", Paper presented for a State Services Commission Seminar for the Senior Executive Service and Chief Executives, Wellington, 30 March 1989.

be aggravated by conflicting goals and ideologies. Conflicts between departments are therefore not only about policy, but also about departmental interests.[93]

These phenomena were clearly identified by CFE officials when asked about the reasons for poor relations with other departments. The answers referred to: bureaucratic jealousy (especially in relations with the Ministry of Works); conflicting objectives or philosophies (particularly in relations with Treasury and the Department of Trade & Industry); the pro-development orientation of the Government, seeing the Commission as an impediment; and poor interpersonal relations, particularly on leadership level (less so under Baumgart than under Peter Brooks and Ken Piddington).[94]

The answers in first two categories of reasons clearly referred to the bureaucratic phenomena mentioned above. A substantial number of respondents, however, explicitly laid blame on the development orientation of the *Government* in explaining the Commission's difficulties with other departments. This reflects the point made earlier about the dominance of the executive (government) power in the New Zealand political system and about the commitment to, and involvement of NZ governments in, resource development. A government, firmly committed to particular policies (such as "Think Big") or projects, may provide departments with development missions further reason for an unco-operative attitude towards those agencies that are seen as impediments to their plans.

Overall, it is hard to assess to what extent the strategy of persuading or educating other departments on has been successful. How to evaluate whether an "environmental conscience" has been grafted on other departments? It has been pointed out that the strength of the Commission's liaison with other departments has been rather fragile and volatile, and that, in some cases, there was still a long way to go before an environmental consciousness would be ingrained.

If, in the course of time, some departments have become more sensitive to environmental demands and considerations, to what extent can that be attributed to the role of the Commission for the Environment? In Baumgart's view there is no doubt that the Commission has "made a difference" in this respect. He is convinced other departments, or divisions of departments, have changed under the influence of the Commission, and mentions the Water and Soil Division of the Ministry of Works and Development as an example. If the Commission wouldn't have been there, they "would have continued doing their own things."[95]

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[93]. Painter uses the term "departmentalism" for the tendency of departments to pursue particularistic goals. See Painter, Martin and Bernard Carey (1979), Politics Between Departments, p.9.

[94]. See Appendix C, Survey Results, pp.444-446.

[95]. Ian Baumgart, Personal interview, 7 December 1987.

In 1986, Ken Piddington, in the Commission's Annual Report to Parliament, concluded what the Commission had learned from its "experience of twelve lonely years as the sole advocate of proper environmental stewardship within the government system:"

> *In the first place, that there are many people - some of them at the top of development agencies - who want to see New Zealand take advantage of what has been learned elsewhere about environmental management. Second, for those who do not have this view, the intervention of any [original emphasis] environmental agency will be unwelcome. In other words, the commission has had no problem in assisting willing clients; the unwilling party will however remain a problem, whatever the mechanism for environmental control.*[96]

7.4. The Commission for the Environment's Co-ordination Performance: A General Assessment.

In the survey of ex-CFE officials, the question was asked whether the Commission for the Environment had contributed to the development of environmental policy. Of the respondents, 36 (92%) answered the question affirmatively.[97]

In answer to the question "If YES, in what way?" a wide range of things were mentioned, from "it put the environment into the conscience of other Government departments, Ministers and the public" to "But not very much". Some officials mentioned specific areas, others referred to the Commission's performance with respect to the environmental impact procedures. A few others mentioned the quality of its advice or work, and some pointed out its role as a "catalyst and irritant" or "sensitiser".[98]

Despite this variety in specifications, one may conclude that, at least in the eyes of most CFE officials, the Commission has "made a difference" in the sense of having contributed to the development of environmental policy. Much less clear, however, is the picture emerging from the question how successful the Commission has been in its environmental policy co-ordination task. In answer to this question, only one respondent replied that the Commission had been "very successful", fourteen officials were of the opinion that the Commission had been "successful", another fourteen expressed the view that it had been "partly

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[96]. Commission for the Environment, <u>Annual Report for the Year Ended 31 March 1986</u>, p.3.

[97]. See Appendix C, Survey Results, p.420.

[98]. See Appendix C, Survey Results, p.421.

successful" and three indicated that it had been "unsuccessful". Nine respondents did not answer the question.[99]

Although these answers seem to suggest that most CFE officials agreed that the Commission has, at least to some extent, been successful in the co-ordination of environmental policy, it is, in fact, not very clear as to *what it exactly is that was agreed to*. When officials were asked to identify what, in their view, the co-ordination task of the Commission actually meant, a rather confusing array of answers emerged. Answers varied from "Pushing the green barrow" to "Unsure", "What it says", and "Good question!" Only seven respondents associated co-ordination with some kind of overview role and a need to "make policies work together". Many officials interpreted this function as the promotion of environmental values or objectives, to ensure that the Government and government agencies took environmental considerations into account. Others referred to the task of supporting the Minister for the Environment in Cabinet, and again others to policy advice, policy initiatives or policy development in general.[100]

It appears that environmental policy co-ordination has been interpreted in at least four different ways by CFE officials. Many officials (about one third) associated this function with the development of environmental policies as such (supporting the Minister, taking initiatives, strengthening CFE's input). A majority in this category thought that the Commission had been successful in its co-ordination role. About 25% of the respondents interpreted this role as an "environmental advocacy" role (promoting environmental values, objectives, awareness), and most of these thought that the Commission had only been partly successful. About 17% associated co-ordination with some kind of interdepartmental overview (Reporting function, letting policies work together, conflict management), most of whom thought that the Commission had been successful. The development of some kind of "overall" policy (identified in the previous chapter as a mechanism for "substantive" co-ordination) was seen as the core of co-ordination by 8% of the respondents. Of these (three people), two indicated that the Commission had been partly successful, and one that it had been successful.[101]

This analysis demonstrates that there was no clarity within the Commission as to what its co-ordination role implied. Although some identified it with an "overview role" which can be associated with the hierarchical approach to co-ordination, and a few with a substantive approach, a majority (21 out of 36: 58%)

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[99]. See Appendix C, Survey Results, p.438.

[100]. See Appendix C, Survey Results, pp.436-438.

[101]. See Appendix C, Survey Results, p.440.

associated the role with policy promotion or the advocacy of environmental values, an interpretation that seems in line with a partisan adjustment approach. However, about one sixth (6) of the respondents were not clear at all on this, and 9 respondents did not answer the question.

As for the question how successful the Commission has been in its co-ordination role, it appears that those who interpreted the role in an "advocacy" sense (grafting an environmental conscience on others) were least optimistic about the Commission's success, and that those who saw it as a policy promotion or overview role were relatively most optimistic.

This evaluation seems at odds with an assessment of the Commission's co-ordination role by one of Commission's longest serving officials, Paddy Gresham, who noted that "in fact our co-ordinating role has, with rare exceptions, not been exercised effectively." It appears, however, that this refers to co-ordination interpreted as a process requiring authority, involving some kind of overview role or reporting function. Gresham concluded that, on an ad hoc basis, the Commission has booked some successes, but concluded that, "[...] our role of co-ordinating advice to government on the environmental consequences and policies and project proposals [was] not fulfilled in any comprehensive way nor [was] it generally recognized by other departments."[102]

One should be cautious in drawing conclusions too fast from the fact that many officials found that the Commission has been successful in its co-ordination role. As the evaluation apparently occurred on the basis of different interpretations of the concept of co-ordination, Gresham's assessment can still be seen as valid, from the co-ordination as "control" perspective. It should also be noted that the inclusion of the option "partly successful" in this question may have led people to select this option even if they thought that the Commission has been "very little" effective in this respect.

The view that the Commission's successes in policy development and co-ordination were more of an ad hoc nature than consistent with a particular direction or structural position in the policy process is also supported by Ian Baumgart's assessment of the Commission's performance. He expressed his disappointment *"that we have not really developed a completely satisfactory method* [emphasis added] *of being thoroughly involved in policy development as distinct from project development."*[103] Ken Piddington, the third Commissioner, expressed the

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[102]. Gresham, P.H. (1983), "Some Reflexions on the Origins, Evolution and Future of the Commission for the Environment".

[103]. Baumgart, Ian (1980), "The Commission for the Environment - The First Ten Years", NZ Agricultural Science, Volume 14, No. 2, May 1980, pp.73-75.

view that, although the Commission has been successful in contributing to environmental policy, it was unsuccessful in its co-ordination role, at least until 1984. Only since then did the Commission get a chance, by getting involved into the design of a new structure for the co-ordination of environmental policy.[104]

7.5. Conclusion.

With regard to the factors affecting the Commission's co-ordination performance, the following tentative conclusions can be drawn:

(1) The Commission, although seen by a slight majority of its officials as an environmental advocate, was subject to a variety of role expectations, ranging from public or environmental watchdog (or "government/departmental critic") to that of objective expert, public servant, neutral arbiter, or educator. This may have led to a lack of clarity on how the Commission should stand on issues: should it push particular solutions (advocated by environmental groups), should it stimulate other agencies to develop their own solutions, or should it mediate (or be an arbiter) between various views and positions? At times, it was primarily concerned about creating a "level playing field" in a policy area (e.g. by advocating representation of environmental interests in a policy structure), suggesting that it adopted a "process guardian" role. The Commission may have taken all these roles at various times, depending on the issues. It is likely, however, that this chameleon quality of the Commission was not always understood or appreciated by others and affected attitudes (openness, receptivity, readiness to co-operate) towards the Commission.

(2) The degree of political commitment of Governments in New Zealand towards environmental issues, and in connection with that the level of political support for the Commission does not seem to have been very high, particularly in the period between 1975 and 1984. To a large extent this can be attributed to the direct and indirect involvement of governments in stimulating economic development. To some extent the degree of political support for the Commission (and political influence of the Commission) depended on the level of commitment and political effectiveness of individual Ministers (and Under-Secretaries) for the Environment. Overall the low level of commitment meant that the Commission was allocated minimal resources and did not possess much "slack" to be able to focus its attention on other than ad hoc, reactive "fire fighting" activities.

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[104]. Ken Piddington, Personal communication, 5 July 1990.

(3) The lack of formal powers and its very vague and wide mandate have been both a handicap and an asset to the Commission. The lack of formal powers did not only mean that the Commission was not in a position to impose its views, either with regard to substantive policy matters or procedures to be followed, but also that the Commission was not perceived as a real threat, which may have induced some other agencies to be more open to the Commission's advice and initiatives. The wide mandate of the Commission, on the other hand, enabled it to focus its attention on policy areas which were considered as deserving special environmental attention. This, however, also introduced an element of unpredictability and fear of the Commission meddling on others' affairs. It does appear that the co-ordination role of the Commission, however interpreted, was neither recognised nor accepted by other departments. Such lack of recognition, combined with the absence of powers related to that role, turned the co-ordination role into a confused or even "forgotten" thing for many officers of the Commission. *In practice*, however, co-ordination became associated with trying to influence policies by drawing attention to environmental values. This occurred in an ad hoc fashion, not bearing any relation with the concept of co-ordination as related to carrying responsibility for environmental policy development in a more formal or comprehensive way.

(4) As a "partisan" within an environmental policy context that can be associated with the adjustment approach to the co-ordination (no central co-ordinator; no common purposes), the Commission used three broad strategies: trying to get political (government, ministerial) support, mobilising external support (from the public, environmental groups and other non-governmental organisations), and relying on its own "power of persuasion" and image as an agency of experts in trying to get things done in other government agencies. As indicated above, the first strategy offered little perspective. The second strategy has been consistently followed, but seems to have been only partly effective. The third strategy has also been only partially successful in that the Commission's relations with most departments seems to have been difficult at times and most of the time with at least some departments. The survey answers suggest that the "power of persuasion" has been least effective in the relations with those departments whose formal responsibilities put them in a position of "promoters of development" and who were backed by development oriented and environmentally less sensitive governments or ministers.

Overall, it can be argued, the Commission was not in a position for co-ordinating environmental policy from a hierarchical or power perspective of co-ordination, despite the fact that some officials associated its role with some kind

of "overview" function. Given the lack of common purposes, and the absence of a central co-ordinator, co-ordination within the environmental policy context can be associated with the PMA approach to co-ordination. In practice, the Commission was not a *central* co-ordinator, but more a "partisan" for environmental values.

Therefore, an evaluation of the co-ordination performance of the Commission should be based on the extent to which it has been successful in achieving policy adjustments caused by environmental considerations which it put forward. Inevitably, the outcome of such an assessment will be influenced by the *policy areas* on which the analysis focuses, making it difficult, if not impossible, to arrive at a general conclusion about overall policy performance. However, we can try to get a better understanding of *how* the *factors* affecting policy *combined* to result in success or failure, by analysing policy areas in which the Commission has been successful, and comparing these with policy areas in which it has been unsuccessful. This is what we set out to do in the next chapter.

CHAPTER VIII - ENVIRONMENTAL POLICY PERFORMANCE: CASE STUDIES.

8.1. Commission for the Environment Policy Initiatives: Four Case Studies.

As explained at the end of the previous chapter, an evaluation of the policy (co-ordination) performance of the Commission for the Environment will have to encompass an assessment of its contribution in specific policy areas, given the fact that its co-ordination role did, in practice, not extend to overall "control" or overview. However, it is obvious that it is not practically possible, within the constraints of this study, to analyse and assess the Commission's policy performance in *all* areas of environmental policy. Inevitably, a selection will have to be made of policy areas considered to be of some special interest.

As the focus of our study is more on understanding the *reasons* for the Commissions success or failure, we will select two policy areas in which the Commission can be considered to have been (relatively) successful, and compare these with two areas in which it has been less or unsuccessful. By analysing and comparing the conditions and constraints under which these efforts to influence policy development took place, we hope to be able to draw some conclusions with respect to *how* the factors affecting environmental policy performance *combine*.

Kingdon's meta-theoretical model of the policy process, discussed in Chapter I, combining three "streams" ("problems, solutions and politics"), also provides a useful starting point for the analysis of policy success and failure.[1] For the successful transformation of initiatives into policy, it can argued, on the basis of Kingdon's model, that the profile of problems, the profile of solutions, and political commitment are important factors. For issues to be successfully transformed into policies, these three "streams" of factors need to combine, creating a "policy window", an opportunity for decision-making.

Having regard to the broadness of the policy process in general (the three streams identified by Kingdon), and to the role of central environmental agencies in particular, the following categories of factors provide a fairly comprehensive basis for assessing the reasons for the policy performance by such agencies *in specific policy areas*:

(1) The profile of the problems (and demands) in that policy area.
(2) The profile of solutions advocated by those involved in the policy area.

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[1]. Kingdon, John W. (1984), Agendas, Alternatives, and Public Policies. Boston, Toronto: Little, Brown and Company.

(3) The nature and degree of political commitment.

(4) The relative position of the environmental agency in that policy area.

(5) The strategy (strategies) adopted by the environmental agency.

The fourth and fifth groups of factors identified relate to the role of the central agency as a "policy entrepreneur". Policy entrepreneurs try to "couple" the three streams, and use the opportunity created by a "policy window" to put forward their solutions as the basis for decisions. Successful entrepreneurs, according to Kingdon, have a claim to a hearing, possess political connections and skills, and are persistent.[2]

The profile of problems in a policy area refers to such things as the level of demand for government action, the nature of the problems, the intensity of the problems (the incidence of accidents, perception of crisis situation), and the relative weight of the constituencies connected to the problems.[3]

The profile of solutions advocated by those involved in the policy area refers to the kind of solutions advocated, the relative weight of their advocates in the policy community, the structure of interests behind the solutions, the degree of compatibility of these interests and solutions and the degree of controversy surrounding issues.

The nature and degree of political commitment refers to such factors whether ministers and/or governments see a genuine need for action in that policy area, or whether there is a lack of recognition of problems. It also refers to the question whether "political capital" can be made out of an issue. Factors affecting the level of political commitment can also be related to the cycle of elections, the degree and distribution of support for a government (both geographically and socially), and the ideological outlook of a government.

The relative position of the environmental agency in a policy area refers to the power basis of the agency in relation to the other actors involved in that policy area, and comprises both formal aspects (responsibilities of the agency relative to the distribution and degree of fragmentation of responsibilities in the area) as well as informal aspects (the resources available, external support/constituency) and the nature and degree of interdependence between the agencies involved (which has both formal and informal aspects).

The strategy (strategies) adopted by the environmental agency refers to the kind of approach taken (persuasion, advocacy of particular solutions or an orientation to conflict resolution/arbiter role), to the kind of relations established

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[2]. Kingdon, John W. (1984), Agendas, Alternatives, and Public Policies, pp.188-193.

[3]. For a discussion of these factors see Chapter I, in particular sections 1.3.3. and 1.4.1.

with other agencies, and to the way and extent to which political and external support has been mobilised.

It should be emphasised that these five categories of factors have been distinguished for analytical purposes only. In reality, they are very much interconnected. So does the profile of problems affect the profile of solutions (as in Lowi's theorem[4]), but it may also be the other way around (interests trying to define a problem in a way that suits them[5]). Also, an environmental agency may adopt the mobilisation of demand as part of its strategy, and should not be seen as just a processor of demands.[6] These examples reflect the complexity of the policy process, where theoretically defined dependent and independent variables may reverse positions. We do not pretend to do justice to the full complexity of that process, nor can any theory we know of. An analysis of policy performance on the basis of these five categories of factors should therefore only be seen as a starting point for the identification of significant policy determinants, enabling the use of a variety of different theoretical insights and perspectives.

Although Kingdon's model does not extend to the policy implementation process, it can be argued that, in reality, implementation strategies are very much part of the policy formation process. Much of the debate and conflict in the formation of policies is related to how policies or programmes should be implemented. Mann notes that "[...], at the outset the distinction between policymaking and policy implementation is ultimately false."[7] In fact, the term policy has been referred to as including the behaviour attempting to implement purposes, and therefore comprises decisions and actions with respect to implementation.[8]

As for the policy areas selected for our case studies, the following have been chosen: wild and scenic rivers protection and hazardous waste management as policy areas where the Commission has been relatively successful; energy

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[4]. Lowi, Theodore J. (1972), "Four Systems of Policy, Politics, and Choice", <u>Public Administration Review</u>, Volume 32, pp.298-310.

[5]. See Greenberg, George D. J.A.Miller, L.B.Mohr and B.C.Vladek (1977), "Developing Public Policy Theory: Perspectives from Empirical Research", <u>The American Political Science Review</u>, Vol. 71, No.4, p.1535.

[6]. For an emphasis on the autonomous role of State agencies see the "Statist" literature, such as Nordlinger, E. (1981), <u>On the Autonomy of the Democratic State</u>. Cambridge, Harvard University Press; Evans, Peter, Dietrich Rueschemeyer and Theda Skocpol, eds. (1985), <u>Bringing the State Back In</u>. Cambridge: Cambridge University Press; and for a critique Almond, Gabriel (1988), "The Return to the State", <u>American Political Science Review</u>, Vol.82, No.3, pp.853-874.

[7]. Mann, Dean E., ed. (1982), <u>Environmental Policy Implementation</u>. Lexington, MA: Lexington Books, p.3.

[8]. See Chapter I, p.7. These remarks should not be taken to imply that it is not useful to study the implementation of policies. As Mann notes, this can be useful "for analytical purposes" and, it could be added, for practical purposes as well, as it may enhance our understanding of conditions and obstacles for effective implementation. The qualifications have been made in order to emphasise that a focus on the <u>formation</u> of policies does not mean that decisions with regard to the implementation of policies are excluded from the analysis.

conservation, and packaging/recycling as the two areas where the Commission has been less or unsuccessful. The selection has been made on the basis of answers supplied by former CFE officials in the survey, supported by opinions of officials who have been working in these areas.

Wild and scenic rivers and hazardous waste management were the two areas which were most frequently mentioned (after Environmental Impact Assessment) by respondents in the CFE survey as areas where the Commission has been "most successful" in its contribution to the development of environmental policy.[9] Energy policy and packaging/recycling topped the list of unsuccessful policy areas for the Commission.[10]

The analysis of the Commission's policy performance in these policy areas will be done in two parts. First, a descriptive approach will be taken. A description will be given of when and how the Commission got involved into these issues, the initiatives that it developed, the difficulties that were encountered and the developments that took place, and the result of the Commission's efforts up to the time when it was disestablished. In a second part, the Commission's performance will be analysed. on the basis of the five factors that have been identified as likely to affect the policy performance of central environmental agencies.

Finally, the outcomes of the case studies will be discussed in the light of the tentative conclusions that were arrived at in Chapter VII about the Commission's policy performance.

8.2. Wild and Scenic Rivers.

According to Paddy Gresham, one of the architects of the Commission's work on the Wild and Scenics Rivers policy, the Commission's involvement in this

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[9]. Although it should be noted that there was no consensus amongst respondents on this; a great diversity of policy areas was mentioned as "most successful", and the two which have been selected were chosen only marginally more frequently than other areas. An additional reason for selecting these areas was, however, that they represented two areas in which the Commission's initiatives seemed to be more specific and identifiable compared to some other areas (such as environmental education and indigenous forests). See Appendix C, Survey Results, pp.422-423.

[10]. There was much more consensus among respondents about the areas in which the Commission has been "least successful". Energy, economics and packaging/recycling were identified as the most difficult areas. "Economics" was sometimes referred to as "environmental economics" (the study and application of economic instruments to achieve environmental goals), an area in which the Commission gradually developed a greater interest during the 1980s. Most references to "economics", however, related to the more general commitment of governments and government departments to economic development (as exemplified e.g. in "Think Big"), and can be seen as an aspect of many (if not most) policy issues. In the selection of case studies it was therefore decided to focus on the energy policy area (in particular on energy conservation) and on the issue of packaging/recycling as two "hard" areas with obvious economic implications and not to deal with "economics" in general.

issue can be traced back to its audit work on various river damming proposals, in particular that on the Clutha River in 1975. In its audit on the Upper Clutha Valley Development the Commission criticised the exclusive emphasis on the goal of electricity generation in the environmental impact report, and recommended that a "multi-objective planning approach" be adopted in which also other land and water resource uses (such as the recreational use of wild and scenic rivers) would be considered.[11]

Concerns about the prospect that virtually all wild and scenic rivers in New Zealand would disappear as a consequence of the NZ Electricity Department's hydro development plans was also expressed by the recreational groups involved and by the Environmental Defence Society. In a letter to the National Water and Soil Conservation Authority (NWASCA), the government agency responsible for the management of water and soil resources, EDS stated that it was essential to develop a national policy on the protection of natural waters, and asked the Authority what steps it intended to undertake.[12] The NZ Canoeing Association, obviously one of the affected recreational interest groups, initiated a survey on rivers in need of protection in 1977.

In late 1977 the Commission produced a discussion paper on the issue mentioning the concerns about plans for the large scale damming of rivers, and referring to the introduction of incentives for electrical supply authorities in the government's budget in 1977, and stating that "there was a clear need for measures which ensure that important stretches of certain New Zealand rivers are retained in their natural and free-flowing state for the scenic or recreational benefit of future generations."[13]

The paper also noted that there was "a pressing need for a thorough survey of the recreational and scenic qualities of significant New Zealand rivers" and identified inadequacies in existing legislation (protection could only be granted in a "negative" manner by not allowing other uses). Reference was made to the Federal Wild and Scenic Rivers Act in the United States as a positive way of providing protection and co-ordinated management for outstanding rivers. It was proposed that a clearly recognisable designation process for river protection should be established and that one agency, but not the National Water and Soil Conservation Authority (as its responsibility was to adjudicate between competing

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[11]. Commission for the Environment (1975), Audit Report on the Upper Clutha Valley Development. Wellington: Commission for the Environment.

[12]. Environmental Defence Society, Letter to the National Water and Soil Conservation Authority, 2 February 1976, Commission for the Environment, File NRS 3/7 Volume 1.

[13]. Minister for the Environment (1977), Wild and Scenic Rivers Protection - A Discussion Paper. Wellington: Commission for the Environment, p.3.

uses of water), should be made responsible for the designation of rivers to be protected and for the coordination of the management of those rivers. It was suggested that the Queen Elizabeth the Second National Trust would be a suitable candidate to adopt such responsibility.

The Commission received a hundred and ten submissions in response to the discussion paper.[14] The Commission's proposals were generally received with approval by environmental organisations, but received little support from other government departments. Only the Department of Lands & Survey was fully supportive of the Commission's proposal,[15] and Internal Affairs (Wildlife Division), whilst supporting the idea in general, found the promotion of new protective legislation "an extreme answer (having probably only limited value) to what is essentially a political situation", arguing that "the real problem appears to be one of Government commitment."[16]

Reservations about the proposals were expressed by the New Zealand Electricity Department, the Ministry of Transport, the Mines Department, and the Ministry of Works.[17] In particular, questions were raised about the need for new legislation, and about the suggestion to allocate the co-ordination of management responsibilities for protected rivers to a body other than NWASCA. Strong opposition against these ideas was formulated by the National Water and Soil Conservation Organisation,[18] and the Ministry of Works, NWASCO's home department. The Commissioner of Works stated:

> *I do not agree with any proposal that would either interfere with the existing statutory functions of the National Water and Soil Conservation Organisation and fragment existing authority or duplicate the statutory*

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[14]. Commission for the Environment (No date), Wild and Scenic Rivers Protection, Submissions. See also: Commission for the Environment (1978), Wild and Scenic Rivers Protection - An Appraisal. Wellington: Commission for the Environment.

[15]. Department of Lands and Survey, "Wild and Scenic Rivers Protection", 31 March 1978, in: Commission for the Environment (No date), Wild and Scenic Rivers Protection - Submissions.

[16]. Department of Internal Affairs, Wildlife Division, "Wild and Scenic Rivers Protection", 14 April 1978, in: Commission for the Environment (No date), Wild and Scenic Rivers Protection - Submissions.

[17]. For the submission of these departments see Commission for the Environment (No date), Wild and Scenic Rivers Protection - Submissions.

[18]. The National Water and Soil Conservation Organisation, comprised NWASCA, and the Water and Soil Division of the Ministry's of Works and Development. The Water and Soil Division provided technical and administrative support to NWASCA. NWASCA combined policy and management responsibilities with regard to water and soil resources, and was the decision agency on the granting of Crown water rights. Much of this work was delegated to regional water boards and catchment authorities, whose work NWASCA supervised. See Wells, N.E. (1984), A Guide to Environmental Law in New Zealand. Wellington: Brooker & Friend for Commission for the Environment, pp.130-131; Smith, Alvin and Gary Taylor, eds. (1985), Conservation in New Zealand. A Citizen's Guide to the Law. Auckland: Environmental Defence Society, Chapter III.

powers that exist already. If legislative changes are considered necessary they should be within the context of existing powers [...].[19]

It was added that the key issue was "the need to weigh up competing demands and to make a decision between them." It was, however, admitted that the co-ordination of various recreation uses (given the diversity of groups involved) would be useful. However, an amendment to the Water and Soil Conservation Act 1967 to give "even greater emphasis" to recreation values in the management of water and soil resources was seen as an adequate solution.[20]

Appraising the submissions on its proposal, the Commission dropped the suggestion of new legislation and of transferring management responsibilities to other agencies, indicating that the protection of rivers should be "implemented through existing planning and decision-making processes wherever possible."[21] Yet, it persisted in the idea of the need for a co-ordinating agency for the initiation of protection proposals, an independent agency that would have the role of an advocate that could act on behalf of recreational interests. Such an agency was needed to "provide a counter-balance to development interests."[22]

Apparently, the Commission now defined the problem mainly as one of creating a "level playing field". It was noted that the Commission considered "that recreational interests [were] under-represented on the National Water & Soil Conservation Authority, its councils and on regional water boards."[23] Adjusting existing legislation to give greater recognition to these interests, and the creation of a strong advocate to co-ordinate, promote and give greater weight to these interests were seen as remedies.

In order to have legislation amended to provide for a greater weight of recreational interests in the management of wild and scenic rivers, the Commission was dependent on political support and the co-operation of other departments involved, in particular of the Ministry of Works and Development, where the responsibility for administering the water and soil legislation was located. In other words, the Commission had to convince both the Ministry of Works and Development (and within that NWASCO in particular), and the ministers involved (Minister for the Environment and the Minister of Works and Development), that such a review should take place.

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[19]. Ministry of Works and Development, "Wild and Scenic River Protection: A Discussion Paper", 22 March 1978, in: Commission for the Environment (No date), Wild and Scenic Rivers Protection - Submissions.

[20]. Ministry of Works and Development, "Wild and Scenic River Protection: A Discussion Paper".

[21]. Commission for the Environment (1978), Wild and Scenic Rivers Protection - An Appraisal. Wellington: Commission for the Environment.

[22]. Commission for the Environment (1978), Wild and Scenic Rivers Protection - An Appraisal, pp.17-23.

[23]. Commission for the Environment (1978), Wild and Scenic Rivers Protection - An Appraisal, p.15.

That this was no easy task is evident from the fact that it took more than a year for the Minister for the Environment and the Minister of Works and Development to issue a combined policy statement on the issue.[24] In the statement the "need for a positive policy to ensure the protection of rivers or sections of rivers which have outstanding wild, scenic or other natural characteristics" was recognised. It was noted that existing legislative provisions should be used, but that supplementary legislation would provide an opportunity for recreational interests to apply for the protection of specific rivers. It was also announced by the ministers that a Steering Committee would be set up to make a national inventory of rivers to provide information and advice on rivers worthy of protection.[25]

However, NWASCO, the principal administrative agency in this policy area that was also responsible for implementing these decisions, continued to demonstrate a lack of enthusiasm for the review. The Steering Committee was only convened seven months after the ministerial policy statement had been issued, and after a small group of NWASCO officials that had been formed to consider the implementation of the policy recognised "that this was a large and complex task which required the support and assistance of all interested government agencies, catchment authorities and public user groups."[26]

That there was not a high level of political commitment in this area is reflected in the fact that the revision of legislation for the protection of wild and scenic rivers was not accorded priority for 1980 by the Cabinet Committee on Legislation, and that there was a possibility that legislation would not even have been introduced in 1981.[27] Effectively, the review process seemed to have stalled by the end of 1980.

Meanwhile, however, pressure from groups with an interest in the issue started to build up. In October 1980 the NZ Acclimatisation Societies, a long-established body of organisations with wildlife protection responsibilities on the district level, wrote an open letter to the Minister of Energy, Bill Birch, who was seen as one of the obstructive forces in the piece, on the need to protect NZ's remaining rivers against further damming. Although Birch met with representatives of the Societies, this apparently had little effect on their concerns.

[24]. Minister of Works and Development/Minister for the Environment, Policy Statement on Wild and Scenic Rivers, 26 November 1979, Commission for the Environment, File ENV 2/3B, Volume 1.

[25]. Minister of Works and Development/Minister for the Environment, Policy Statement on Wild and Scenic Rivers.

[26]. NWASCO, Progress Paper on Wild and Scenic Rivers Policy, 10 June 1980, Commission for the Environment, File ENV 2/3B, Volume 1.

[27]. Venn Young, Memo for Cabinet on "Legislation for the Protection of Wild & Scenic Rivers", 18 December 1980, Commission for the Environment, File ENV 2/3B, Volume 1.

In December 1980 the Societies again addressed themselves to Birch, asking for a moratorium on the further development and investigation of rivers for hydro development, stating that there had been "a blind acceptance by decision-makers and hydrological engineers that this country's river resource is theirs to manipulate at their will." It was also noted that the Societies had lost their faith in the legislative system as it had "never resulted in victory - which in our case is the stopping of a particular river development in favour of that river's recreational and/or biological value."[28]

The significance of the NZ Acclimatisation Societies' moves with respect to getting the process of review "unstuck" should not be underestimated. Being a "very old and conservative body" it had some difficulty in mobilising its ranks, but the fact that the organisation voted to spend $45,000 dollars for the rivers protection campaign indicated that it took the issue very seriously.[29]

Pressure on the Government was also exerted by the "Save the Rivers Campaign" which got under way during early 1981. Behind the campaign stood the Wild and Scenic Rivers Action Committee, in which a number of environmental and recreational groups participated. In March 1981 the committee organised a "Save the Rivers Conference", attracting 90 participants. The organisers argued that it was important to combine forces on the issue to enhance their political effectiveness, especially in an election year "when our politicians are in their most malleable frames of mind."[30]

Significant also is the fact that Ian Shearer, a self-proclaimed environmentalist, replaced Venn Young as Minister for the Environment in February 1981. Although Shearer was only a junior minister in Cabinet, he was on good terms with the Prime Minister, and he certainly raised the hopes of environmental groups that the issue would receive more positive consideration by the Government.

In February 1981 the Minister of Energy, in response to the NZ Acclimatisation Societies' demands, stated that the Government was prepared not to authorise the construction of any further local hydro schemes until "firm protective legislation [would be] in place."[31] On 16 March 1981 the Prime Minister, Muldoon, issued a statement announcing that an amendment to the water and soil

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[28]. Letter NZ Acclimatisation Societies to W.F. Birch, 22 December 1980, Commission for the Environment, File ENV 2/3B, Volume 1.

[29]. Letter NZ Acclimatisation Societies to W.F. Birch, 22 December 1980; also: The Press, "Environmentalists Claim Victory on Rivers", 20 March 1981.

[30]. Save the Rivers Report, June 1981, p.2.

[31]. Letter Minister of Energy to W.B. Johnson (NZ Acclimatisation Societies), 18 February 1981, Commission for the Environment, File ENV 2/3B.

legislation would be introduced during that session to "cover this question of wild and scenic rivers."[32]

This reaffirmation of government commitment did not, however, overcome the reservations of NWASCO, the agency within the Ministry of Works and Development responsible for the implementation of these decisions. The first draft legislation produced by the agency was characterised by the Commissioner for the Environment as the introduction of "fast track" procedures for the Government's hydro development plans. The proposals provided for the possibility of "protecting" rivers via Water Allocation Plans (which could easily be changed), and allowed the Minister of Works to take the final decision on Crown applications of water rights (abolishing the possibility of appeal to the Planning Tribunal, in analogy with the "fast track" procedure under the National Development Act). Piddington concluded that "it seems that the process is intended primarily, not for the protection of rivers but for the development of rivers."[33]

The proposals were also strongly criticised by the NZ Acclimatisation Societies, complaining to Birch that "a third party" threatened to destroy "all the progress that has been achieved to date." The Societies also noted that NWASCO had bypassed a draft amendment produced by the Wild and Scenic Rivers Steering Committee "which came close to what all parties are actually seeking in this matter."[34]

The Steering Committee[35] itself was also not very happy with the course of events, noting that during 1980 it had spent much time in preparing a draft amendment for implementing the wild and scenic rivers policy, an amendment which apparently "was not acceptable to the hierarchy of the Water and Soil Division" (of the Ministry of Works).[36]

NWASCO's apparent intransigence was brought to the attention of the Minister for the Environment, the Minister of Energy and the Minister of Works and Development, and a meeting of the Officials Committee for the Environment was called to discuss the matter. At the meeting, the Commissioner for the

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[32]. Prime Minister, Press Statement, 16 March 1981.

[33]. Commissioner for the Environment, Briefing paper for the Minister for the Environment, 13 April 1981, Commission for the Environment, File ENV 2/3B.

[34]. Letter W.B. Johnson (NZ Acclimatisation Societies) to the Minister of Energy (W.F. Birch), 1 April 1981, Commission for the Environment, File ENV 2/3B.

[35]. The Steering Committee, despite the fact that it was convened by NWASCO, was not dominated by it, as it comprised representatives from the NZ Catchment Authorities, the Commission for the Environment, the Department of Internal Affairs (Wildlife Service), the Department of Lands and Survey, the Ministry of Agriculture and Fisheries (Fisheries Research Division), the Ministry of Recreation and Sport, and the Queen Elizabeth II National Trust. All these agencies or divisions had an interest in rivers other than their development for hydro energy.

[36]. Paddy Gresham, File Note, 8 April 1981, Commission for the Environment, File ENV 2/3B Volume 1.

Environment advocated establishing an interdepartmental task group for the drafting of wild and scenic rivers legislation amendments, but the proposal was rejected because it was considered by the chairman, Bob Norman (Ministry of Works), that there was no time to set up a working party. However, Piddington's view that parts of the NWASCO proposals had nothing to do with the protection of rivers was shared by the representatives of most other departments (in particular Lands & Survey, Internal Affairs, and Agriculture and Fisheries) and it was noted that these parts were likely to cause public controversy.[37]

Despite these criticisms, it appeared that the Ministers of Energy, and Works and Development, together with officials of their respective departments, did not intend to withdraw NWASCO's proposals.[38] NWASCO claimed that the proposals of the Steering Committee were not relevant because it had overstepped its brief which, it was argued, did not contain a policy advisory role.[39]

In order to break through this wall of opposition, a meeting was convened of representatives from departments concerned about these developments. It was agreed that the Commissioner for the Environment would consult with the permanent heads of the departments involved (after these had been informed by the officials present at the meeting) in an effort to obtain consensus that ministers should be briefed if the Ministry of Works would continue to refuse to co-operate.[40]

Meanwhile, the government caucus committee dealing with the issue was informed by Shearer. Shearer led a "blistering attack on the concept of executive power" and found support from a few other colleagues.[41] According to Shearer it was clear that many caucus colleagues did not "want to have a bar" of the NWASCO proposal, and was there considerable support for the amendment drafted by the Steering Committee. It was agreed that sections of the NWASCO proposal which did not deal with the protection of wild and scenic rivers would be dropped, and that the Steering Committee's draft would be incorporated.[42]

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[37]. Officials Committee for the Environment, Minutes of Meeting 22 April 1981, Commission for the Environment, File ENV 2/3B, Volume 1; Briefing paper for Minister for the Environment, 23 April 1981, Commission for the Environment, File ENV 2/3B, Volume 1.

[38]. Paddy Gresham, File Note 27 April 1981, Commission for the Environment, File ENV 2/3B, Volume 1, commenting on a meeting at Bill Birch's office on 24 April 1981.

[39]. An argument that was rejected by Ken Piddington by referring to the June 1980 Directive which established the Steering Committee. Commissioner for the Environment, Briefing paper for the Minister for the Environment, 4 May 1981, Commission for the Environment, File ENV 2/3B, Volume 1.

[40]. Paddy Gresham, File Note 5 May 1981, Commission for the Environment, File ENV 2/3B, Volume 1.

[41]. S.E. Kenderdine, File Note on Caucus Committee Meeting 6 May 1981, 15 May 1981, Commission for the Environment, File ENV 2/3B, Volume 1.

[42]. "Thinking on the Water and Soil Amendment", Paper received by the Commission for the Environment from the Minister's office, 6 May 1981, Commission for the Environment, File ENV 2/3B, Volume 1.

In a consequent caucus committee meeting, however, Bill Birch, the Minister of Energy, tried to ignore the decisions of the previous meeting, and when this failed threatened that "he would be back next year for amending legislation to take rivers for damming."[43]

In the following months NWASCO produced various new draft amendments. However, although the "fast track" procedures were dropped from the original proposal, and the idea of protection of rivers via water allocation plans was replaced by a more "positive" provision for protecting rivers via National Water Conservation Orders (for nationally important rivers) and Water Conservation Notices (for rivers considered to be of local importance), disagreement continued to exist on other provisions, such as limitations on "standing" (restricting those who could apply for protection of rivers to public or local authorities, statutory bodies or the Crown), on the power assigned to the Minister of Works (who takes the decision), on the central role of NWASCA and the absence of an independent promoter of river protection, and on the criteria which the Planning Tribunal would have to consider in making decisions (on appeal; the "multiple use" concept was to be adhered to, commercial and industrial interests had to be included in a decision). On all these latter points the Commission for the Environment and environmental groups failed to have their views accepted.[44]

That the proposals accepted by the Government did not represent a total "victory" for the Commission's views can be read from some of the observations of the Commissioner for the Environment. Ken Piddington noted that if the new proposals would not be amended "the system [would] be loaded against conservation interests whereas it should be the other way around."[45] He also implied that if the proposals would be accepted in their new form this would "basically, be a waste of time and money of some years."[46] Shearer also admitted that the outcome was not totally satisfactory, and that the Government had chosen for a "pragmatic approach". He added that he had been "somewhat disappointed by the tedious manoeuvering of some sections of the bureaucracy" but that, if the

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[43]. S.E. Kenderdine, File Note Caucus Meeting 13 May 1981, Commission for the Environment, File ENV 2/3B, Volume 1.

[44]. Commissioner for the Environment, Briefing paper for the Minister for the Environment, 6 August 1981, Commission for the Environment, File ENV 2/3B, Volume 2; Draft Water and Soil Amendment Bill, 20 August 1981, Commission for the Environment, File, ENV 2/3B, Volume 2.

[45]. Commissioner for the Environment, Briefing paper for the Minister for the Environment, 6 August 1981, Commission for the Environment, File ENV 2/3B, Volume 2

[46]. Ken Piddington, File Note 27 August 1981, Commission for the Environment, File NRS 3/7, Volume 2.

present legislation would be unsatisfactory he would "then take up the possibility of a quite separate statute."[47]

Despite the perceived shortcomings, the Commission accepted that it would have to work with the new legislation, and supported environmental groups in the process of applying for protection of rivers. It called together a meeting of interested groups for co-ordinating the application for protection for a first river, as this was seen as an important test case.[48]

That the new legislation has not been functioning very satisfactorily from the point of giving those who advocate the protection of rivers a greater weight in the river management decision process, is reflected in the very small numbers of waters that have since been covered by National Conservation Orders.[49] To a large extent, this can be attributed to the high costs of trying to have rivers protected involved in going through the legal process.[50] This seems to vindicate an observation made by the Director of the NZ Acclimatisation Societies even before the drafting of legislation for the protection of rivers had started, namely that the Wild and Scenic Rivers policy:

> [...] is fast acquiring 'red herring' status, simply because it is still very distant and at best might [original emphasis] only secure(?) a very few river systems, each of which will likely require a minor battle on the part of those seeking such status [...].[51]

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[47]. Ian Shearer, Letter to E.H.Gruebner, 23 October 1981, Commission for the Environment, File ENV 2/3B, Volume 2.

[48]. Ken Piddington, File Note on Motu River, Commission for the Environment, File 2/3B, Volume 3; Record Meeting with environmental groups on 27 January 1982 (4 February 1982), Commission for the Environment, File ENV 2/3B, Volume 3.

[49]. As of 12 September 1990 only six waters have received a National Water Conservation Order. However, it should be noted that the application of a Conservation Order for the Rakaia River in 1983 led to a lengthy legal appeal procedure, putting a halt to further applications pending a final decision. A decision was reached by the Court of Appeal in September 1987, indicating that the general object of the Amendment Act implied that the "presumption should be in favour of conservation", and was expected to lead to a larger number of successful applications. Another six applications are still in the pipeline. Jacky Challis, Ministry for the Environment, Personal communication, 10 September 1990. For an account of the court case see "Ashburton Acclimatisation Society and Others v. Federated Farmers of New Zealand Inc and Another", in Haig, Peter, ed.(1988), NZ Town Planning Appeals, Volume 12, 1986-1988, pp.289-304.

[50]. Letter W.B. Johnson, Director NZ Acclimatisation Societies to the Minister of Works and Development, 12 May 1982, pointing out that inadequate funds was a major obstacle for organisations to apply for water conservation orders. Commission for the Environment, File, ENV 2/3B, Volume 3.

[51]. W.B. Johnson, Director NZ Acclimatisation Societies, Letter to W.F. Birch, Minister of Energy, 22 December 1980, Commission for the Environment, File ENV 2/3B, Volume 1. That the high costs involved in using the Town and Country Planning Act procedures for environmental protection provide a serious obstacle for environmental groups is, for example, demonstrated by the fact that in 1989 the Royal Forest and Bird Protection Society, one of the biggest environmental groups in new Zealand, was forced by a lack of funds to withdraw from the Wanganui River (minimum flow) case. The costs involved in preparing an appeal were estimated by the Society as amounting to at least NZ$ 100,000, excluding the possibility of court costs being

The Wild and Scenic Rivers policy initiative has been heralded as one of the policy success areas of the Commission, but it can only be qualified as a partial "victory" for the Commission. Although a wild and scenic rivers policy was adopted by the Government as a consequence of the Commission's initiative, and legislation was passed to implement the policy, one of the main goals of the Commission, the creation of "level playing field" in this area has not been achieved. The strong promoter for river protection and co-ordinator of recreational interests has not been established, let alone been given an equal position in the policy structure. NWASCA membership was not changed; only one member continued representing recreational interests versus seven members representing other (water users) interests, such as industries and farmers. NWASCA continued to have control over applications, allocations and recommendations (no advise of another agency, e.g. one with conservation responsibilities, required). Applications for Conservation Orders or Notices can only be made by public and local authorities or statutory agencies. Amongst the criteria to be considered by the Planning Tribunal in appeal cases is included "the needs of primary and secondary industry, and of the community."[52] The Minister of Works (alone) makes the final decision (not in consultation with the Minister for the Environment).[53]

8.2.1. Wild and Scenic Rivers Case Study: Analysis.

Also, the fact that not many more rivers have been dammed may be more due to the electricity surplus that has been generated, eliminating for some time to come the need for more hydro dams, than to the level of protection afforded to the remaining wild and scenic rivers. In retrospect, therefore, it is not surprising that so few officials mentioned the wild and scenic rivers initiative of the Commission for the Environment as a success policy area for the Commission.

When analysing the reasons for the partial success of the Commission in this issue, the following features stand out:

(1) As for the profile of the wild and scenic rivers problem it can be noted that, despite the fact that there was some demand for the protection of wild and scenic rivers prior to 1978, it was the Commission for the Environment that

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awarded against the Society. Royal Forest and Bird Protection Society, Conservation News, No. 51 and 52, April/May 1989.

[52]. Although this was qualified by a decision of the Court of Appeal in 1987. See footnote [49] in this chapter.

[53]. Although formally a decision is made by the Governor-General (Order in Council) on the advice of the Minister; also, if the Minister decides not to make a recommendation (after having been advised to do so by the Planning Tribunal) he must provide an explanation to Parliament within 28 days. See Water and Soil Conservation Amendment Act 1981. Wellington: Government Printer.

kicked off the debate about the need for a specific policy with the publication of its discussion paper at the end of 1977. However, public demand, once mobilised, was an important factor in breaking the deadlock in which the policy process had arrived at the end 1980. The relatively high profile the issue enjoyed during the election year was instrumental in keeping the Government under pressure to "deliver" in this area. The case study underlines the importance of a high profile for an issue to become policy, but also illustrates the potential of an environmental government agency in contributing to building up that profile.

(2) With regard to the profile of solutions, the main obstacle for having wild and scenic rivers protected was the weight of hydro development interests within the State. At least one senior government minister, and a government department were committed to further developing hydro energy. Although the potential contribution of small hydro schemes to electricity generation was estimated as being relatively insignificant,[54] it appears that a commitment to development *per se* provided adequate justification for the minister and department involved for persisting in advocating the "multiple use" philosophy in this policy area.

(3) Overall, the level of government commitment in this issue was low. It took long to get the Government to recognise the problem, and considerable effort was needed on the part of the Commission to get the Minister with direct responsibility in the area to address the issue. At least one other (senior) Minister strongly opposed the solutions advocated by the Commission. The stalemate resulting from this situation was only broken when public demand on the issue became stronger and better organised, and the matter seemed to become relevant as an electoral issue.

The case study demonstrates the difficulty of breaking through the combined opposition of the "lead" department and at least one key Minister in Government. Although the Minister for the Environment at the later stage of this issue was very much committed and received some support of colleagues, he was only successful in halting some of the most objectionable aspects of the proposals (from his own point of view and that of the Commission) and not in having the *positive* elements of the Commission's views incorporated. This illustrates the generally low level of commitment of the Government as a whole on the issue and the power of those defending the status quo in such a situation. Although change

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[54]. According to the 1980 Energy Plan only 6.78% of New Zealand's total hydro capacity could come from the remaining potential small hydro schemes. Quoted from: W.B.Johnson, Director NZ Acclimatisation Societies, Letter to W.F. Birch, Minister of Energy, 22 December 1980. Commission for the Environment, File ENV 2/3B, Volume 1.

was effected, the nature of the change was in the nature of a minimal *adjust*ment of the existing policy structure, not a major overhaul or the creation of a new, separate structure.

(4) The relative position of the Commission for the Environment in this policy area was one of a well-informed outsider. At least as important as hydro energy interests in explaining the policy output in this area was the fact that the "lead" department in this policy field continued to control the policy review process. Although the Commission had developed expertise in the area and initiated the review, it was not able to establish a review procedure which would have allowed itself and other interested parties to have a substantial input in the drafting of concrete proposals. Instead, the "lead" department, whose interests were potentially very much affected by the kind of solution that would be adopted, was able to keep the initiative and remain in control of the review process.

(5) As for the strategies adopted by the Commission in this issue, the Commission started off advocating particular *solutions* (specific administrative changes), but swayed between the role of "advocate" (of recreational or conservation interests) and a role akin to that of a "process guardian" (advocating a "level playing field") when these solutions provoked strong negative reactions from the side of the government agencies involved. However, having contributed to mobilising public demand and being *seen* as an advocate for environmental groups on this issue, the Commission was not accepted by the "lead" department in this area as an objective "expert" or "neutral arbiter". Instead, given the polarisation which the issue provoked and its apparent not very (technically) complex nature ("either you dam rivers or you don't"[55]), the Commission tended to be regarded by those having an interest in the status quo as belonging to the camp of opposing interests. This no doubt contributed to the defensive, non co-operative attitude of the responsible government agencies in this area.[56]

It may be concluded that the Commission, by mobilising external support and by being seen as adopting a clear advocacy role, diminished its chances of successfully adopting the strategy of "power by persuasion". Given the rather indifferent attitude of the Government as a whole on this matter, and the existence of strong concentrated opposition within the Government and the

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[55]. This, of course, is a simplification. In reality, a wider range of interests was involved, such as the use of water for farming/irrigation and industrial purposes. However, balancing a variety of interests is primarily a political matter and, however difficult, is not necessarily technically complex. Moreover, most of those wanting protection for wild and scenic rivers advocated "total" protection, to the exclusion of all other interests, thus turning the issue very much into a matter of "all or nothing".

[56]. That the Commission was in fact more on the line of the advocate role in this issue is also evident from the fact that it initiated meetings to co-ordinate the application for conservation orders after the legislation had been passed.

bureaucracy, it comes as no surprise that this initiative only resulted in a qualified success, largely due to the relatively high profile which the issue had reached in an election year.

8.3. Hazardous Waste Management.

The issue of hazardous waste is part of a wider policy area generally referred to as that of toxic substances or hazardous materials. This is a large policy area, characterised by complexity and uncertainty, but also by an often high level of public concern fed by the possibility and occurrence of accidents with serious and widespread impact.[57] Concerns in this area have also been generated by less obvious, but potentially no less catastrophic, impacts on human health and the environment, varying from the release and accumulation of pesticides to wildlife,[58] the carcinogenic effects of chemicals on humans,[59] to the depletion of the ozone layer by chlorofluorocarbons.[60] The effects of chemicals on people and the environment, and the fear that mankind has put itself in the position of the "sorcerer's apprentice", has caused this issue to become one of the dominant environmental areas of concern in many countries during the 1980s.[61]

Although the disposal of hazardous wastes can be said to be at the tail end of this policy area, it is a problem bearing man of the characteristics of the area as a whole, namely uncertainty (e.g. what is hazardous, what are likely effects, particularly in the long term), complexity (e.g. how to identify, treat or dispose of hazardous waste) and a sometimes high level of public concern (generated by e.g. the discovery of many toxic waste dumps close to or even under housing areas in the United States, West Germany and the Netherlands, posing authorities for hard and very costly decisions[62]). In combination, these characteristics make hazardous waste management a very difficult area for policy makers.[63]

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[57]. Such as the 1976 Seveso explosion, contaminating a large area with dioxin, and the 1984 Bhopal disaster, killing more than 2500 people.

[58]. A seminal publication, which also acted as a strong catalyst for these concerns, was, of course, Rachel Carson's Silent Spring, published for the first time in 1962.

[59]. These concerns go back to 19th century occupational health and safety issues in the industrialised world, which led to the creation of the first legislation and regulatory agencies in this field, such as the British Alkali Inspectorate. See e.g. Hill, Michael (1982), "The Role of the British Alkali and Clean Air Inspectorate in Air Pollution Control", Policy Studies Journal, Vol.11, No.1, pp.165-174.

[60]. See e.g. Pollock Shea, Cynthia (1989) "Protecting the Ozone Layer", in Lester R. Brown et al., State of the World 1989. New York: W.W.Norton & Company, pp.75-96.

[61]. Particularly in Europe and the United States, where it has led to substantial, though not always adequate, policy responses.

[62]. Estimates of the costs for cleaning up all abandoned hazardous sites in the United States varied from US $4 to $50 billion; the "Superfund" that was created to address the problem comprised "only" $1.6 billion. Lester, James and Ann O'M.Bowman (1983), The Politics of Hazardous Waste Management. Durham, N.C.: Duke Press,

That the disposal of hazardous waste was a potential problem was already recognised in New Zealand during the 1970 Physical Environment Conference, which recommended that the Board of Health would consider "what steps should be taken to control the disposal of industrial solid wastes, especially those of a dangerous or toxic nature." In 1972 Duncan MacIntyre requested one of his officials to write to the Department of Health to "inquire what the present situation is in New Zealand with regard to the provisions outlined by the Royal Commission." This referred to the publication of the second report of the British Royal Commission on Environmental Pollution, dealing with the issue.[64]

In response, the Health Department played down the relevance of the British report, arguing that it was largely concerned with the dumping of wastes in water courses, something that was already considered under control in New Zealand with the Water and Soil Conservation Act. Although the department was considering the Physical Environment Conference recommendation and was doing a pilot study on the extent of the problem in the Hutt Valley, it noted that the report would be "kept in mind though, up to now, there has been little evidence in New Zealand of problems similar to those that have occurred in the heavily industrialised United Kingdom."[65] This early initiative was not followed up any further by the Commission for the Environment, however.

It was not until 1977 before the Commission would become involved in the wider area of toxic substances control. In that year, the OECD Environment Committee, on the advice of its Chemicals Group, recommended to its members a review of the regulation of toxic substances in order to give greater recognition to the environmental implications of chemicals.[66]

In New Zealand, the review was initiated by the Agricultural Chemicals Board,[67] but also involved the Health Department which, given its many

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pp.8-9. Since then, considerably higher sums of money have been allocated to this problem, but estimates of the costs involved in "cleaning up" hazardous sites (including nuclear contaminated sites) have also increased significantly. Robert V. Bartlett, Personal communication, 1 November 1990.

[63]. For a discussion of the difficulties of hazardous waste policy development in the United States see Lester, James and Ann O'M. Bowman, The Politics of Hazardous Waste Management.

[64]. J.M.K. Hill, Letter to the Director-General of Health, 21 September 1972, Commission for the Environment, File POl 4/1c, Volume 1.

[65]. P.M. Allingham, Assistant Director Occupational Health and Toxicology Branch, Department of Health, Letter to The Secretary, Cabinet Committee for the Environment, 9 October 1972, Commission for the Environment, File POL 4/1c, Column 1.

[66]. Another goal of the OECD Committee was to achieve "collaboration and harmonisation in respect of national assessments" of chemicals; a catalyst for the discussion of these issues within the OECD framework was the Seveso explosion on 10 July 1976, a report of which was also discussed. B.B. Watts, "Report of 13th Meeting of the Chemicals Group of the Environment Committee of the OECD", Commission for the Environment, File POL 4/0A.

[67]. The rationale for the Agricultural Chemicals Board to do so was inspired by the importance attached to the harmonisation of regulation of chemicals in participating countries. The Registrar of the Board pointed out that

responsibilities in this field can be considered as the "lead" department in this policy area.[68] As the OECD recommendation included the incorporation of environmental considerations into the regulation of chemicals, it offered the Commission an opportunity to "strengthen [its] rather fragile involvement in this field [...]." A CFE official noted that "our involvement so far has been met with great suspicion and has exposed a most inflexible attitude in the relevant authorities." Yet, it was also recognised that "perhaps because of our lack of suitable involvement we have never developed beyond the 'what are you doing about it?' approach."[69]

Although the review was not specifically focused on hazardous *waste* management, it is worthwhile to pause at the Commission's contribution to it, as the approach that it adopted is illustrative of its subsequent involvement in the development of a hazardous waste policy.

The key element in the Commission's input into the review, which led to the introduction of the Toxic Substances Act 1979 and a review of the Agricultural Chemicals Act (transformed into the Pesticides Act), was an emphasis on the need for improving the decision-making structure with regard to hazardous chemicals, in such a way that public confidence in the management of chemicals would be raised. In the eyes of the Commission there was a need for the regulatory agencies in this field, notably the Agricultural Chemicals Board and the Health Department, to depart from "defensive public relations attempts" and to take a more positive approach to an open decision-making process.[70]

In the Commission's view[71] a distinction had to be made between the scientific assessment of chemicals and risks on the one hand, and the determination of acceptability of risk, which was seen as a socio-political question, on the other hand. Whereas the first kind of assessment could be performed by experts and officials, the second type would require some form of

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it was important for New Zealand to participate in the review because it "could have profound effect on our food standards and hence our export markets." B.B. Watts, "Report of 15th Meeting Chemicals Group of the OECD Environment Committee", 25 November 1977, Commission for the Environment, File POL 4/A.

[68]. Although, as will be demonstrated, this view was not supported by all other departments. Various other departments, such as the Ministry of Works and Development, and the Department of Labour, had significant responsibilities in this area as well.

[69]. R.J. Armstrong, Memo to the Commissioner for the Environment, 20 July 1977, Commission for the Environment, File POL 4/OA.

[70]. R.J. Armstrong, Memo to the Commissioner for the Environment, 20 July 1977; also: Commissioner for the Environment, Letter to Director-General of Health, 16 October 1978, Commission for the Environment, File 4/OA.

[71]. The Commission's view was heavily influenced by a paper written by Norton Nelson, "Assessments and Evaluation of Hazards", and by a report of the Australian Environment Council's working group of environmentally hazardous chemicals. Commissioner for the Environment, Letter to the Director-General of the Department of Health, 5 December 1977, both in Commission for the Environment, File POL 4/OA.

public input, reflecting societal values. The Commission therefore advocated the creation of a Toxic Substances Board on which a variety of views from various sectors of society would be represented. On the other hand, however, it accepted the "self-regulatory" nature of the Agricultural Chemicals Board (on which mainly users of pesticides were represented), but suggested that controversial issues should be allowed to be transferred from the latter to (and by) the Toxic Substances Board.[72]

Although the Commission was successful in having the proposal for the creation of a Toxic Substances Board adopted, it failed to win support for the suggested "call in" procedure of matters which were seen as controversial, from the Pesticides Board. Neither, it appears, did the Toxic Substances Board, in its actual functioning, fulfil the Commission's expectations.[73] The Board, meeting only three or four times a year, was criticised by some of its members as being manipulated by the Health Department, which serviced it, and as unreceptive for ideas not in line with that Department's views.[74] The Commission also had difficulty in establishing liaison with the Board.[75]

Despite the fact that one of the Commission's officials was seconded to the Health Department for eight weeks in 1977, the department remained rather suspicious towards the Commission.[76] In 1979, when the Commission proposed to handle the 2,4,5-T issue as a "case study" for open decision-making, the idea was ignored by the department.[77] Similarly, the Commission's liaison with the Pesticides Board remained weak, partly because it was not represented on the Board.[78]

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[72]. Commission for the Environment, Submission on the Toxic Substances Bill, 5 August 1977, Commission for the Environment, File POL 4/0; Commission for the Environment, Submission on the Pesticides Bill, 22 August 1977, Commission for the Environment, File POL 4/2, Volume 1; Commission for the Environment, Submission to the Social Services Select Committee on the Toxic Substances Bill, February 1979, Commission for the Environment, File POL 4/0; Commission for the Environment, Submission to the Social Services Select Committee on the Pesticides Bill, February 1979, Commission for the Environment, File POL 4/2, Volume 1.

[73]. The OECD Report on NZ environmental policies noted that the "current stringent confidentiality provisions [of the Board] simply preclude open decision-making." Organisation for Economic Cooperation and Development (1981), Environmental Policies in New Zealand, Paris: OECD, p.53.

[74]. See the article in the Evening Post, 15 March 1985 ("Meddling Alleged in Poisons Board") and the New Zealand Herald, 13 March 1985.

[75]. H.R. Hughes, Assistant-Commissioner for the Environment, Letter to Dr.I.K. Walker (the representative of the Minister for the Environment's representative on the Toxic Substances Board), 21 December 1982, Commission for the Environment, File ENV 4/13, Volume 1.

[76]. R.J. Armstrong, File Note on Secondment to the Department of Health, 10 October 1977, Commission for the Environment, File POL 4/0A.

[77]. Commissioner for the Environment, Letter to Director-General of Health, 4 April 1979, Commission for the Environment, File POL 4/0A; Director-General of Health, Letter to Commissioner for the Environment, 10 April 1979, Commission for the Environment, File POL 4/0A.

[78]. A representative of the Minister for the Environment sat on both the Toxic Substances Board and the Pesticides Board. As the Commission's philosophy of independence (and "overview role") did not allow it to have

During the 1970s more and more local authorities experienced problems with the disposal of hazardous substances. One area where these problems were recognised at an early stage was Christchurch, where in 1974 the City Council approached the Department of Internal Affairs, and in 1978 the Department of Health, for assistance, but to no avail. The disposal of waste, it was argued, was a specific duty of local authorities. To deal with the issue the Council then set up a working party, which organised a survey to ascertain the extent of the problem.[79]

Meanwhile, the Commission for the Environment was involved in Christchurch's waste disposal problems via its audit role with regard to a refuse disposal scheme of the City. In one of the recommendations of the audit report, the Health Department was advised to re-examine the procedures for dealing with hazardous waste, and to develop mechanisms "to ensure that adequate control over industry is possible."[80]

In response to the Commission's advice the Department of Health noted that the department was "continuing its study of these problems", but added that "Whatever solutions are found, [they] will have to be satisfactory, economical and acceptable to industry." Given the small amount of wastes involved, the department considered that expenditure on special incinerators would not be justified.[81]

When the CFE officer who had been working in this area left the Commission in 1979, he noted with regret not to have been able to follow the issue through with any effect. He considered toxic waste disposal to be "of real environmental and human health concern and with potential to increase in seriousness" and believed that local authorities were very unhappy about the lack of central government direction on the matter, and that they felt to have inadequate controls over industry: "It is certainly an area which needs a coherent national policy, and not only piecemeal local authority attempts." He added that:

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its officials sitting on these agencies, these representatives were independent from the Commission and did not even always maintain regular liaison with it. In one case, this led the Commission to advise the Minister to appoint a new representative when the position came up for re-appointment.

[79]. Mr.T. Moody, City of Christchurch, Letter to the Commissioner for the Environment, 16 November 1978, Commission for the Environment, File POL 4/1c, Volume 1.

[80]. Commission for the Environment (1978), Refuse Disposal for Christchurch. Audit Report, pp.12;22.

[81]. C.M. Collins, Director Division of Public Health, Letter to the Commissioner for the Environment, 21 November 1978, Commission for the Environment, File POL 4/1c, Volume 1.

> *[...] there is little indication from the Department of Health that they*
> *consider it an issue worth giving priority to. In fact at times they have*
> *been totally blase about the problem and our, or the public's concern.*[82]

He also suggested that the Commission would pick up the issue along the lines of the wild and scenic rivers matter, i.e. to study the problem itself, and then release a discussion paper for public comment ("forgetting" about the Department of Health). This suggestion was approved by the Commissioner, provided the study would be confined to the *disposal* of toxic wastes, and was referred for implementation to his successor.

However, staffing problems, other priorities and the fact that the need for a survey of the toxic waste problem was finally taken on board by the Health Department, made that the Commission did not much work on the issue between 1980 and early 1983.[83] However, reports in 1980 on serious hazardous waste problems overseas[84] and from local authorities in New Zealand[85] boosted the issue to a higher public profile, prompting the Board of Health to include the problem in its refuse survey, and to formulate a "framework" for the management of hazardous waste.[86] The survey was carried out on behalf of the Board by the Department of Health in 1982. The department also set up a pilot survey to assess the extent of the problems in five districts.[87] Although it was found that there were some problems with hazardous waste, these were not seen as significant, and the department continued to advise local authorities that such wastes could be safely disposed of in landfills ("co-disposed" with household refuse).[88] It was recognised, though, that the department looked at the issue primarily from a

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[82]. R.J. Armstrong, Memo on Toxic Waste Disposal, 6 July 1979, Commission for the Environment, File POL 4/1c, Volume 1.

[83]. Although various CFE officials worked on waste and chemicals issues, none worked on the problem of hazardous waste disposal. A survey was undertaken on potential problems with pesticides containers and waste, but found little response (Joan Skurr, "Disposal of Unwanted Pesticides and Pesticide Containers"); a technical report was produced on the recycling of plastics, and a study was undertaken (in conjunction with the Resource Conservation Unit of the Department of Trade and Industry) on product charges (which will be discussed later in the chapter).

[84]. On Love Canal, New Zealand Herald, 23 May 1980; on problems in the Netherlands, see New Zealand Herald, 27 May 1980.

[85]. Commission for the Environment, File Note 26 March 1980, referring to reports from Christchurch and Wellington, Commission for the Environment, File POL 4/1c, Volume 1; article in the Northern Advocate on 13 August 1980 announcing that "Toxic Waste Disposal Poses Serious Problem" (in Northland).

[86]. Board of Health (1983), 1982 Refuse Survey and Grading of Landfills Report, Board of Health Report Series No.32, Wellington.

[87]. In communications to the Commission for the Environment, DOH officials indicated by the end of 1979, and in April 1980, that the disposal of toxic wastes had become one of their primary concerns. See File Notes 8 November 1979 and 28 April 1980, Commission for the Environment, File ENV 4/1c, Volume 1.

[88]. The results of the pilot survey were published in NZ Local Government, November 1983, John O'Grady, "Survey Shows Need for Local 'Sensible' Management". See also: Department of Health, "Hazardous Waste - A Position Paper", November 1983, Commission for the Environment, File ENV 7/1/17, Volume 2.

public health perspective, and that environmental, social and other concerns also had to be considered in a broader multi-disciplinary approach.[89]

In March 1983 the Commission approached the Health Department with the suggestion to organise a series of regional seminars on hazardous waste disposal, and to invite an Australian expert on the subject to New Zealand as a speaker.[90] The idea of organising seminars "to allow an exchange of information between central and local government and industry people" had already been discussed during a visit of the Minister for the Environment to Northland, when the question of national guidance in the management of hazardous waste was again brought up by local authorities.[91]

The Commission's goal with regard to the issue of hazardous waste now was the development of a national strategy to deal with the problem in a less haphazard way.[92] The demand for national guidance in this matter had been expressed by more and more local authorities, who were formally responsible for the problem, but who lacked the clout, information, expertise and other resources to deal with it effectively.[93] The Health Department, as the "lead" agency on the national level, was however not convinced that such a comprehensive approach was needed. By drawing the department into the organisation of the seminars, the Commission hoped that the need for such an approach would be impressed upon the department more forcefully.[94]

Although the Health Department did not seem to be very keen on the idea of organising regional seminars (concerned that "environmentalists" would be speaking), and instead preferred to discuss the subject at a session of a conference of the Institute of Professional Engineers in New Zealand (IPENZ), it was finally convinced by officials of the Commission on the basis of an agreement that the Australian expert would only be speaking to "invited audiences" and that the

[89]. Department of Health, Memo on Hazardous Substances, No date (1980), Commission for the Environment, File 7/1/17, Volume 2; One Health Department official, however, expressed concern that it might "complicate the issue if the environment is included". M. Bailey, File Note, 13 June 1983, Commission for the Environment, File 7/1/17, Volume 1.

[90]. H.R. Hughes, Memo on Discussion with Health Department on Hazardous Wastes and the Possibility of an Australian Expert under the NAREEN Exchange, 10 March 1983, Commission for the Environment, File ENV 7/1/17, Volume 1.

[91]. H.R. Hughes, File Note, Hazardous Wastes - Northland, 21 March 1983, Commission for the Environment, File ENV 7/1/17 Volume 1.

[92]. The Commission's belief in the need for a national strategy was reinforced by developments in Australia, where a national strategy had already been adopted. In a letter to the Health Department the view was expressed that New Zealand should follow that example. Helen R. Hughes, Assistant-Commissioner for the Environment, Letter to the Director General of Health, 16 June 1983, Commission for the Environment, File ENV 7/1/17, Volume 1.

[93]. See File Note Margaret Bailey, "Solid Waste (Particularly Hazardous Waste) Management in New Zealand", 10 October 1983, Commission for the Environment, File ENV 7/1/17, Volume 1.

[94]. Interview with Helen Hughes and Jenny Boshier, Commission for the Environment, 23 August 1985.

seminars would be organised primarily for representatives from local and central authorities and industry.[95]

The Ministry of Works and Development, given its responsibilities in local government planning, was also asked to participate in the organisation of the seminars, and readily accepted to do so. The seminars took place in February 1984 after the IPENZ Conference, and were held in Auckland, Christchurch and Palmerston North. As expected, the call for national guidance on hazardous waste was indeed repeated. It was argued at one of the seminars that the "Central government was abrogating its responsibilities by not giving clear direction and guidance."[96]

However, even after the seminars the Department of Health was not convinced that a national strategy was needed, and that such a strategy would or should imply anything more than the policies which the department had been following. When invited to join an interdepartmental working party to develop a national strategy, the department argued that it did not see a need for a working party, but at most for an "advisory panel to provide advice on specific technical questions." However, after discussion between officials of the department and of the Commission for the Environment, the department finally went along and agreed to participate in a working party with the task of developing a strategy for the disposal of hazardous wastes.[97]

The Interdepartmental Working Party (IWP) was set up in August 1984, and was convened by the Ministry of Works and Development, as the problem area was seen as primarily of a regional nature. Apart from representatives of the three departments already mentioned, two other departments (Internal Affairs and Trade and Industry) were also represented on the working party.

Being faced with an IWP which was to develop a policy in an area that the Department of Health had traditionally seen as its own, the department did everything to remain in control of the situation. At the first meeting of the IWP it

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[95]. Margaret Bailey, File Note, 13 June 1983, Commission for the Environment, File ENV 7/1/17, Volume 1; Greenpeace, whose request to be invited was indeed turned down by the Commission, complained about this with Ian Shearer, stating that the Commission's attitude seemed "somewhat uncharacteristic of the Commission". However, it was promised that another seminar would be organised later to allow environmental groups to express their views. T.G. Donahue, Greenpeace N.Z., Letter to Ian Shearer, 23 February 1984; Ian Shearer, Letter to Greenpeace, 25 February 1984; Commission for the Environment, File ENV 7/1/17, Volume 2; In fact, the seminar took place more than a year later, on 24 October 1985, when a Workshop on the Management of Hazardous Wastes was organised (by ECO, on contract for the CFE) for environmental groups in Wellington.

[96]. Helen Hughes, Report form the first regional seminar in Auckland, 23 February 1984, Commission for the Environment, File ENV 7/1/17, Volume 3; see also Commission for the Environment (1984), Proceedings of the Regional Workshops on the Management of Hazardous Wastes.

[97]. A.G. Malcolm, Minister of Health, Letter to Minister of Works and Development, 23 May 1984; Ian Shearer, Minister for the Environment, Letter to Minister of Health, 11 June 1984; A.G. Malcolm, Minister of Health, letter to Minister for the Environment, 28 June 1984.

proposed terms of reference which would have focused the attention of the working party more on operational than on policy matters, but agreement was reached that the working party was concerned with policy issues.[98] A few months later, the department announced that it had adopted the disposal of hazardous wastes as one of its priority programmes for 1985/86, and presented the IWP a programme outline that would "form the basis of a new policy proposal [...] to provide financial assistance to local authorities for waste surveys, site investigations and management plans." What in fact the department was doing was to beef up its existing policy for hazardous waste management. Although this did not completely pre-empt all of the IWP's work, it had a significant impact on the proposals produced by the working party.[99]

The IWP, which worked in three subcommittees,[100] presented a report in May 1985. The report proposed a strategy that was very much based on the Health Department's programme outline, containing the following ingredients: surveying hazardous wastes, investigation of potential waste disposal sites, the preparation of waste management plans by regions and the implementations of these plans. The strategy was also based on the department's "co-disposal philosophy", implying that hazardous wastes could be disposed of in landfills, if the sites for these landfills were properly selected and if wastes were mixed in the right proportion.[101] Only for PCBs a different approach was considered necessary.[102]

Apart from relatively minor amendments to existing legislation, the IWP concluded that there was, at that stage, no need for a drastic overhaul of legislation. Emphasis was put on the need for education on how to manage hazardous wastes properly. The role of central government was seen as one of monitoring, educating, enabling (by making grants available) and supporting (providing advice), not as imposing mandatory measures. No suggestions were made for strengthening enforcement mechanisms. However, as the structure of

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[98]. Minutes of Inaugural Meeting of Interdepartmental Working Party on Management of Hazardous Wastes, 24 August 1984, Commission for the Environment, File POL 4/1c, Volume 4.

[99]. A.L. Thorstensen, for Director Division of Public Health, Letter to the Chairman of the Interdepartmental Working Party on Management of Hazardous Wastes, 17 October 1984, Commission for the Environment, File POL 4/1/c, Volume 4 (Including Programme Outline).

[100]. On information on hazardous wastes, on legislation and on resources available within central Government to support local government. Also an "Interim Task Force" on PCBs was established in November 1984 to examine the presence and use of this difficult material and to study options for their disposal.

[101]. See the paper written by A.L. Thorstensen (DOH), "Some Concepts of Waste Disposal by Landfilling",, No date (May 1984?), Commission for the Environment, File ENV 7/1/17, Volume 4. Co-disposal is perhaps the most pragmatic approach, but is certainly controversial, given experiences overseas and the fact that the situation in New Zealand is still characterised by an inadequacy of information, monitoring and control mechanisms in this area.

[102]. The PCB task force completed its task in December 1985 and produced a technical paper on disposal options for PCBs, a code of practice for the safe management of PCBs, and a report on the management of PCBs.

support services of the central government was very fragmented, it was suggested that a steering committee would be established for the co-ordination and channelling of information and support.[103]

The draft report also made reference to the Department of Health as the "lead" department in this policy area, implying that it would be the natural home for (servicing) the steering committee. This reference was scrapped, however, as other departments preferred to keep the option open that a new Ministry for the Environment would take on a co-ordinating responsibility in this area.[104] Yet, at the final meeting of the IWP, no agreement on the role of the then announced Ministry for the Environment as the co-ordinating agency could be reached.[105]

Overall, the work in the IWP on the strategy seems to have proceeded without strong controversy. Although the Commission for the Environment criticised the report of the IWP for not giving more emphasis to the option of waste reduction, and for not applying the user or polluter pays principle to the producers of waste, industry, these issues do not seem to have been argued very strongly by CFE representatives on the IWP.[106]

Although adjustments to the report were made after submissions were received, these did not alter the basic principles of the strategy. It can therefore be argued that, at that stage, the strategy was both a victory for the Commission for the Environment, which wanted a national strategy, as well as for the Department of Health, which succeeded in strongly putting its stamp on the nature of the strategy.

A Department of Health official was able to reassure the New Zealand Chemical Industry Council, with which the department had been developing "very useful co-operation" that "misunderstandings" about the department's efforts to improve waste management were not justified, noting that "the department [was] emphasising positive co-operative effort" and that "[...] we put less emphasis on legal requirements and control although the Interdepartmental Working Party on Hazardous Wastes has considered those aspects."[107]

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[103]. "Report of the Interdepartmental Working Party on the Management of Hazardous Wastes, May 1985". Commission for the Environment, File POL 4/1/c, Volume 5.

[104]. Minutes of the Fifth Meeting of the IWP on Hazardous Wastes, 3 April 1985; Margaret Bailey, File Note, 4 April 1985; Commission for the Environment, File POL 4/1/c, Volume 6.

[105]. Margaret Bailey, File Note, 13 June 1986, Commission for the Environment, File ENV 4/1c, Volume 6.

[106]. Ken Piddington, Report on Interdepartmental Committee on Management of Hazardous Wastes, 1 November 1985, Commission for the Environment, File ENV 4/1c, Volume 6; No trace can be found of debate on these issues in the Minutes of the IWP meetings.

[107]. J.C.J. Stoke, Director, Division of Public Health, Letter to Executive Director, New Zealand Chemical Industry Council, 25 June 1986, Commission for the Environment, File ENV 4/1c, Volume 8; In 1985 the Executive Director of the newly established Chemicals Industries Council (joining more than a hundred

Meanwhile developments caught up with the strategy produced by the IWP. In December 1984 a major fire at ICI in Auckland demonstrated shortcomings in the storage and handling of hazardous chemicals, as well as in emergency response systems. The accident at a chemical industry in Bhopal (India) in the same month, killing more than 2500 people, added to growing public apprehension about chemicals and their management. An inquiry into the ICI fire led to a recommendation to establish a single agency at central government level responsible for a "unified, comprehensive approach to hazardous chemicals management."[108] Earlier, the need to include aspects of hazardous substances management other than waste, in a more comprehensive strategy, had already been pointed out.[109]

By the time when the Ministry for the Environment took over from the Commission, the need for a much broader approach to hazardous substances had acquired political recognition. When the Ministry was set up, it was made responsible for advice to the Government on the control of hazardous substances. In January 1987 the Secretary for the Environment established the Interagency Co-ordinating Committee on Hazardous Substances (ICC),[110] which received the task of undertaking a comprehensive review of all aspects of the management of hazardous substances. The report that resulted from this review raised even more complex issues, relating hazardous substances management with integrated pollution control and administrative and legislative reform, which by the time of writing have not yet been resolved.[111]

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companies), noted that "The Council would rather be involved in education than have Government introduce safety legislation." "Industry Gets Watchdog", National Business Review, 30 September 1985.

[108]. Commission for the Environment (1985), The ICI Fire, A Report to the Minister for the Environment; Commission for the Environment, "ICI Fire Report - Revised Recommendations", 25 September 1986; Helen Hughes, Memorandum for Minister for the Environment on Management of Hazardous Substances, 25 September 1986; both in Commission for the Environment, File POL 4/1, Volume 1.

[109]. Just when the IWP was about to finish its work, the National Water and Soil Conservation Authority asked the IWP to extend its terms of reference to include the storage, transport and use of hazardous substances. The request was turned down because it was considered that the composition of the IWP did not allow dealing with these matters, and that it was important to at least complete the work on one facet of this policy area. The IWP recommended that another working party (of a different composition) be established to deal with these other aspects. R.L. Preston (Chairman IWP), Letter to Minister of Works and Development, 20 March 1985; Report of the Interdepartmental Working Party on the Management of Hazardous Wastes, May 1985, p.5. Commission for the Environment, File POL 4/1c, Volume 5.

[110]. The idea of the ICC, comprising representatives from a wide range of interested parties, varying from government agencies, industry, the trade union movement, local government bodies to environmental groups, was inspired by a Canadian example, where a process of consultation and consensus building between all "stakeholders" in the area of hazardous substances management was used to arrive at an overall strategy. Margaret Bailey, "The Hazardous Substances Management Strategy", Paper prepared for the "Management of Hazardous Chemicals Incidents Seminar" in Dunedin, 24-26 November 1986, Commission for the Environment, File POL 4/1, Volume 1.

[111]. Ministry for the Environment (1988), Pollution and Hazardous Substances Management. Wellington: Ministry for the Environment.

8.3.1. Hazardous Waste Management: Analysis.

Analysing the Commission for the Environment's involvement in this area, the following points can be made:

(1) The profile of the hazardous waste problem in New Zealand has been fairly low. The low level of public concern on hazardous waste in this country is likely to be related to the relatively less serious nature of the problem in New Zealand, *as perceived by the public*. Demands for government action in this area, also directed at the Commission, came primarily from local authorities confronted with hazardous waste disposal problems. A further stimulus was provided by OECD resolutions on the issue, which New Zealand, being a member of the organisation, could not easily ignore. Although by 1985 environmental groups got more involved in the issue, public interest before that time was mostly expressed by individuals, particularly at universities. Although a much higher level of concern had developed in New Zealand on some other toxic substances matters (such as 2,4,5-T), this had apparently not spilled over into the hazardous waste area. The strategy of mobilising public concern on this matter therefore had much less chance of success in this area than in e.g. the wild and scenic rivers issue, where public concern could relatively easily be triggered off with a publication on the matter.

(2) The profile of solutions in this area was one characterised by traditionalism, related to the interests and past policies of the dominant bureaucratic agency. The *solution* advocated by the department, co-disposal of hazardous waste with household waste in selected landfills, was not only advocated on public health grounds, but also on the grounds that a solution had to be acceptable to industry. The voluntary and co-operative approach advocated by the Health Department is reminiscent of that the of British Alkali and Clean Air Inspectorate, an agency allegedly on better terms with industrial interests than with the public whose interests it is supposed to serve.[112] Whether the rejection of a more stringent approach in this area can be attributed to the "capture" phenomenon, or to the perspective characteristic of the (medical) profession dominating this policy area, or to both, is a question requiring further research.

On the other hand, there has been a spill-over effect on this area from developments in the wider hazardous substances field, particularly after the 1984

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[112]. Hill, Michael (1982), "The Role of the British Alkali and Clean Air Inspectorate in Air Pollution Control", Policy Studies Journal, Vol.11, No.1, pp.165-174.

ICI fire, exposing serious policy failures in the management of chemicals. This led to the incorporation of the hazardous waste issues into the wider area of hazardous chemicals management. Consequently, the field of actors and interested parties involved has been widened, making the search for solutions more comprehensive, but also more difficult.

(3) Government commitment and involvement in this policy area has been inconspicuous. No indications have been found of ministers pulling the chart or obstructing proposals. This reflects the low public profile of the problem which meant that there was little "political bread" in spending a lot of time or effort, or money, on this matter. The lack of government involvement also supports the thesis that, the more technical and complex a policy area, the higher the likelihood that politicians depend on the bureaucracy (experts) for guidance. This seems certainly to have been the case in New Zealand.

Such a situation also implies little scope for mobilising government support for resolving conflicts on the bureaucratic level. Governments are unlikely to take position in technically complex issues where experts disagree, unless there are "political" reasons to support one side or the other. Normally, conflicts will be referred back for further deliberation or to other specialist forums for a third opinion. In a situation where agreement among the experts involved in the policy process is unlikely to be achieved, and where there is little political pressure to undertake action, problems may linger on for years without effective policies being developed.

The case study does not support the view that this is a "hard" area for governments. So far, New Zealand governments have had an easy job in this respect. This is largely due to the low profile of the issue, and the fact that hazardous waste scandals have not yet been reported. The experience of the Working Party also indicates that no significant controversy among the (participating) experts existed, although this may have changed with the incorporation of the hazardous waste issue into the wider area of hazardous substances management.

(4) The relative position of the Commission in this policy area was stronger than in the wild and scenic rivers issue. The Commission's success in breaking into this policy area was facilitated by the fact that responsibilities in this field were spread over a number of departments, which did not allow the "lead" department in this area to shut out other agencies in the policy review. The Commission's place in the review process was secured once it managed to procure the necessary expertise needed for exposing the policy gap in this area, with the support of local authorities and overseas experts. Despite being a party to the review process,

however, the Commission was not able to have all its points of view incorporated into the proposed policy. Partly, this can be attributed to the fact that the review took place in three subcommittees and that the Commission was not represented on each of these, this in contrast with the Department of Health and the Ministry of Works and Development. To a large extent, however, the outcome was affected by the Department of Health's decision, once the review process had started, to put substantial resources into the development of a strategy, and to "swamp" the Working Party with that strategy. The Commission, not being able to put similar resources into the development of an alternative comprehensive strategy, had little choice other than to swallow most of the pre-cooked meal.

(5) The Commission's success in getting the policy review process off the ground can be largely attributed to a combination of the strategy of mobilising external support and of relying on the power of persuasion. The Commission was instrumental in the organisation of the regional hazardous waste seminars which offered an opportunity to local authorities to combine their voices in this matter in the call for a national strategy. By then, it had also gained the support of the Minister for the Environment for a review. Also, having secured expertise in this area itself, the Commission was in a position to gradually persuade the Health Department that something had to be done, and succeeded in gaining a co-operative attitude and an agreement, at the cost of having to exclude, at least initially, the "environmentalist" input into the policy process. At that stage this wasn't a high price to pay, given the relatively low level of environmental demand in this area, and the high level of demand from the side of local authorities.

8.4. Energy Issues.

From the very beginning of its existence the Commission for the Environment has been involved in energy issues, particularly through the environmental assessment procedures. As mentioned in Chapter V, about 30% of the proposals that have been subject to an audit by the Commission were energy related.[113] Also, given the key role that energy concerns (resource depletion) played in the first wave of environmentalism, further stimulated by the "oil crises" in 1973 and 1979, it is hardly surprising that energy issues loomed large in the Commission's attention.

Since the early 1970s energy had become an area of prime concern of the Government. In 1972 a Ministry of Energy Resources was established to advise the

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[113]. See Chapter V, pp.181-182.

Government on the development, promotion and co-ordination of effective energy policies for New Zealand. As a policy agency (with no "hands on" management role), the Ministry was expected to play the key role in the development of energy policy. In the wake of the first "oil shock" of 1973, which was responsible for turning New Zealand's export surplus in a deficit, energy issues became of even greater concern to the Government. In 1974, the NZ Energy Research and development Committee was established to fund research on energy issues, including energy conservation and environmental aspects. The prime goal underlying these initiatives was to make New Zealand more energy self-sufficient.[114]

On the basis of this goal substantial efforts were undertaken to further develop New Zealand's indigenous energy resources, from hydro power to oil, coal and gas. The option of developing nuclear power was also put forward. Although the Government introduced some energy conservation incentive schemes, the main thrust of its energy policy was based on a perceived need to substantially boost New Zealand's indigenous energy supply to restore and maintain economic growth. This is most apparent in the signing by the Labour Government, in October 1973, of the "take or pay" agreement on Maui gas, committing it to paying for specified quantities of gas each year whether or not the gas was actually delivered.[115]

Given such a strong government commitment to energy development and the allocation of energy policy responsibilities to other agencies, it is not hard to see why it was difficult for the Commission for the Environment to break into this policy area. The predominant feeling amongst the Government and government agencies involved in energy development, was that giving too much room to environmental considerations might hinder the development of energy resources. This was reflected in the fact that it was not unusual for the Commission to be consulted on energy projects only after the basic decisions had already been taken (as e.g. in the Maui Gas Development decision, the Clutha (Clyde Dam) Development Scheme, the LPG issue, and other ("Think Big") energy projects).[116]

It can be argued that, in some respects, the grounds for this view of the Commission as an obstacle to the development of energy projects were real. Although initially the Commission "accepted that a high energy growth rate was

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[114]. NZ Energy Research and Development Committee, Newsletter No.4.

[115]. Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment. Auckland: Earthworks Press, pp.52-55.

[116]. Commission for the Environment (1974), Maui Gasfield Offshore Development - Audit Report; Commission for the Environment, Annual Report for the Year Ended 31 March 1979; Paddy Gresham, Personal Communication, 5 July 1990.

essential for economic survival and social well being",[117] it very soon began to question the need for *particular* energy projects and the predicted rate of growth of energy demand in general. Instead of assuming that a high growth energy scenario was necessary or desirable for maintaining or increasing welfare, the Commission began to defend that the need for energy growth and projects was subject to a broader question, namely the type of society New Zealanders wanted. In other words, the Commission advocated the development of an "overall energy policy" in which the need for energy would be related to social and environmental considerations.

In its Upper Clutha Valley Development audit in 1975 the Commission criticised the environmental impact report on the grounds that it was exclusively focused on one goal, electricity generation. Instead, it was argued, the need for the project should be justified in on the basis of a "multi-objective planning approach" in which other values would be included. Also, the predicted rate of growth in electricity demand was questioned, and a reappraisal of the project was recommended.[118]

The report provoked a strong reaction from a representative of the Electrical Supply Authorities, who attacked the Commission as "a bureaucratic monster that could hamstring the future of the supply authorities", and the Commissioner as talking "twaddle" and "rubbish".[119]

That the need for a broader perspective on energy policy was far from accepted, also on a government level, was also indicated by the chairman of the NZ Energy Research and Development Commission. Although pointing out the need for a "co-ordinated energy policy for New Zealand", he admitted that it was debatable whether NZ governments would implement a policy towards long term goals:

> *Most political and planning decisions are incremental in nature and seldom are components of a comprehensive long-term plan. Thus evaluation of scenarios with well defined goals may produce results which are not socially and politically realistic.*[120]

He added that moves of the Government in the areas of energy conservation, increased efficiency in energy use and a greater emphasis on the use

[117]. Commission for the Environment, Submission to the Royal Commission on Nuclear Power Generation in New Zealand, 3 December 1976, p.1, Commission for the Environment, File 6/5/6A, Volume 1; Commission for the Environment, Annual Report for the Year Ended 31 March 1977, p.3.

[118]. Commission for the Environment (1975), Upper Clutha Valley Development - Audit Report.

[119]. "Irate over Dirty Word", New Zealand Herald, 19 September 1975.

[120]. Dr.C.J. Maiden, Speech to the 2nd New Zealand Energy Conference, 22-24 May 1975 (transcript in Newsletter No.2 of the NZ Energy Research and Development Committee).

of indigenous resources, were largely motivated by balance of payment problems and the increased cost of oil. The best way, in his view, for achieving a co-ordinated energy policy was to have a strong Ministry of Energy Resources.[121]

The Ministry of Energy Resources, however, was seen by others as a "manifest failure" when it came to long term energy planning.[122] This was apparently also the view of the Commissioner for the Environment, who indicated that, although the establishment of the Ministry was a recognition of the need for an energy policy, "we are still a far way from an overall environmental policy."[123]

In order to bring such a policy closer to reality the Commission proposed the establishment of a "Conservancy of Natural Resources", which would be a "bank" of uncommitted resources, responsible for the development of a "comprehensive policy for natural resource management". Resources would be released by the bank for development to other management agencies only after "it [was] established that this is in the long term national interest." This would allow for a planned and balanced use of resources, in contrast with the "first come first have" approach which was seen as the prevailing one. The proposal fell on deaf ears, however.[124]

In the nuclear power issue the Commission also emphasised the need for a broad view, and was instrumental in opening up an opportunity for public debate. In 1975 the Commission proposed that an independent fact-finding group and an information centre be established, as the first stage for a public inquiry into nuclear power.[125] The idea of an independent fact-finding group was opposed by the Ministry of Energy Resources on the grounds that it was essential for the Government to make its own assessment on the environmental risks of commissioning nuclear power stations in New Zealand, and that it could be

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[121]. Dr.C.J. Maiden, Speech to the 2nd New Zealand Energy Conference.

[122]. Environmental Defence Society, Open Letter to Prime Minister. Referred to in the Dominion, 22 April 1975, "Environmentalists slam Government Planning".

[123]. Commissioner for the Environment, Letter to the Chairman of the State Service Commission, 6 November 1975, Commission for the Environment, File NRS 0/0, Volume 1.

[124]. Commissioner for the Environment, Letter to the Chairman of the State Service Commission, 6 November 1975.

[125]. The nuclear power issue had become a significant political issue in 1975. Nevertheless, the Government was reluctant in accepting the call for a full public inquiry on the matter, as put forward by the Environmental Defence Society. The idea of a fact-finding group can therefore be seen as a first step. It was argued by the Commissioner that a public inquiry "would seem a good way to inform the public of the real issues" closer to the time a decision would have to be taken. However, when the opposition party promised that a Royal Commission would be established to inquire into the issue, the Minister for the Environment informed the Environmental Defence Society that she also strongly supported the idea of a public inquiry, but that this should follow the reports of the fact-finding group. Commissioner for the Environment, Memo for Minister for the Environment, 28 November 1974; T.W.M. Tirikatene-Sullivan, Minister for the Environment, Letter to Mr.B.I.J. Cowper, Executive Director Environmental Defence Society, 26 November 1975, Commission for the Environment, File NRS 6/5, Volume 1; See also Wilson, Roger (1982), From Manapouri to Aramoana, pp.40-51.

seriously doubted whether the public would see such a group, in the manner proposed by the Commission, as independent.[126] The Minister of Health agreed with the proposal, but expressed hope that it would not be necessary to hold a formal public inquiry, as there were already at least 160 nuclear power plants operating in various parts of the world "presumably with no less concern for the health and safety of their people than we would have."[127] Nevertheless, on 6 October 1975, Cabinet approved the proposals.[128]

In June 1976, after a petition against nuclear power had attracted more than 300,000 signatures,[129] the Government fulfilled its promise to set up a Royal Commission of Inquiry into nuclear power. In its submission to the Royal Commission, the Commission for the Environment questioned "whether the rate of energy growth giving rise to such projects (as a nuclear power station) with such economic, social and environmental costs is necessary in the first place."[130] It challenged the assumption that material well-being depends on high and increasing energy use, and noted that energy use and GNP were only loosely connected. It further argued that the question of the rate of energy growth should be related to "the kind of society New Zealand wishes to have".[131] The Commission concluded that practicable, alternative strategies were available to New Zealand and that "the constraints which a nuclear power programme would impose on our social, economic and environmental conditions" should be avoided.[132]

At the request of the Chairman of the Royal Commission, the Commission for the Environment prepared a second submission, on the implications associated with the more extensive development of renewable energy. In that submission it

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[126]. The Commission proposed a group comprising six persons, two nominees each of the Royal Society of New Zealand, the New Zealand Institution of Engineers and the Environmental Council, and would be chaired by the President of the Royal Society, Sir Malcolm Burns. Ministry of Energy Resources, Letter to Minister of Energy Resources, 27 August 1975.

[127]. Tom McGuigan, Minister of Health, Letter to Minister for the Environment, 1 September 1975, Commission for the Environment, File NRS 6/5, Volume 1.

[128]. Press Statement, Minister of Science and Minister for the Environment, 28 October 1975, Commission for the Environment, File, NRS 6/5, Volume 1. In the statement it was noted that the Government was in no way committed to the use of nuclear power in New Zealand, but that the commissioning of a 1200 MW nuclear power station had been included in the power planning for 1988, as the Planning Committee on Electric Power Development had indicated in its 1975 report that it appeared unlikely that sufficient electricity could be generated on a commercial scale by that time "to significantly delay the introduction of nuclear power".

[129]. The petition was organised by the "Campaign for Non-Nuclear Futures" and aimed at half a million signatures: "Campaign Half Million". See Wilson, Roger (1982), From Manapouri to Aramoana. The Battle for New Zealand's Environment, pp.44-45.

[130]. Commission for the Environment, Submission to the Royal Commission on Nuclear Power Generation in New Zealand, 3 December 1976, pp.1/5, Commission for the Environment, File 6/5/6A, Volume 1.

[131]. Commission for the Environment, Submission to the Royal Commission on Nuclear Power Generation in New Zealand, pp.2;5.

[132]. Commission for the Environment, Submission to the Royal Commission on Nuclear Power Generation in New Zealand, p.50.

was concluded that "constraint on wasteful use should reduce the need for rapid growth in electric power generation" and that the anticipated decline in oil supplies should be met with

> [...] a vigorous programme of energy conservation, national and regional planning geared to the changing energy scene, and an effective programme of renewable energy development.[133]

The final address of the Commission to the Royal Commission was an elaboration on the theme of energy conservation. It was described as:

> [...] a positive and effective strategy by which to maintain at least today's levels of convenience; to markedly improve on todays levels of sustainability; to improve human satisfaction and well-being; and to reduce the scale and inflexibility of economic investment in energy supply.[134]

And it was added that:

> Conservation becomes a penny pinching, negative exercise entailing loss of convenience only when too narrow a view of it is taken and its application limited to end uses or to other separate parts of the total energy system.[135]

Various strategies for implementing energy conservation, which could promote diverse, decentralised development, a better spreading of investment, provide flexibility and use more human scale technologies, were put forward. However, it was concluded that "If this is to be done it is essential that conservation be clearly stated as a major Government policy and becomes a national objective."[136]

We have somewhat elaborated on these views of the Commission, as they explain much of what the Commission was trying to achieve in the energy policy area,[137] and to indicate the gap between these views and the actual developments

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[133]. Commission for the Environment, Submission II to the Royal Commission on Nuclear Power Generation in New Zealand, 20 May 1977, p.7, Commission for the Environment, File NRS 6/5/6A, Volume 1.

[134]. "Notes for the Royal Commission on Nuclear Power from the Commission for the Environment", 4 November 1977, p.1, Commission for the Environment, File NRS 6/5/6, Volume 2.

[135]. "Notes for the Royal Commission on Nuclear Power from the Commission for the Environment", 4 November 1977, p.1.

[136]. "Notes for the Royal Commission on Nuclear Power from the Commission for the Environment", 4 November 1977, p.10.

[137]. The Commission's involvement in the energy policy area also received a boost in 1976 when a Canadian expert, Dr.Robert Durie, started working for the Commission for a period of 18 months to develop a report on the environmental implications of energy planning. Commission for the Environment, Annual Report for the Year Ended 31 March 1977, pp.3-4.

that have taken place. In line with this energy philosophy, the Commission involved itself in a project on district heating schemes,[138] organised a workshop on small scale/high value industry,[139] organised seminars on small hydro schemes,[140] co-operated with an agency in Canada on renewable energy research and conservation,[141] put forward the need to see the "transport (and energy) problem" in a social context,[142] and started a project on "small scale energy initiatives".[143]

From 1976 to 1978 the Commission's approach to energy policy seemed to run parallel with the Government's intentions. The Government showed an increasing interest in energy conservation, introducing incentive schemes for energy conservation (suspensory or interest-free loans, tax write-offs).[144] In the Ministry of Works, a Resource Advisory Service was established whereby experienced engineers discussed possible avenues for energy savings with management and operating personnel, on site in buildings and factories.[145] Also, the Ministry of Energy Resources started publishing a series of Energy Conservation Guides.[146]

During this period, it also seemed that the Government was committed to the development of a more comprehensive energy policy. In April 1978, the Ministry of Energy Resources, the NZ Electricity Department, and the Mines Department, were fused into a new Ministry of Energy to allow for the development of a more integrated energy policy under one minister. The Ministry departed from the previously closed system of electricity demand forecasting, and embarked on the publication of *Energy Plans* on which public submissions could be made. *Energy goals* were formulated to guide the public debate on energy policy.[147]

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[138]. Martin Ward, "Background Notes on District Heating", March 1976, Commission for the Environment, File NRS 6/0A, Volume 2.

[139]. In September 1977, Commission for the Environment, <u>Annual Report for the Year Ended 31 March 1978</u>, pp.4-5.

[140]. In 1977 and 1978, Commission for the Environment, <u>Annual Reports for the Years Ended 31 March 1977, 1979</u>, p.6 and p.9 respectively.

[141]. Notes of Meeting, 3 June 1977, Commission for the Environment, File NRS 6/0.

[142]. At a workshop on "Energy and Transport" organised by the NZ Energy Research and Development Committee, 18-19 May 1978, J.W.Lee, File Note , 30 May 1978, Commission for the Environment, File NRS 6/0A, Volume 2.

[143]. In July 1978; Rosalie Smith, File Note, Commission for the Environment, File NRS 6/0A, Volume 3.

[144]. E.R. Palmer and B. Jones, "Energy Conservation in New Zealand", No date (1979?), Commission for the Environment, File NRS 6/12, Volume 1.

[145]. E.R. Palmer and B. Jones, "Energy Conservation in New Zealand".

[146]. Although these were of a rather shallow nature; see for a review of the first five of these guides the article by John Stephenson in <u>NZ Environment</u>, No.21, Winter 1978, p.35.

[147]. Environmental Council (1983), <u>Environmental Implications of Energy Policy</u>. Wellington: Environmental Council.

However, when planning for the National Government's "Think Big" energy projects started, the cleavage between the Government's energy policy and the Commission's views became more apparent. Facing a second "oil shock" and rising oil prices the Government embarked on a "total package" of energy projects directed at using Maui gas (which was no longer needed for electricity generation given the decline in demand for electricity) for further increasing New Zealand's rate of energy self-sufficiency, particularly in the area of transport fuels. The projects were criticised, however, for inefficient resource use, and because they would take New Zealand further from the road of developing renewable energy resources.[148]

Much of the planning for these projects took place in a new agency, the Liquid Fuel Trust Board, a body that was much less open to public scrutiny than the Ministry of Energy. At the same time, the *Energy Goals* formulated in the Ministry's Energy Plans were adjusted to such an extent that the original 1978 goals (particularly the environmental elements therein) were seen as being eroded and as now reflecting:

> *[...] a commitment to the development of energy resources not balanced by other goals of equal status that give emphasis to an eventual transition to renewable resources and to the protection of the environment.*[149]

In 1979, the *National Development Act* was introduced to provide a "fast track" for the processing of applications for consents for projects considered to be in the national interest, reducing the opportunities for public scrutiny.[150]

Although the Commission did not explicitly reject the "Think Big" projects,[151] it was obvious that this development strategy was a far cry from the "small scale/high value" approach that the Commission advocated. As such an approach was unlikely to be adopted by the Government, the Commission did not develop any further initiatives in this direction in subsequent years.[152]

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[148]. Jeannette Fitzsimons (1981), "Synthetic Petrol or Sustainable Fuels", Energywatch, Special Issue.

[149]. Environmental Council (1983), Environmental Implications of Energy Policy, p.7;9.

[150]. Black, P.A. (1979), "The National Development Bill", New Zealand Law Journal, No.20, pp.433-435; see also Anagnoson, J.T. (1985), "Can an Industrialised Society Accelerate the Processing of Important Energy Projects? New Zealand's National Development Act", Energy Systems and Policy, Volume 9, No. 3, pp.249-270.

[151]. Although hard evidence cannot be provided, it seems plausible that the Commission had become somewhat more cautious in its criticism of these projects after the Government had attacked it for overstepping its mandate in the CSR Baigent audit (see Chapter V, pp.204-205); this more cautious approach may have saved it from undergoing a similar fate as that of the Commission for the Future, which was abolished in December 1981, after having produced some embarrassing reports for the Government. See Wilkins, Peter (1982), "The Commission Without a Future", NZ Environment, No.34, pp.18-21.

[152]. As reflected in the fact that this theme disappeared from the Annual Reports of the Commission since 1980.

Despite the fact that energy conservation remained a theme on the agenda of the Ministry of Energy,[153] it appeared that the Government had lost its initial enthusiasm for the idea: in two years time, spending on energy conservation dropped by 43%.[154]

The Commission continued being involved in energy issues,[155] particularly through the audit process. In March 1985, in the *Waikato Coal-Fired Power Station Audit*, the Commission repeated the call for energy conservation, and recommended that the Ministers of Energy, Finance and Environment agreed on a formula for funding a conservation programme with a specific target for energy savings within five years.[156]

In August 1985, the idea of approaching energy conservation as a source of supply was adopted by the Ministry of Energy. It was now recognised by the Ministry that the use and supply responsibilities of the Ministry had "sometimes been in conflict":

> *[...] measures to improve the efficiency with which energy is used (energy conservation) and which reduce demand may have received less emphasis than supply alternatives. These efforts have not formed part of a consistent programme with clearly defined goals and objectives.*[157]

From that moment, the Commission for the Environment co-operated with the Ministry of Energy in the development of an Energy Conservation Strategy. The Commission welcomed the shift in the Ministry's attitude towards conservation and noted that this "can be viewed as being, at least in part, the result of concerted work by the Commission over a period of years."[158]

That the political climate for energy conservation seemed to have changed under the new Labour Government, can also be inferred from the fact that the Energy Working Party of the Environmental Council was invited by the

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[153]. In 1980 e.g. the Ministry organised a Symposium on Energy Conservation in the 1980s. New Zealand Herald, "Call to Step Up Energy Conservation", 14 October 1980; and in 1982 the Ministry also developed a Conservation Plan, The Press, "Energy Ministry Calls for Conservation Strategy", 13 January 1982.

[154]. Michael White, quoted in New Zealand Herald, "Call to Step Up Energy Conservation", 14 October 1980.

[155]. Such as in the development of a geothermal policy in an interdepartmental group. See Commission for the Environment, Annual Report for the Year Ended 31 March 1984, p.8.

[156]. Energy conservation was now approached by the Commission as an energy source that could be developed against lower costs than other sources. The suggestion was to target the development of a "conservation bloc" of 500 MW within five years. Commission for the Environment (1985), Waikato Coal-Fired Power Station - Audit Report, pp.xiii/15-16; see also Briefing paper for Minister for the Environment for Visit to French Energy Control Agency, 7 June 1985, Commission for the Environment, File NRS 6/12, volume 1.

[157]. Paper "Energy Conservation Strategy" accompanying Letter D.S. Tolerton (for Secretary of Energy) to Commission for the Environment, 30 August 1985, Commission for the Environment, File NRS 6/12, Volume 1.

[158]. Commission for the Environment, "Energy Conservation Strategy Plan", 24 September 1985, Commission for the Environment, File NRS 6/12, Volume 1.

Government Caucus Sub-Committee for the Environment to present its views on energy conservation. Russel Marshall, the Minister for the Environment, referred to the French as an example in approaching energy as a major supply source, and asked the Environmental Council to undertake further research on the environmental implications of such an approach.[159]

It is tempting to conclude, then, that the Commission's efforts in the energy policy area were finally rewarded and that, after all, "policy failure" had been overcome. However, the revived interest in energy conservation did not result in any concrete policy changes or implementation. Apparently, despite the Environmental Council's argument that the market had failed energy conservation,[160] the idea that a "more market approach" to the energy sector would result in a more efficient use of energy resources had not been discounted by the Government.[161]

That the Commission also had its doubts about the likelihood that an energy conservation strategy would be successfully implemented in the new political and economic climate, is reflected in the comments of a CFE official, who argued that the discussion of energy conservation measures should be placed in the "broad policy environment under which they operate." The official saw the restructuring of the energy sector, with an emphasis on commercial objectives, as containing various impediments to energy conservation, and expressed concern "that energy conservation will not be adequately promoted within this new structure."[162]

That by the end of 1985 an energy conservation policy was not yet in place, was reflected in a report of the International Energy Agency on New Zealand's energy policies and programmes, where it was stated that "an integrated energy conservation policy has been lacking" but that it was "under development". It was also noted that the work on this five year "conservation implementation plan" "does not seem to be reflected in the projected energy balances, which still show an increase of overall energy intensity of the New Zealand economy by

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[159]. Minutes of Meeting of the Caucus Sub-Committee on the Environment, 5 November 1985, Commission for the Environment, File NRS 6/12.

[160]. Minutes of Meeting of the Caucus Sub-Committee on the Environment, 5 November 1985.

[161]. This idea was expressed by Roger Douglas, the Minister of Finance, in a letter to Dr.Clive Matthewson (MP), in which he argued that the key to energy conservation lay in a rise of the prices of energy sources so that they would reflect their "true cost of supply", and lead to their more efficient use. "This is a more efficient approach to energy conservation than providing a number of ad hoc grant and loan schemes to promote conservation." Letter R.O. Douglas to Dr.C. Matthewson, 22 November 1984, Commission for the Environment, File NRS 6/12, Volume 1.

[162]. Kathy Sharplin, Comments prepared by the CFE on a final draft report by Synergy Applied Research Ltd "Review of the Energy Advisory Service and Energy Conservation Loans", Commission for the Environment, File, NRS 6/12, Volume 2.

about 6% until 1990 and an improvement thereafter" and that "although conservation budgets were increased substantially in 1984 compared to 1983, there were few changes in the overall programme."[163]

Although it was indicated by the Minister for the Environment that the new Ministry for the Environment would continue to give a high priority to energy conservation[164], the subject was not given any priority by the Ministry, but integrated in a more general review of the Government's role in energy resource management.[165] Gradually, much of the Government's involvement in the energy sector was devolved to the private sector. Although the Ministry of Energy stated in 1986 that the aims of the Ministry had remained unchanged, it was indicated that "the pursuit of this aim now centres on the establishment of an economically efficient market for all producers."[166] Also, the term energy conservation was replaced by "energy management" to avoid confusion or association with "nature conservation".[167] Eventually, energy conservation was replaced as a goal by the prime objective to lower energy costs to end-users.[168] With the abolition of the Ministry of Energy itself on 1 January 1990, the whole concept of *energy policy* (and of energy conservation as an integral part of thereof) has been put on the back-burner.

The Commission's involvement in this policy area must have been one of the most frustrating for the Commission. Being continuously confronted with the shortcomings of energy policy through the environmental impact procedures, the Commission certainly had a strong incentive to contribute to policy development in that area. However, successes have been far and in between,[169] although the

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[163]. International Energy Agency, Report "New Zealand", enclosed with Letter P.J. Graham, Assistant Secretary, Ministry of Energy to J. Gilbert, Assistant Commissioner for the Environment, 26 September 1986, Commission for the Environment, File NRS 6/0A, Volume 4.

[164]. Letter P.B. Goff, Minister for the Environment, to C.Horne, ECO, 2 October 1986, Commission for the Environment, File NRS 6/12, Volume 2.

[165]. In November 1986 an Interdepartmental Committee on Energy Resource Management was established to report on the role of the Government in energy resource management, See circular Commission for the Environment, File ENV 9/1, 11 November 1986; C.J.F. Mundy, "The Role of Government in Resource Management - A preliminary Discussion Paper", 20 November 1986, Commission for the Environment, File, ENV 9/1.

[166]. Ministry of Energy, Energy Issues 1986, p.3.

[167]. Ministry of Energy, Report for the Year Ended 31 March 1986, p.28-29.

[168]. Kennaway, R.N. (1990), "New Zealand Foreign Policy: The Growing Environmental Dimension", Paper presented at the New Zealand Political Studies Association Conference, University of Otago, Dunedin, 14-16 May 1990, pp.18-20.

[169]. Apart from success in the establishment of the fact-finding group on nuclear power, the Commission also contributed in the development of a geo-thermal energy policy. Given the focus in this case study on the broader energy policy field and energy conservation in particular, this issue has not been analysed, but deserves to be mentioned. Commission for the Environment, Annual Reports for the Years Ended 31 March 1984/1987, p.8/p.12; Paddy Gresham, Personal communication, 5 July 1990.

Commission has been able to maintain a consistent effort in this area, even under adverse circumstances.

8.4.1. Energy Issues: Analysis.

Analysing the Commission's performance in this area the following features stand out:

(1) Despite a high profile of energy issues, the demand for a more comprehensive energy policy (including conservation) during the 1970s was not so much a question of public pressure for a particular policy change as well as a question of incentives created by the course of events. The "oil crisis" in 1973 set into motion a search by the Government for ways of reducing New Zealand's dependence on imported energy sources, primarily for economic (balance of payment) reasons. The energy "problem" was primarily defined by the dominant policy actors in this area as one of "not enough", and not so much as one related to inefficient use or lifestyle, as argued by environmentalists.

On the other hand, *public demand* for energy conservation or the development of alternative energy resources never developed into a strong, politically significant factor, despite being advocated by environmental groups and individuals. What *did* arouse significant public reaction were strong feelings against the development of *particular* energy projects (such as the Manapouri and Clutha hydro schemes), and the possibility of the introduction of nuclear energy. Mobilised opposition against these proposals did not imply that support for energy conservation became equally politically significant though.

(2) The type of solution advocated by the Government and departments having responsibility in this area, was to increase the domestic energy capacity, in line with the traditional policy approach and the (development) mandates of the departments involved. This solution was promoted as the only *realistic* way of addressing the problem, and illustrates the weight of existing structures and interests in the process of defining the feasibility of solutions.

Although environmentalists argued the case for a more frugal and efficient use of energy resources, as well as for a strategy of transition towards greater reliance on renewable energy sources, it became soon apparent that such a strategy carried less weight in the Government's policies than the search and development of all available domestic energy resources of a more traditional nature, particularly oil and gas, but also hydro power.

Energy conservation, although accepted as worthwhile, was not seen as a *major* ingredient for a solution and, at most, as an uncertain way to reduce consumption (consumers first had to be, and remain, convinced that it was worthwhile) and as a long-term, educational matter. Increasing productive capacity, on the other hand, because it could be planned and controlled (given reserves have been proven, as was the case with the Maui gas and hydro power) was therefore seen as providing a more reliable strategy. Also, energy conservation was associated with reducing material standards of living and comfort (such as "carless" days, turning down the thermo-stat), an approach that was seen as acceptable in a crisis situation, but certainly not as a politically popular option in the longer run.

The case study demonstrates the prevalence of the technocentric approach to energy problems, and the lack of support within policy making circles for a comprehensive perspective in which energy use is related to social issues (such as values, lifestyle, and "the kind of society we want"), as advocated by the Commission for the Environment. Although the need for a more comprehensive approach to energy development and energy planning was recognised (Ministry of Energy, *Energy Plans*), this was geared towards the goal of increasing the degree of self-sufficiency in energy in the medium to longer term, by boosting production from all traditional energy sources.

(3) Given the commitment of the Government and government departments to the energy development solution, the direct involvement of the State in energy production, and the weak popular demand for energy conservation and the development of alternative (renewable) energy sources, it is not surprising that energy conservation received a low political priority. Energy conservation, even though included in the energy goals, in fact remained a side-show.

(4) The main strength in the relative position of the Commission for the Environment in the energy policy area was related to its responsibility for the environmental assessment of energy *projects*. This provided the Commission some leverage, in that it could expose the technocentric nature of the dominant policy approach. The development of energy *policy* was, however, the brief of other departments, and there was no obvious basis to warrant a claim that responsibilities in the energy policy area were not being fulfilled, or that serious gaps in the policy structure existed. It was therefore very difficult for the Commission to find an entrance to the energy policy process. Only when the Ministry of Energy appeared ready to give energy conservation a more important place in energy policy, the Commission, as a long-standing advocate in this matter, was seen as having a legitimate role in the development of this idea.

(5) Given the lukewarm Government commitment towards energy conservation, the difficulty of mobilising massive public demand on that issue, and the structure of responsibilities (problem of access), the Commission's main strategy in this policy area could be little else than trying to disseminate the values of a broader approach to energy among other State agencies, and to educate the public on energy issues. Although some might claim that the "about-face" of the Ministry of Energy can be attributed to the Commission's "strategy of reform" or "power of persuasion", this is hard to substantiate, given the possible other sources for the change in policy direction, particularly after the change of government in 1984.

8.5. Packaging/Recycling.

The problem of packaging has received a relatively high profile in New Zealand, in the sense that over the years many people have expressed their concern about it, particularly with regard to its more visible aspect, litter. From the early years of its existence, the Commission for the Environment has received a steady stream of letters from the public on the problem.[170] Local authorities, responsible for waste disposal, have been concerned about the growing waste stream single-trip packaging because of the difficulties related to suitable landfills.[171] Environmental groups have also been consistent in bringing the issue under the attention of the public and responsible agencies.[172] However, it would stretch too far to argue that the packaging/recycling/waste disposal problem has ever been an electoral issue, or even reached a similarly high profile as the Manapouri, native forests or nuclear energy issues.

On several occasions the packaging issue has been triggered by specific industry initiatives on beverage containers, such as the introduction of the 1.251 liter no deposit glass soft drink (Coca Cola) bottle in 1976, the proposal to introduce cartoned milk in 1979, the introduction of the "PET bottle" in 1980, and

[170]. Department of Trade and Industry/Commission for the Environment (1975), Beverage Containers: Possibilities for Reuse and Recycling, p.1.

[171]. In 1973, for instance, the Auckland Regional Authority produced a report on refuse disposal urging the Government to intervene, to establish durability standards for manufactured products and to introduce a taxation structure to act as a disincentive to the use of excessive and disposable packaging. Auckland Regional Authority (1973), Report on the Investigation into Refuse Disposal in the Auckland Region. The Authority produced another report in 1981. Various other local authorities have also produced reports, such as the Christchurch City Council. In 1982 the Municipal Association Conference passed a remit expressing concern about the growth of single-trip containers, and established a working party on the issue.

[172]. In particular Ecology Action and Friends of the Earth who both published various reports on the issue. See e.g. Ecology Action (1977), Beverage Containers and the Environment and (1977), Recycling New Zealand Municipal Solid Waste; Friends of the Earth (1982), Packaging Probe, and (1983), Many Happy Returns.

the proposal to import the single-use "Fuji-Seal coated glass bottle" in 1981. Each of these cases led to considerable public uproar, propelling Ministers into action, and leading to reports on these matters.

Since the early days of its establishment the Commission for the Environment has been involved in this issue. Early 1973 it started to collect "as much information as possible"[173] on the matter. In 1975, in collaboration with the Department of Trade and Industry, where a Resource Conservation Unit had been established by the Government in 1974,[174] it published a report on beverage containers.[175] Although the report was not very well received by environmental groups,[176] and did not lead to any concrete Government measures, it did contain ideas and suggestions that would pop up again later, such as introducing packaging taxes. The report also provided an opportunity for many environmental groups and individual citizens to express their views on the subject.[177]

The lack of effective government action on this matter at the time can be partly explained by the view, expressed in particular by the Department of Trade and Industry, that New Zealand compared not badly at all with other western countries with respect to the type of beverage containers predominantly in use in the country. Although declining, the percentage of returnable bottles for NZ soft drinks was still 81.5% of all soft drink containers in 1975, whereas the proportion of one-way bottles was only 1%..[178] It was also pointed out by the department of Trade & Industry to the OECD that 95% of the NZ beer bottles were reused, and that other OECD countries could learn from New Zealand in this respect.[179] It was believed that no new legislation was required in this area, and that "through close liaison and persuasion with a particular industry [...] our objectives can be achieved (i.e. voluntary measures)", and that the OECD report on the matter was "largely addressed to countries who have abandoned returnable systems."[180]

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[173]. Commission for the Environment, Briefing paper for Minister for the Environment, 5 March 1973, Commission for the Environment, File ENV 1/0.

[174]. The first "oil crisis" led to a boost in interest in resource conservation amongst governments. As a result, the OECD established a Waste Management Policy Group.

[175]. Department of Trade and Industry/Commission for the Environment (1975), Beverage Containers: Possibilities for Reuse and Recycling.

[176]. See e.g. the article by Philip Dirks "Throwaway Containers", in NZ Environment, No.16, Spring 1976, pp.17-19.

[177]. More than 130 submissions were received on the report. Department of Trade and Industry/Commission for the Environment (1975), Beverage Containers: Possibilities for Reuse and Recycling, pp.1;50-54.

[178]. Department of Trade and Industry/Commission for the Environment (1975), Beverage Containers, p.7.

[179]. Department of Trade and Industry, "Recent developments in the Waste Management Field in New Zealand", Paper prepared for a meeting of the OECD Waste Management Policy Group, 16-18 May 1978; C. Broad (for Secretary of Trade and Industry), Letter to Permanent Representative OECD, 1 February 1979; both in Commission for the Environment, File INT 4/1, Volume 1.

[180]. Department of Trade and Industry (Resource Conservation), Telex to the NZ Permanent Representative to the OECD, 2 February 1979, Commission for the Environment, File INT 1/4, Volume 1.

On the other hand, however, it was admitted that New Zealand had not been able, in 1976, to contribute to an OECD study on waste management in OECD member countries and that New Zealand would have problems in implementing the OECD recommendations on the introduction of a comprehensive waste management policy.[181]

Late in 1978 the Commission for the Environment considered undertaking a "major initiative" in this field, suggesting to form a working party with the Department of Trade and Industry.[182] When a new officer had been recruited to "make a sustained input into this field", the Commissioner approached the Department of Trade and Industry, saying that he was "anxious to make some penetration into key aspects of recycling for the efficiency of resource utilization", and proposed to set up a joint project with the department.[183]

The CFE officer met with an officer of Trade and Industry's Resource Conservation Unit, and both agreed that a study on product charges would be most useful.[184] The Commissioner and the Minister for the Environment accepted the idea, but at the top of Trade and Industry the proposal was received with much less enthusiasm. It was reported to the Minister of Trade and Industry that:

> [...] the department sees some difficulties in carrying out such a study in that there could be some sensitivity in advocating any move which might adversely affect the level of the consumer price index [...].[185]

Reference was also made to the fact that the Industries Development Commission was also engaged in a study into the packaging industry. The proposal was therefore submitted to the Minister "but with the reservations outlined [...]."[186] However, the Minister for the Environment, and the Minister of Trade and Industry, decided, after consultation, to proceed with the project.

The decision provoked a strong reaction from the NZ Litter Control Council, which noted that concern had been expressed about the proposal by "some

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[181]. Permanent Representative (NZ Delegation to the OECD), Letter to the Secretary of the Department of Trade and Industry, 26 July 1977; Ministry of Works and Development (Public Health Engineering Section), Comments on Draft Recommendation on a Comprehensive Waste Management Policy, 14 October 1976; both in Commission for the Environment, File INT 1/4 Volume 1.

[182]. Commission for the Environment, Minutes Meeting of Section Leaders, 10 November 1978, Commission for the Environment, File ENV 3/7 Volume 1.

[183]. Commissioner for the Environment, Letter to the Secretary of trade and Industry, 12 June 1979, FILE POL 3/3/1, Volume 1.

[184]. W. Vant, Memo for Ian Baumgart, "Proposed CEV:DTI Joint Study Project on Recycling", 31 July 1979, Commission for the Environment, File POL 3/3/1, Volume 1.

[185]. The Secretary of Trade and Industry, Memo to the Minister of Trade and Industry, 19 December 1979, Commission for the Environment, File POL 3/3/1, Volume 1.

[186]. The Secretary of Trade and Industry, Memo to the Minister of Trade and Industry, 19 December 1979.

of our major industry supporters".[187] The fact that the Department of Trade and Industry, "the Department responsible for Industry well-being", had acted without consultation with the Industry Committee of the Council, was of special concern. The Council saw the decision as a reversal of Government policy on this issue and of assurances given to industry that:

> [....] ample opportunity should be given to an expanded educational programme supported by voluntary financial assistance from industry, before alternate means of raising finance for waste and litter disposal were considered by Government.[188]

It was added that the Council had been informed by "a number of our industry financial contributers, that if this investigation continues, they will not continue their voluntary support."[189]

However, the decision was defended by the Minister for the Environment and the Minister Trade and Industry on the ground that research on options into this direction was justified, and in line with a world trend in the use of economic instruments to achieve environmental ends. The Minister of Trade and Industry added that, if a product charge would contribute to a reduction of the litter stream, this "surely supports the aims of the Litter Control Council."[190]

The project proceeded and a consultant was contracted by the Commission to prepare a report. The report was presented in June 1980, and submitted to a number of industries for comment.[191] Predictably, the reactions of industry were negative. Although the author of the report did not recommend the introduction of a comprehensive product charge, and only suggested that the option of a subsidy on recycled material deserved further consideration[192], the report was criticised by industry as "theoretical" and "unrealistic", and the whole idea of a product charge was dismissed as "unacceptable", unproven and as not warranting any further expenditure of time and effort.[193]

[187]. J.K. Dobson (NZ Litter Control Council), Letter to the Hon. A. Highet, Minister of Internal Affairs, 4 March 1980, Commission for the Environment, File POL 3/3/1, Volume 1.

[188]. J.K. Dobson (NZ Litter Control Council), Letter to the Hon. A. Highet.

[189]. J.K. Dobson (NZ Litter Control Council), Letter to the Hon. A. Highet.

[190]. Venn Young, Minister for the Environment, Letter to Minister of Internal Affairs, 18 March 1980; L.R. Adams-Schneider, Minister of Trade and Industry, letter to the Hon.A. Highet, Minister of Internal Affairs, 31 March 1980, Commission for the Environment, File POL 3/3/1, Volume 1.

[191]. Rose, Dennis (1980), The Possible Use of Product Charges in New Zealand - A Discussion Paper. The report was published by the Commission for the Environment and Department of Trade and Industry in 1981, The Possible Use of Product Charges in New Zealand. Resource Conservation: Series 4.

[192]. Department of Trade and Industry/Commission for the Environment (1981), The Possible Use of Product Charges in New Zealand, p.74.

[193]. Department of Trade and Industry/Commission for the Environment (1981), The Possible Use of Product Charges in New Zealand, pp.86-104.

The Commission itself found the report somewhat disappointing,[194] and the officer of Trade and Industry who had participated in the project, noted that some of the reactions to it were "a disaster".[195] In September 1981 the Minister for the Environment and the Minister of Trade and Industry issued a joint press statement, stating that "Because [the] proposal is not widely supported by industry groups we are reluctant to proceed with the product charge concept", and shelved the idea.[196]

On at least two other occasions the Commission has been unsuccessful in its initiatives in the packaging policy area. First, we will discuss the Commission's efforts to undertake a more comprehensive review of the packaging issue. Then, its role in the cartoned milk affair will be analysed.

In September 1980, reacting to a circular of the OECD's Waste Management Policy Group, the Commissioner for the Environment formulated the question: "where this [policy area] might now lie?" In response, a long serving CFE official noted "The recycling, waste recovery and re-use work in the Commission has been something of a Cinderella over the years. BV made some progress but what about the future?"[197] A short time later it was noted that "in broad terms we have no one specifically" but it was hoped that one of the newcomers would be able to cope in this area.[198]

When Alex Harvey Industries (AHI) Glass Manufacturers' request for an import licence to import "single-use Fiju-Seal coated glass soft drink bottles" was approved by the Minister of Trade and Industry in October 1981, the Minister for the Environment expressed his dismay about the decision, and indicated his intention to "convene a 'task force' to prepare a report on the environmental implications of various packaging forms and the options for deterring their entry into the solid waste and litter streams."[199] However, due to a lack of available personnel the Commission was not able to implement the Minister's wish, and the proposal was deferred.

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[194]. W.J. Wendelken, Assistant Commissioner for the Environment, Letter to C. Broad (Department of Trade and Industry), 5 September 1980, Commission for the Environment, File POL 3/3//1, Volume 1.

[195]. File Note M. Bailey, 3 April 1980, Commission for the Environment, File POL 3/3//1, Volume 1.

[196]. Minister for the Environment and Minister of Trade and Industry, (Draft) Press Statement, September 1981, Commission for the Environment, File POL 3/3/1, Volume 1.

[197]. Handwritten comments by Ken Piddington and John Gilbert on a copy of a letter from the NZ Permanent Representative to the OECD to the Department of Trade and Industry, 13 August 1980, Commission for the Environment, File INT 1/4, Volume 1. Paddy Gresham added that the recycling of household rubbish "has been a neglected area within the CFE".

[198]. W.J. Wendelken, Notes on Waste Management, 23 September 1980, INT 1/4A Volume 1.

[199]. Minister for the Environment, Letter to the Minister of Trade and Industry, 23 October 1981, Commission for the Environment, File POL 3/1, Volume 4.

When the question of the Department of Industry's Resource Conservation Unit involvement in the proposed Task Force was raised in a liaison meeting with the department's top management in 1982, the suggestion "was met with hostility". Reference was made to the lack of acceptance by industry of the Product Charges report, discussed earlier, and although the department was told that the Task Force had already been agreed to in Ministerial correspondence "the impression given was that a task force was not wanted."[200]

Early 1983 the Commission managed to make resources available and started drafting the terms of reference for the Task Force.[201] The Commission's proposal comprised a comprehensive study of "the environmental and resource use implications of various packaging forms and the options for deterring their entry into the solid waste and litter streams", and contained a suggestion to include people from outside the Public Service in the team (though no official representation of environmental groups).[202]

Disagreement arose about the proposed terms of reference of the Task Force, but in July 1983 agreement was reached in a meeting of officials. The Minister of Trade and Industry, however, decided that he did not wish his department to be involved in the Task Force. "Instead, he held a meeting with members of the Packaging Industry Liaison Group and asked them to prepare a report on packaging."[203] In a meeting of the Minister for Trade and Industry, the Minister for the Environment, officials, and representatives of packaging manufacturers, arranged by the Department of Trade and Industry, the Minister of Trade and Industry confirmed that he "did not support another Government review at this stage, and was interested to hear the proposals the industry had to make."[204]

The industry representatives pledged to match the (current) level of the Government grant to the NZ Litter Control Council, and committed themselves to initiating "an independent study into the impact of packaging on the refuse

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[200]. Paddy Gresham, Record Liaison Meeting with Department of Trade and Industry, 18 May 1982, Commission for the Environment, File POL 3/3/1, Volume 1.

[201]. M. Bailey, Proposal for the Establishment of a 'Team on Packaging' (Task Force), early 1983, Commission for the Environment, File POL 3/1c Volume 12.

[202]. M. Bailey, Proposal for the Establishment of a 'Team on Packaging'; see also Letter Sue Weston (Friends of the Earth) to the Commission on 18 August 1983, expressing disappointment about the fact that environmental groups had been excluded; Commission for the Environment, File, POL 3/1c, Volume 12.

[203]. Ken Piddington, Memo for Under-Secretary for the Environment, 20 December 1984, Commission for the Environment, File POL 3/1c, Volume 12.

[204]. Notes of Meeting of Packaging Manufacturers with the Minister of Trade and Industry, Minister for the Environment and the Associate Minister of Trade and Industry, 26 July 1983, Commission for the Environment, File POL 3/1c, Volume 12. It should be noted that the Minister of Trade and Industry was by now another person than the one who had supported the proposal in 1981. On 11 December 1981 (after the elections) H.C. Templeton replaced L.R. Adams-Schneider as the Minister of Trade and Industry.

stream." On the basis of these commitments, the Minister of Trade and Industry and the Minister for the Environment agreed not to proceed with the Task Force.[205]

The packaging industry asked a consultancy firm to prepare the report, which was presented in December 1983.[206] The report hardly dealt with the environmental impacts of packaging, and focused exclusively on the proportion of packaging in the household waste stream (which was estimated as very low), and was strongly criticised by local authorities and the Commission for the Environment as seriously flawed.[207] Although an official of the Commission co-operated with an official of the Department of Trade and Industry on an assessment of the report, the department produced, without consultation, an adjusted version of that assessment.[208] The assessment (including submissions on the report) was only made public after a request was made by Friends of the Earth under the Official Information Act. In fact, no follow up to the report was recommended, but it was noted that "If packaging continues to be a problem, then new initiatives by government may have to be considered."[209]

The Commissioner for the Environment was reluctant, "because of pressures on staff" (later in 1984 the process of review of environmental administration had come into full swing), and suggested that a follow up in this policy area would become a priority for a new Ministry for the Environment, an idea which was accepted by the Minister for the Environment.[210]

Another packaging issue in which the Commission failed to achieve success was in the "milk carton affair". The issue started in 1979, when UEB Industries proposed to introduce "PurePak" cartons for milk, to be sold in supermarkets.[211] The introduction of milk in "alternative" packaging was seen as desirable or necessary by the milk industry as a means of boosting milk sales, reducing

[205]. Notes of Meeting of Packaging Manufacturers with the Minister of Trade and Industry; also: Question for Oral Answer (lodged on 31 August 1983), Mr. Caygill (St.Albans) to ask the Minister for the Environment: Does the Government still intend to set up a Task Force on Packaging and if not, why not?, 1 September 1983, Commission for the Environment, File POL 3/1c, Volume 12.

[206]. W.D. Scott & Co. (1983), Initial Estimate of the Packaging Component in the NZ Solid Waste Stream.

[207]. M. Bailey, File Note, 5 April 1984, "Analysis of Scott Report" attached; Commission for the Environment, File POL 3/1c, Volume 13.

[208]. M. Bailey, File Note, 5 April 1984; Ken Piddington, Memo for Under-Secretary for the Environment, 20 December 1984, Commission for the Environment, File POL 3/1c, Volume 12.

[209]. Ken Piddington, Memo for Under-Secretary for the Environment, 20 December 1984; M. Bailey, File Note, 5 April 1984, "Analysis of Scott Report" attached; Commission for the Environment, File POL 3/1c, Volume 13.

[210]. Ken Piddington, Notes of Meeting with Minister and Under-Secretary, 29 January 1985, Commission for the Environment, File ENV 3/7/, Volume 1. It should be noted that when the assessment of the "Scott Report" was released, the Labour Government had replaced the National Government.

[211]. Referred to in: Department of Trade and Industry, Letter to Minister for the Environment, 18 January 1980, Commission for the Environment, File, POL 3/3/1, Volume 1.

running costs, and reducing costs related to imminent investment decisions.[212] However, a Government Caucus Committee on the Town Milk Supply Industry, set up to assess the proposal, which provoked over 200 submissions, rejected it, and recommended "that the present system of daily home delivery of bottled milk should be retained."[213] That system involved the regulation of the Industry by the Government (via the NZ Milk Board), price control and subsidies. Import restrictions were introduced on cartoning machinery for carton packaging of white milk.

The situation changed, however, when the Labour Government came into power in 1984. Although the Labour Party's Manifesto recognised "the need to establish clear and positive conservation and recycling programmes" and promised to "ensure [that] reusage, recycling and resource conservation is made attractive to industry and commerce"[214], the Government was very reluctant to introduce more or more stringent regulation, which was considered to be at odds with the "more market approach" adopted by the Government. The Government had the obvious desire to devolve responsibilities, also in this area, to a lower level of government, and to industry itself. David Caygill, the Minister of Trade and Industry in the 1984 Labour Government stated that recycling was a local government responsibility in co-operation with the recycling industries, and rejected the idea of introducing resource recovery legislation: "Recycling must be an economic activity for industries." He added that '[...] willing and friendly co-operation, in a project of mutual benefit, produces better and more sustained results than can compulsory legislation."[215]

In 1984 the import licensing policy was liberalised to allow importation of cartoning machinery. In June 1984 the NZ Milk Board had announced the setting

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[212]. It was noted in an analysis by the Commission for the Environment that the milk industry had for several years postponed the replacement of machinery, which was in many cases 15 years old. When it is realised that the costs of cartoning equipment was estimated as about half that of machines for washing and filling glass bottles, the push for carton packaging becomes very understandable. Commission for the Environment, "Milk Packaging: Social and Environmental Implications", Briefing paper for Minister for the Environment, 9 April 1986. It is, however, debatable, whether the introduction of cartoned milk boosts milk consumption. A study of a Trade and Industry officer found that an increase in milk sales was more likely to be connected with the introduction of a greater variety of milk products, and not with the introduction of cartons. Dana Peterson, "Milk Packaging, Milk Consumption Per Capita, and Survival of Doorstep Vendor Delivery: Some Overseas and New Zealand Data", Commission for the Environment, File, POL 3/1c, Volume 12.

[213]. Helen R. Hughes, Acting Commissioner for the Environment, Briefing paper for Minister and Under-Secretary for the Environment, "Milk Packaging: Summary of Events Relating to Proposed Environmental Impact Assessment Document", 17 December 1985, Commission for the Environment, File POL 3/1c, Volume 13; the Commission for the Environment contributed in the debate via a report prepared for it (on contract) by JASMaD, Milk and Beverage Packaging: Environmental Implications.

[214]. NZ Labour Party (1984), 1984 Policy Document, Part IV.

[215]. David Caygill, Minister of Trade and Industry, Address to Local and Industry Recycling Group, 16th Meeting, Christchurch, 30 July 1985, Commission for the Environment, File POL 3/3, Volume 3.

up of a Task Group to look into the issue of packaging milk in cartons. The Task Group released a report in October that year.[216] The NZ Milk Board then indicated that it was keen to introduce cartoned white milk.

The Commission requested that the Milk Board would prepare an environmental impact report before a decision on the introduction of cartons would be taken by the Government. However, in November 1984, the Cabinet Development and Marketing Committee referred the matter of the Town Milk Industry to the Industries Development Commission (IDC), and the Milk Board, supported by the Ministry of Agriculture and Fisheries (MAF) requested the Commission to agree to a deferral of the preparation of an environmental impact report until the IDC would have reported. The Commission, not in a position to enforce the preparation of a report, agreed.[217]

The Commissioner registered the Commission's interest in becoming a party to the review of the Town Milk Industry undertaken by the IDC, on grounds of the significant environmental implications of the review, but without success.[218] The review team of the IDC released its report in October 1985, with two of the three members recommending deregulation of the Town Milk Industry.[219] In accordance with the arrangement made with the Milk Board, the Commission then asked the Milk Board to now prepare an environmental report. However, the Department of Trade and Industry, keen to deregulate the milk industry, questioned the need for such a report on legal grounds.[220] On 11 December the Milk Board informed the Commission that the Board would not prepare and environmental impact report. It was argued that, as the Milk Board was no longer funded by the Government, the formal basis (as laid down in the Environmental Protection and Enhancement Procedures) for an environmental impact report had disappeared.[221]

Meanwhile, the Commission had asked the Minister for the Environment to discuss the issue with his colleagues and to provide political direction on the

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[216]. NZ Milk Board (1984), Milk Marketing and the Role of Alternative Packaging.

[217]. NZ Milk Board, Letter to Commission for the Environment, 18 February 1985, Commission for the Environment, File POL 3/1c, Volume 13; Helen R. Hughes, Acting Commissioner for the Environment, Letter to Director-General of the Ministry of Agriculture and Fisheries, 28 February 1985, Commission for the Environment, File POL 3/1c, Volume 13.

[218]. Ken Piddington, Letter to the Secretary of the Industries Development Commission, 13 February 1985, Commission for the Environment, File POL 3/1c, Volume 12.

[219]. Ken Piddington, Briefing paper to the Minister for the Environment, "Milk Packaging", 16 October 1985, Commission for the Environment, File POL 3/1c, Volume 13.

[220]. M. Bailey, Memo for Ken Piddington, 4 November 1985, CFE POL 3/1c, Volume 13.

[221]. Helen R. Hughes, Acting Commissioner for the Environment, Briefing paper for Minister and Under-Secretary for the Environment, "Milk Packaging: Summary of Events Relating to Proposed Environmental Impact Assessment Document", 17 December 1985, Commission for the Environment, File POL 3/1c, Volume 13.

matter.[222] Earlier, the Minister of Consumer Affairs had indicated to support the view that an environmental impact report should be prepared, as consumer preferences also needed to be assessed.[223]

In a briefing paper for its Minister, the Department of Trade and Industry explained the motive for the deregulation (a decline in milk sales), and rejected the need for an environmental impact report. It accused the Commission of wanting to extend the scope of the environmental impact procedures, and suggested that the Commission prepare "if it wishes, its own comments on the IDC report and the issue of alternative packaging."[224]

Meanwhile, an officials committee, from which the Commission had been excluded, prepared a report on the matter for the Cabinet Development and Marketing Committee (CDMC).[225] The CFE, arguing that the environmental and social implications of the introduction of alternative milk packaging had not been adequately studied, asked the Cabinet Committee to authorise the Commission for the Environment and the Ministry for Consumer Affairs, to carry out an environmental and social assessment of the matter.[226] The request was declined, however, and the Commission prepared its own paper on the subject, asking the Minister for the Environment to inform the Chairman of the CDMC of his wish to attend the CDMC when the IDC report was going to be discussed.[227]

The Officials Committee on the Town Milk Supply, in its report to the CDMC, recommended the removal of controls of the industry as it "found the current regulatory framework for the town milk industry to be hindering development at all levels in the industry" and to allow the development of alternative packaging of milk products, arguing that "the decision on alternative packaging should remain a commercial matter." The Commission for the Environment's request that an environmental impact report be undertaken was noted, but it was considered "that environmental issues should be addressed

[222]. Memo for Minister for the Environment, 14 November 1985, Commission for the Environment, File POl 3/1c, Volume 13.

[223]. M. Shields, Minister of Consumer Affairs, Letter to R. Marshall Minister for the Environment, 28 October 1985, POL 3/1c, Volume 13.

[224]. J.R.A. Stevenson (Assistant Secretary Commerce), Briefing paper for Minister of Trade and Industry, 23 December 1985, Commission for the Environment, File POL 3/1c, Volume 13.

[225]. The Committee comprised representatives from the Department of Trade and Industry, Treasury and the Ministry of Agriculture and Fisheries. Ken Piddington, Briefing Notes for the Minister for the Environment, 12 February 1986, Commission for the Environment, File 3/1c, Volume 13.

[226]. Ken Piddington, "Briefing Notes for the Minister for the Environment", 12 February 1986, Commission for the Environment, File 3/1c, Volume 13.

[227]. Ken Piddington, Briefing paper for the Minister for the Environment, 9 April, 1986; P.B. Goff, Minister for the Environment, Letter to Mike Moore, Chairman of the Cabinet Development and Marketing Committee, 9 April 1986; both in Commission for the Environment, File POL 3/1c, Volume 13.

separately as part of an assessment of the environmental impact of packaging in general."[228]

CDMC apparently accepted the argument that requiring an environmental impact report for milk packaging alone would be discriminatory, and decided in May 1986 to accept the proposals for deregulating the Town Milk Industry and for allowing alternative milk packaging. The Minister for the Environment was invited to report on "packaging and the implications of the Polluter Pays Principle."[229] Following the request, the Commission started to prepare a general report on the environmental implications of packaging, but work on the report was taken over by the Ministry for the Environment and completed in November 1987.[230]

8.5.1. Packaging/Recycling: Analysis.

The contention (by CFE officials who participated in the survey) that this was one of the policy areas where the Commission has been "most unsuccessful" seems to be clearly confirmed by the case study. Despite the fact that the issue has been *recognised* by the Commission at an early stage, the level of *effort* put into this area does not seem to have been consistent. Most of its initiatives in this field seem to have led nowhere.

When analysing the case study, the following factors can be identified as having contributed to policy failure in this area:

(1) The issue of packaging/recycling has enjoyed a relatively high profile in New Zealand. However, although concern about litter and wasteful packaging practices has been widespread, as manifested in the stream of correspondence on these issues to the Commission and Ministers, the demand for action has never reached the level of politically effective campaigns on a national level. Some environmental groups have been active in this field, but there has been little concerted public action, although some public uproar has been caused by the introduction of particular packaging forms. Yet, the mobilisation of a politically

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228. Working Party on Town Milk Supply, Report, 24 April 1986, Commission for the Environment, File POL 3/1/, Volume 4.

229. File Note, 7 May 1986, Commission for the Environment, File POL 3/1/c, Volume 16.

230. Ministry for the Environment (1987), Packaging in the New Zealand Environment - Issues and Options. Interestingly enough, this report, after having been subjected to strong criticism from industrial interests, was also shelved and a new one, with a heavier reliance on a co-operative and voluntary strategy, was prepared. Ministry for the Environment (1989), Packaging and the New Zealand Environment - Critical Aspects of Resource Use and Waste Management. Meanwhile, the Auckland Milk Corporation announced in April 1989 that the glass milk bottle would be replaced by cartons and plastic bottles from 1 July that year. New Zealand Herald, 15 April 1989.

effective public demand for a structural change in policy on these matters has proved to be much harder.

(2) The solution advocated by the industrial interests was "public education". Public education was seen as needed to teach people not to litter, and to dispose of waste in a "responsible way". In this view, the public also needs to be educated about the advantages of single-trip packaging (safe, convenient). At the same time, however, public demand for this form of packaging is often used as the rationale for its introduction. The waste caused by packaging was not seen by these interests as a problem, and the proportion of packaging in the waste stream was down-played.

However, the introduction of single-trip packaging by manufacturers imposes additional (waste and litter disposal related) costs to the rest of society, in particular to local authorities and rate-payers (costs are being *externalised*). Wasteful practices also provoke aesthetic irritation ("eye sores") and go against ethical principles held by many people ("Thou shall not waste").

In all three examples within this case study (product charges, the proposed Task Force, and milk cartons), industry interests played a crucial role in burying the Commission's initiatives. In the first two examples the direct influence of industry is most obvious, whereas in the third industry interests were channelled through a quango (the Milk Board) and the Department of Trade and Industry.

That industry interests come clearly forward in this policy area is, of course, not surprising, given the fact that the nature of the Commission's initiatives or points of view in this area were seen as a direct threat to these interests. In the case of the product charges proposal, the cost structure of potentially the whole packaging industry would have been affected. A similar, implicit threat went out from the Task Force proposal, with perhaps the potential of other, direct, regulatory controls (such as a ban on certain containers, mandatory deposits, pollution or waste disposal levies). In the case of the milk industry the introduction of alternative packaging was seen as a question of economic necessity.

(3) Government support for the Commission's initiatives in this area was variable. Commitment seems to have fluctuated with the holder of the Minister of Trade and Industry post, as illustrated in the Task Force example, where a greater sensitivity for, or closeness with, industrial interests could be identified with one Minister than with another. On a collective level, though, Government commitment on this issue does not seem to have been very strong. One may be forgiven for holding any suspicion that the introduction of effective measures was postponed by the National Government in order to allow industry to go ahead with their

plans first.[231] After 1984, little if anything has been substantiated of Labour's election promises in this area, mainly due to the anti-regulatory ideology adopted by the Government, although it would have seemed quite acceptable on this basis to have introduced such an economic instrument as product charges to "correct market failure".

(4) Partly, the Commission's lack of effectiveness in this policy area can be attributed to its relative position in this policy area, to its lack of formal responsibilities and powers in this field, and to the narrow coverage and lack of a statutory backing of the environmental impact procedures. Private initiators of proposals or projects with potentially significant environmental and impact could not be required to submit an environmental impact report if the proponent or proposal was not Government funded or required a Government consent. Also, the lack of power of the Minister for the Environment to request the preparation of such a report meant that the Commission could not rely on its Minister in this matter.

The lack of resources of the Commission in this policy area was particularly obvious in the early 1980s. To some extent this was something which occurred "naturally", with an officer leaving and no other expert in that area immediately available. In another respect, however, it reflects the choices which, over time, have been made in the Commission itself, giving priority to other policy areas over this one, certainly before 1980. Not having built a considerable pool of expertise in this field within the Commission during the 1970s is also related to the kind of demands made upon the Commission, despite the relatively high level of public concern on this issue. Scarce resources also reflect, of course, the low priority of environmental values (and consequently of the Commission for the Environment's resource needs), for the respective Governments.

The sensitivity of the Department of Trade and Industry to industry interests is, given the advocacy role of the department for the "well-being of industry", not surprising. The case study demonstrates, however, the potential incompatibility between this role and the resource conservation role. The Resource Conservation Unit within the department, the unit with which the Commission for the Environment maintained a good working relationship, was itself a small, weak

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[231]. In a press release on 26 September 1983, Friends of the Earth (FOE) reported "that the Government's decision not to proceed with the Task Force on Packaging must be looked at with suspicion in the light of AHI's intentions to introduce non-refillable beer bottles." In a letter to Ian Shearer FOE wrote: "Our concern is that this period of grace extended to industry will merely give them [industry] more time to introduce further non-refillable and non-recyclable beverage containers, and to push for the introduction of paperboard cartons for plain white milk." Sue Weston (Friends of the Earth), Letter to Ian Shearer, Minister for the Environment, 18 August 1983, Commission for the Environment, File POL 3/c, Volume 12.

and rather odd element in the department. On a higher level in the hierarchy, relations between the department and the Commission were rather antagonistic than co-operative.

(5) The main strategy used by the Commission in this area has been inter-agency co-operation ("power of persuasion"), particularly with the unit within the "lead" department carrying responsibility in this field. In general, relations with that unit seem to have been good, but the unit itself was too small and powerless to have any real impact on the policy direction of the department as a whole. The unco-operative attitude of a key Minister in this policy area further limited the chance of success, despite the commitment of the Minister for the Environment to this issue. The publication of an *Issues and Options Paper* on this matter might have been helpful in mobilising public support, and in reinforcing and focusing public demands, but the Commission was initially prevented from doing so by departmental and political opposition. Within these constraints it is hard to see what else the Commission could have done to influence policy development in this area.

As noted in the case study, the issue of packaging/recycling has not always been high on the list of priorities of the Commission, particularly during the 1970s. One might regret this, given the fact that *then* was the time to introduce anticipatory policies in this area. Although a study was made in 1975, the recommendations relied primarily on the voluntary action (by manufacturers) approach, and reflected the "lead" department's view that, because there was *not yet* a problem, no legislation or other firm government measures were required. Given that attitude it is unlikely that the Commission would have been able, even if it would have tried, to convince the department (or the Government for that matter) otherwise.

8.6. Conclusion.

The analysis of the Commission for the Environment's involvement in the formation of policy in these four areas confirms many of the expectations that were developed on the basis of the general assessment of the Commission's policy performance. On the other hand, the results do not allow for an easy drawing of conclusions about *how* factors and conditions affecting policy performance combine.

For the successful transformation of initiatives into policy it has been argued, on the basis of Kingdon's model, that the profile of problems, the profile

of solutions, and political commitment were important factors. For issues to be successfully transformed into policies these three "streams" of factors need to combine, creating a "policy window", an opportunity for decision-making. The fourth and fifth groups of factors which we have identified relate to the role of the central agency as a "policy entrepreneur". Policy entrepreneurs try to "couple" the three streams and use the opportunity created by a "policy window" to put forward their solutions as the basis for decisions. Successful entrepreneurs, it was pointed out, have a claim to a hearing, possess political connections and skills, and are persistent.[232]

The clearest illustration among the case studies of how the three streams combined to create a "policy window" is the wild and scenic rivers issue. The growing public demand for a wild and scenic rivers policy was "coupled" with the coming elections, whereas "solutions" had been on offer since the Commission had produced its discussion paper a few years earlier. The time (and the Government) had become ripe for a decision on the issue. Yet, the actual "coupling" of the streams was not done by the Commission (but by the well timed work of interest groups who gave the issue a higher profile, and lobbied the Government). The Commission had also, as we have seen, a hard time selling its "solution". Although the Commission was successful in triggering off the issue, and had considerable influence on the solution that was finally adopted, it cannot be credited for the actual adoption of a policy by the Government, nor for the solution as a whole.

In none of the other three cases can a clear coupling of streams be identified. None of these issues was electorally significant at any stage. Never have demands been effectively organised to pressure the Government. The policy process in these areas was more in the nature of a tiresome development of solutions, or even of work in the stage before that, the propagation of the need for solutions, and the recognition or problems. In two of these areas (hazardous waste and packaging), the Commission, once it had the resources, invested heavily. In only one of these cases (hazardous waste) this has led to some success, although the solution that was adopted (and for which the Commission has only been partially responsible) was overtaken by the course of events, necessitating the search for a broader solution.

In the other two areas (energy conservation and packaging), the Commission has been even less successful in working on, or getting work done, on solutions. In the area of energy conservation the Commission's propagating efforts finally seemed to be rewarded at a very late stage of its existence, although again

[232]. Kingdon, John W. (1984), Agendas, Alternatives, and Public Policies. Boston, Toronto: Little, Brown and Company, pp.188-193.

developments overtook the viability of the solution. In the area of packaging the Commission can rightly be said to have been least successful. One potential solution (product charges) which was looked at, proved not to be viable. Otherwise, the Commission was even prevented from developing solutions (as in the case of the Task Force and milk packaging), even though it got the green light to do so shortly before the Commission was disestablished.

It could be argued that the Commission prepared the ground for its successor, the Ministry for the Environment, by promulgating the need for the development of policies in these areas, and by "testing the water". However, given the substantial changes that have taken place in the political climate and in the (environmental) policy structures since its disestablishment, it would be unrealistic to accredit any responsibility for the kind of policies that have since been developed on to the Commission.

Many of the reasons for the difficulties the Commission had in working on solutions in these cases can be related to the tentative conclusions drawn in the previous chapter with respect to: conflicting role expectations and related attitudes, a low level of Government commitment, the lack of formal powers, and, given these constraints, the narrow range of options available to the Commission in its efforts to contribute to policy development.

In three of the four cases the Commission has been under conflicting pressures with regard to its role in these issues. In the Wild and Scenic Rivers issue the Commission's role swayed between that of an advocate (promoting particular solutions related to an advocacy of recreational interests), and "process guardian" (advocating institutional change, to open up the decision-making process and create a basis for a "level playing field"), but it was perceived by the lead agency as too "partisan" to be invited to the review process. A defensive attitude on the side of the "lead" departments towards the Commission's initiatives can also be clearly identified in the hazardous waste and packaging case studies. The view of the Commission as an "ally of the greenies" compromised the Commission's own role in these issues as that of an "expert", willing to search for "realistic" or "acceptable" solutions. As the Commission did not take any major policy review initiatives in the energy area, confining its contribution mainly to educational activities and submissions, it was not rebuffed in the same way by the responsible department in that field.

The need to win the confidence of other departments, without compromising the public's trust in the Commission as its advocate or watchdog, may have produced a "creative tension", but certainly not a climate conducive to co-operation.

In all four cases the level of political commitment to the development of solutions was seriously lacking, and at most minimal. Although promises on wild and scenic rivers, energy conservation and packaging issues had all been included in the election manifestos of the governing parties[233] there have only been weak signs of preparedness on the side of Governments to actually implement these promises. Perhaps the (relatively) highest motivation was shown in the wild and scenic rivers issue, where electoral considerations proved to be strong enough to overcome the opposition of at least one Cabinet minister. Similar considerations did not overcome the strong opposition by one minister in the packaging initiatives, however. In the hazardous waste issue (not even mentioned in manifestos), indifference on the side of governments seems to have been the rule, leaving it to the "experts" to sort it out. In the energy conservation case, commitment seems to have been lukewarm at most, and not high enough to give the issue any priority in the energy policy context.

As the hazardous waste issue demonstrates, the lack of government commitment is not necessarily always an obstacle in the search for solutions. Given the nature of the issue (relatively low profile. complex) and a (finally won) preparedness to co-operate, initiatives may get off the ground. However, if co-operation is less forthcoming (such as in the wild and scenic rivers issue and the packaging issue), the level of political commitment is of decisive importance in overcoming bureaucratic obstacles.

The lack of formal powers was most clearly a handicap in the milk packaging issue, where the Commission could not enforce the preparation of an environmental impact assessment. On a more general level, though, the lack of a formally defined responsibility of the Commission for the co-ordination of environmental policy has also affected the Commission's capability in the search for solutions. The Commission (or the Minister for the Environment) was not formally empowered (despite the "overview" role emphasised by the Government in 1978) to initiate a policy review process if this was deemed necessary or desirable, let alone that it could set the framework for a review. The Commission could not even require to be *involved* in a review process if a department or agency considered it desirable to keep a review within its own realm (as NWASCA did in the wild and scenic rivers issue). Also, the Commission's role as environmental policy co-ordinator was not formally endorsed (as becomes apparent in the four case studies), and there was no formal provision for referring *policy* proposals to the Commission before they reached the Cabinet table, which meant that many

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[233]. Wild and scenic rivers in National's 1981 manifesto, energy conservation in National's manifesto in 1978 and Labour's manifesto in 1984, packaging in Labour's manifesto in 1984.

policies were introduced without scrutiny on their environmental implications. The wide mandate enjoyed by the Commission was therefore rather meaningless: if other departments (backed by their Ministers or not) decided not to co-operate in a review of policies, then the Commission was powerless to give consequence to its desire to get involved, even if these policy areas were considered as the "most deserving" from the point of view of needing review.

Given these constraints, the Commission had few options in developing strategies in the search for solutions. In some cases it was able to mobilise the Minister for the Environment in trying to enhance the level of government commitment (as in the wild and scenic rivers case, where the Minister himself was also firmly dedicated to the issue), but this has not always been successful (it failed in the packaging issue). Overall, the Commission was dependent in this respect on the level of commitment and effectiveness of the Minister for the Environment, which *(in combination)*, was generally not considered by CFE officials to be very high, as we have seen in the previous chapter.

Mobilising external support was a relatively successful strategy in two cases (wild and scenic rivers, hazardous wastes), and it can be argued that this strategy could have been exploited more effectively in the other cases as well. In the packaging issue there has certainly been a potential to do so, given the generally widespread public concern and the possibility of stimulating and supporting environmental groups to mobilise demands in this area. To a lesser extent (with a lower level of public concern) the same can be said about energy conservation. However, related to the problem of conflicting role expectations, the Commission did not choose to do so (environmental groups were excluded from the proposed Task Force on packaging), instead gambling on the strategy of co-operation ("power of persuasion") with other government agencies, and a more general "educative" ("strategy of reform") approach.

The strategy of interdepartmental co-operation, as we have seen, has only been relatively successful in two of the four cases (hazardous waste and energy conservation), be it, in both examples, only after long periods of promulgation and persuasion. Neither can it be claimed that these strategies have led to the development of solutions which were, from the point of view of the Commission's own assessment or goals, very satisfactory. In both cases the review process has not yet (at the time of writing) led to the adoption of concrete measures, and is either still going on (as in the hazardous waste issue) or stalling (in the energy conservation area).

Overall, the case studies confirm the tentative conclusions of the previous chapter with regard to the limits within which the Commission had to operate.

However, no simple conclusions can be drawn on what factors have been "most" responsible for the Commission's policy performance. None, apparently, has been decisive on its own, and various combinations of factors have led to successes and failures. Political will or commitment seems to have been influenced by the level of "demand" and the election cycle. In some cases political commitment does not seem to have been a *necessary* condition for the development of solution, but in others it was decisive. A high level of public concern about a problem is no guarantee for the problem to receive a high priority on the Government agenda, but, if well-organised and channelled into an effective campaign, can be a most powerful factor. Yet, bureaucratic interests and politics are perhaps the most important factor in influencing the *kind* of solutions that are being adopted or not. The lack of formal powers of the CFE also seems to have vitally affected the Commission's performance, but it is unlikely that the granting of formal powers to an environmental agency is, in itself, a *sufficient* condition to improve policy performance, given the importance of the other factors just mentioned, and the question of *how* these powers will be used.

Yet, before concluding that the policy performance of a central environmental agency depends on too many factors for general conclusions to be drawn or recommendations to be made about the question of how to *improve* policy performance, we will analyse one approach to this question, adopted in New Zealand since 1984, which has drastically affected the environmental policy structure. This is the approach of improving policy performance through administrative or structural reform, an approach which was advocated by many environmentalists in New Zealand, and which caused the disestablishment of the Commission for the Environment and its replacement by new agencies.

CHAPTER IX - THE POLITICS OF INSTITUTIONAL DESIGN.

9.1. Introduction.

In the previous chapters the policy performance of the Commission for the Environment has been analysed, and found wanting in various respects. Overall, it appeared that the Commission was little effective as an environmental co-ordinating agency, both in a substantive and in a procedural way. Although the Commission can be said to have had some influence in mitigating the environmental impacts of many projects, and on policy development in some areas, its record was far from consistent. Many instances can be pointed out where the Commission's advice was ignored and where the Commission failed to make an impact. It has certainly been unsuccessful in developing environmental policy as a more comprehensive, integrative concept, as described in Chapter I.

In this chapter the process of environmental reform initiated by the Labour Government in 1984 will be analysed. The purpose of the analysis is to assess to what extent and how the obstacles for environmental policy development that faced the Commission for the Environment have been addressed, and whether the conditions have been created for a more comprehensive, integrated approach to the environment.

9.2. Institutional Reform: Shifting the Limits?

In Chapter I it was noted that, in the search for improvement of environmental policy performance institutional (re)design is often seen as desirable, if not necessary.[1] Changes in administrative structures, responsibilities, laws, regulations and procedures are often regarded as preconditions for the development of more effective environmental policies.[2] In particular, reinforcing

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[1]. Hanf, referring to the apparent growing inability of governments to handle complex problems, argues that "Policy failures or performance deficits would have to be accounted for in terms of the structural features of policy formulation and implementation", and that "certain problems cannot be solved without some basic and politically costly modification of the system." Hanf, K. (1978), "Introduction", in: Hanf, K. and F.W. Scharpf, eds.(1978), Interorganizational Policy Making. Limits to Coordination and Central Control. London: Sage Publications, pp.11;14. See also Chapter I, section 1.4.3.1.

[2]. See e.g. Enloe, Cynthia (1975), The Politics of Pollution in Comparative Perspective. New York: David McKay, Chapter III; Rosenbaum, Walter A. (1985), Environmental Politics and Policy. Washington, Congressional Quarterly, pp.285-312; World Commission on Environment and Development (1987), Our Common Future, Oxford: Oxford University Press.

the position of environmental agencies is seen as an important element of structural reform.[3]

However, it was also explained that institutional change as a means for improving policy performance is much more than an exercise in enhancing bureaucratic effectiveness and efficiency. It is not a question of scientific design, nor a matter of objectively searching the "most efficient" institutions, but a highly political matter, affecting the relative position of interests and the allocation of values.[4]

It was also noted that, despite the fact that bureaucratic reform is political in nature, difficult to achieve, and not always successful in outcomes, it is a strategy for policy improvement that keeps on surfacing. This not only because it may have symbolic significance for politicians (confirming the belief that they "have things under control"), but also because it continues to be seen by many as an important mechanism for improving environmental policy performance, given the crucial role of the State in the development of environmental policy and the State's capacity for autonomous action, and the fact that institutional arrangements, containing entrenched interests, pose structural limits on policy development. Bureaucratic reform, then, can be seen as a way of breaking through the limits on policy development, or as shifting the limits.

In the search for improving environmental policy two broad approaches can be distinguished. The first one is associated with the rational perspective on decision-making and is has been called the substantive approach to co-ordination. The approach implies that for policy performance to be improved, goals should first be clearly identified, and political objectives amended, so as to incorporate these goals. Subsequently, the administrative institutions, structures and processes, including the mandates of government agencies, should be adjusted or established. The approach has been referred to as "rhetoric of administration" and is associated with the idea of comprehensive planning.[5]

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[3]. Mayntz, Renate (1978), "Intergovernmental Implementation of Environmental Policy", in: Kenneth Hanf and Fritz W.Scharpf eds., Interorganizational Policy Making. Limits to Coordination and Central Control. London: Sage, pp.201-214; Myrick Freeman III, A. and Robert H.Haveman (1972), "Clean Rhetoric and Dirty water", The Public Interest, 28, pp.51-65.

[4]. See Chapter I, pp.25-28.

[5]. March, James G. and Johan P.Olsen (1983), "Organizing Political Life: What Administrative Reorganization Tells Us About Government", The American Political Science Review, Volume 77, pp.281-296; this approach has also been referred to as the "synoptic" model of decision-making (Lindblom), and is related to Wildavsky's concept of "cogitation". Advocates of this approach can be found in Goodin, Robert E. (1982), Political Theory and Public Policy. Chicago: The University of Chicago Press; Ophuls, William (1977), Ecology and the Politics of Scarcity. San Francisco: W.H.Freeman; Baldwin, John H. (1985), Environmental Planning and Management. Boulder, Colorado: Westview Press; Godard, Olivier (1982), "Environment and Development Planning: Some Methodological and Institutional Considerations", in United Nations Environment Program, Environment and Development in Asia and the Pacific, Experience and Prospects, pp.332-346; the approach has also support

A second approach to improving policy performance can be labelled the *meta policy* approach. Meta policy can be defined as policy dealing with the making of policies.[6] The idea underlying this approach is that structures and processes can be designed that will lead to "better" policy making. This does not necessarily imply agreement on objectives, and many theorists would argue that this assumption is a chimera in the real world. The approach recognises the political nature of the policy process, but does not exclude the possibility of institutional change contributing to better policy outcomes (as perceived by the participants in the process).[7]

In practice strategies for policy improvement may combine elements from both approaches, with an emphasis on either a change of substantive policies, or a change of institutions. Yet, in the absence of societal consensus on values there is a tendency among administrators and policy analysts to rely primarily on expertise and "rational" analysis as a guide for policy change.[8] However, it can be argued that efforts directed at improving policy performance can only be meaningful and effective if the "Realpolitik" perspective is combined with a normative or value perspective. Effectiveness in policy performance is only meaningful in terms of the *ends* public administration is supposed to serve. And given the *public* nature of public administration the question of responsiveness to societal needs and values cannot be ignored.

This discussion of efforts to improve policy performance raises the following questions relevant to an analysis of the process of environmental reform in New Zealand:

(1) How to explain the occurrence of these reform efforts? Given the assumption that there is little "political capital" in such reform, what were the reasons or motives for it to happen?

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among implementation theorists. See e.g. Sabatier, P. and D.Mazmanian (1979), "The Conditions of Effective Implementation: A Guide to Accomplishing Policy Objectives", Policy Analysis, Fall, pp.481-503.

[6]. Dror, Yehezkel (1986), Policy Making Under Adversity. New Brunswick, NJ: Transaction Books, p.102.

[7]. March and Olsen refer to this approach as the "rhetoric of Realpolitik", March, James G. and Johan P.Olsen (1983), "Organizing Political Life: What Administrative Reorganization Tells Us About Government"; Yehezkel Dror, in his efforts to formulate theories for policy improvement, works on the meta policy level; however, he also includes "output-value priority" (goals and values guiding the policy process) amongst his "policy principles" and it would therefore be justified to consider him as an advocate of the first ("Rhetoric of administration") approach; see Dror, Yehezkel (1986), Policy Making Under Adversity, p.111; as protagonists of the second approach could be mentioned Charles Lindblom and Robert Dahl. See e.g. Braybrooke, D. and Charles E. Lindblom (1963), A Strategy of Decision. New York, The Free Press, and Gregory, Robert (1989), "Political Rationality or 'Incrementalism'? Charles E.Lindblom's enduring contribution to public policy making theory", Policy and Politics, Vol.17, No.2, pp.139-153; Dahl, R.A. (1971), Polyarchy, Participation and Opposition. New Haven: Yale University Press.

[8]. Denhardt, Robert B. (1984), Theories of Public Organization. Monterey, California: Brooks/Cole Publishing Company, Chapters VI and VII; Murphy, E.F. (1977), "Environmental Bureaucracies Appraised", Ekistics, 44, pp.157-163.

(2) What was the nature of the approach taken to environmental reform? What emphasis was given to policy aspects of a substantive nature relative to a meta policy approach to environmental policy improvement?

(3) In what way did the reform address the problems that were encountered by the Commission for the Environment in its efforts to co-ordinate and develop environmental policy? To what extent have the conditions been created for the development of more effective and responsive environmental policies?

9.3. The Background of the 1984 Environmental Reform.

Before 1984 various efforts had been undertaken to reinforce the position of the Commission for the Environment, but to no avail. On several occasions legislation was prepared to give statutory backing to either the Commission or to the environmental assessment procedures. However, the ambivalence of CFE personnel, particularly of Ian Baumgart, the second Commissioner, towards such legislation,[9] and a lack of government commitment to allocating a higher priority to environmental values caused these efforts to be unsuccessful.[10] The only significant reform with respect the Commission's position took place with the introduction of the National Development Act 1979, which provided for statutory recognition of the Commissioner for the Environment and the environmental assessment procedures under the "fast track" process. This created an anomaly in that it gave a status to the Commission and the procedures which was otherwise lacking. Although the Government recognised that this situation required to be normalised by providing a statutory basis for the Commission and/or the procedures, it very much dragged its feet over the issue, and legislation had not yet been passed by the time Labour came to power in 1984.

Some momentum for environmental reform started to build up with the OECD review of environmental policies in New Zealand in 1980.[11] The review was an initiative of Ian Baumgart, who got the Government to agree on such an exercise on the basis of the argument that there was value in an independent

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[9]. Baumgart feared that such legislation would impose constraints on the Commission by narrowly defining its responsibilities. Without legislation, the Commission was at least highly flexible in the implementation of its mandate. Moreover, Baumgart strongly believed in the educative role of the Commission and felt that "waiving a stick" might not be the most suitable approach to achieving the internalisation of environmental consciousness in other agencies. Ian Baumgart, Personal interview, 7 December 1987; see also section 5.3.2 in Chapter V.

[10]. See Chapters VII and VIII.

[11]. Organisation for Economic Co-Operation and Development (1981), Environmental Policies in New Zealand, Paris: OECD; see also Chapter VI of this thesis, p.227.

assessment of the scope for rationalisation of the environmental framework and processes in New Zealand.

The OECD report, signalling the need for New Zealand to put in place more effective machinery for developing an anticipatory approach to environmental problems, recommended the strengthening of the co-ordinative capacity in the environmental policy area, suggesting various options for institutional reform, amongst which the establishment of a statutory central agency with a clear mandate for environmental policy co-ordination and the development of an "overall environmental policy", or of a small department for the environment with environmental protection responsibilities.[12]

The OECD report also recommended that the environmental portfolio would not be combined with portfolios encompassing development responsibilities, that the "public critic" role of the Commission, related to the environmental audit responsibilities, be transferred to an independent agency, and that the environmental agency would have the power of access to all relevant information.[13]

The report was well received by environmental groups and the public.[14] The Environmental Council also supported the report's recommendations, with the exception of the suggestion to merge the Environmental Council and the Nature Conservation Council.[15] However, the Government, apart from implementing the recommendation on the separation of portfolios, chose to ignore the report.[16]

Meanwhile, the environmental movement became increasingly frustrated with the lack of progress on environmental issues. In 1982 a group of five environmental organisations produced a report laying much of the blame for this at the door of the "system", "the institutional arrangements within government concerned with environmental management", and in particular of those government departments that were seen as subjugating their environmental responsibilities to development interests. The New Zealand Forest Service and the

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[12]. Organisation for Economic Co-Operation and Development, Environmental Policies in New Zealand, Chapter II; a third option mentioned was the establishment of a much larger department, but given the experiences in other countries with such departments the OECD committee preached caution in this respect.

[13]. Organisation for Economic Co-Operation and Development, Environmental Policies in New Zealand, pp.18-19.

[14]. The Environmental Council published a summary of public reactions on the report. Environmental Council (1981), A Survey of Public Submissions on the OECD Review of Environmental Policies in New Zealand. Wellington: Environmental Council.

[15]. Environmental Council (1981), The Environmental Council's View on the OECD Review of Environmental Policies in New Zealand. Wellington: Environmental Council.

[16]. Horrocks, J. (1984), "Environmental Policies in New Zealand: the Forgotten Report", New Zealand Environment, No.4.

Ministry of Works were singled out as departments with a bad record in this respect.[17]

In order to remedy the situation the environmental groups proposed the establishment of two agencies: a Nature Conservancy that would manage and protect Crown owned natural lands (most of which were under the control of the Department of Lands & Survey and the NZ Forest Service), and a Ministry for the Environment as a regulatory and management agency for other resources (such as air and water). The Ministry would amalgamate four divisions of three different departments: the Water & Soil Division and the Town & Country Planning Division of the Ministry of Works and Development, the Environmental Health Division of the Department of Health, and the Maritime Planning Division of the Ministry of Transport. The report also proposed that the Commissioner for the Environment would become an officer of Parliament similar to the Ombudsman, as an independent auditor of environmental impact reports.[18]

In the Commission for the Environment, the ambivalence about a legislative base for its activities gave way to a commitment to strengthen its position through an environmental statute, particularly after Ken Piddington succeeded Ian Baumgart as Commissioner in 1980. Important reasons for this change in attitude were the "Baigent affair", which was perceived as an attack on the Commission's independence, and the abolition of the Commission for the Future, after embarrassing the Government with critical reports.[19]

Although Piddington was critical of some aspects of the proposals of the environment groups, they strengthened the case for environmental reform, now also advocated by the Commission.[20] In 1983, on the initiative of the Commission, a committee of officials reviewed the effectiveness of the environmental impact procedures, and also recommended a statutory basis for the Commission.[21]

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[17]. Royal Forest and Bird Protection Society of N.Z. a.o. (1982), Environmental Management in New Zealand: A Strategy. Wellington: Royal Forest and Bird Protection Society.

[18]. Royal Forest and Bird Protection Society of N.Z. a.o., Environmental Management in New Zealand: A Strategy, pp.5-7.

[19]. Wilkins, Peter (1982), "The Commission Without a Future", NZ Environment, No.34, pp.18-21.

[20]. Ken Piddington criticised the environmental groups' proposals as putting too much emphasis on structure, and not enough on process aspects of environmental management. This refers in particular to the Town & Country Planning procedures, which Piddington wanted to see transferred from a "schizoid" Town and Country Planning Division to a Ministry for the Environment; Ken Piddington, Memo for Minister for the Environment, 23 September 1982, Commission for the Environment, File NRS 0/0, Volume 1; "Comments on ECO Proposal", 24 September 1982, Commission for the Environment, File NRS 0/0, Volume 1; in an earlier memo Piddington advocated the establishment of a Ministry for the Environment, and a transfer of the public "guardianship" role (including the responsibility for the environmental assessment procedures), to a restructured, independent Environmental Council. Ken Piddington, Memo for Minister for the Environment, 20 October 1981, Commission for the Environment, File NRS 0/0, Volume 1.

[21]. Speden, Ian a.o. (1983), Environmental Audits and Appraisals 1976-81. Wellington: Commission for the Environment.

The calls for environmental reform, although not answered by the Government, were politically significant in that they led the Labour Party (9 years in opposition by 1984) to become more sensitive to environmental demands. The Labour Party spokesperson for the environment in 1984, Michael Cullen, promised that Labour, if in government, would establish a Ministry for the Environment with two divisions: a nature conservation division and a planning division.[22]

The calls for environmental reform, largely ignored under the National Government, but capitalised upon by the Labour opposition, were not the only factor responsible for the changes after 1984, however. There was a second stream of events which prepared the ground for institutional reform under the new Labour Government.

This second stream of events relates to the increasingly influential role of Treasury in providing a new direction to economic policy in general and to the management of natural resources by the State in particular. In the early 1980s Treasury became more and more under the influence of the ideas of the Chicago School of Economics, advocating a greater role for "the market" in the allocation of resources which were under the control of the State. The role of the State was seen primarily as one of setting the "right" framework for resource allocation by the private sector.[23]

The ascendency of the "Treasury line" in New Zealand[24] had significant implications for the organisation of the government machinery. From Treasury's point of view most government departments suffered major defects, and was there a need for a radical overhaul of the bureaucracy in order to make it more rational, efficient and responsive. Treasury's suggestions for major structural change, which were strongly influenced by public choice theory, included, amongst other, the separation of commercial and non-commercial activities, the separation of policy advice functions from operational responsibilities.[25]

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[22]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, An Alternative Discussion Paper. Wellington: Royal Forest and Bird Protection Society, Foreword; NZ Labour Party, 1984 Policy Document, p.31.

[23]. Brian Easton (1990), "Policy as Revolution: Two Case Studies", Paper presented at the Political Studies Association Conference, Dunedin: University of Otago.

[24]. For a discussion of why and how the "Treasury Line" became increasingly influential, see McCoy, Elaine (1990), New State Disintervention; Implications for the Public Administration of a Democratic State. Paper presented at the NZ Political Science Association Conference, Dunedin: University of Otago; Boston, Jonathan and Fiona Cooper (1989), "The Treasury: Advice, Coordination, and Control", in Hyam Gold (ed.), New Zealand Politics in Perspective. Auckland: Longman Paul, pp.123-153.

[25]. Boston, J. (1987), "Transforming the Public Sector in New Zealand: Labour's Quest for Improved Efficiency and Accountability", Paper presented at the Annual Conference of the Political Studies Association of the United Kingdom, University of Aberdeen, 7-9 April 1987; Boston, Jonathan (1990), "Reorganizing the Machinery of

In the area of forest policy, for instance, Treasury advocated the establishment of a "State Owned Trading Enterprise with clear commercial objectives and performance measures" for the sawmilling and production forestry activities of the NZ Forest Service, and noted that there was "a clear need to undertake an economic evaluation of forestry plantings [...]."[26] This implied not only a rethinking of the continuing conversion of native forests into exotic plantations, but also that a more unambiguous protection or conservation mandate could be assigned to the remaining, non-commercial branch of the NZ Forest Service. Also, Treasury saw no grounds for continuing financial government support and price intervention in this sector, as this introduced distortions in the effective operation of market mechanisms.[27] Similar arguments were advanced in other areas such as land development (under the responsibility of the Department of Lands & Survey), irrigation activities (Water & Soil Division of the Ministry of Works & Development) and agricultural subsidies.[28]

Treasury's proposed change in policy direction, forcefully endorsed and advocated by the "troika" of Finance Ministers within the Labour Government, generated new and unexpected coalitions. Already before the 1984 elections some people within the environmental movement had established "good contacts" with Treasury officials, finding themselves in agreement about the "wasteful practices" of the NZ Forest Service.[29] A previously unthinkable "unholy alliance" was forged between Treasury officials and a section of the environmental movement, an alliance which proved to be very powerful in the ensuing environmental reform process.[30]

It can therefore be concluded that the calls for environmental reorganisation, answered by some members of the Labour Party, became intricately interwoven with a more general thrust towards government reform on

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Government in New Zealand: Objectives and Outcomes", Paper presented at the NZ Political Studies Association Conference, Dunedin: University of Otago.

[26]. Treasury (1984), Economic Management - Land Use Issues. Wellington: The Treasury, p.38.

[27]. Treasury (1984), Economic Management - Land Use Issues, pp.31-38.

[28]. Treasury (1984), Economic Management - Land Use Issues, Chapters 4 to 9.

[29]. Guy Salmon, Personal interview, 18 June 1986; Salmon noted that from 1983 the Native Forests Action Council started to have contact with Treasury on these issues, and claimed that the paper on land management produced by Treasury in 1984, was very much inspired by what they had told Treasury. Treasury, after having received a paper documenting the uneconomic nature of NZ Forest Service activities from the NFAC in March 1985, firmed up on its position in this matter, according to Salmon.

[30]. It should be emphasised that not all environmentalists considered themselves allies with Treasury. Many remained suspicious of Treasury's intentions and considered Treasury's philosophy as ultimately incompatible with the environmental ethic; Salmon, who spoke of some Treasury officials as "our friends in Treasury", seemed to have few qualms about philosophical niceties, and regarded the co-operation with Treasury as a unique opportunity to put an end to a long tradition of "State sponsored vandalism". Guy Salmon, Personal interview, 18 June 1986.

the basis of principles of commercialisation, efficiency and State disintervention initiated by Treasury. In order to assess how these different sets of motives and principles combined in the environmental reform a closer scrutiny of the reform process and its outcomes is required.

9.4. The Nature of the Environmental Reform: Process and Preliminary Outcomes.

Three aspects of the environmental reform exercise initiated in 1984 can be identified as key characteristics: (1) the openness of the process of reform and the extent of public consultation and input involved; (2) the relatively insignificant role of substantive environmental policies or principles; and (3) the relatively high degree of emphasis on institutional or *meta policy* change, and the extent of organisational restructuring and procedural reform.

9.4.1. The Openness of the Reform Process.   Public Input

Although the reform process started off in August 1984 with the establishment of a small Task Group of officials under the responsibility of the State Services Commission,[31] it was characterised by a remarkably high level of openness and public participation, making it into much more than an internal bureaucratic exercise.

The Task Group's report, although based on consultation with a range of affected or interested groups and individuals, was characterised by environmentalists as a bureaucratic exercise to protect its own interests, avoiding significant organisational restructuring.[32] However, the Task Group's report was published as a discussion paper,[33] providing only the first step in a process of extensive public consultation and deliberation. The report provoked 488 submissions[34] and was followed by an *Environmental Forum* in March 1985, an

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[31]. Comprising Ken Piddington (Commission for the Environment,), Ted Fraser (Town & Country Planning Division, Ministry of Works & Development), David McKerchar (National Parks & Reserves, Department of Lands & Survey), and Gwenda Harris (Environmental Council).

[32]. The Group of Six (no date), "Hey, Mr.Lange. Don't Let the Bureaucrats Hijack Your Environmental Policy", Pamphlet published by six environment groups. The Task Group had noted that its suggestions (which related primarily to changes in processes) "would achieve the objective and avoid widespread organisational disruption." Minister for the Environment (1984), Environmental Administration in New Zealand - A Discussion Paper. Wellington: State Services Commission, p.31.

[33]. Minister for the Environment (1984), Environmental Administration in New Zealand - A Discussion Paper. Wellington: State Services Commission.

[34]. Minister for the Environment (1985), Environmental Forum 1985 - Synopsis of Submissions and Forum Record. Wellington: State Services Commission.

event specifically orchestrated by the Minister for the Environment to stage a discussion on environmental reform with a wide range of non-bureaucratic interests. Although departmental representatives were allowed to participate in the workshops of the Forum, they did not take part in the plenary sessions, where they had only observer status. Analysing the background of the participants in the Forum, one finds a significantly higher proportion of representatives from environmental groups than e.g. in the Physical Environment Conference in 1970, which is sometimes heralded as the beginning of the new environmental era in New Zealand.[35] Although it would go too far to claim that environmental groups dominated the Forum,[36] it is certainly true that the Forum provided an opportunity for environmental interests to make a strong impact on the direction of the reform and to "neutralise" bureaucratic efforts to avoid incisive environmental reorganisation.

Apparently, the Minister for the Environment, Russel Marshall, and the Under-Secretary for the Environment, Philip Woollaston, were very much aware of the possibility that the reform process could be "hijacked" by bureaucrats or that it would get into an impasse because of interdepartmental conflicts, and were keen to avoid this. In a committee of officials charged with identifying key issues and departmental positions on reform, four departmental representatives expressed reservations about taking the Labour Party's manifesto as the basis for the development of the Government's policy on environmental administration, as they "[...] perceived conflicts between the pre-election statement on environmental policy and the Government's policy in other areas [...]."[37] In order to prevent officials from going their own way and presenting the Government with their own "pre-cooked" solutions, Philip Woollaston attended a meeting of the committee warning that:

> [...] officials are not required to examine the policy issues from first principles or to resolve major disagreements between themselves, but to have in place the machinery to review departmental and public responses

[35]. Whereas, as has been argued in Chapter II, this conference represented more an end of an era, in which debate about environmental issues was dominated by those professionally interested in the environment (including government officials), whose approach can be characterised as technocentric.

[36]. Representatives of environmental groups comprised 19% of the total number of representatives with full participation status and 15% of all participants (including those with observer status). This compares with only 3% environmentalists at the Physical Environment Conference. See Chapter II, p.62. However, it should be noted that participants were invited to the Forum in their personal capacity, and not as representatives of particular groups. Minister for the Environment (1985), Environmental Forum 1985 - Synopsis of Submissions and Forum Record. Wellington: State Services Commission.

[37]. M.C. Probine, Chairman State Service Commission, Memo for Minister of State Services, 8 November 1984, Commission for the Environment, File ENV 2/19/4, Volume 1.

*to the published report and Forum, and formulate a report to
Government.*[38]

He also directed the officials to look at a mechanism for attaching lay
people representing environmental and local body groups to the officials
committee.[39] As a consequence, six non-officials ("drawn form the community")
were included in the Working Party on Environmental Administration (WPEA) set
up after the Forum with a total of eleven members.[40]

In a later meeting with officials Woollaston emphasised that:

> *[...] it is important that the Government and not the bureaucrats be seen
> as in control of its policy: and [...] to avoid the non-government people
> seeing their input in the working party as merely tokenism.*[41]

The non-public servants on the working party were invited to consult as
widely as they thought was necessary with interest groups during the drafting
process.[42] Guy Salmon, the director of the Native Forests Action Council and one
of the non-officials on the working party, claimed that he was able to exert much
influence on the outcomes of the working party, given its composition, leaving the
bureaucratic opposition to reform in a minority position.[43]

A further round of consultations on the establishment of a Department of
Conservation was held after Cabinet decided in June 1985 that the time was not
yet ripe for a decision on that issue. In the next two months Russel Marshall and
Philip Woollaston toured the country, holding discussions with a wide variety of
interested parties.[44] Also, more than 1200 submissions were received on the
working party's report.[45]

Further rounds of public consultation took place after the basic decisions
had been taken on the establishment on the new agencies and their basic
responsibilities in September 1985. The Establishment Unit for the Ministry for

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[38]. Notes of Meeting between Officials from Treasury, SSC, Commission for the Environment, and MOWD, 18 December 1984, Commission for the Environment, File ENV 2/19/4, Volume 2.

[39]. Notes of Meeting between Officials from Treasury, SSC, Commission for the Environment, and MOWD, 18 December 1984.

[40]. Minister for the Environment (1985), Environment 1986 - Report of the Post-Environment Forum Working Party. Wellington: State Services Commission, pp.15;44.

[41]. Notes from the Officials Reporting Subcommittee, 14 February 1985, Commission for the Environment, File ENV 2/19/4, Volume 2.

[42]. Commissioner of State Services, Memo for Minister of State Services, 19 December 1985, Commission for the Environment, File ENV 2/19/4, Volume 5.

[43]. Guy Salmon, Personal interview, 19 September 1986.

[44]. Meetings were held in each of the 22 regions, involving a total of more than 2500 people. Chris Livesey, "Analysis of the Formation of the Ministry for the Environment", 10 June 1986, Unpublished Commission for the Environment document, 0066E, p.10.

[45]. Chris Livesey, "Analysis of the Formation of the Ministry for the Environment", 0073E, p.20.

the Environment and the Parliamentary Commissioner which was set up in June 1986, charged with the responsibility to formulate the administrative structures of these agencies,[46] also consulted with a wide range of interested parties, and held public meetings in various parts of the country. The draft strategic plans prepared by the Unit were widely disseminated and commented upon.[47]

Later, after the new environmental agencies became operational,[48] the reform process continued, particularly with regard to environmental processes and legislation. The Resource Management Law Reform, which at least rivals the administrative reform in scope and implications,[49] was also accompanied by a long and extensive process of public consultation, involving numerous public meetings and generating thousands of public submissions.[50]

Noting the high degree of consultation and public participation in the reform exercise does not mean to say that all decisions taken on these issues have been based on the views and preferences of individuals and groups from outside the public service.[51] It will be demonstrated further in this chapter that the specific outcomes of the reform have been very much influenced by departmental views, in particular Treasury's. Discussions took place in officials committees that were responsible for finding solutions for the various contentious issues related to the reform. However, it can certainly be maintained that the Government, by opening up the process for widespread public participation, has allowed the direction of the reform to be influenced by actors outside the bureaucracy. Perhaps even that Philip Woollaston's claim that this was "the most thorough

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[46]. The Establishment Unit consisted of five officials of the Commission for the Environment, joined by a Canadian environmental expert, and was led by the new secretary for the Environment, Roger Blakeley. The Unit reported to the Chairman of the State Services Commission. Ministry for the Environment, Establishment Unit (1986), Preliminary Discussion Paper. Wellington: Ministry for the Environment, p.1.

[47]. Ministry for the Environment, Establishment Unit, Draft Strategic Plan.

[48]. December 1986 for the Ministry for the Environment and the Parliamentary Commissioner, April 1987 for the Department of Conservation.

[49]. It was estimated that about one third of all government departments and their permanent staff civil were affected by the administrative reform, displacing thousands of civil servants. The Resource Management Law Reform affects 22 statutes, and has been described as the most comprehensive law reform ever conducted in New Zealand. Minister of State Services, Press Statement on "Recent Decisions on Environmental Administration", 28 November 1985; Ministry for the Environment, "Introducing the Resource Management Bill", Newsletter, December 1984, p.8.

[50]. Ministry for the Environment, Report for the Year Ended 31 March 1989. Wellington: Ministry for the Environment, pp.14-15.

[51]. Consultation is, of course, just one form of public participation, and does not necessarily imply that decisions are affected by public input. As Henning and Mangun note, five basic functions are needed to ensure effective public participation: identification, outreach, dialogue, assimilation and feedback. Henning, Daniel H. and William R. Mangun (1989), Managing the Environmental Crisis. Durham: Duke University Press, pp.60-67.

consultation on machinery of government ever conducted in New Zealand" can be accepted as justified.[52]

9.4.2. The Substantive Policy Elements of the Reform.

The substantive policy elements of the reform refer to the principles, goals or objectives underlying the reform. Although public policy theorists disagree over the role of objectives in the policy process, it can be argued that the very concept of policy implies an intentional aspect, and therefore goals or objectives.[53] In other words, policies inevitably serve particular goals, even if these are not explicitly stated, consistent or commonly agreed to. To what extent the formulation of policy goals is desirable and facilitates or obstructs policy development, however, is a question of debate. Similarly, the value of objectives as a mechanism for (substantive) co-ordination is also a contentious issue.[54]

Despite all contentiousness, though, the question what purposes the environmental reform process after 1984 has served cannot be avoided. More specifically, the question can be asked to what extent environmental principles or goals have played a role in the reform process, and whether and how the Government's intentions in this policy area have changed. Assuming that environmental policy has three dimensions,[55] one may also wonder to what extent the intentions or goals related to each of these dimensions have been changed in concert, integrated or placed in a wider framework (such as an "overall environmental policy"), or whether changes and developments in these goals have taken place in a fragmented fashion.

As noted earlier, the reform process started off in 1984 on the basis of the Labour Government's election manifesto, containing the following "basic principles":

> 1. *Labour recognises that the fundamental purpose of a sound environmental policy is to ensure the management of the human use of the biosphere to yield the greatest sustainable benefits to present generations while maintaining potential to meet the needs and aspirations of future generations.*
> 2. *Labour will therefore implement a strategy to integrate conservation and development so that:*

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[52]. Philip Woollaston, Speech Notes, Speech to South Island Local Bodies Association Annual Conference, 2 October 1985.

[53]. See Chapter I, section 1.3.2. for a discussion of the policy concept.

[54]. See Chapter I, p.31, for a discussion of this issue.

[55]. An ecological, social and resource management (or economic) dimension; see Chapter I, section 1.2.3.

(a) we move to a sustainable economic base by shifting from the use of non-renewable resources.
(b) those resources are used to achieve ends of social justice.
(c) our trusteeship responsibilities for future generations are recognised.
(d) our remaining endangered species and ecosystems and representative examples of our full range of plants, animals and landscapes are protected.[56]

The manifesto also contained promises of an administrative nature, such as to establish a Ministry for the Environment with two divisions (Planning and Nature Conservation), to give statutory independence to the Commissioner for the Environment, and to ensure that the Minister for the Environment does not hold incompatible portfolios. These promises will here be regarded as institutional aspects, as *means* or *meta policy* elements meant to serve the environmental principles mentioned above.[57] To what extent these promises have been implemented and create a basis for the development of a "better" environmental policy will be discussed later in this chapter.

That the principles formulated in Labour's manifesto did not imply that the Labour government had a clear vision on environmental policy, or knew in what direction it wanted environmental policy development to be heading, became soon apparent. In a meeting with the Environmental Task Group established in August 1984, Woollaston admitted that the Labour Government had "not previously had a clear policy on environmental strategy" and that "this still [had] to be finalised". He also expressed as his view that "a coherent framework within existing environmental policy" was lacking, and that there was a "lack of political will, at present, by government departments and agencies to action environmental strategy."[58]

The lack of an "overall environmental policy" was also picked up as an issue by the Task Group which noted that "[...] there is a need for a broad statement both of the Government's philosophy and its intent on the medium and long term."[59] The group saw the development of an integrated development and conservation strategy and of government commitment to such a strategy as

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[56]. NZ Labour Party, 1984 Policy Document, p.30.

[57]. The distinction between environmental goals and means is, of course, vulnerable to the argument that means and ends are potentially interchangeable, and that no "final" ends can be identified in human actions (with ends serving other ends ad infinitum). However, without challenging the theoretical validity of the argument, it can be shown empirically that people often set themselves particular goals, and that these goals may explain at least part of their actions. The same argument can be maintained with regard to governments (keeping up at least an image of purposeful action).

[58]. Environment Task Group, Minutes of Meetings on 14 September 1984, Commission for the Environment, File ENV 2/19/1, Volume 1.

[59]. Minister for the Environment (1984), Environmental Administration in New Zealand - A Discussion Paper. Wellington: State Services Commission, p.15.

absolutely essential: "Without it there can be no consistency among different arms of Government activity, sectoral plans, policy instruments and private sector initiatives."[60] It was also noted that:

> *A presumption was made that whichever structural option was decided on, there would be a strong Government statement of philosophy and intent on balancing development and conservation, with emphasis on reaching accord at regional and local levels and a directive to all Government agencies to perform in accordance with the statement.*[61]

The group argued that the adoption of a Conservation Strategy would assist in meeting the gap (or "black hole"), but that it was not "the complete answer". Such a strategy had to be complemented by the introduction of environmental concepts and a "holistic approach", integrating "resource use decisions with a combined view of social and economic development."[62]

However, the Task Group itself did not elaborate on such a comprehensive policy statement, seeing this as an important task for the new Ministry for the Environment. The Ministry would also, in the "preferred option" of the Task Group, become responsible for planning (the Town & Country Planning procedures), enabling it to implement the Government's environmental policy towards the regions, where the policy would be translated into regional management strategies." The existing shortcomings of the planning process were perceived to "centre on the lack of an integrated development and conservation strategy and of Government commitment to such a strategy."[63] Regional planners needed clear guidance "on the way in which Government would like to see resources developed and how the balance with conservation is to be articulated in the context of a regional plan."[64]

These proposals provide a clear example of an effort to improve policy performance through improved substantive policy co-ordination, as discussed in Chapter VI. That the Task Group's suggestions did not contain recommendations for radical structural reforms seemed not only a question of wanting to avoid "widespread organisational disruption", but also logical on the basis of this approach. From this point of view structural aspects (being the *means* of policy implementation) need consideration only *after* a comprehensive environmental policy (plan) has been prepared.

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[60]. Minister for the Environment, <u>Environmental Administration in New Zealand</u>, p.20.

[61]. Minister for the Environment, <u>Environmental Administration in New Zealand</u>, p.19.

[62]. Minister for the Environment, <u>Environmental Administration in New Zealand</u>, p.20.

[63]. Minister for the Environment, <u>Environmental Administration in New Zealand</u>, pp.15;20.

[64]. Minister for the Environment, <u>Environmental Administration in New Zealand</u>, p.20.

The nature of the Task Group's approach came under attack from three sides: affected bureaucratic interests, environmentalists and the Treasury. The Ministry of Works & Development, claimed that the Task Group's recommendations went too far (by suggesting the establishment of a Ministry for the Environment and a transfer of planning responsibilities to that ministry), and that the core of the problem "in the past has been a lack of political will by Government to address environmental problems." According to the Ministry a more correct answer to the problems would be, a "tightening up of existing policies and strategies", not structural change.[65]

By contrast, environmentalists argued that:

A change in the government structure which gives the green people more power - that's what is really needed. It is certainly more important than another batch of policy statements and flabby planning rhetoric.[66]

Environment organisations published an "alternative discussion paper" in which Evelyn Sharp was quoted as saying that "[...] to get the functions of government departments rightly arranged makes an enormous difference to the whole quality and effectiveness of government."[67] The groups advocated the concentration of the "green people" or "green dots" from a range of government departments into a Ministry for the Environment, that would become a strong advocate for conservation.[68]

Although the alternative discussion paper also contained proposals for a transfer of planning and public health responsibilities to the new ministry, there is no doubt that the establishment of a Nature Conservancy, as a strong advocate for protection of the natural environment, was the key concern for many environmentalists. Ever since the idea was launched by Salmon Sr. in 1960[69] it had not left the minds of conservationists, some of whom had been fighting for a Nature Conservancy "all their lives".[70] It seems therefore plausible to conclude that for environmentalists the prime goal of environmental reform was improved

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[65]. Environment Task Group, Minutes of Meetings 21 September 1984, Commission for the Environment, File ENV 2/19/1, Volume 1.

[66]. The Group of Six (no date), "Hey, Mr.Lange. Don't Let the Bureaucrats Hijack Your Environmental Policy", Pamphlet published by six environment groups.

[67]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, An Alternative Discussion Paper. Wellington: Royal Forest and Bird Protection Society, p.4.

[68]. Royal Forest and Bird Protection Society of N.Z. a.o., Environmental Administration in New Zealand, pp.10;13-15.

[69]. Salmon, J.T. (1960), Heritage Destroyed. The Crisis in Scenery Preservation in New Zealand. Wellington: A.H.& A.W.Reed; see also Chapter II. p.57.

[70]. Joint Campaign on Native Forests (no date), "Heritage Decision Needs Your Support". (Pamphlet).

nature protection, and that the establishment of a Nature Conservation agency was seen as the principal means to that end.[71]

Treasury's objections against the Task Group's proposals related to philosophical differences about the role of the government in resource allocation and planning. It accused the Task Group's report as providing "neither a consistent view of why the Government should be involved, nor does it define what the Government's role should be."[72] Treasury introduced the "hands on" and "hands off" terminology, and argued that its emphasis was "on setting the conditions and allowing the process of resource allocation to reflect the interests and values of participants within the prescribed framework."[73] It expressed reservations about the administrative planning processes advocated by the Task Group, arguing that officials lacked accountability to the electorate or to "the market place", and that these processes created uncertainty, and were inefficient and unrepresentative.[74]

Instead, Treasury advocated a line of thinking in which the environment was approached "as a resource with competing uses" and where "the question is how the use of resources to protect and improve the environment is to be reconciled with the competing demands on resources to satisfy people's other desires." "Better" alternative mechanisms for resource allocation advocated by Treasury were pricing (of environmental resources), the introduction of property rights, and the internalisation of environmental costs (through price adjustments, fees, charges or taxes).[75]

The rationale for Treasury's line, which had a great impact on the reorganisation of the machinery of government in the following years, relates to such objectives as efficiency, economy, consistency, and transparency.[76] It can be

[71]. It should be noted that the report published by environmental groups in 1982 advocated the establishment of a separate Nature Conservancy and Ministry for the Environment, but that the 1985 report accepted the suggestion of Labour MP Michael Cullen to create a Ministry with two divisions: one responsible for nature conservation, and another with planning and regulatory responsibilities for other environmental areas. However, the original idea of two agencies came to the fore again, and was ultimately implemented. Royal Forest and Bird Protection Society of N.Z. a.o. (1982), Environmental Management in New Zealand: A Strategy; Wellington: Royal Forest and Bird protection Society. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, An Alternative Discussion Paper. Wellington: Royal Forest and Bird Protection Society, p.7.

[72]. The Treasury (1985), "Environmental Policy: the Proposed Ministry for the Environment", in Environment Forum, Background Papers. Wellington: State Services Commission.

[73]. The Treasury, "Environmental Policy: the Proposed Ministry for the Environment", p.2.

[74]. The Treasury, "Environmental Policy: the Proposed Ministry for the Environment", pp.2-3.

[75]. The Treasury, "Environmental Policy: the Proposed Ministry for the Environment", pp.6-9.

[76]. Boston, Jonathan (1990), "Reorganizing the Machinery of Government in New Zealand: Objectives and Outcomes", Paper presented at the NZ Political Studies Association Conference, Dunedin: University of Otago, p.11. Boston also includes contestability, complementarity, coordination, the minimisation of capture, and improved bureaucratic representation of disadvantaged groups. However, the first four objectives mentioned were used more explicitly by Treasury in this stage and aspect of the reform, and therefore seem the most relevant.

argued that these objectives are mostly instrumental in nature, serving underlying values such as economic growth and/or individual freedom, choice or "utility", assuming that the maximisation of individual choice (utility) brings about the maximum welfare of society as a whole. The concept of community does not reflect high in this philosophy, and the role of the State is primarily seen as related to cases where "the market" (the system of individual choice opportunities) fails.[77]

Treasury's goals with respect to environmental reform, one may conclude, were not inspired by ecological principles or concerns, and diverged fundamentally from the planning approach to the environment advocated by the Task Group. Basically, Treasury's goals were related to State disintervention and a shift of resource allocation decisions to "the market place". In this line of thinking environmental policy becomes "residual" in the sense that only where "the market" fails, State intervention is justified. But even then, "quasi market" forms of intervention (e.g. by creating a system of property rights) are seen as potentially better solutions than direct regulation.[78]

Treasury's views clashed with those of many CFE officials, amongst whom Ken Piddington, who had an important influence on the Environment Task Group's report. The Commission for the Environment, in its paper for the Environment Forum advocated "the management of activities within tolerable constraints imposed by the environment itself", and an improved system of environmental impact reporting administered by a small Ministry for the Environment with "cross sectoral" overview responsibilities, as the main mechanism to achieve this.[79]

The Commission, however, did not enter the reform exercise with a unified, clear and coherent view of the direction environmental reform should take. As discussed in Chapter VI, the Commission had never developed a comprehensive

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[77]. The normative nature of Treasury's line, despite its apparent "neutrality" and emphasis on instrumental values, becomes sometimes explicit in Treasury's publications. Reference to the value of economic growth was made in Treasury's submission referred to in footnote [77]: "Economic growth can facilitate the achievement of the community's priorities, including society's preference for a better environment." (p.7); in another paper, public choice publications were used "as a basis for clarifying which of a wide variety of forms of government intervention should take." [Emphasis added], The Treasury, "The Town and Country Planning Process: A Commentary and Critique", 2 August 1985, Commission for the Environment, File, ENV 2/19/9, Volume 1, p.4; for a discussion of some of the value assumptions underlying public choice theory, see Boston, Jonathan (1989), "Philosophical and Theoretical Underpinnings of Public Sector Reform in New Zealand", Paper presented for a State Services Commission Seminar for the Senior Executive Service and Chief Executives, Wellington, 30 March 1989.

[78]. The aversion of Treasury against State intervention was also apparent in its views on the environmental impact procedures. See Chapter V, pp.207-208.

[79]. Commission for the Environment, "Bridging the Gaps", A paper on Environmental Management for the Environment Forum, February 1985, Commission for the Environment, File ENV 2/19/4, Volume 4.

environmental policy of its own. Its prime concern seemed to be to strengthen its own position, to make it less vulnerable to "political manipulation" and to give it more clout in its relations with other departments. It did not seek large scale administrative reorganisation, and advocated only a role for the new Ministry for the Environment that was not much different in nature from that of the Commission (although "beefed up"). Many CFE personnel were ambivalent about the new Ministry taking on planning responsibilities, fearing to lose the ambience of a closely-knit organisation.[80]

Neither did the Working Party on Environmental Administration (WPEA), responsible for drafting proposals for environmental reform to the Government, spend much time on formulating environmental policy principles, apart from referring to the Labour Party manifesto principles and noting that the environment was "a dynamic thing, involving the evolution and interaction of people."[81] The principles guiding the deliberations of the WPEA were almost exclusively centered on institutional aspects, such as the need for having the integration of conservation and development reflected in the new system of environmental administration, and for taking into account public perceptions of conflicts and inconsistencies in the roles and functions of existing Government agencies. The WPEA also rejected "rigid centralised directions", and pointed out a need for broadening and opening up processes of decision-making, "better aimed at building consensus rather than producing adversarial confrontation."[82]

The Establishment Unit for the Parliamentary Commissioner and Ministry for the Environment noted that the drive for institutional changes served "two policy initiatives; one having environmental objectives, the other having economic objectives. It was argued that the two policies were complementary and that their implementation was "intertwined".[83] The Draft Strategic Plan for the Ministry for the Environment did not elaborate on the underlying principles mentioned in the Labour Party Manifesto, and focused on aspects of administrative reform. The Plan exhibits, and elaborates upon, many of the principles which were put

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[80]. To the Environment Task Force CFE officials expressed a strong desire for personnel of the Commission to be transferred integrally to the new Ministry in order to preserve the agency's corporate spirit. Environment Task Group, Minutes of Meeting 20 September 1984, Commission for the Environment, File ENV 2/19/1, Volume 1; see also A. Hutchison, "Environmental Policy: Re-Arrangements", 18 September 1984, Commission for the Environment, File ENV 2/19/1, Volume 1.

[81]. Minister for the Environment (1985), Environment 1986 - Report of the Post-Environment Forum Working Party. Wellington: State Services Commission, pp.5;15.

[82]. Minister for the Environment (1985), Environment 1986, p.5; the only policy substantive principles referred to were Maori values, but only in a very general way: "The Maori environment, and the relationship of the Maori to it, deserve special recognition."

[83]. Ministry for the Environment, Establishment Unit (1986), Preliminary Discussion Paper. Wellington: Ministry for the Environment, p.2.

forward by Treasury, but also referred to the development of "[...] a medium and long term environmental policy for New Zealand, based on the draft Conservation Strategy [...]" as one of the new Ministry's tasks.[84] However, the Ministry was not depicted as an "advocate" for the environment, but as an "advocate of balance", requiring it to adopt a position of "declared neutrality".[85]

The relatively weak emphasis on substantive environmental policy values or goals in the reform process is further reflected in the fact that the Environment Bill, establishing the Parliamentary Commissioner and the Ministry for the Environment initially did not include any references to environmental principles in its long title. The Bill only referred to the requirement to:

> *take full and balanced account [...] of all values, including those values*
> *embodies in the principles of the Treaty of Waitangi, which are placed*
> *by individuals and groups in the community on the quality of the*
> *environment, and in so doing to have regard to the needs of future*
> *generations.*[86]

It was only after considerable lobbying by environmental groups, and pressure exerted by public demands, that the Bill's long title was amended to include reference to the intrinsic values of ecosystems and the principle of sustainability in the management of natural and physical resources.[87]

The reform process *did* result in the establishment of an "advocate [for] the conservation of natural and historic resources generally" in the Department of Conservation.[88] Also this change, however, was primarily institutional in nature, the expectation (or at least hope) of conservationists being that such a change would lead to the development of a "better" nature conservation policy and practice. The debate on the specific role and functions of the Department of Conservation reflects that this change was also subject to the play of forces of established institutional interests[89] and the Government's (Treasury inspired)

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[84]. Ministry for the Environment, Establishment Unit (1986), <u>Draft Strategic Plan</u>. Wellington: Ministry for the Environment, p.37.

[85]. Ministry for the Environment, Establishment Unit (1986), <u>Draft Strategic Plan</u>, pp.8;18. This aspect will be further discussed in the following section.

[86]. NZ Government (1986), <u>Environment Bill</u>. Wellington: Government Printer.

[87]. NZ Government (1986), <u>Environment Act 1986</u>. Wellington: Government Printer; a similar wrangle took place about the principles underlying the Resource Management Law Reform, initiated after the establishment of the Ministry, particularly with respect to the concept of sustainability and its definition. See ECO News, Resource Management and Government Reforms, No. 10, July 1988; No.14, 14 December 1989, p.6; NZ House of Representatives (1990), <u>Report of the Committee on the Resource Management Bill</u>, pp.7-8.

[88]. NZ Government (1987), <u>Conservation Act 1987</u>. Wellington: Government Printer, p.6.

[89]. E.g. the Conservation Bill provided for the Department of Conservation to have a "production" role as well, opening the door for a continuation of logging activities as practised by the NZ Forest Service; also, the definition of "protection" included the "improvement" a resource, allowing for the clearing of "scrub" (regarded by conservationists as regenerating forests) for the planting of exotics. Joint Campaign on Native Forests, <u>Bush</u>

policies with regard to enhancing transparency and efficiency in administration.[90] Yet, it appears that the commitment to conservation values held by key government ministers has also been an important factor in this part of the reform.[91]

Overall, it can be concluded that the environmental reform process proceeded on the basis of a variety of goals, purported by different actors and interests. Although at the beginning of the review process the need for clear guidance by an "overall environmental policy", to be formulated by the Government, was identified by the Environment Task group, proposing relatively modest institutional change, the emphasis shifted towards the need for a much more incisive administrative reorganisation, reflecting in particular the conservationist desire to see the establishment of a Nature Conservancy, and Treasury's own reform agenda. Substantive environmental policy or principles did *not* underlie the reform, with most actors emphasising institutional change as the key to "better" environmental policy.

9.4.3. The Form of Institutional Change.

In section 9.4.1. some mention has already been made of the extent of the environmental reorganisation, involving around one third of all government departments and their permanent staff. In this section, the institutional changes will be analysed in some detail in order to provide a basis for an assessment of the implications for environmental policy development later in the chapter. In particular, we will focus on the position and role of the new Ministry for the Environment as the central agency responsible for environmental policy development.[92]

Telegraph, No. 27, February 1987; Minister of State Services, "Press Statement: Recent Decisions on Environmental Administration", 28 November 1985.

[90]. This aspect will be elaborated upon in the next section.

[91]. Conservationist referred to a longer-standing interest within the Labour Party in forest conservation, particularly on the side of Richard Prebble, who allegedly played a crucial role in the debate on the allocation of native forests to DOC; Philip Woollaston was also generally regarded as strongly committed to this cause, whereas Russel Marshall, according to Guy Salmon, probably became committed since 1981, after having attended an Easter gathering of the Native Forests Action Council, and having been "shown the bush". Joint Campaign on Native Forests, Bush Telegraph, No.22, November 1985; Guy Salmon, Personal interview, 19 September 1986.

[92]. It should be emphasised that the analysis in this thesis will be taken to the point where the Commission for the Environment has been disestablished and the new Ministry came into being on 1 December 1986. The process of institutional reform continued after that date, with the Resource Management Law Reform being of utmost importance, and had not yet been finalised at the date of writing. The focus in the analysis is on the position and role of the new Ministry for the Environment as compared to that of the Commission. Although some reference

Virtually all interested parties in the reform process agreed on the desirability of establishing a Ministry for the Environment on a statutory basis.[93] Much more controversial, however, was the question what the specific role and functions of the new Ministry were to be.

Three areas of debate with regard to the role of the Ministry will be discussed: (1) the scope of responsibilities; (2) the question of "advocacy"; and (3) the extent of the Ministry's powers.

9.4.3.1. The Scope of Responsibilities.

As mentioned earlier in this chapter, environmental groups advocated the establishment of a Ministry for the Environment with "a *powerful role* in policy formulation and *implementation*" [original emphasis] in line with Labour's 1984 manifesto commitment.[94] Favoured was a ministry with a "hands on" role in nature conservation, planning, pollution control and environmental health.

The environmental groups proposed a transfer of the following responsibilities or agencies to the Nature Conservation Division of the new Ministry: (a) the national parks and reserves, walkways, unoccupied Crown land and Crown leasehold land (responsibilities of the Department of Lands & Survey); (b) the administration of indigenous State forests and associated research functions from the NZ Forest Service; (c) the Wildlife Division of the Department of Internal Affairs; (d) the Freshwater Fisheries section from the Ministry of Agriculture & Fisheries; (e) the administration of marine reserves from the same ministry; (f) the administration of the wild & scenic rivers from the Ministry of Works and Development.[95] In the Planning Division the groups proposed to draw together: (a) the Town & Country Planning Division from the Ministry of Works & Development; (b) the Local Government Division from the Department of Internal Affairs; (c) the Regional Development section from the Department of Trade & Industry; (d) the Water & Soil Division and associated science centres from the Ministry of Works & Development (minus irrigation promotion responsibilities); (e) responsibilities for foreshores, reclamation and marine pollution from the Marine

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will be made those aspects of the Resource Management Law Reform that are likely to affect the Ministry in its position and role, no effort or claim will be made to analyse the post 1986 reforms in extenso.

[93]. Apparently, only the Ministry of Works and Development did not support this view. Bob McClymont, File Note, 3 July 1985, Commission for the Environment, File ENV 2/19/9, Volume 1.

[94]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, An Alternative Discussion Paper. Wellington: Royal Forest and Bird Protection Society, p.8.

[95]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, p.15; on top of that, the Ministry would administer the Conservation Corps, a proposed agency recruiting volunteers for conservation work.

Division of the Ministry of Transport; (f) the Meteorological Service from the Ministry of Transport, and (g) the Public Health Division from the Department of Health.[96]

It was noted that the proposed Ministry would be "a relatively large department, not because big is beautiful but because the logic of integrating environmental planning functions in one agency requires it to be big."[97] It was argued that such integration would bring together the environmental professionals then dispersed over small divisions of other departments, dominated by the particular ideologies of engineers, foresters or doctors. By contrast, the new Ministry would create a new corporate ethic, and provide better career opportunities and "channels of influence to the highest levels of government for planners, resource managers and environmental scientists."[98]

The Environment Task Group suggested that the responsibility for the audit function of the Commission would be transferred to a newly established office of the Commissioner for the Environment, who was to become an officer of Parliament, constitutionally independent, and separate from a Ministry for the Environment.[99]

For the Ministry for the Environment the Task Group presented three options: Option 1, based on merging the non-audit functions of the Commission for the Environment with the field activities of the Nature Conservation Council, which amounted to allocating primarily an advisory and advocacy role to the Ministry; Option 2 comprised the functions of option 1, but added responsibility for the Town & Country Planning, and the functions of the Regional Development and Resource Conservation sections of the Department of Trade & Industry to the Ministry; and Option 3, which stood for a much larger Ministry with extensive resource management responsibilities.[100]

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[96]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, pp.20-21.

[97]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, p.22.

[98]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New Zealand, p.23.

[99]. Minister for the Environment (1984), Environmental Administration in New Zealand - A Discussion Paper. Wellington: State Services Commission, p.26. This idea had also been advocated by environmental groups. See Royal Forest and Bird Protection Society of N.Z. a.o. (1982), Environmental Management in New Zealand: A Strategy. Wellington: Royal Forest and Bird protection Society.

[100]. Royal Forest and Bird Protection Society of N.Z. a.o. (1982), Environmental Management in New Zealand: A Strategy, p.17-18.

Most government departments expressed support for the second option, which included a planning role for the Ministry.[101] Treasury also expressed reservations about extending the Town and Country Planning Act to cover other resources, questioning whether statutory land-use planning "should be a principal tool for environmental management."[102] Treasury had doubts about the benefits of the existing system, and argued that a critical review of the planning procedures themselves was desirable.[103]

The Task Group itself expressed a preference for an option between 1 and 2, involving "advancing and promoting environmental management concepts and administering the (revised) Town and Country Planning Act." The Group argued that it had found no support for the third option. Indeed, no government department supported this option, but environmental groups clearly advocated a Nature Conservation Division of the Ministry, managing protected Crown land. The Task Group argued that "While some of the arguments in favour of the Ministry assuming responsibility for the management of protected areas might be persuasive, most could apply equally to the establishment of an independent 'Nature Conservancy'." The Group concluded that whilst it felt that there was merit in the idea of creating a separate Nature Conservancy, it was a proposal "which will provoke considerable debate. It is suggested that this could be considered once the new Ministry and Council have been established."[104]

Environmentalists, accusing the Task Group of wanting to bury the Nature Conservancy, came back in force with their demand for a Nature Conservancy, in submissions on the Task Group report, and at the Environment Forum in March 1985.[105] The Working Party on Environmental Administration, on which 6 non-public servants were represented, including Guy Salmon, the Director of the Native Forests Action Council and Joint Campaign on Native Forests, proposed the establishment of a separate department ("Heritage New Zealand") with a conservation/protection role.[106] Some conservationists, led by Salmon, formed an

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[101]. Only the Ministry of Works & Development (which administered the Town & Country Planning Act), and the Department of Trade and Industry, expressed themselves against the Ministry adopting that role. Environment Forum (1985), Background Papers. Wellington: State Services Commission.

[102]. Treasury (1985), "Environmental Policy: The Proposed Ministry for the Environment", in: Environment Forum, Background Papers. Wellington: State Services Commission.

[103]. "On the one hand it is complex, sometimes lengthy, and can be a real impediment to economic change. [...] On the other hand, it is uncertain how committed regional and united councils are to the regional planning process." Treasury (1985), "Environmental Policy: The Proposed Ministry for the Environment", p.5.

[104]. Treasury (1985), "Environmental Policy: The Proposed Ministry for the Environment", pp.24-25.

[105]. Minister for the Environment (1985), Environmental Forum 1985 - Synopsis of Submissions and Forum Record. Wellington: State Services Commission, pp.26-28; 84-85.

[106]. Minister for the Environment (1985), Environment 1986 - Report of the Post-Environment Forum Working Party. Wellington: State Services Commission, pp.27-31; 46-47.

"unholy alliance" with Treasury on the issue of separating the
conservation/protection responsibilities of Crown land administering agencies
(such as the NZ Forests Service and the Department of Lands & Survey) from
their commercial activities.[107] Supporting this idea, the WPEA proposed the
establishment of a Land Development and Management Corporation, essentially
inheriting Lands and Survey's development function.[108]

In June 1985, when the Government decided on the establishment of a
Ministry and the office of a Parliamentary Commissioner for the Environment,
the decision on the creation of a Nature Conservancy was deferred, due to strong
opposition by the departments involved and other affected interests.[109] Eventually,
however, a Nature Conservancy agency was established separate from the Ministry
for the Environment, in the form of the Department of Conservation.[110]

Meanwhile, the struggle over whether the Ministry should have
responsibility for the Town and Country Planning Act continued. The Working
Party on Environmental Administration, similarly to the Environment Task Group,
saw a key role for the Ministry in planning, and advised the transfer of the
responsibility for the administration of the Act to the Ministry. However, a
separation of responsibilities within the Act between the Ministry for the
Environment and the Ministry of Works and Development was advocated, with the
former becoming responsible for "the framework of the legislation and the
national interest components" whereas the Ministry of Works and Development
would remain responsible for Crown property aspects. The Working Party also
recommended that the transfer of responsibility should take place "by up to a
year" after the establishment of the Ministry, "to allow the Ministry to settle into
its role of overseeing natural and physical resource management within
Government, and to devise policies for environmental management in accord with
its mission statement."[111]

In June 1985 the Cabinet directed a Steering Committee of officials to
report back on various aspects of the WPEA recommendations. A working party of

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[107]. Guy Salmon, Personal interview, 19 September 1986; see also section 9.3. of this chapter.

[108]. Minister for the Environment (1985), Environment 1986 - Report of the Post-Environment Forum Working Party, pp.10; 31-32.

[109]. Opposition against the proposal was waged by a powerful combination of interest groups, including Federated Farmers, the NZ Timber Industry Federation, the NZ Chamber of Commerce, the NZ Manufacturers Association, the NZ forestry Council, the NZ Workers Union and the NZ Timber Workers Union. Chris Livesey, "Analysis of the Formation of the Ministry for the Environment", 10 June 1986, Unpublished CFE document, 0066 E, p.4.

[110]. By a Cabinet decision on 16 September 1985; the Conservation Act was passed in March 1987, and the department became operational on 1 April of that year.

[111]. Minister for the Environment (1985), Environment 1986 - Report of the Post-Environment Forum Working Party. Wellington: State Services Commission, pp.8; 21-25; 45.

the Committee agreed on the need for a wider, more radical review of the Town & Country Planning system, as advocated by Treasury. A transfer of the Town & Country Act responsibilities to the new Ministry, before such a review were completed, was rejected. It was also emphasised that the Ministry for the Environment's role should be to concentrate on establishing the right conditions for decision-making (by others), as opposed to direct intervention in decision processes.[112]

The recommendations of the officials working party were accepted by the Steering Committee. The Committee strongly attacked the notion of the Ministry for the Environment as a national planning agency, arguing that

> *Ultimately, it is not possible to achieve a situation where the best options are always chosen by centralised planning (whether on the national, regional or local level) in accordance with one grand scheme.*[113]

The officials further argued that as the concept of environment could not be objectively defined "the Ministry for the Environment should not focus on these perceptions" and that "what is required is a framework which allows individual interest to provide the impetus for activity."[114]

The officials' report provoked the dismay of one of the longest serving Commission for the Environment officials, who noted that:

> *While some of the comments made in the report are valid it is clear that the conclusions reached have been strongly influenced by Treasury's anti-planning, anti-regulatory philosophy and by the Ministry of Works' wish to retain the Town & Country Planning and Water & Soil functions. [...] For me this is a replay of 1972 with bureaucrats defending their territory.*[115]

On 16 September 1985 Cabinet agreed with the recommendations of the Steering Committee, and confirmed that the Ministry for the Environment would have responsibility for monitoring and reporting to Government on environmental aspects of Town & Country Planning and Water & Soil *policy,* but not for the *administration* of these areas, although a possible transfer in the future was not completely ruled out, pending a review of the relevant statutes.[116]

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[112]. Working Party 2, Report to Steering Committee, 19 August 1985, Commission for the Environment, File ENV 2/19/9, Volume 1.

[113]. Officials Report on Ministry for the Environment, "Executive Summary", 2 September 1985, Commission for the Environment, File ENV 2/19/9 Volume 2.

[114]. Officials Report on Ministry for the Environment, "Executive Summary".

[115]. P.H. Gresham, Comments on Officials Report on the Ministry for the Environment, 4 September 1985, Commission for the Environment, File ENV 2/19/9, Volume 2.

[116]. Chris Livesey, "Analysis of the Formation of the Ministry for the Environment", 0073E, pp.28;31.

In November 1985, the role of the Ministry was further defined as to "advise the Minister for the Environment on all aspects of environmental administration [...]", and it was noted that the:

> [...] focus of the Ministry's work will be on devising mechanisms, including environmental assessment processes, which both facilitate and provide an incentive for the giving of due weight to environmental concerns by the managers of New Zealand's natural and physical resources in both public and private sectors. Its aim will be to ensure that care for the environment rather than being the concern solely of one government agency, is an integral part of the philosophy and actions of all resource users, in other words, all New Zealanders.[117]

Although the Ministry retained formal responsibility for the environmental assessment procedures, it was suggested that the audit role connected with the procedures, looming so large in the Commission for the Environment's activities, would be taken over by the Parliamentary Commissioner for the Environment. This arrangement was considered to be an interim measure until such time as the environmental procedures would have been reviewed.[118]

Meanwhile the Ministry would remain responsible for advising the Minister on "significant environmental impacts of public or private sector proposals", but it was suggested that alternative mechanisms to implement this responsibility would be used,[119] and that the need for separate environmental assessment procedures would disappear with their integration with statutory planning procedures.[120]

The area of responsibility of the Ministry is therefore not principally different from that of its predecessor, the Commission for the Environment. The Ministry, like the Commission, does not have direct ("hands on") responsibilities for resource management or regulatory functions, and fulfils primarily an advisory, educative, and environmental consciousness raising role. A major difference is that the Ministry, by not being responsible for the audit function, is

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[117]. Minister of State Services, Press Statement, "Recent Decisions on Environmental Administration", 28 November 1985.

[118]. It was expected that the number of formal audits in which the Commissioner would be involved, would not exceed three to six a year. Chris Livesey, "Analysis of the Formation of the Ministry for the Environment", 0080E, pp.12; 19; Establishment Unit for the Parliamentary Commissioner and Ministry for the Environment, Preliminary Draft Strategic Plan, p.9; Parliamentary Commissioner for the Environment, Report for the Three Months Ended 31 March 1987. Wellington: Parliamentary Commissioner for the Environment, pp.5-6.

[119]. Such as the "control function" of the Ministry for the Environment (about which more later in this chapter). Chris Livesey, "Analysis of the Formation of the Ministry for the Environment", 0080 E, pp.12;19-20.

[120]. The Steering Committee noted that "When the reformed systems are in place there should be no need for the Ministry to vet resource use proposals by reporting to Ministers." Officials Report on Ministry for the Environment, "Executive Summary", 2 September 1985, Commission for the Environment, File ENV 2/19/9 Volume 2, p.10.

in a position to concentrate its activities on other responsibilities, in particular policy advice.[121]

Although the Ministry for the Environment inherited the responsibility of the Town & Country Planning and Water & Soil legislation from the Ministry of Works & Development, when this was abolished in April 1988, this did not fundamentally change the nature of the Ministry's role. The role of the Ministry in these areas was mainly seen as advisory, and on a policy level, whereas the operational functions related to this legislation were regarded as transitional, pending the Resource Management Law Reform.[122]

9.4.3.2. The Question of "Advocacy".

The OECD, in its report on NZ environmental policies, noted that the Commission was expected to play three roles: that of public servant (the departmental role), that of a "potential public critic" (related to the audit role), and that of an "advocate" for the environment ("although less well defined"). It was noted that this set of roles was difficult to combine, and that it was "remarkable that the system has worked so well until now."[123]

It has been argued that these roles were not incompatible, and that the OECD failed to understand how the system worked in practice. In its audit role the Commission was bestowed a *de facto* "independence", making its recommendations without "political interference".[124]

The OECD also noted that independence seemed appropriate in connection with the auditor role, but that it would lead to greater conflict:

> *[...] if the role of the agency is seen largely in terms of policy advice and governmental co-ordination, and most especially if it is seen as participating with other agencies in the development of policies and*

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[121]. The Ministry may also get involved into conflict resolution; yet, it was noted that, although the Ministry "may from time to time become involved in facilitating resolution of conflict on environmental issues, its primary role is as a policy and advisory agency." Ministry for the Environment, Report for the Period 1 December 1986 to 31 March 1987, p.5. Wellington: Ministry for the Environment.

[122]. Ministry for the Environment, Report for the Year Ended 31 March 1989, pp.16-18. Wellington: Ministry for the Environment.

[123]. Organisation for Economic Cooperation and Development (1981), Environmental Policies in New Zealand, Paris: OECD, p.19.

[124]. This was argued by Ken Piddington. Ironically, it was under his "reign" as Commissioner that the Government tried to manipulate the terms upon which the Commission fulfilled its audit responsibilities, after the Commission had produced a critical audit report that was ill received by the Prime Minister. See Chapter V, pp.204-205.

programmes ensuring that environmental considerations are brought in at the earliest possible stage.[125]

The solution proposed by the OECD was to strip the Commission (or a Ministry) for the Environment of its "public critic" and "public advisory" roles, and to allocate these (possibly with the responsibility for the environmental impact procedures) to a strengthened, independent advisory council (a merger of the Environmental and Nature Conservation Councils).[126]

The Environment Task Group report demonstrated ambivalence over the issue. Although it advocated a clearly independent role for a Commissioner for the Environment (with an auditor role), it was not clear about the position of the Ministry. On the one hand the report described the Ministry as responding to the Minister's priorities (the public servant role), but on the other it depicted the Ministry in the light of the need for an environmental advocate, promoting environmental values and concepts (through the development of a NZ Conservation Strategy). On top of that the Task Group also bestowed a "national interest" role on to the Ministry, a role related to the responsibility under the Town and Country Planning Act, requiring the Ministry to represent "the Crown" in statutory proceedings.[127]

The report published by environment groups (the *Alternative Discussion Paper*) demonstrated a similar confusion. On the one hand it argued that by concentrating the "green dots" into the Ministry, more "balanced" decisions would result "into the open". It was assumed that the Ministry, by advocating environmental values, would provide a counterweight to (and thus "balancing") development interests promoted by other departments. It was seen as the Government's responsibility (and not departments' combining the two kind of responsibilities) to take decisions. On the other hand, however, it was argued that the Ministry:

> *[...] would be a creature of government policy like any other ministry [...]. It would only be an advocate for the environment insofar as it would represent the public interest, as expressed in the policy of the government of the day, at planning hearings - a role currently carried*

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[125]. In particular, such an independent agency would have difficulty in having access to information held by other government agencies. Organisation for Economic Cooperation and Development (1981), <u>Environmental Policies in New Zealand</u>, p.26.

[126]. Organisation for Economic Cooperation and Development (1981), <u>Environmental Policies in New Zealand</u>, pp.24.

[127]. Minister for the Environment (1984), <u>Environmental Administration in New Zealand - A Discussion Paper</u>. Wellington: State Services Commission, pp.16;20;22;26.

*out (somewhat spasmodically) by the Ministry of Works and
Development.*[128]

The ambivalence seems to arise from the desire to transfer the "national
interest" role from the Ministry of Works & Development to the new Ministry, a
role which required the "balancing" of a variety of departmental views and
interests under the "Crown case". In that role, the responsible agency was clearly
required to be "neutral" and not to be biased towards one particular kind of
interests.

The Working Party on Environmental Administration came up with the
solution of creating a nature conservancy ("Heritage New Zealand") that would
become a clear "advocate of preservation" and "which would act as the focus and
champion of conservation interests",[129] whereas the Ministry for the Environment,
taking on board the planning procedures and the "national interest" role, would:

> *[...] ensure that the management of the nation's natural and physical
> resources improves the quality of New Zealand's environment by taking
> full and balanced account of the value of these resources to all groups
> in the community so as to meet the ends of economic development, social
> justice and balanced and sustainable resource use; to reflect social,
> cultural and spiritual values, and preserve the qualities of the landscape;
> and to provide for the needs of future generations.*[130]

It was this course that was adopted by the Government in November 1985.
The Department of Conservation was given an:

> *[...] advocacy role for conservation and protection as well as
> management of a wide range of resources for which it will be
> responsible the ensure, among other things, that future values and uses
> are not prejudiced. [...] The chief responsibility for developing the
> systems and processes whereby values placed on the quality of the
> environment are taken into full and balanced account in the
> management of natural and physical resources lies with the Ministry for
> the Environment.*[131]

In the Draft Strategic Plan for the Ministry it was noted that:

> *The Ministry for the Environment's mission gives it the role of the
> advocate of balance in decisions that affect the environment. To fulfil*

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[128]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New
Zealand, An Alternative Discussion Paper. Wellington: Royal Forest and Bird Protection Society, pp.10-11; 18.

[129]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New
Zealand, An Alternative Discussion Paper. Wellington: Royal Forest and Bird Protection Society, pp.6; 27.

[130]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), Environmental Administration in New
Zealand, p.45.

> *this role credibly the Ministry must adopt a position of 'declared*
> *neutrality' as the 'Ministry in the Middle'.*[132]

This role seems to imply, not that the Ministry itself, in its advice to the Minister or Government, "strikes a balance" between various points of view,[133] but that it ensures that all views which have been expressed, are "objectively" presented to the Government for a decision. The role is based on the view that "the environment" is a relative concept, having different meanings and significance depending on the values adopted, and that it is not the role of the Ministry to choose sides or to determine who is "right".

In line with this approach it seems plausible to argue, as Treasury did, against including *particular* values in the *Environment Act* or, for that matter, in the Resource Management Act, as this might be seen as introducing bias in the decision making process. Nevertheless, in its long title, the *Environment Act* does require the Ministry and the Parliamentary Commissioner for the Environment to:

> *"Ensure that, in the management of natural and physical resources, full*
> *and balanced account is taken of-*
> *(i)   The intrinsic values of ecosystems; and*
> *(ii) All values which are placed by individuals and groups on the quality*
> *   of the environment; and*
> *(iii) The principles of the Treaty of Waitangi; and*
> *(iv) The sustainability of natural and physical resources; and*
> *(v)   The needs of future generations.*[134]

It can, of course, be argued that these values, just like the concept of "environment", are sweeping and wide statements, open for interpretation in a variety of ways, depending on other values. These values may also be in conflict with each other, and no indication is given in the *Environment Act* of their relative importance. Without further specification and elaboration (either by the Government or the Ministry), these values do not provide clear guidance as to how the Ministry should fulfil its role. It can therefore be concluded that the

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[131]. Minister of State Services, Press Statement on "Recent Decisions on Environmental Administration", 28 November 1985.

[132]. Ministry for the Environment, Establishment Unit (1986), Draft Strategic Plan. Wellington: Ministry for the Environment, p.8. However, ambivalence on the advocacy issue is also reflected in the Draft where it is argued that "there will be issues [in] which the Ministry [...] can take a lead as an advocate for [original emphasis] good environmental management." (p.18). Elsewhere in the Draft, the Ministry's role towards the regions is characterised as "promoting the Government's environmental policies" [emphasis added], reflecting the "public servant" role (pp.19; 33).

[133]. This approach, in which different views or interests would be "integrated" within the Ministry before reaching the Cabinet table, is remindful of the "double mandates" of some former government departments, and would very much go against the Labour Government's desire to make the decision making process more "transparent".

[134]. NZ Government, Environment Act 1986. Wellington: Government Printer, pp.1-2.

discussion on the concepts of "advocacy" and "neutrality" with regard to the role of the new Ministry has led to confusion, and that this question has not yet been adequately resolved.[135]

9.4.3.3. The Powers of the Ministry for the Environment.

As indicated in Chapter VII, the power position of an environmental agency depends on both formal and informal factors. The formal factors relate to how the agency's role has been formally defined by the government, whereas the informal factors relate to such aspects as government commitment, external (political) support, the resource base of the agency (including expertise and leadership skills), and the strategies used by the agency. As the second set of factors are either contextual and/or relate to the actual performance of an agency, they cannot be discussed in general terms if the goal is to assess an agency's likely policy performance, but require an analysis of actual developments. In this section, we will focus on the formal aspects of the Ministry's position and role, and assess to what extent these differ from the position and role of the Commission for the Environment. The last section of this chapter will include a discussion of the informal power aspects in assessing whether the Ministry for the Environment is likely to perform "better" than the Commission in environmental policy development.

A weak formal position vis a vis other government departments was identified by many critics of the Commission for the Environment as one of the reasons for the Commission's low degree of effectiveness. This weakness has been attributed to a lack of statutory backing and responsibilities, and a to a lack of formal powers or "control".

The need for the Ministry for the Environment to have a statutory backing was virtually uncontested during the reform exercise. Most people involved in the debate seemed to agree that it was desirable to formalise the departmental role of the Ministry, and to put it on a similar footing as most other government departments. Not formally being a government department with statutory backing (but a *commission*) was not only perceived as a direct obstacle for the Commission in fulfilling its functions (for instance in implementing the environmental

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[135]. Apparently, the debate within the Ministry whether it can or should be an advocate or neutral, has not yet been resolved either; during interviews several officials indicated that they were not happy with the depiction of the Ministry as a neutral agency. The ambivalence within the Ministry can also be found in its 1988 annual report to Parliament, where the role of the Ministry is defined threefold: "as an adviser; as an advocate of good environmental management; and as a neutral facilitator." Ministry for the Environment, <u>Report for the Year Ended 31 March 1988</u>, p.3.

assessment procedures), but also as an indirect barrier. The Commission's status was seen as reflecting a lower priority assigned to its work by the Government, affecting the attitudes of other agencies. A statutory backing was also considered as providing a more secure status, making the agency somewhat less vulnerable to the danger of being abolished by a stroke of the executive pen (a fate undergone by the Commission for the Future).

The OECD report on NZ environmental policies noted the absence of a clear statutory mandate for the Commission with regard to environmental policy development and co-ordination, and suggested the need for a central environmental agency to have access to all relevant information, and to be able to monitor the state of the NZ environment. The report also referred to the difficulty of combining the role of "public critic", requiring independence, with that of "public servant".[136] Environmental groups advocated the establishment of a "hands on" agency, having a policy *implementation* role, including powers to control land use and pollution.[137] A committee reviewing the effectiveness of the EIA procedures recommended statutory backing for the Commission, and the granting of powers to the Commission to review policy proposals and to oversee and report on the effective implementation of audit recommendations.[138]

As noted earlier, initial efforts to give the Ministry statutory responsibility for planning failed. Instead, its field of responsibility was not defined on the basis of policy area, but functionally, as advising the Minister for the Environment on "all aspects of environmental administration."[139] Although its advisory functions have been specified with regard to such things as pollution control, natural hazards and the control of hazardous substances, its brief is much wider and relates to all "policies for influencing the management of natural and physical resources and ecosystems" so as to achieve the objectives of the Environment Act.[140] This provides the Ministry a statutory basis for developing initiatives, or for getting involved, in potentially all environmental policy areas that are considered important.[141]

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[136]. Organisation for Economic Cooperation and Development (1981), <u>Environmental Policies in New Zealand</u>, Paris: OECD, pp.18-20.

[137]. Royal Forest and Bird Protection Society of N.Z. a.o. (1985), <u>Environmental Administration in New Zealand</u>, pp.8; 18-21.

[138]. Speden, Ian a.o. (1983), <u>Environmental Audits and Appraisals 1976-81</u>. Wellington: Commission for the Environment, pp.52; 55.

[139]. NZ Government, <u>Environment Act 1986</u>. Wellington: Government Printer, p.15.

[140]. NZ Government, <u>Environment Act 1986</u>, pp.15-16.

[141]. This is further supported in the <u>Environment Act</u> by a very broad definition of the concept "environment", which is defined to include: (a) Ecosystems and their constituent parts; and (b) All natural and physical resources; and (c) The social, economic, aesthetic, and cultural conditions which affect the environment or which

The Act also gives the Ministry the *function* to "solicit and obtain information from any source, and to conduct and supervise research, so far as it is necessary for the formulation of advice to the Government on environmental policies."[142] The term *power* is not used in this context, however, thus raising the question how the Ministry obtains the information necessary for implementing its policy advice function.[143] The power of the Parliamentary Commissioner for the Environment to obtain information has been formulated in the *Environment Act*. The Ministry, apparently, has to rely on other (non-statutory) mechanisms to obtain information.

One such mechanism to obtain information is the "control function". The Environment Task Group proposed that such a function be carried out by the Ministry for the Environment by:

> [...] providing a mandatory report to Government on all proposals involving the use of natural resources or on decisions of national or regional significance affecting the physical, biological or social environment.[144]

According to the Task Group, the establishment of a Ministry for the Environment with a "control function", similar to that of Treasury in financial and economic matters and the State Services Commission on staff matters, would provide a clear indication to all departments of the Government's commitment to environmental management.[145] The Working Party on Environmental Administration also advised that the Ministry should have a "control function".[146]

The proposal aroused considerable debate, however, and was one of the controversial issues discussed by the officials committee established after the WPEA issued its report to the Government. Obviously, the "control function" is not a very precise concept, leaving room for different interpretations, some of which comprise more than a purely advisory role, and include an element of accountability. A State Services Commission official indicated that three kinds of powers could be identified with the "control function": (1) the power to obtain information and to investigate; (2) the administration of standards and regulatory

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are affected by changes to the environment. NZ Government, <u>Environment Act 1986</u>. Wellington: Government Printer, p.5.

[142]. NZ Government, <u>Environment Act 1986</u>, pp.15-16.

[143]. It was explicitly noted by the Cabinet Policy Committee that this function "does not give the Ministry the power to require information to be given." Cabinet Policy Committee, Minutes of a Meeting held 10 June 1986.

[144]. Minister for the Environment (1984), <u>Environmental Administration in New Zealand - A Discussion Paper</u>. Wellington: State Services Commission, p.32.

[145]. Minister for the Environment (1984), <u>Environmental Administration in New Zealand</u>, p.22.

[146]. Minister for the Environment (1985), <u>Environment 1986 - Report of the Post-Environment Forum Working Party</u>, p.41.

mechanisms; and (3) mandatory reporting to the Government on proposals which exceed specific norms, or involve resources subject to specified controls.[147]

However, the report of the officials committee noted that "control" is "a particularly vague and emotive term, which officials [...] prefer not to use in favour of other terms." Instead of calling the Ministry for the Environment a "control agency", it was recommended that it would be referred to as a "central advisory agency".[148] It was suggested that access to information was the main power the Ministry would need, and that provision be made for the Ministry to comment on policy initiatives.[149]

In June 1986 the Cabinet Policy Committee agreed that "there should be provision for mandatory report by the MfE on any proposal with significant environmental implications submitted to Cabinet or its Committees", and that appropriate instructions to that effect should be included in the Cabinet Office Manual.[150] Effectively, the "control function" allocated to the Ministry for the Environment, was stripped of any connotations of "control" over other departments, and has been confined to an advisory and reporting function.

The *Environment Act* does not make any explicit reference to a co-ordination role of the Ministry. Although it can be argued that the broad scope of the Ministry's advisory powers implies the potential to look into environmental matters in a comprehensive way, also if the management responsibilities with regard to these matters is dispersed over a range of agencies, there is no provision for the Ministry to require the co-operation of these agencies. This means that, particularly in areas where a co-operative attitude of the responsible agencies is lacking, the Ministry may still find it difficult to initiate or undertake policy review, e.g. if lacking the necessary expertise or resources itself.

Neither did the Ministry receive a clear responsibility for monitoring the overall state of the New Zealand environment, even though, again, it may be argued that such a task could be undertaken by the Ministry within its broad

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[147]. Darryl Dunn, Paper on "Control and Binding Provisions", 3 July 1985, Commission for the Environment, File, ENV 2/19/9, Volume 1.

[148]. Officials Report on Ministry for the Environment, "Executive Summary", 2 September 1985, Commission for the Environment, File ENV 2/19/9, Volume 2.

[149]. It was added, however, that the powers of the Ministry to request information would need to be limited "so that they applied only to available information, and that information was only to be used in reporting to Government on environmental matters", implying that the Ministry could not require other agencies to gather additional information on proposals if the information was deemed to be unavailable. It was also noted that once "the reformed systems are in place there should be no need for the Ministry to vet resource use proposals by reporting to Ministers." Officials Report on Ministry for the Environment, "Executive Summary", 2 September 1985, Commission for the Environment, File ENV 2/19/9, Volume 2.

[150]. Cabinet Policy Committee, Minutes of a Meeting held on 10 June 1986. Actually, the instruction was made the subject of a Cabinet Office Circular (dated 14 April 1987), but was expected to be included in a revised Cabinet Office Manual. Anna Leyden, Ministry for the Environment, Personal Communication, 6 November 1990.

advisory function, if it chose to do so. However, given the Ministry's lack of power to request, or require the generation of, information, it cannot be guaranteed that it will be in a position to have access to all the information necessary to fulfil a monitoring role. Despite the fact that the Ministry indicated that "it will take a lead by establishing a system of environmental quality monitoring", and that the identification of "system failures" is one of its responsibilities, it was also noted that "As a policy agency, the Ministry for the Environment will not be responsible for physical measurements" and that "It is *expected* [emphasis added] that agencies with regulatory responsibilities [...] will monitor environmental quality indicators."[151]

It can be concluded that, apart from the advisory and reporting function, the Ministry does not have any other formal powers, although some transitional operational powers have been thrusted upon it with the disestablishment of the Ministry of Works and Development. This doesn't necessarily mean, however, that the Ministry is weak or ineffective. The new agency's policy performance is also affected by a range of factors related to its "informal" power position, referred to earlier. Effectiveness is also very much affected by such things as government commitment, the power of an agency's constituency, the public standing and political capabilities of leaders, and the choices made by the agency.[152]

9.5. Conditions for Improved Policy Performance: Will the Ministry for the Environment Be Able to Do Better?

In Chapter I it was stipulated that the policy performance of central environmental agencies depends on four factors: (1) the kind and degree of external support; (2) the degree of government commitment; (3) the relative position of these agencies in the bureaucratic framework; and (4) the choices made by the agency itself. When trying to assess whether the Ministry will be able to do better than the Commission for the Environment has done, all four factors will have to be taken into account.

The Commission for the Environment was perceived primarily as an environmental advocate and public watchdog. Although contacts with environmental groups have not been particularly close during much of the Commission's existence, it has been demonstrated that the Commission has functioned consistently as an advocate for greater public scrutiny, input and

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[151]. Ministry for the Environment, Corporate Plan 1988 -1989, pp.11; 25-27; Corporate Plan 1990 - 1991, pp.18; 33-34; 38-39.

[152]. See Chapter I, section 1.4.

participation. Even though some environmentalists saw the agency as "toothless", and therefore "useless", there is no doubt that the Commission, as an "underdog" agency, enjoyed considerable public support. People continued making submissions on proposals through the environmental procedures administered by the Commission, knowing that their questions or criticism would be taken seriously, and be taken into account in the Commission's audit. In some cases also (as for instance in the Wild & Scenics Rivers issue), the Commission was able to mobilise external support to have policies introduced.

The Ministry for the Environment, because of its position of "declared neutrality" and ambivalence with regard to being an "advocate" (not for the environment, but of "good environmental management" and "balance"), enjoys much less an image of a public, environmental watchdog. By concentrating on "long term policy" and "the system" or the "framework", and explicitly rejecting to "help solve short term problems", the Ministry runs the risk of being perceived as a "useless" agency for redressing present day environmental problems. This is, of course, reinforced by the fact that the Ministry is no longer responsible for the audit function, thus losing a valuable stream of public input, which could keep it in close contact with public feelings on environmental issues. With the expected devolution of environmental responsibilities to local and regional government, it is even less likely that the Ministry will be seen as "relevant", unless it would develop and demonstrate a strong presence and public advocate role on these levels.[153]

Overall, with the Ministry lacking a formal, but also informal or perceived, environmental advocate role, it is hard to depict who the Ministry's constituents are. If not environmental groups, or citizens concerned about the environment, who else? If it is everyone's advocate ("balancing all values"), than it is likely to end up as no one's in particular. Ironically, at a time when environmental concerns are at a new high (at the end of the 1980s and early 1990s), the new central environmental agency in New Zealand may enjoy less public support than its predecessor.

Much of the commitment governments have claimed to environmental matters in recent years can be attributed to the new wave of environmentalism. Whether due to a continuing "shift of cultural paradigm", or connected to the saliency of environmental pressure on a global scale (greenhouse effect, ozone

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[153]. It should be noted that the Resource Management Law Reform process, administered by the Ministry, has also been accompanied by widespread public consultation and various rounds of submissions, indicating that the Ministry has so far maintained a high level of public input. It is not clear, however, to what extent the Ministry will remain an avenue for public participation once the new structures have been put into place.

holes), environmental concern and awareness have become much more mainstream. This seems also true for New Zealand, with the enormous growth in membership of environmental groups over the last few years and the revival of support for a green party.

Whether the greater demand for environmental protection and quality will be transformed into more effective environmental policies, depends not only on the effectiveness of the environmental lobby, but also on the degree of "internalisation" of environmental values in politicians, government officials and private managers. Commitment to addressing environmental problems does not depend on "the system" or structures, but on internalised values, interpretation of "needs", and allocation of priorities or, in other words, on the development of an environment ethic. It would seem that, also in this area, there is a role to play for a central environmental agency, as an educator, promoter and facilitator.

During much of its lifetime, the Commission had to put up with little or no government commitment to environmental values. Perhaps because of the weakness of political support, the Commission's efforts were very much directed towards "grafting an environmental consciousness" on others, particularly within government and the bureaucracy. As discussed earlier, the effectiveness of these efforts is hard to measure or substantiate, given also the developments in society (and the world) as a whole. The Ministry, being in a somewhat different situation, faces the problem of how to capitalise on environmental demands, and on the claims of government commitment, and how to translate these into effective policies.

Overall, the Ministry seems to be in a better relative position for contributing to environmental policy development than the Commission was. It has a statutory basis for taking initiatives in all aspects of environmental policy and, given the wide definition of the concept of environment in the *Environment Act*, for getting involved in all three dimensions of environmental policy. Neither is the Ministry "handicapped" by responsibilities of an operational or management nature, nor is much of its time absorbed by the need to assess environmental impacts on a *project* level. It is therefore in a good position to take the lead in developing a comprehensive approach to the environment, and to prepare the ground for the development of an "overall environmental policy".

On the other hand, as mentioned earlier in this chapter, does the Ministry have no clear mandate to require other agencies to co-operate and/or to provide information and expertise needed for the development of more integrated environmental policies. Although the Ministry is somewhat bigger and better resourced than the Commission was, and has less of its resources tied to fixed or

ongoing responsibilities (such as the audit role), it cannot be expected to master or acquire all the knowledge and skills required for tackling such a task on itself.[154]

However, to what extent the Ministry's position will be a "counter-weight to Treasury"[155] in influencing government policies remains to be seen. Much will depend, in this respect, not only on governments' sensitivity or openness to the advice both agencies, but also on the choices made by the Ministry for the Environment itself. To what extent does the new Ministry *want* to be a counter-weight? *How* does it want to use its powers, and what for? What views dominate the "MfE line"? How does it define environmental problems? In short, what is the environmental ideology prevailing in the Ministry, and what strategies does it adopt to address these environmental problems? The answers to questions such as these determine whether improved conditions for policy performance will also lead to the development of more responsive and effective environmental policies. However, as this study is not an analysis of the new Ministry's environmental ideology and strategies, only a few observations will be made on the basis of some of the documentation on the Ministry's strategic choices.

With the by-passing of Ken Piddington in his bid to become the Ministry's first Secretary for the Environment, and the appointment of Roger Blakeley to the position,[156] a choice was made for a different approach to the environment. The approach advocated by Piddington, which was reflected in the Environment Task Group's report, assigned an important role to planning, coupled with the development of a substantive approach to environmental policy co-ordination.

With Blakeley's appointment, and the start of the Establishment Unit for the Ministry for the Environment shortly thereafter, a different strategy was developed which in many ways resembles Treasury's approach to environmental management. In the *Draft Strategic Plan* for the Ministry much emphasis is put on the value of "the market" as an efficient allocator of resources, and on the need

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[154]. In 1988 the total permanent staff of the Ministry stood at 86 (compared to around 50 for the Commission), not including 24 staff attached to the "transitional functions" of the Ministry. The Ministry also adopted a matrix organisational structure to "ensure both high standards of professional and technical advice and with flexibility to establish project teams as necessary to meet special tasks." Ministry for the Environment, Corporate Plan 1988 - 1989, p.22; 31-33. For the year 1988-89 the Ministry had a budget of about $ 70 million, compared to $ 2.2 million for the Commission in 1986-87. Even though the $ 70 million includes almost $ 53 million for "transitional functions", the remainder, $ 17 million, is still considerably higher than what the Commission had available. Ministry for the Environment, Report for the Year Ended 31 March 1989, p.27. NZ Government, Estimates, Appendix to the Journals of the House of Representatives, 1986-87.

[155]. The view of the Ministry for the Environment as "having an influential and demanding role as a counter-weight to Treasury", was expressed by Philip Woollaston, the Under-Secretary for the Environment. Philip Woollaston, "Speech Notes of Speech to South Island Local Bodies' Association Annual Conference", Queenstown, 2 October 1985.

[156]. On 2 April 1986; a few weeks later, on 24 April 1986, Ken Piddington was appointed Director-General of the Department of Conservation.

for the Ministry to focus its concern "where the market does not work and some form of intervention is required to achieve social equity or required environmental control."[157] The correction of "market failure" (not planning) is seen in the *Draft* as the key concern for environmental policy, a line of approach very much advocated by Treasury, as discussed earlier in this chapter. The *Draft* justifies the new approach by referring to the Government's policy:

> *The current Government policy has moved:*
>
> (a) *away from centralised planning of development and attempts to implement such plans by various forms of controls and incentives;*
> (b) *towards a strategy for development which ensures that individual developers face prices which reflect full social costs, and allows them to make their own decisions on the basis of what they perceive to be in their own best interests.*[158]

In the *Draft*, many of the same arguments can be found as in earlier Treasury papers, such as that planning should be carried out at the point where the required information is available and "where the incentives to get the plans right are the greatest", that the Ministry's role is to establish the framework within which decisions can be made, and that changes of the Town & Country Planning Act are required to "limit the scope of controls implicit in regional and district schemes to areas where the market will not work."[159] It was also indicated that the environmental assessment procedures were expected to be integrated into revised resource management statutes, so that there would be no need for "another layer of bureaucratic control on top of existing procedures in these acts."[160]

On the other hand did the *Draft* indicate that the Ministry would be formulating a medium and long term environmental policy, based on the draft *New Zealand Conservation Strategy*, and a comprehensive pollution management strategy, as part of the "policy framework" guiding decisions and intervention.[161] Up to date, however, the Ministry has been concentrating its efforts very much on a review of resource management statutes without giving the same emphasis on the development of the foretold medium and long term environmental policy.[162]

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[157]. Ministry for the Environment, Establishment Unit (1986), Draft Strategic Plan. Wellington: Ministry for the Environment, p.13.

[158]. Ministry for the Environment, Establishment Unit (1986), Draft Strategic Plan, p.14.

[159]. Ministry for the Environment, Establishment Unit (1986), Draft Strategic Plan, pp.14-15.

[160]. Ministry for the Environment, Establishment Unit (1986), Draft Strategic Plan, p.17.

[161]. Ministry for the Environment, Establishment Unit (1986), Draft Strategic Plan, pp.18; 23-25; 37.

[162]. See Chapter VI. The development of such a "fundamental environmental policy" remains on the Ministry's books, although this work does not seem to have received a high priority. Ministry for the Environment, Corporate Plan 1990 - 1991. Wellington: Ministry for the Environment, p.10.

The annual reports and corporate plans produced by the Ministry so far confirm the impression that the Ministry emphasises the values of detached, "professional" analysis and efficient operation. These documents concentrate on the "outputs" of the Ministry and present achievements in terms of advice and papers produced. Compared to the annual reports produced by the Commission for the Environment, they reflect little of a substantive discussion of environmental problems and of the solutions advocated by the Ministry. Nor do not reflect the same sense of "urgency" to address these problems, as often displayed by the Commission for the Environment.[163]

These publications and impressions nourish an image of the Ministry as adhering to a technocentric environmental ideology,[164] in which the underlying values of the existing societal order, and the dominant attitudes towards the environment are being taken for granted, or left for others to discuss. From such a position, it is hard to see how the Ministry can participate, let alone take a lead, in organising the societal debate around fundamental questions (such as e.g. on the desirability, direction or quality of economic growth, the implications of a strategy of sustainability for "the kind of society we want to live in", or equity issues in resource management[165]), that need to be addressed if a comprehensive or "fundamental environmental policy" is to be developed.

Finally, in another of its choices, the Ministry seems to create even more confusion about its role and, in the meantime, about the division of work between itself and one of the other new environmental agencies, the Parliamentary Commissioner for the Environment.

The office of the Parliamentary Commissioner, as mentioned earlier, was expected to relieve the Ministry of the day to day responsibilities with respect to the auditing of environmental impact reports. However, the main thrust of the

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[163]. This is not meant to imply that on an individual level officials within the Ministry are not concerned about, or committed to, environmental problems. It means to say that the corporate ethic of the Ministry, related to its position of "declared neutrality", encourages a "detached" approach to the environment.

[164]. See Chapter I, pp.20-21 for a discussion of this term.

[165]. A paper produced by the Ministry on equity in resource management confirms this impression. The paper concludes with stating that "The Ministry for the Environment should not perform a major social policy role", and that "The Ministry's main role with respect to equity should be to promote decision processes in which either choices can be made by affected people (eg the market) or, where collective decision is necessary, that decision-makers be accountable." Although it is correct, as the paper argues, that it is up to the elected government to take decisions on these issues, it would appear that, as in all complex issues, the Government needs to be able to rely on officials to prepare the ground for such decisions, by organising the debate and addressing the substance of the issues. Where collective decisions are necessary (when, on what grounds?), it is not the task of the Ministry (or any other department) to ensure that decision-makers be accountable, but the other way around! The role of bureaucrats is to prepare the ground; they are accountable to the decision-makers (the Government) who, in turn, are accountable to the electorate. Sharplin, Kathy (1987), Equity in Resource Allocation - A Discussion Paper. Wellington: Ministry for the Environment.

office is not to focus on this role,[166] but to oversee the responsiveness and effectiveness of the system of environmental administration from an *independent* position. Although the role of the office has been compared to that of an environmental watchdog or ombudsman, it would appear that a comparison with the role of the Auditor General would be more appropriate.[167] The first function of the Parliamentary Commissioner is:

> *With the objective of maintaining and improving the quality of the environment, to review from time to time the system of agencies and processes established by the Government to manage the allocation, use, and preservation of natural and physical resources, and to report the results of any such review to the House of Representatives and to other such bodies or persons as the Commissioner considers appropriate.*[168]

The Commissioner has significant powers under the Act, such as the power to obtain information, to "examine on oath any person who in the Commissioner's opinion is able to give any such information", to hold inquiries (with the powers conferred on Commissions of Inquiry), and has the right to be heard in proceedings relating to or arising from obtaining, or attempts to obtain, consents.[169] The Commissioner is independent[170] and reports to the House of Representatives.

The Commissioner's role can be characterised as that of a "system guardian"[171] with a responsibility for watching over and providing advice for improving the policy performance capabilities of environmental structures and processes as a whole. As such, it fulfils a crucial feedback role with respect to the system's functioning and performance, and is a unique and important New Zealand invention.[172]

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[166]. It has been argued that it is debatable whether the Parliamentary Commissioner should be involved at all in the conduct of audits, as this "might compromise the PCE's independence as an officer of Parliament." Establishment Unit for the Parliamentary Commissioner and Ministry for the Environment, Preliminary Draft Strategic Plan, p.6.

[167]. The Commissioner, in her first report to Parliament, noted that "I will be endeavouring to establish strong links with the public and public interest groups but I have no desire to be seen first and foremost as a complaints authority. My office is not required to and does not have the resources to investigate all complaints." Parliamentary Commissioner for the Environment, Report for the Three Months Ended 31 March 1987, p.5-6.

[168]. NZ Government, Environment Act 1986, pp.7-8.

[169]. NZ Government, Environment Act 1986, p.8; 10; 12.

[170]. In the sense of being appointed by, and accountable to, Parliament, not a Minister, and of being financed by an appropriation of the House from the Consolidated Account. Ibid, pp.5-6.

[171]. This characterisation was made in the Preliminary Discussion Paper on the Establishment of the Parliamentary Commissioner and Ministry for the Environment. Ministry for the Environment, Establishment Unit (1986), Preliminary Discussion Paper. Wellington: Ministry for the Environment, chart next to p.3.

[172]. The Parliamentary Commissioner for the Environment's role can be compared with what Alexander George identifies as the "custodian" role. Acknowledging that in a system of multiple (policy) advocates "imperfect competition" in policy influence may distort policy outputs, the "custodian's" role is to identify imbalances and to

It appears, however, that the Ministry for the Environment claims to fulfil a similar role. In its corporate plans, the Ministry indicates to monitor "the system" of environmental management and, "where outcomes are unsatisfactory, and 'the system' is at fault", to play the role of "system reformer" by recommending reform of the policy and legislative framework to Government.[173]

At the same time, however, the Ministry considers itself to be a "policy agency", although it does not regard "to help solve short term problems" as the "substantive" role of the Ministry. "As a policy agency , the Ministry must concentrate its resources on long term policy reform."[174]

It can be argued, however, that the role of "custodian" or "system reformer" and that of "policy agent" are incompatible. As a policy agent, the Ministry is a participant in the policy process and, despite the claim of neutrality or "balancer", an advocate of "good policies" or "good management", whatever the criteria adopted. From the point of view of a central policy agency, co-ordination revolves around the finding of "solutions" that are effective, coherent, and acceptable to those involved. From a "custodian" or "system guardian/reformer" position, policies are *not* the focal point, but the relative positions of the participants in the policy process, and the institutions (forms and rules) through which that process takes place. Such a position requires independence from policy agents, and no involvement in the policy process itself, if the "system guardian" is to be regarded as "neutral".[175]

It would therefore be more logical for the Ministry to concentrate on its role as a "policy agency", and to leave the role of "system reformer" to the Parliamentary Commissioner who, being independent (not being part of the policy system and not being in the role of public servant of the Government), seems to be in a more credible position to take on such a (meta policy) role. This would allow the Ministry to focus on its policy co-ordination role, and on the search of responsive and effective solutions for environmental problems, in co-ordination with other actors.[176]

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take steps to redress these. George, A.L. (1972), "The Case for Multiple Advocacy in Making Foreign Policy", The American Political Science Review, Vol.66, pp.751-785; see also Chapter VII, p.261, footnote [9].

[173]. Ministry for the Environment, Corporate Plan 1988 - 1989, pp.27-29; Ministry for the Environment, Corporate Plan 1990 - 1991, pp.38-39.

[174]. Ministry for the Environment, Corporate Plan 1988 - 1989, p.27.

[175]. See for this line of argument George, A.L. (1972), "The Case for Multiple Advocacy in Making Foreign Policy", pp.751-785.

[176]. It should be emphasised that the "system reform" role of the Parliamentary Commissioner is primarily focused on improving the functioning of the current system, based on the evaluation of the performance of existing institutions. It may be argued that more fundamental, long-term institutional reform (or "system design") is needed to overcome structural obstacles for enhanced environmental policy performance. Such reform, however, as this thesis has attempted to demonstrate, is a highly political matter, and tends to depend on the

9.6 Conclusion.

The process of environmental reform set in by the Labour Government in 1984, although starting off from general principles, was not guided by a clear environmental policy. Instead, it was very much an exercise in institutional or *meta-policy* reform, based on the belief that a change in environmental structures and processes was desirable, and would lead to improved environmental policy performance. In the terminology of Kingdon's model, the streams of problems, policies and politics combined in a "window of opportunity" for change. The reform "solution" had been promoted for considerable time, particularly since a review by the OECD of New Zealand's environmental policies in 1980, and was pushed by skilful policy entrepreneurs through the "window of opportunity" created by the elections of 1984, in order to address the problem of the perceived lack of responsiveness to environmental demands, demonstrated during the nine year rule of the previous Government.

The participating actors in the reform process all had their own motives and agendas with respect to the reform. For conservationists the establishment of a Nature Conservancy, a "solution" promoted by some for decades, was at the top of the list of priorities. For the Commission for the Environment the main goal was to strengthen its own position, and to enhance the status of the environmental assessment procedures. Some other departments, potentially affected by the reform, were forced into a more defensive stance. For some participants it was a chance to promote the further development of environmental policy, notably of the NZ Conservation Strategy. For Treasury, and a significant section of the Government, it was an opportunity to push through "solutions" based on the assumed virtues of "the market" and the promotion of government disintervention and bureaucratic efficiency.

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evolution of societal demands (related to perceived problems, crises and need for change) and political will (or the "political climate"). This is hardly the kind of thing that can be undertaken by an agency such as the Ministry for the Environment (in a policy role), or the Parliamentary Commissioner (in an "auditor" role). Nor may it be useful for these agencies to engage in long-term system planning or design (as the effect of such activity is very uncertain, and as it distracts resources from their principal functions related to more immediate and middle term problems and needs). Although the case for long-term environmental design is convincing, it may be more useful to allocate such a role to a separate agency such as, in New Zealand, the (abolished) Commission for the Future or the NZ Planning Council. Also in this case, however, it appears that the effectiveness of such an agency very much depends on the political will to engage in more fundamental reform. Meanwhile, the possibility of enhancing environmental policy performance through gradual and incremental reform, particularly focused on improving mechanisms for (procedural and substantive) environmental policy co-ordination, should not be dismissed.

A coalition of Treasury officials and some conservationists (the latter of whom had been given more weight in the reform process by the Government's "open door" policy) was successful in putting its stamp on some of the outputs of the reform exercise. The creation of the Department of Conservation, despite the fierce opposition of affected interests, was the most obvious success of the coalition, won on the basis of strong complementary arguments. The establishment of the independent office of the Parliamentary Commissioner, although not controversial, was another area of agreement.

In many other respects, however, the results of the reform process can be qualified as a victory for the "Treasury line". Environmentalists have not been successful in getting their proposal accepted for the establishment of a "hands on" Ministry for the Environment, combining divisions of other departments. Much of the definition of the role and responsibilities of the Ministry can be traced to Treasury's views, such as the not inclusion of responsibility for the planning process (but a review of resource management acts), the "neutral" position of the Ministry (not an environmental advocate given the "subjective" nature of the "environment" concept), and the emphasis on "setting the framework" for improved decision-making as the principal strategy (instead of direct intervention).

Although the Ministry is in important respects in a much better position than the Commission with regard to the conditions for environmental policy performance (particularly in relative status, the level of public concern on environmental issues and, related to that, a higher level of government commitment), there are also some doubts about whether the Ministry will indeed produce more responsive and effective environmental policies. The Ministry's position of "declared neutrality" may alienate people within the environmental constituency, and may have serious implications for the Ministry's support base (and therefore responsiveness and effectiveness). The "strategic choices" made by the Ministry so far seem to indicate a return to a new form of technocentric approach to the environment, emphasising "professionalism" over underlying value questions. The emphasis on the *meta policy* approach to improving environmental policy may lead to a relative neglect, or even disregard of the importance of *substantive* policy questions and policy development. And with the devolution of environmental responsibilities to local and regional government following the introduction of the Resource Management Act, the question will arise to what extent the Ministry will be able or willing to take the lead in recognising and addressing environmental problems, and to adopt an anticipatory and more comprehensive approach. If not, there will be little ground for optimism that a less

reactive and fragmentary approach to environmental policy "failure" (by central and local government, as well as by "the market") than in the past may emerge.

CONCLUSION.

Has the Commission for the Environment "made a difference"? At the start of this thesis the question was put forward if, and if so in what way, central environmental agencies, established in many countries in response to an upsurge in environmental concern, have had an impact on the development of environmental policy. More specifically, the question was raised whether they have contributed to the development of a more coherent, comprehensive approach to environmental policy-making, an approach that is deemed necessary for environmental problems to be addressed more effectively.

From the outset, doubts were expressed about the policy performance of central agencies in this respect, based on observations in environmental reports, and on the theoretical and practical impediments for comprehensive policy approaches that have been advanced in public policy literature in general, and in analyses of environmental policy in particular. It has been noted that, apparently, what needs to be done, cannot be done.

Yet, it was also noted that, given the growing evidence of continuing environmental deterioration, also on a global scale, the case for a more comprehensive approach to environmental policy development has become more, instead of less, relevant. Therefore, it was argued, there is a need for improving our understanding of the obstacles for such an approach, as a basis for assessing the potential for enhanced policy performance in this respect. It was stated that, in order to assess the possibilities for improved policy performance by central environmental agencies in this respect, their role and functioning should be understood in the wider policy context of which they are a part. Blaming these agencies for environmental policy failure, or designing solutions for boosting their performance, without taking into account the constraints and limits within which they have to operate, manifests a misconstrued diagnosis, and is a recipe for ineffective remedies.

It was found that the Commission for the Environment, as a co-ordinating agency for environmental policy, was not very successful. Some of the main reasons for that, coming forward from an analysis of its establishment and functioning, are:

(1) The Commission was very much a product of "politics", not an agency purposively designed to fulfil needs identified with environmental co-ordination. It was the result of the momentum generated by the creation of a ministerial portfolio for the environment (which was a symbolic gesture in response to mounting environmental concern), and of the environmental "bandwagon" in an

election year. In terms of Kingdon's model, the Commission was not a "solution" promoted from within the environmental policy community. On the contrary, the prevailing view amongst the environmental policy community in the early 1970s was that, in the area of environmental administration, things were very much in place, and that, apart from the creation of the Environmental Council, nothing else was really needed. The combination of "politics", institutionalised conservatism (reflected in the desire of other agencies to cling to their environmental responsibilities), and the unwillingness of governments to "rock the boat", led to the creation of a Commission (not a formal department), with a very general (almost "non") mandate, not backed up by any specific functions or powers (it was only *after* its establishment that the responsibility for the environmental impact assessment procedures was allocated to the Commission).

(2) Entrenched bureaucratic interests, departmental fears for interference with their affairs, and suspicion towards a new agency that promulgated the need for an "open door" to bureaucracy, combined to deny the Commission access to policy areas. In practice, other government agencies did not recognise the Commission's co-ordination responsibilities, and continued to deny or ignore these during much of the Commission's existence. In fact, the denial was so effective that, even within the Commission, environmental policy co-ordination became a confused, and by some even "forgotten", aspect of its role.

(3) Governments did not show commitment to a formalisation of the Commission's co-ordination responsibilities. No procedures, rules or mechanisms were put into place to give effect to the Commission's co-ordination role. The Commission did not receive a control function, nor a right to obtain information, nor a right to get involved in policy reviews initiated by other agencies, and no power to require other agencies to co-operate in policy reviews initiated by itself. Neither did it get responsibility for chairing the interdepartmental committee that could have provided a mechanism for co-ordination. In fact, governments were happy to let co-ordination proceed without a central co-ordinator on departmental level. This left the Commission in the position of having to rely on adjustment strategies for getting environmental considerations incorporated into policy areas.

(4) A lack of government commitment to the development of a coherent, "overall" environmental policy, and a preference for dealing with environmental issues on an ad hoc basis. No guidance was provided for the development of a more comprehensive approach, and no preparedness shown to formulate environmental goals in coherence with other government programmes. In fact, governments' environmental policies reflected a technocentric approach to the environment, embodying an unwillingness to question prevailing economic and

social values (related to the economic growth paradigm), and to incorporate environmental values into economic policies. Also, there was little or no political support for an approach to environmental co-ordination on a substantive basis. Consequently, support for the Commission's actions and initiatives fluctuated, depending on the issues and how they affected governments' priorities.

(5) The Commission itself failed to take the lead in the development of a substantive basis for a coherent, "overall" environmental policy. To a large extent this can be attributed to the large claim on its resources made by the environmental impact assessment procedures. Partly, this can also be explained by the reactive nature of much of its work, related to the necessity to respond to ministerial and public demands ("fire-fighting"; ad hoc issues). To some extent also, however, this was due to the fact that there was a diversity of environmental views within the Commission, which made the development of a corporate environmental ideology more difficult. Although officials working for the Commission displayed a high level of commitment to its work, and mostly shared a "pro-environment" ("advocate") orientation encompassing a broad view of the environment concept, they (and in particular the Commission's leadership) failed to develop a comprehensive and collective programme for change, based on operational goals. In practice, the Commission's work programme was of an ad hoc nature, involving work on many issues simultaneously, but separately. It did not escape the notion that governing is mostly about reacting, and little about anticipating.

(6) Within the limits between which it had to operate, the Commission's effectiveness depended also on the choices made by the Commission's officials. Generally, these reflect the "where you stand depends on where you sit phenomenon", referring to the tendency of adopting courses of action in line with the role expectations towards an agency. For the Commission this meant the juggling of strong public expectations to act as environmental (public) advocate or government critic, and expectations within government that it handled its role objectively and professionally (as a "neutral expert"). Also, there was the view amongst many development agencies that it was "just a nuisance". Not surprisingly, the Commission's choices and strategies failed to satisfy all sides. Evidence based on the case studies in this thesis suggests that, where the opportunity existed, the mobilisation of public support and demand was the most effective strategy, whereas the "power of persuasion" was mainly effective in those cases where there was a preparedness to be "persuaded". With the benefit of hindsight it could be argued that, perhaps, the Commission relied too heavily on the second strategy where the first one could have been utilised more effectively.

Despite the fact that the Commission has not been very successful as an environmental policy co-ordinator, it can be argued that its role has been significant for the development of environmental policy, and that it has "made a difference" in, at least, three respects:

(1) The Commission, particularly through its role in the environmental impact procedures, exposed gaps and weaknesses in prevailing environmental policies and practices. Far from being an environmental "rubber stamp" for legitimising proposals, it assessed proposals from an independent point of view, and often indicated that shortcomings of proposals reflected failure on a policy level. In several cases, the audit of proposals led the Commission to initiate policy reviews. In general, in terms of Kingdon's model, the Commission, by focusing attention on policy failures, contributed to raising awareness in the stream of problems.

(2) Through the environmental procedures, and by consistently promoting the case for greater public input and participation, the Commission provided an "open door" to the policy process. Although the Commission did not always side with public opinion on issues, and did not see itself as the voice of environmental groups, it certainly contributed to open up decision-making processes to the public. In particular, by pointing out the underlying value aspects of issues, the Commission challenged the prevailing tendency within bureaucracy to rely primarily on expert knowledge for making decisions, also in controversial matters. In doing so, the Commission helped to undermine the legitimacy of the traditional model of expert-led development of environmental policies.

(3) This leads us to a third aspect in which the Commission has "made a difference", namely the broadening of the concept of environment. From the very start, the Commission advocated a broad definition and approach to the environment, comprising social and economic dimensions. Despite frequent criticism that it exceeded its brief, both from the side of governments and government departments, the Commission persisted in commenting on the need for adjusting economic and social policies to accommodate environmental interests. Policy scenarios based on the prevailing economic growth paradigm were questioned, and the need for considering value issues, based on the question "what kind of society do New Zealanders (Maori and Pakeha) want", was pointed out. In doing so, the Commission contributed to challenging the technocentric approach to the environment.

Apart from these contributions on a policy level, the Commission has certainly helped to avoid many mistakes that could have been made at a project level at the cost of the environment. As this is the level where many policies come

to fruition, this feat has been very significant as well, in the sense of enhancing environmental protection. Even if the Commission has not often been successful in achieving adjustments on a policy level, it has at least been effective, in many cases, in mitigating or correcting environmental impacts of policies on a practical level.

To what extent the Commission has been *successful* in its "strategy of reform", both on the level of raising environmental awareness within the sphere of government, and society as a whole, and on an institutional level, remains very much an open question. It has made a contribution, but certainly the increase in environmental awareness in society cannot be attributed to the Commission alone. Similarly, it is not clear what the effect has been of the Commission's activities on the strength of environmental consciousness within bureaucracy. It seems plausible to argue that, given the way the Commission has "made a difference", some of the greater sensitivity for environmental values within these circles can be attributed to the Commission's work. Again, however, other factors may have been just as, or even more, important.

Neither can the institutional change which has taken place since 1984, leading to the disestablishment of the Commission and its replacement by the Ministry for the Environment, be attributed to the Commission's efforts. Although the Commission had become an advocate of institutional change, the occurrence and nature of the change was very much beyond its control, resulting from a complex of factors on societal, political and bureaucratic levels.

Whether these institutional changes have shifted the limits within which the central environmental agency in New Zealand has to operate, is a question that can in many respects be answered positively. The Ministry for the Environment is in a much better relative position within the bureaucracy for contributing to a more comprehensive approach to environmental policy development than the Commission was. Although, in some respects, its formal co-ordination role remains weak, the Ministry knows itself supported by an increased level of environmental concern and demands, also reflected in government commitment. Although still having to operate within (wider) limits, the Ministry's successes and failures will be affected to a larger degree than in the case of the Commission, by the choices made by itself.

Our study confirms that much of a central environmental agency's policy performance depends on its relative position within the bureaucratic framework, and the extent to which policy areas have been insulated against the agency's involvement. Without a clear, formal and politically confirmed mandate for environmental policy co-ordination, the incorporation of environmental

considerations into other policy areas remains ad hoc and fragmentary. Enhancing a central agency's relative position seems, indeed, a necessary condition for enabling it to engage into more comprehensive environmental policy development.

However, for such institutional change to proceed, political commitment is a requirement. The New Zealand experience demonstrates that such commitment is rare, and developed only recently. Even then, however, the transformation of institutional arrangements is not necessarily based on substantive environmental policy arguments, and may be inspired by a variety of interests, views and goals.

The analysis has demonstrated that organisation, and institutional arrangements in general, do matter. Such arrangements very much affect the capability of a central environmental agency with respect to conducting an overview on the development of environmental policy. The study also shows, however, that institutional arrangements reflect the policy context, translating contextual constraints into organisational limits. Institutional reform reflects change in the policy context. Conversely, the putting in place of a more effective system of environmental administration requires change in the policy context. Whether meta-policy change will lead to more effective environmental policies, in particular the development of a coherent, comprehensive environmental policy, depends on the extent to which political and bureaucratic interests, views and goals have changed, and, ultimately, on the *substantive* environmental policy choices made under the new order.

APPENDIX A - COMMISSION FOR THE ENVIRONMENT: PERSONNEL.

On the basis of the personnel data provided by the Commission, the identity of in total 131 CFE officials could be established. The designation of these officials was as follows:

Position/designation	No.	%	%NA[a]
Commissioners	3	2%	4%
Assistant-Commissioners	5	4%	6%
Legal Officers (Solicitors)	4	3%	5%
Scientists	4	3%	5%
Senior Investigating Officers	13	10%	16%
Advisory/Investigating Officers	33	25%	40%
Assistant Advisory Investigating Officers	21	16%	25%
Administrative/secretarial positions	48	37%	
Total	131	100%	101%(83)

[a] Percentage of non-administrative/secretarial personnel.

The following table provides an overview of the development in the number of CFE personnel over the years:

Per	Staff ceiling	Commis-sioner	Ass. Comm.	Legal Offic	Scien-tists	AOs/ IOs	Admin staff[a]	Total[b]
31/3/73	12	1	2	0	0	3	5	11
31/3/74	16	1	2	0	0	6	7	16
31/3/75	25	1	3	0	0	11	10	25
31/3/76	28	1	3	0	0	12	10	26
31/3/77	29	1	2	0	0	14	9	26
31/3/78	29	1	1	0	0	15	13	30
31/3/79	29	1	1	0	0	16	12	30
31/3/80	30	1	1	0	0	14	14	30
31/3/81	32	1	1	1	0	14	13	30
31/3/82	35	1	1	1	0	15	12	30
31/3/83	35	1	2	1	0	14	12	30
31/3/84	38	1	2	1	0	18	12	34
31/3/85	41	1	2	1	0	19	12	35
31/3/86	51	1	2	2	2	26	17	50

[a] Includes 1 or 2 officers working for the Environmental Council.

[b] Due to administrative complexities, the identity and/or designation of some CFE officials could not be established. In reality, the total number of CFE personnel was therefore higher, and likely to be identical or very close to the staff ceilings.

For the same reason, the numbers within the categories of AOs/IOs and Administrative staff are therefore also approximate.

Of 119 officials, the time they spent with the Commission could be established:

```
Time served with CFE      <2 yrs    2-5 yrs  >5 yrs   Total
---------------------------------------------------------------
Administrative/
  secretarial officials  37 (77%)  5 (10%)  6 (13%)  48 (100%)
All non-administrative/
  secretarial officials  32 (45%) 24 (34%) 15 (21%)  71 (100%)
---------------------------------------------------------------
All officials            69 (58%) 29 (24%) 21 (18%) 119 (100%)
```

However, given the fact that the Commission was disestablished in 1986, all those who started working with the Commission from 1985 (29 officers) are inevitably included in the category of those who served less than two years with the Commission. If this group is excluded, 49 (54%) of the remaining (90) officials served a longer time than two years with the Commission, versus 41 (46%) who served less than two years. Among the non-administrative personnel group (investigating officers a.o.), the percentage of those who served the Commission longer than 2 years is considerably higher (71%; 39 out of 55 officials), after those who started working with the Commission from 1985 (16 officials) have been excluded. This implies that the rate of turnover was much higher among administrative/secretarial personnel. Effectively, 63% of those in administrative positions who started working with the Commission before 1985 (22 out of 35), served less than two years.

COMMISSION FOR THE ENVIRONMENT SURVEY.

I. Personal data.

1. When did you work for the Commission? From......................to
......................................(Month/Year).

2. What was your official designation (function) at the Commission?
....

3. At the time that you were working for the Commission, were you
also a member of an environmental group?   YES / NO
If YES, which one(s)? ....

4. At the time that you were working for the Commission, were you
also an ACTIVE member of an environmental group?   YES / NO
If YES, which one(s)? ....

5. What were your reasons for leaving the Commission? ....
....

II. Activities at the Commission.

6. What was your PRINCIPAL work at the Commission? ....
....
....

7. How would you estimate the AVERAGE amount of time at the CFE
YOU spent on: HOURS per
                                                          WEEK

   a. Environmental Protection and Enhancement Prodedures
      (EP&EP) related work   ....
   b. Work for Minister (ministerials, briefing papers)   ....
   c. Policy development and research, including drafting
      of legislation (NOT EP&EP related)   ....
   d. Educative/Informative activities (answering letters
      from individuals/groups; preparation of educative
      material/press releases; conferences, seminars)   ....
   e. CFE meetings (of Investigating Officers a.o.)   ....
   f. Contacts with other departments   ....
   g. Other things, such as ....
      ....

8. If you did policy/research work, which policy areas
or issues was this related to? ....
....

2

....

....

III. Evaluation.

   9. A task of the Commission was to contribute to the development of
   environmental policy.
   a. Do you think that the Commission has contributed to the
   development of environmental policy?   YES / NO
   b. If YES, in what way? ....

   ....

   ....

   c. If YES, mention the POLICY AREAS in which you think the
   Commission has been most successful in its contribution............

   ....

   ....

   d. In which POLICY AREAS has the Commission been least successful
   in its contribution? ....

   ....

   ....

   e. How do you explain the Commission's success in the policy
   areas mentioned under 9c? ....

   ....

   ....

   f. How do you explain the lack of success of the Commission in
   the policy areas mentioned under 9d? ....

   ....

   ....

   ....

10 a. Did the FORMAL position (its status, mandate and "powers") in any
   way affect the Commission's performance?   YES / NO

   b. Please explain your anwser under 10a ....

   ....

   ....

   ....

3

11 a. Rank the following items on the basis of their influence on the
   Commission's PRIORITIES: (Rank from 1 to 7 in the
                                                                boxes)

   a. Government direction   ☐
   b. Environmental groups   ☐
   c. CFE's own assessment of needs   ☐
   d. Other government departments (initiatives)   ☐
   e Public opinion   ☐
   f. International organisations   ☐
   g. Other, namely ....   ☐

   b. Comment, if you wish, on the ranking order you gave to the items
   under 11a..
   ....
   ....

12 a. Who were involved in the setting of priorities WITHIN the
   Commission? (Circle one)

   In general, the process of setting priorities used to be open to:

   | Everyone working | All investigating | Only a small | Only the |
   | in the Commission | officers | group | Commissioner |

13 a. How, in your view, was the concept of "environment" interpreted
   at the Commission? ....
   ....
   ....

   b. Did the Commission, in your opinion, have and ENVIRONMENTAL
   IDEOLOGY?   YES / NO

   c. If NO, why did it NOT have one? ....
   ....
   ....

   d. If YES, how would you describe the Commission's ENVIRONMENTAL
   IDEOLOGY? ....
   ....

4

....

....

14. How would you describe the ROLE which the Commission for the
    Environment saw for itself? ....

....

....

....

....

15. Did the Commission, in your view, see the following matters as
    part of its MANDATE?

	Very much so	Yes	Margin-ally	No
a. The protection of ecosystems				
b. The promotion of sustainable resource use				
c. The protection of quality of life				
d. The development of an inte-grated pollution strategy				
e. The promotion of equity in access to resources				
f. The development of an "over-all" environmental policy				
g. Long term development planning				
h. The promotion of environ-mental awareness				
i. The facilitation of conflict resolution in environmental issues				

16. Part of the Commission's task was to support the Minister for
    the Environment in the CO-ORDINATION of environmental policy.
    a. What, in your view, did this task MEAN? ....

....

....

....

5

b. How successful has the Commission been in this task?

   Very successful / successful / partly successful / unsuccessful
   (circle one)

c. Please clarify you answer under 16b ....
....
....

d. How do you explain the Commission's performance of this task?
....
....
....

17 a. Which OTHER agencies were, in your view, important in the CO-ORDI-
   NATION of environmental policy?

	Very important	Important	Of little importance
a. Officials Committee for the Environment			
b. Cabinet Committee for the Environment			
c. Cabinet as a whole			
d. Environmental Council			
e. Other agencies, namely.....			

b. Did, in general, the CO-ORDINATION of environmental policy take
place adequately?   YES / NO
Please explain your answer ....
....
....
....

18 a. With which other government departments or agencies did the
   Commission develop a good working relationship? ....
....
....

6

b. With which other government departments or agencies did the Commission have difficulties in establishing good working relationships? ....
....
....

c. What caused, in your opinion, these difficulties? ....
....
....
....

19 a. How was the Commission, do you think, PERCEIVED by other groups or agencies? (Tick more than one if appropriate)

Perceived as: by:	Environment- al advocate	Neutral arbiter	Just a nuisance	Development friendly
a. MOST environmental groups				
b. The public in general				
c. MOST government de- partments				
d. MOST local government agencies				
e. MOST private develop- ers				

b. If you wish, clarify your answers under 19a ....
....
....
....

c. Which view of the Commission mentioned under 19a was, in your opinion, closest to the truth? (Please explain your answer).........
....
....

20 a. Did, in your opinion, the Commission receive adequate resources to fulfil its tasks?   YES / NO
b. If NO, why not? ....
....

7

c. Did the Commission possess the expertise required to fulfil its tasks?   YES / NO

d. If NO, what in particular was missing? ....
....
....
....

21 a. How COMMITTED to the environmental cause were, in your view, the following GOVERNMENTS (tick ONLY those governments under which you have served):

	Very committed	Moderately committed	Indifferent/ uncommitted
a. Marshall (until Dec.72)			
b. Kirk (72-74)			
c. Rowling (74-75)			
d. Muldoon (75-84)			
e. Lange (84-87)			

b. Did, at the time you worked for the Commission, the government(s) have, in your view, a CLEAR environmental policy?   YES / NO

Clarify your answer, if you wish ....
....
....
....

22 a. How COMMITTED were, in your opinion, the following MINISTERS for the Environment to the environmental cause (tick ONLY those under whom you have served):

	Very committed	Moderately committed	Indifferent/ uncommitted
a. D. MacIntyre (72)			
b. J.A. Walding (72-74)			
c. T.V.M. Tirikatene Sullivan (74-75)			
d. V.S. Young (75-81)			
e. I.J. Shearer (81-84)			
f. C.R. Marshall (84-86)			
g. P. Goff (86-87)			

8

b. How EFFECTIVE were these ministers, in your opinion, in promoting environmental issues within their governments? (Tick only those under whom you have served):

	Very effective	Moderately effective	Very little effective
a. D. MacIntyre (72)			
b. J.A. Walding (72-74)			
c. T.V.M. Tirikatene Sullivan (74-75)			
d. V.S. Young (75-81)			
e. I.J. Shearer (81-84)			
f. C.R. Marshall (84-86)			
g. P. Goff (86-87)			

23 a. Were you satisfied with your remuneration when working for the Commission for the Environment?   YES / NO

b. Were you satisfied with your career prospects with the Commission?   YES / NO

c. If NO, what was the reason? ....
....
....

d. Were you satisfied with the other working conditions with the Commission?   YES / NO

e. Explain your answer under 23 d ....
....
....

24. If you wish, please elaborate on any of the questions above, or on ANY OTHER POINT which you might wish to make about the Commission for the Environment ....
....
....
....
....
....
....
....
....
....

APPENDIX C - COMMISSION FOR THE ENVIRONMENT: SURVEY RESULTS.

Purpose of the Survey.

The purpose of the survey was to assess the involvement of CFE officials in environmental policy development, and in particular to identify their views on the obstacles with regard to the role of the Commission in this respect. Although many of the potentially relevant factors had been identified through interviews with individual officials, and on the basis of documentation of CFE activities, it was considered important to assess to what extent these factors were seen as relevant by a wider group of CFE officials. As most officials worked for the Commission only during part of its existence, the intention was to consult, through the survey, all officials who had been involved in the Commission's policy activities.

Organisation of the Survey.

With assistance of the Ministry for the Environment, a list was compiled of all people who worked for the Commission at some stage of its existence. In total, 131 officials were identified (see Appendix A). Of these, only those were selected who could have been expected to have played a role in policy development (officials in secretarial/administrative positions were excluded). Altogether, 83 officials appeared to have been in such a position (most in the role of advisory or investigating officer, some in the role of scientist, solicitor, Assistant-Commissioner or Commissioner). Of these 83 officials, the (likely or possible) addresses of 75 could be traced, the remainder being at unknown addresses (some abroad). One official was known to have deceased.

On 12 March 1990 survey forms were sent out to these 75 officials, with an accompanying letter and a prestamped envelope. Anonymity was assured by not asking respondents to provide their names. Follow-up letters were sent to all these officials on 29 March 1990.

Altogether, 41 survey forms were returned completed (some of which partially), giving a response rate of 55%. In fact, this was a bit higher (58%) when taken into account that four envelopes were returned because the addressees were unknown at the particular addresses. Four reactions were received declining co-operation, one of which without explanation. Another two officials, acknowledging not to have filled in the survey because of time constraints, agreed later to be interviewed.

Characteristics of the Respondents.

In order to assess to what extent the respondents were representative of the total population of non-administrative personnel of the Commission, some characteristics were compared. These characteristics relate to (1) period of employment; (2) time of service and (3) position (designation) in the Commission.

(1) In the following table, the proportion of respondents from the early and later stages of the Commission is compared with that in the total population.

	"Baumgart era" (1973-1980)	"Piddington era" (1980-1986)	Both	Total
Respondents	6 (15%)	26 (63%)	9 (22%)	41 (100%)
Population	21 (30%)	41 (58%)	9 (13%)	71 (101%)[a]

[a]. Of 12 officials the exact time of service with the Commission could not be established.

If the latter group (serving with the Commission during both "eras") is incorporated into both other categories (counted double), then the following picture emerges:

	"Baumgart era" (1973-1980)	"Piddington era" (1980-1986)	Total
Respondents	15 (30%)	35 (70%)	50 (100%)
Population	30 (38%)	50 (63%)	80 (101%)

In total, 30% of the respondents had served the Commission during the "Baumgart era" (compared with 38% in the total population of non-administrative personnel on which data were available), and 70% during the "Piddington era" (versus 63% in the total population on which data were available). Only one respondent worked for the Commission during the time when Peter Brooks was Commissioner, out of the six officials working for the Commission at the time (however, four of these have been interviewed). Overall, the survey can be considered as representing satisfactorily the officials who served with the Commission in non-secretarial/administrative positions before and after 1980.

(2) The survey also adequately represents those with a longer working experience with the Commission. Of the respondents 13 (32%) had worked for the Commission for 5 years or more (compared to 21% of all CFE officials in non-administrative/secretarial positions of which the term of service could be identified). 14 respondents (34%) had worked for the Commission for in between 2 and 5 years (compared to 34% of the non-administrative/secretarial personnel), and 14 (34%) of the respondents for less than 2 years (compared to 45% of non-administrative/secretarial personnel). However, it is plausible that many of the 12 people in the population of investigating officers of whom the duration of their working experience could not be precisely established, worked for the Commission for less than two years, which would bring the latter category close to 50%). Therefore, the people who worked for a longer period of time with the Commission are likely to be over-represented in the survey. Although this may have had a distorting effect on the answers on some of the questions (for example in the case of question 23, where views on working conditions and career prospects have been solicited), it can also be seen in a positive light, as these officials are likely to have a wider or deeper knowledge of the Commission, how it has functioned, and the problems that it experienced.

(3) The following table compares the representation of the various designations (positions) among the respondents with those in the total population (of non-administrative/secretarial personnel) from which the survey was drawn:

Designation	Respondents No.	Respondents %	Population No.	Population %a
a. (Assistant-) Commissioners	3	7%	8	10%
b. Senior Investigating Officer	10	24%	13	16%
e. Scientists/Solicitors	8	20%	8	10%
d. Investigating (Advisory) Officer	16	39%	33	40%
e. Assistant Investigating (Advisory) Officer	4	10%	21	25%
Total	41	100%	83	101%

a. See Appendix A.

From these figures it can be concluded that senior positions (comprising functions under a,b, and c) were somewhat over-represented among the respondents (together 51% compared to 36% in the total population), whereas, the proportion of junior positions (under e) was considerably smaller (10% versus 25%). Although, again, this may be seen as problematic with respect to some issues in the survey (for example, in the case of question 12, concerning the question of setting priorities within the Commission), it can also be seen as an advantage, as senior officials were more likely to have been involved in the policy process, and may be expected to be in a better position to provide judgment on the Commission's efforts and difficulties in this field.

Other Characteristics of the Respondents.

Twenty-one officials indicated to have been a member of an environmental group at the time that they were working for the Commission, but only four acknowledged to have been active members of these groups. Although these figures suggest some degree of environmental commitment among CFE officials, they provide little support for the view that they were "a bunch of rabid environmentalists". One official professed concern about professional conflict, whilst another stated that environmental activism was frowned upon.

Most respondents terminated working for the Commission because of the fact that it was disestablished (mentioned 26 times, 60% of all 43 answers), seven (16%) had left out of career considerations, three (7%) out of frustration with the Commission itself, one (2%) because of retirement, and 6 (14%) for other reasons (such as travel overseas, time for a change). This suggests that few respondents had left the Commission because of the way it functioned (having "an axe to grind"), and that most had left for exterior motives.

The responses to the question what their PRINCIPAL work with the Commission was reflect the diversity of functions within the Commission (such as legal advice, environmental assessment, policy advice and heading the Commission), but also the wide variety of issues with which the Commission was confronted. This is confirmed by the responses to question 8 on policy areas in which respondents were involved, where policy areas ranging from land use, agriculture, forestry, and mining, to energy, environmental economics, pollution (including noise pollution), water resources, waste management, hazardous substances, packaging, transportation, environmental education, coastal management, wild animals

control, irrigation, wild and scenic rivers, climate change, and Antarctic environmental protection, were mentioned.

A majority of the respondents (33; 80%) indicated to have been involved in policy work, although the estimated time allocated to this represented only 17% of the total working time of the respondents, being third in importance, after work related to the environmental assessment procedures, and work for Ministers (29 and 18% respectively). The relatively low proportion of policy work in the total package of job related activities of the respondents, however, is unlikely to be related to the positions these officials occupied in the Commission (compared to the total population), but more to the general constraints put upon the Commission with respect to its involvement in policy development, as discussed in chapters VI, VII and VIII.

Overall, although no claim can be made that the answers to the questions in the survey reflect the views and opinions of all the people who worked for the Commission, it seems justified to conclude that the respondents represent a good cross-section of the total population of CFE officials in non-secretarial/administrative positions, and particularly of those officials who have been involved in the Commission's policy development efforts.

Summary of responses.

(Respondents have been consistently numbered, i.e. answers behind the same numbers are from the same respondent; emphasised text is in the original responses; percentages are based on the number of responses per question).

Question 9 - A task of the Commission was to contribute to the development of environmental policy.

Question 9a. Do you think that the Commission has contributed to the development of environmental policy?

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YES          36 (92%)
NO            3 ( 7%)
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Total        39 (99%)
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Question 9b. If YES, in what way?

1. It increased environmental awareness both within government (departments and politicians) and the community at large.
2. Definition of Environment, and philosophy of assimilation capacity of the elements of the physical, natural (biological), and social facets to absorb changes. The concept of environment and its management.
3. Put environment into the conscience of other Government departments, Ministers, public.
4. Showed environmental assessment could work; it showed the need for a role of environmental policy agency.
7. A number of environmental policies that have been implemented in recent years had their beginnings in the Commission. See examples below.

8. By providing well researched advice to the Minister.

9. To a greater or lesser degree forced consideration of environmental concerns at all stages of development proposal.

10. Principally as a catalyst and irritant; EP&EP was also an important instrument of change. Also by recruiting able egos.

11. By sensitising government and public to the practical need to adopt environmental policy.

12. Through elevating & concentrating the awareness of environmental dimensions to/of policy development.

13. High quality work and holistic approach to environment. Leading edge of NZ environmental thinking.

14. Through its policy work.

16. But not very much. Through reporting to Cabinet; through discussion papers (eg forests policy, lead in petrol).

17. In initiating and advocating environmental concepts to Minister. In developing environmental responsibility in heads of government agencies.

18. At least one specific piece of legislation, based on an environmental policy was enacted. The development of the EP&EP was an important determinant of policies.

19. Built on Conservation Strategy and produced discussion document for Environmental Forum. Also Indigenous Forest Policy, assisted with Wetlands policy, Wild and Scenic rivers into Water Conservation Orders. Also Hazardous Wastes.

20. Active participant, e.g. native forest policy, wetlands policy. Initiator: e.g. wild & scenic rivers legislation, formation of Ministry for the Environment.

21. The Commission played a pivotal role in the development of policy advice concerning the reorganisation of environmental administration.

22. By providing high quality advice esp. if this was supported by other organizations. Hard to assess direct impact though.

23. By influencing policy direction of other agencies and by initiating policy through the Minister for the Environment.

24. In geothermal energy and in getting more consultation with interested members of the public.

25. Promotion of conservation in energy use. Development of Kaitaiahi (Guardians in land and water planning). General improvement in environmental values.

26. Development of environmental assessment procedures.

28. Implementation EP&EP by Government Departments, e.g. National Roads Board - and development of environmental policy within these organisations.

29. Recognition of Maori issues. Development of EP&EP. New focus on water issues.

30. The only way they could - by briefing the Minister and hoping he would be a strong advocate.

31. Advice on environmental planning and management issues uncovered during EI Audits, researching for replies to ministerial correspondence, and participation in national and international information exchange networks.

33. I was not close enough to the policy process to answer these questions from my own experience.

34. The setting up of Department of Conservation and SOE's.

35. The CFE had a more global perspective than other departments which engendered the more holistic view necessary for environmental policy. Lack of legislative authority meant that effectiveness related more to opportunities and individual ability than standing/power of the organisation.

36. Influencing, [illegible] and content of particular EIRs and in their Audit, e.g. Upper Clutha Development & principles of multi-purpose planning.

37. Not in an integrated overall way. Contribution was to sectors eg. energy, wild & scenic rivers policy or noise policy.
38. Installation of EIA procedures & wetland policy? Don't know of any others.
39. Antarctic environmental protection - see present EIA procedures for NZ Antarctic programme and ATCM Recommendation XIV-2. Also oil and gas exploration, production.
40. 1. Because of its independent function under EPEP, it could go beyond Government limitations. 2. During restructuring, after 1984, CFE staff were pivotal.
41. Environmental policy is all policy that influences the environment. The Commission's contribution was enormous over a vast range of subjects; the key environmental issues changed every year over the 20 odd years of the Commission.

Question 9c. If YES, mention the POLICY AREAS in which you think the Commission has been most successful in its contribution.

1. a. environmental impacts of resource development
   b. natural resource conservation
2. The recognition that environmental management encompasses all of the main elements of the environment and requires careful documentation of the extent of the effect of the proposal/changes.
3. Need for environmental law, need for DOC.
4. Getting EAP accepted -etc.
7. Management of Hazardous Wastes, Environmental assessment in planning procedures, review Environmental Administration, Waitara Waste Management, Indigenous Forests.
8. Reduction of lead in petrol.
9. The building in of environmental questions in eg licence applications.
10. First Environmental Assessment but also wild & scenic rivers, small hydro, some law changes.
11. Having regard to tangata whenua, New Zealand's role internationally.
12. Across the board i.e. a general rather than specific success although wetlands, energy, social environment were particular.
13. Land restoration, holistic management, involvement of environmental concern in development.
14. Wastes, hazardous substances.
17. Incorporation of environmental factors into management of resources , in training of engineers and planners. Establishment of the concept of environmental management in government administration.
18. Wild and Scenic Rivers, Waste Disposal, others I am not so familiar with but they include Tussock grassland conservation, oil spills policy, establishment of wildlife reserves, social impacts.
19. Hazardous wastes.
20. Environmental assessment in major projects, legislative reviews, Water & Soils, Mining.
21. Perhaps Antarctic Policy.
22. Wild and Scenic rivers, environmental impact assessment.
23. The list would be long - in many areas of interests water resource protection was successful eg wetland policy, wild and scenic rivers policy.
24. Providing acceptation of public consultation.
25. Promoting a general public awareness in environmental issues esp. Think Big - Energy.
27. As above.

28. Organisations developing new projects examining the implications of the works.
29. Focus on the necessity for an independent statutory Commission.
30. Establishing EP&EP & keeping it intact despite attacks by Muldoon et.al., occasional small 'fine-tuning' (not shift) in individual issues/project proposals.
31. Environmental impact assessment.
34. Forestry, protected areas.
35. Coastal management, environmental administration restructuring (1984-6), environmental assessment.
36. Energy resource developments, energy planning, indigenous forest management.
37. Not sure.
38. Wetlands, EIA.
39. EIA procedures, unleaded petrol.
40. In the environmental review process, public participation, freedom of information.
41. [Illegible], nuclear power, reclamations, energy, development of environmental assessment practices.

Question 9d. In which POLICY AREAS has the Commission been least successful in its contribution?

1. Beverage packing.
2. Fisheries, marine and coastal waters, urban water quality, control of introduced/noxious weeds in Old Man's beard. The areas of low public profile.
3. Environmental economics - we tried to be Treasury, or were overawed by them. Centre for Resource Management took this even further! (Unfortunately)
4. Integrating an environmental perspective in economic policy.
7. Minerals and Energy Management - although progress in now being made by other agencies.
9. A Government wide recognition of need to communicate in less formal manner on effects of developments (a credibility issue).
10. In economic-related policy. Indigenous forests.
11. Pollution control.
12. Population policy; overseas aid.
13. Energy policy, packaging.
14. Some pollution work, such as non-point air emissions.
15. This government does not have an environmental policy. It has economic/institutional policies.
16. Anything that required government intervention (eg oil recycling, pollution taxes, e.g. on leaded petrol).
17. In bringing together the machinery of town and country planning, resource allocation, local government policies into coherent and efficient policies and decision-making procedures.
18. In ensuring the consideration of all relevant factors during the planning phase of any development large or small. It was apparent that economic factors were relevant, but they were considered in a separate forum.
19. Noise, Recycling waste.
20. Fisheries conservation, economics, energy.
22. Indigenous forests (with a few exceptions).
23. Difficult for me to answer.
24. Forestry, Transport, Think Big, Lead in Petrol etc.
25. Packaging.
27. National Development Act; Countering Treasury influence.

28. In 1982, review of EP&EP - unable to look at options an example would be ironsand transport by modes other rail which could reduced impact eg pipeline. Treasury cut out review of options. Native forest clearance on private land -woodchipping etc.
29. Stopping the Think Big projects.
30. Preventing implementation of the National Development Act and Think Big; obtaining an energy conservation policy.
34. Energy policy.
35. Economic factors influencing environmental degradation (definition of environment).
36. Public health (toxic waste & pesticides tec.) issues.
37. Not sure.
39. Recycling.
40. Environment and economics, energy policy and pollution control.
41. Integrating environmental evaluation into statutory consent process.

Question 9e. How do you explain the Commission's success in the policy areas mentioned under 9c?

1. The very public nature of the way it worked; interest of the media.
2. The audit requirement with full publication, plus persistence brought gradual adoption. This is evident from changes in EIR and EIA documents.
3. Articulated public concerns.
4. Showed how it could work. Got cooperation of developers - got process accepted.
7. Persistence in promoting policies. Willing and receptive other parties - government agencies and development agencies.
8. Political commitment.
9. Persistence in insisting on info into other departments policy considerations ie into their development of procedures.
10. The people involved - for EP&EP Peter Brooks & Peter Marriott in particular. The EP&EP became an empowering and consciousness raising mechanism.
11. Captured public attention.
12. Largely in tune with political undercurrents of time. Hard to quote because of public support.
13. Society ready for change.
14. Competent dedicated staff able to work successfully with other departments.
17. Close understanding with the Minister in developing Government policies. Close and continuing communication and consultation with heads of government agencies in implementing policies.
18. I am not familiar enough to comment except to say that long and careful discussions with all relevant parties appeared to be the factors leading to success.
19. Mustering grass roots so that government had to respond BUT only extra input to environment movement.
20. Direct access of policy people to Ministers and the political machinery.
21. The influence of individual staff members.
22. High quality work - supported by others - agreement on directions by senior CFE staff - direct mandate.
23. Public responsiveness.
24. Most other agencies moved to have public involvement eg Forest Service Mgt Plans, MOT (on harbours), Lands, MWD changed their systems.
25. It was the main issue of the economy. Hence great public focus on it.
27. Clearly defined area.
28. Personal contact with organisations plus public pressure.

29. The political & image problems the Commission had.
30. Political expediency - must be seen to be doing the right thing. EP&EP is essentially toothless.
31. Persistence.
34. Sound policy advice which is now mirrored in the world-wide opinion on environmental matters.
35. Sound intellectual basis, public support, opportunities successfully capitalised on when offered, commitment and ability of individual staff members.
36. Operating within a policy vacuum, multi-disciplinary staff with good practical skills combined with good training.
37. Good working relationships with those involved. Public pressure for policy development.
38. EIA procedures were adopted; wetland policy adopted by government.
39. Main mandate in terms of process (EIA), favourable circumstances and the right staff (petrol).
40. Professionalism of the staff, experience gained from EPEP, help from OECD review (1980).
41. Small group of very innovative dedicated people free of administrative functions & with strong public profile & support as result of audit function.

Question 9f. How do you explain the lack of success of the Commission in the policy areas mentioned under 9d?

1. Don't know; commercial realities; political unpopularity of proposals.
2. Not subject to audit, - low public profile. A major project is more politically important than a complaint regarding any pollution of a small urban stream in Wellington.
3. Environment has too many intangibles to unitise for detailed cost/benefit analysis.
4. Lack of expertise or relevant advise. Lack of will by other agencies. No easy answers.
7. Unwilling parties. Conflicting objectives, e.g. economics.
9. A few workers cost the Commission its credibility over the years by poor decisions (too doctrinaire for time) causing antagonism amongst other departments.
10. Our brief: Our impotence on economic matters. CFE was tiny and found it difficult to influence large important entrenched interests. Many people had a narrow & prejudiced perspective on what constituted environmental issues. This judgment might be quite wrong. Its a personal perspective born of frustrations but in reality (?) the CFE probably did have a significant impact in indigenous forest policy.
11. Fragmented responsibilities, vested interests, lack of political mileage to be made.
12. Priorities elsewhere [illegible]
13. Inadequate advocacy, not ready for change in certain areas.
14. Inability to convince other departments about the need to move in some areas.
15. Treasury dogma and lack of human resources (they are connected).
16. The govt's obsession with free market solutions and its capture by theoretical Treasury advisers.
17. Resistance to change in government machinery. Lack of overall understanding by elements of government administration. Lack of time for evolution to take place in my period of service. It is now, at last, becoming a reality.
18. The Commission was expressly excluded from such consideration in my understanding.

19. Reality hadn't hit the politicians. Issues not in marginal electorates.

20. Lack of expertise and a closed shop policy by MAF, Treasury, Energy, plus Muldoon's attitudes.

22. Internal disagreement on directions amongst senior staff. Uneasy relationships with environ. groups on this topic. Powerful, co-ordinated opposition (eg. NZFS).

23. N/A

24. Forestry - dominated by 1960s Forester philosophy at the top of the CFE. Think Big - we tried but were rolled. Lead in petrol - it wasn't pushed at the key time (refinery expansion stages). Transport - we never developed a way of dealing with transport policy - we were dealing with individual roads when the problems was a choice of ways of life that involved roads or other ways of getting about.

25. At the time just starting to get into the area. Few staff resources devoted to it.

27. No political "clout"; Lack of experience; lack of government support.

28. Strong developmental Cabinet (Birch). Treasury seeing environment as a threat to Government policy and to them!

29. Government commitment and lack of adequate statutory protection (the weighing, balancing [illegible] in Section 3 & 4 of the T&CP Act was not enough).

30. The Government was interested in 'economics' and 'development', and saw environmental concerns as either an impediment or irrelevant -- though when forced to move by public opinion, they'd be seen to move.

34. Lack of resources and expertise.

35. Lack of government commitment/support + conflict with development-oriented government policies supporting short term political agendas and imperatives ("think big").

36. Resistance to change, in particular areas, - both bureaucratic and political.

37. NZ taste for ad hoc pragmatism mad integrated policy development difficult. Took a long time to gain political and bureaucratic acceptance of need for environmental policy.

38. Lack of public support. Comment: My specialist role prevented me from having the overview of others. it is difficult for one person (after this time) to accurately convey the breadth of work/policy CFE was involved in. Most of my responses here are from an Antarctic perspective.

40. Government opposition to our role, Treasury rejection of our definition of "environment". Lack of experts.

41. Because the EPEP & the Commission itself lacked a statutory basis it was dangerous to wrestle with more powerful agencies regarding improved EPEP [illegible] statutory obligations, as these agencies had the power to take away the Commission's effectiveness via the interdepartmental committee or at Cabinet via advice to their ministers.

Question 10a. Did the FORMAL position (its status, mandate and "powers") in any way affect the Commission's performance?

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YES           31  (84%)
NO             4  (11%)
YES and NO     2   (5%)
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Total         37 (100%)
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Question 10b. Please explain your answer under 10a.

1. It cut both ways: 1) it enhanced its "mana" with developers, the public, others? 2) it occasionally constrained its approach to the "politically acceptable" ("We are, after all, an arm of government")
2. Status had a significant effect in that the Commissioner was conscious of the tenuous existence of CFE and tempered his approach, words, and publication. Mandate was a strong influence, and the power to enquire could be used to good effect. This could be through ministerial letters, use of the media, up front enquiring and sometimes pressure of enquiring on officials.
3. We were on a "Mission from God"! We were the only govt "dept" with a mandate to do anything positive about the environment. (NCC and EC as quangos did have some, lesser effect).
4. Difficult to establish a role in policy, particular to establish credibility amongst officials of other departments.
5. At times the Commission's status and powers reduced the effectiveness of the agency eg it's inability to "require" certain actions. At other times this status allowed the Commission to lead a more facilitative role. Despite the lack of a statutory power, CFE was committed to encouraging good environmental management in the public and private sectors.
9. Occasionally power would have been helpful, but usually CFE's effect was due to its credibility + ability to publicise issues of the day.
10. Lack of any statutory power limited its performance. But role in EP&EP in particular did give it a powerful base. This coupled with its public way of doing was deceptively influential.
11. Lack of clout = lack of effectiveness; lack of government commitment = lack of resources.
12. Both restricted what it could achieve + gave it the freedom to go into areas that might otherwise have been prohibited.
13. Adversary government in power; no legislation to rely on, therefore always trying to please.
14. The Commission did not have any powers through regulation or legislation to implement policies. It also had insufficient resources to carry out its work.
15. Investigating the Manukau issue indicated that local regional agencies did take Commission seriously. Access to staff and information was very good - ARC/City (Manukau) etc.
16. Lack of reporting function (often only got copies of papers to Cabinet by accident). The enormous amount of time spent on EPEP audits (as required by the EPEP) was like a millstone. If CFE put as much effort into policy it would have solved many of the generic problems that showed up in EIRs and audits. In my opinion getting rid of the Audit function was one of the best things that happened to MFE. Its effort put in at the wrong end of the problem.
17. The lack of "power" made the Commission more acceptable to "action agencies" of govt, who were prepared to accept advice in the absence of coercion. The lack of an Act gave the Commission considerable freedom at the cost of security, I consider that it was good to have that freedom during its formative stages. The Commission was in fact a pioneering experiment in separating policy from operations - a principle now widely applied in machinery of government.
18. The Commission could only act by persuading others, except in the case of auditing environmental impact reports where it had more 'power' by virtue of the production of a carefully researched public document.
19. No teeth to persuade public authorities to perform better.

20. Lack of formal status freed CFE staff from the blinkered thinking of statutory organisations, but made senior management paranoid about being abolished.
21. Obviously its inability to comment on the economic implications of development projects constrained its influence.
22. It was sometimes difficult to get information and even when we did get it certain powerful interests (eg. NZFS; MAF) would largely ignore the advice given.
23. The Commission did not operate under legislation so did not have statutory powers.
24. We had no powers, the lack of these led the Commissioner to welcome the National development Act (which was the first Act to mention the position).
25. Affect = not necessarily negative. Formal powers and cabinet directive meant it could operate/had direct links to cabinet and to boardrooms.
26. Absence of "teeth" was seen as a problem. Sound environmental advice was given but there was nothing to ensure the advice was followed.
27. Very little power and status meant Commission tended to be involved on fringes of issues or at "mopping up" end.
28. Status of Audits as hearsay in planning tribunal, inability to broaden planning hearings because of restrictive T&CP Act. Staff status problems. Town & Country Planning Act.
29. Lack of legal provisions which gave positive environmental protection & status to the Commission.
30. "Access" to a Minister, otherwise 'status' & 'powers' pretty ephemeral.
33. CFE was created under a Cabinet minute, its formal status was tenuous. It could therefore not "rock the boat" & incur the wrath of the government. This was a [illegible] of constraint on senior CFE staff and particular the Commissioner.
34. It was not a fully fledged department which hindered its performance (# answer should be yes??).
35. There was no authority to pursue to require other departments to put in place more environmentally sound policies and practices or to promote legislative amendment. Interestingly this lack of power also brought with it a measure of public support that could not otherwise have been expected.
36. Initially no as there was immense public and political support. Later it was a problem as Treasury and NZ Forest Service in particular resisted strongly.
37. Its lack of formal powers made it easy to ignore in the "thing big" climate. Thus its advice was often not sought or provided in a timely way.
38. Lack. of ability to audit economic issues & lowly status amongst gov. departments.
40. From 1981-83 the Muldoon Government clearly wanted to suppress the independent role of CFE, it refused to legislate in a way that would confirm this role, and the Courts did not grant status to the audit document because of the lack of a statute.
41. See 10a(?)(9f). For many things Commission staff learnt how to influence people without having statutory power, but other departments were our most difficult antagonists.

Question 11a. Rank the following items on the basis of their influence on the Commission's PRIORITIES:

	1	2	3	4	5	6	7
a. Government direction	12	9	7	4	0	1	1
b. Environmental groups	0	6	4	9	11	3	0
c. CFE's own assessment of needs	10	8	10	4	0	2	0
d. Other government departments	6	7	6	4	3	4	2
e. Public opinion	1	2	4	6	12	7	0
f. International organisations	1	1	1	3	6	12	8
g. Other, namely...	5	2	2	1	1	3	5

(The numbers refer to the number of respondents who ranked the particular item in that place, e.g. 12 respondents ranked Government direction in the first place, 9 in a second place etc.)

Question 11b. Comment, if you wish, on the ranking order you gave to the items under 11a.

2. (A) relates to priorities for work ic effort developed to proposals etc. (B) relates to policy development and particularly audit work.
3. Phil Goff had a passion for Auckland issues; Ken Piddington and H.Hughes had some clearcut personal ideas; keeping tabs and firefighting other departments' activities.
4. Other: private developers direction.
5. Number 5 is "personal prejudice".
7. Number 2 is "development proposals".
9. Very hard to say since there were so many individuals with own agendas.
12. Under other: Minister; the independence of the Commission enabled it to define priorities with the Minister. Sometimes completely at variance with Government orientation.
13. Ranking like this is very difficult and should not be taken too seriously.
14. The order only refers to the work I was involved in as waste management.
15. The main factor during 1986 was environmental restructuring. This was driven by Treasury/Government.
16. Firefighting (i.e. issues that popped up, or EPEP proposals that arrived out of the blue). CFE was very reactive. It didn't set priorities and was constantly flooded with 'urgent' issues and EPEP assessments (which CFE couldn't control - their timing was at the whim of developers). Some hard decisions were needed and CFE should have filtered out less important work.
17. CFE assessment, listed as 1) took into account all of the other. Government direction was limited to matters of urgency in priority setting, and did not extend into assessment procedures.
18. Under other: social and regional authorities. Government direction has varied, depending on the political climate and the issues, as well as the particular government. CFE's assessment took in the factors I have marked 4 and 3.
20. Under other: issues of the day.
21. The EP&EP requirement often dominated the work of the Commission - accordingly its work programme was driven by other agencies.
22. Hard to assess as I was at the receiving end rather than the deciding end of priority setting.

27. Other: Actions of other organisations which triggered environmental audits. Commission was basically forced into reactive role, leaving less time for initiatives & more general environmental issues.
28. a. and g.(developers, new projects, audits) are related; Primarily a reactive role, during Think Big phase - methanol plant, urea - Kapuni methanol.
29. Maori issues; NATIONAL DEVELOPMENT Act 1979 was responsible for a great deal of what happened in the 2.5 years I was there.
30. Under other: project proposals under EP&EP. The Commission was usually, by necessity REACTING to Cabinet-level initiatives by Ministers & Departments ('fire-fighting') -- this took a great deal of time, likewise EP&EP advice & audits. When time allowed, more sensible views & motivations could set the agenda.
33. The Commission's work was dominated by Environmental Impact Assessment Audits - ie development projects driven - particularly "Think Big" projects.
35. Individual development proposals. Nature of the EP&EP was such that CFE was in predominantly a reactive mode. Proactive work was mainly CFE or individual officers' initiatives.
36. There is a big gap between 2 and 3.
37. Other: developers' initiatives. Work priorities were mostly externally driven.
39. Re Antarctic specifically. Influencing factors a to f tend to work at different levels eg Government is broad director but specific details ranked more by b&c. Of course, a is affected by b,e etc. This ranking here is a little simplistic as is question 11.
40. Other: Maori groups; We were handling all the initial issues heard by the Treaty of Waitangi Tribunal and this forced us to take professional interest in this area, despite opposition from a,b,c, and indifference of e.
41. The Commission tended to have a lot of room to manoeuvre but much of its work was reactive to the projects of government development departments, particularly energy projects.

Question 12a. Who were involved in the setting of priorities WITHIN the Commission? (Circle one)

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---------------------------------------------------------
Everyone working in the Commission        5   (11%)
All investigating officers               15   (32%)
Only a small group                       24   (51%)
Only the Commissioner                     3   ( 6%)
---------------------------------------------------------
Total                                    47  (100%)
---------------------------------------------------------
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(Some respondents circled more than one option)

Comments made with question 12a:

1. Only inasmuch as the Commissioner was always approachable and would listen to your case - in the end, however, naturally he made the decision.
2. Changed.
3. It varied, moving from everyone to a small group.
10. Increasing degree of influence from left to right.
12. Changed over time from 1982 to 1986.
16. People outside.
17. All stages were incorporated: suggestions from all staff were welcomed, evaluated by a small group, with final decision by Commissioner.

18. I am not clear on this question at all.
24. All IOs: occasionally; Small group: usually; Only Com.: sometimes. It varied.
26. I think, but don't really know. I wasn't involved anyway.
37. All investigating officers were involved + could express views, but decisions were taken by only a small senior group.
39. It depends on the issues and the process adopted. In audits it would be whole team. Financial priorities by a small (senior policy) group. Overall on average it would probably be only a small group.

Question 13a. How, in your view, was the concept of "environment" interpreted at the Commission?

1. Broadly.
2. There was an overt attempt to avoid defining environment until 1985 - As this was thought by the Commissioner to constrain his area of investigation. About later 1984-1985 he realised that a firm definition was required. The definition in the Journal of NZ Institute of Agricultural Science 1985 was more or less adopted in early 1985, i.e. the environment was comprised of physical, natural and social elements, and environment was the health of these elements.
3. Pretty "green".
4. Largely physical environment. Never developed a great understanding of social/economic factors.
5. Widely, obviously to include social as well as physical factors.
7. Broadly, to include natural and physical resources and the social, cultural and economic conditions affecting or affected by these resources.
8. A broad view which included people, ecosystems, and the quality of life in New Zealand.
9. Some thought it included economic matters, but most were scientists.
10. Variously - with the tension between those (like myself) who adopted a broad & comprehensive definition (like that included in the Environment Act) and those with a more narrow interpretation.
11. As broadly as possible - as it should be.
12. Very broadly to include all aspects of natural, physical and social resources.
13. Very holistically.
14. Environment was interpreted in the widest sense as the definition in the Environment Act 1986 shows.
15. Broadly - included social/economic milieu.
16. As the natural and physical environment, but people were included (public consultant was very good) - but environment was not as broad as in the Environment Act 1986.
17. The whole physical and social situation in which people lived. Greater emphasis on physical initially, gradually broadening into social environment.
18. We had a wide definition of environment which included social environment and which was written (I don't have access to that currently).
19. Surroundings of people.
20. Very widely to include all natural aspects and the social and economic and cultural environment.
21. I think the concept encapsulated natural, physical, social and cultural factors.
22. Physical and social environment.
23. This varied considerably but for those at the top it was interpreted broadly eg as per Environment Act 1986.
24. It was not totally consistent but most people there took a fairly broad and holistic definition.
25. Physical and social aspects as well as political impact.

26. Very broadly, not just "flowers + trees".
27. In my day, fairly narrow "physical environment" concept.
28. Early days - impact on physical and biological environment. Social awareness starting.
29. All issues affecting mankind.
30. Completely holistically - natural as well as social environment - it was only Ministerial direction which narrowed the scope (ie - no economics in EP&EP).
31. Very broadly with particular care taken to include community development and other special impact management issues.
33. Attempted to apply a Holistic perception of "environment". This was at odds with government - & not defined with respect to CFE's role/mandate.
34. A broad concept, both the natural and built environment and social needs.
35. Appropriately widely inclusive of not just physical components but also social and economic. There was a need for careful justification of the latter 2 given government policies.
36. Initially very narrowly the physical environment and even within that nature conservation and water resource management was more important. Social issues were slow to be included, economic questions even slower.
37. Widely and broadly to include social as well as physical and natural aspects but other departments tried to tie this [illegible], to limit it.
38. Very broadly - social, cultural, economic and physical environment.
40. Broadly, to include physical, biological and social environment.
41. Very broad - all embracing including social & cultural strongly when Ken Piddington replaced Ian Baumgart as Commissioner. But even in the Baumgart days social issues were given substantial weight.

Question 13b. Did the Commission, in your opinion, have an ENVIRONMENTAL ideology?

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YES              27  (73%)
NO               10  (27%)
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Total            37 (100%)
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Comments made with question 13b:

1. Although there was a feeling that the "golden age" of this ideology was waning, having peaked during the 1972-76 era.
11. What is it?

Question 13c. If NO, why did it NOT have one?

5. It was too diverse to have an ideology, and it was (also?) open to outside influences, official and voluntary so that its corporate approach evolved.
9. Individuals probably had their own views, but it was rare in the atmosphere of the time to speak it out loud...
10. Not a coherent ideology - see 1977 objectives. These took years to define. Implicit rather than explicit & individuals had different views. But especially in early days there was enormous commitment and enthusiasm.
12. It had many, some of which was paramount.

24. It had a 'green' hue, but no consistent ideology. The staff varied in ideological outlook - from those who saw environment as a fringe luxury to those with what would now be called a green outlook.
27. The ideologies of various groups within the Commission varied - from radical, to conservative approach of senior officers & the Commissioner. No agreed ideology.
28. Two groups - preservation vs development and altering its impacts to make it acceptable.
30. Too many conflicting outside directives and inside points of views.
31. It had an effective ethos which encouraged diverse perspectives.
38. Too scared.

Question 13d. If YES, how would you describe the Commission's ENVIRONMENTAL IDEOLOGY?

1. Akin to that of the Values Party.
2. A composite of reasonably sympathetic concepts of very caring people from a wide range of disciplines and experience. A balancing of radical concepts from "conservation" group spokespersons, to more traditional views from viewing life through a human, social, economic, education, or scientific window.
3. Intrinsic value of ecosystems were important, all clearly reflected in the long title of the Environment Act -written by CFE.
4. Promote conservation, sustainable resource use, reducing adverse environmental impacts.
7. Sustainable management of New Zealand's resources and protection from environmental degradation.
10. To ensure that the environment was "counted" in decisions affecting it.
13. Integration of human needs and aspirations with ecological realities.
14. That environment encompassed all parts of the ecosystem including people.
15. "Wise use", "balance" and later "integration of conservation and development".
16. Mainly depended on the staff's individual, personal ideology which collectively gave a pro environmental, sensitive, caring, aware of fragility of the earth, humanist.
17. The development of a "conserver society" through pollution control, wise resource use, and determination to use rather than use up; to manage rather than to spend; to sustain rather than to consume. This is broadly categorized as Eco-development.
18. This is difficult to describe as I do not believe it was ever written down but is was discussed. Generally, we were all concerned to prevent irreversible changes detrimental to any aspect of the environment and understood the nature of ecosystems and the effects of changes within them.
19. Caring for the biosphere. Environmental ethic was developed by Simpson & Ellis.
20. Aiming for positive social and nature conservation outcomes based on full information and informed decision-making.
21. A basic commitment to sustainable resource use, the intrinsic value of ecosystems, and a special recognition of Maori cultural values.
22. Protection and enhancement of the environment.
23. Balanced participation and recognition of all views.
25. To achieve a thorough balance/investigation of projects to stack environmental factors into the decision and to look towards future generations.
26. Conservation alongside development, not as mutually exclusive.
29. Committed, sensible and up with world wide trends.

33. Anthropocentric ecology.
34. People and the natural environment in a balance.
35. A corporate view of the environment as a vital and central consideration in the long term sustainability of human society and an overriding need to ensure that development while necessary, was sensitive to natural systems and constituted wise and sustainable use. Individual officers were overwhelmingly committed to the conservation of resources, sustainable environmental management, social justice and equity and the rights to continued existence of all other species.
36. In part - "to represent it" was part of the ideology.
37. In the sense that it was an advocate for environmental considerations but not rigidly as "ideology" implies.
39. Minimising human impact on the environment.
40. We considered short term economic and political advantage always downgraded the NZ community's long-term needs, and that these could only be served by careful environmental stewardship. We were tuned in to the global debate post-Stockholm but in the early 1980s this was not running at today's high pitch.
41. It changed over the 20 years but it was always a strongly held missionary like force. There was a strong emphasis on the need for sustainability & for "keeping options open" which was a very strongly held concept. So was equity.

Question 14. How would you describe the ROLE which the Commission for the Environment saw for itself?

1. Dual. Both as advocate for the environmental protection/enhancement, and a facilitator of improved environmental management by working with both developers and conservationists.
2. To protect the environmental resources and to put in place rules which would order the conduct of those who were endeavouring to introduce change. This frequently became entangled with the emotive human issues arising from indepth involvement with affected public.
3. Green conscience in Government - a govt dept educator - Baumgart apparently said that people were not really to stay long in CFE but be seconded in greened, and returned to modify Dept. thinking!
4. Primarily environmental assessment. Policy development very much secondary.
5. Briefly as a watchdog. Ian Baumgart talked of its "mosquito" role.
7. To promote environmental protection and enhancement through input to policy development and through the administration of the EPEP. To act as voice for viewpoints that may not otherwise be expressed in debate, policy and proposals, development.
8. Encouraging good environmental management and a preventative approach to pollution management.
9. General; Environmental Watchdog; publicist of concerns; advise; enlightening alert Minister & other departments; develop procedures for considering applications for licences; Audits of development proposals.
10. See notes.
11. Adviser to decision-makers; advocate for environmental quality.
12. A conscience within government + which sought to temper decisions & remind others of responsibilities to "other generation and values".
13. The forerunner of a major environmental department with legislative power.
14. It had many roles: policy Adviser, coordinator of environmental advice, advocates for the environment, auditor of development proposals, Adviser to government, organisations and the public, educator.

15. Conscience/prod for getting "environment" into decision making.
16. Advocate for the environment.
17. a) To assist the Minister in developing a government environmental policy; b) To incorporate environmental factors into the operation of government action agencies; c) To create greater public awareness of environmental issues; d) To arrange NZ input to international environmental activities.
18. The Commission saw its role as preventing degradation of the environment, in whatever form, by ensuring that changes and development occurred after careful consideration of short and long term effects, and prevention of degradation. (The OECD Environmental Questionnaire on trends was helpful).
19. Independent opinion; conscience for public authorities; conduit for environmental groups.
20. The watchdog on the central government system, particularly on the major development oriented organisations (MWD, MOE, NZ Forest Service). Secondly, initiator of systematic change to "green" the administration.
21. Essentially as a watchdog within the State sector / with some responsibilities to address national and global environmental issues.
22. Administration EP&EP; Policy advice for the Minister; Promotion environmental awareness. promotion protection and enhancement of the environment.
23. Neutral arbiter.
24. When I was there it was very much that of a bureaucratic gadfly aiming to get other Govt bodies to consider the environment and to adopt their own environmental evaluation and enhancement procedures.
25. To act as a public watchdog to promote conservation to investigate issues of concern on major projects.
27. Conservative: servicing Minister, advising. Make small inroads into policy directions. International cooperation (i.e. junkets). "Radical": Voice of conscience, Raising, researching alternatives, Integrating environmental planning into relevant legislation.
28. Education of developers. Implementation of EP&EP.
29. Watchdog & environmental assessor.
30. You have to make a distinction between the views of the PM, the Minister, conservative CFE administrators v. less conservative administrators, and the staff (some dedicated environmentalists and some not). All viewed the 'CFE role' differently, and who really was the Commission? The 'Commission" cannot 'see a role for itself'! It was a group of individuals, working for other individuals.
31. Advocate for good environmental planning and management, public participation in policy and project planning.
33. To identify conflicting values & environmental impacts to balance "legitimate" human use [illegible] resources with the need to protect the [illegible] environment.
34. Providing a balance with the ideologies of other departments eg Treasury etc.
35. A lone voice in government; a conviction in the mission being pursued; a champion of community and public views; and very much a solitary - if weak - advocate for a broader vision than the "Think Big" mentality of the day; a promoter of integrated planning an management with a stronger voice for the environment in its broadest sense.
36. Education, auditor, setter of standards - for NZ. Within government, more particularly the bureaucracy to establish an administration more sensitive to conservation issues, multiple planning and [illegible].
37. To engender better awareness of environmental aspects in decision making at central, regional and local government levels. Prime role was to advise while

other agencies "did" or "managed" or administered. We had no direct role in this.

38. Chiefly as an auditor of Environmental Impact Reports.

40. I used to say that we had to be the piece of grit in the political eye, so that if the politicians rubbed too hard it would simply set up more irritation. So the role was survival.

41. An innovator, closely in touch with the public, strongly committed to public participation. Substantially independent of the government as a result of the Audit role.

Question 15. Did the Commission, in your view, see the following matters as part of its mandate?

	Very much so	Yes	Margin- ally	No
a. The protection of ecosystems	17	17	2	0
b. The promotion of sustainable resource use	18	16	4	1
c. The protection of quality of life	14	23	1	0
d. The development of an integrated pollution strategy	8	21	7	3
e. The promotion of equity in access to resources	4	14	11	8
f. The development of an "overall" environmental policy	9	24	4	0
g. Long term development planning	8	14	12	4
h. The promotion of environmental awareness	25	13	0	0
i. The facilitation of conflict resolution in environm. issues	15	17	6	1

Comments made with question 15:

18. d, f and i 'developed'.

28. On a: 1. eg. forests in private ownership low, coastal higher; 2. Maori, gas no! On f: OECD review the exception.

30. This is what it did, that's different (from what "the Commission saw"). This is a reflection of the views of those in charge, and their views of what was 'politically viable'.

41. On d: "in later years". On f: "later years only, the conservation strategy". On i: "particularly via the project audit process - recommendations to make projects acceptable to affected public groups, or stopping them if they were that bad! eg PVC.

Question 16. Part of the Commission's task was to support the Minister for the Environment in the CO-ORDINATION OF ENVIRONMENTAL POLICY.

Question 16a. What, in your view, did this task MEAN?

1. I don't know.
2. Support to facilitate implementation of his goals - By preparation of speeches, papers, promoting concepts to groups, guidance to developers etc. The minister (Shearer) gave five times more audience to environmental groups then to the CFE, and at times CFE had to work hard to be used effectively by the Minister.
3. Push the green barrow -other Departments tended to not want to know!
4. Policy advice on environmental implications of other issues; Policy advice on primevaly environmental issues. Encouraging awareness of issues & resolution of conflict. Developing overall environmental policies, long term direction.
7. To ensure that Governmental policy and proposals reflected environmental objectives consistently.
8. Ensuring that other government agencies took account of environmental policies in their recommendations / decisions / work.
9. Minister had no real powers and was fairly low in Cabinet (even Marshall on matters of Environment) so task was generally one of general enlightenment + advocacy.
10. In the beginning I think it meant what it says and the mechanism was the officials coordinating committee & the Cabinet Environment Committee. The task ceased to have a great deal of meaning although Ian Baumgart's initiative with the OECD review was an attempt at coordination.
11. Trying to overcome the junior ranking of the minister in Cabinet.
12. The provision of a policy focus within Government & the initiation of particular environmental themes.
13. Close contact with other departments; holistic approach of facilitation - no narrow self image.
14. Providing policy advice to the Minister and seeking support from other agencies through interdepartmental committees.
15. Our task was to advise Gov. on environmental issues. Policy doesn't exist.
16. Giving the Minister an overview of policies from a variety of agencies eg. Lands & Survey, NZ Forest Service, Foreign Affairs (Antarctica).
17. The CFE supplied information to the Minister for him to use in his dealings with Cabinet Colleagues to develop and coordinate government policy for the environment. This was paralleled outside Cabinet by the Commissioner dealing with heads of government agencies, who advised their ministers on environmental issues and policies.
18. I saw this to mean that CFE identified areas where environmental policy was either lacking or ineffective, then make suggestions on ways to improve the situation.
19. Who said? CFE tried to coordinate governmentdepartment advice on environmental matters - through Officials Committee or to Cabinet Policy Committee. At times it was independent of the Minister.
20. This was principally to act on the Minister's behalf to bring environmental awareness to policy formation in official's committees etc.
21. Essential to ensure policy advice on issues with environmental implications was tendered, so the Minister could fully participate in decision making.
22. Unsure.
23. Bringing all views to the preparation of policy.
24. What it says.
25. Relatively little as few departments had environmental policies at this time. DSIR and to some extent partly Lands & Survey, MAF. Certainly gathering the public view and identify the key themes and presenting this to government

27. Don't know - was not aware of this as a specific task.
28. Using the Minister to ensure that each dept. implemented the EP&EP, especially if the dept. was unwilling. Other parts eg environmental awareness - very successful. Environmental policy - not strongly developed preservation vs. amelioration of effects.
29. Trying to get environmental commitment from Government Departments.
30. Good question! I'm guessing this means seeing coordinated advice going to Cabinet, & policies emerging that work together instead of at odds.
31. Providing the Minister with advice on the environmental implications of Govt policy, programmes and project proposals.
33. Not within my personal experience to answer these questions.
34. Developing a policy upon which the framework of all activities which use resources need to take into account.
35. Promoting a common approach to policy development, legislative review and departmental operations that provides for appropriate environmental protection and sustainable and equitable use of resources.
36. In my view the Ministers took no significant initiatives. The Commission took many. As part of introducing environmental awareness into public administration it was seen necessary to establish mechanisms for inter agency cooperation, uniform procedures etc.
37. Providing advice or minimising conflicts between different portfolios impacting on the environment.
38. I don't know. I don't think there was any national policy formulation during my time at CFE.
39. Providing briefing material on issues, preparing papers for Minister, responding to specific requests of them, answering ministerials, feeding [illegible] ideas into departmental meetings, being main advocate for effective eia.
40. Ideally that the Minister should have had the same role in advising on development initiatives as the Minister of Finance. This would allow hard coordination. Otherwise it would be presentational "soft" coordination.
41. We would write policy often [illegible] out of audits & this would often invoke recommendations to make changes in the procedures or legislation of other departments so these proposals would have to be taken by our Minister to Cabinet for decision.

Question 16b. How successful has the Commission been in this task?

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Very successful      1    (3%)
Successful          14   (44%)
Partly successful   14   (44%)
Unsuccessful         3    (9%)
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Total               32  (100%)
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Question 16c. Please clarify your answer under 16b.

2. The Minister is a politician who seeks public support and applaud for his efforts. He is also subject to much orchestrated circumstances so effectively used by Guy Salmon with Muldoon and Young.
3. We won some, lost other.
4. Only addressed more reactive roles.

5. Coordination had already become part of the Environmental Council's role. Major players were represented there, so the Commission didn't really own the role.

7. Frequently the Minister for the Environment did not have wide support in Cabinet.

8. E.g. conditions attached to mining licences.

9. Success depended on credibility, credibility depended on quality of advice, that quality depended on resources for research.

10. See later.

11. We won a few, we lost a few.

12. The subsequent post-forum emergence of a strong Government manifesto (+MFE+DOC) stems from that success.

13. Quality of CFE advice + facilitation good, but very small department with little power.

14. Through its actions government departments came together and proposed a national waste management strategy.

16. CFE provided a specific channel for environmental policy and information to one Minister that would not have occurred easily in its absence.

17. The Cabinet developed a consciousness of environmental issues over a relatively short period, though it had difficulty converting policies to action, largely due to administrative complexities.

18. The Environmental Forum clearly indicated that changes were needed and the government responded.

19. No teeth. But where strong public pressure - able to effect some government changes.

20. There was a lot of effort to "lock the Commission" out of the processes of policy formation by established Government departments. This limited the effectiveness as we were often denied access to information or key forums.

21. It was an important stepping stone towards the establishment of a more co-ordinated and influential policy framework in the State sector.

23. At times this was only a small consideration by managing agencies with more a powerful Minister.

24. We didn't coordinate - we tried to influence.

25. It was a hard road to how to get other departments. to become more conscious of environmental matters. The energy think big!

28. At this stage Treasury altered the EP&EP. Loss of ability to study options, see 9(d). No clear environmental ethic.

29. Political forces & opposition from MOWD made it very difficult.

30. Don't know. Not sure of definition. I never saw any evidence of "coordination" actually taking place - All the other departments preferred to ignore CFE.

34. The increasing awareness of the issue of sustainability etc. within government circles and the wider community.

35. Largely unsuccessful until the 1986 reorganisation which it had a major role in. While yet to be completed and proven the new regime is a large advance on the old.

36. I'm not comfortable with the question; it's almost irrelevant! In my view the Commission relaxed on this task deciding that there was more profit in putting effort into strengthening the environmental management capabilities in individual government departments, ie it didn't fail, it changed its approach.

37. Commission could only make an impact when it knew an issue was up for decision. Often it wasn't advised.

39. Again depends on the issue (Antarctica, eia). An eia process was developed for NZARP (NZ Antarctic Research Programme) and in minerals regime.

40. Only after 1984 and the chance to design a new structure. Pre 1984 it was unsuccessful.

41. Because our Minister always was but one minister 7 seen as a rather independent one at that & a junior one, although the ranking in Cabinet progressively improved over the years. The initial 2 ministers, MacIntyre & Walding were highly ranked but after that the ministers were of low rank & consequent influence until the final 5 years.

Interpretation of environmental policy co-ordination related to degree of success:

	Very suc-cessful	Success-ful	Partly Suc-cesful	Unsuc-cesful	Total	%
A. Policy dev role	0	7	4	1	12	33%
B. Advocacy role	1	1	6	1	9	25%
C. Overview role	0	4	2	0	6	17%
D. "Overall policy"	0	1	2	0	3	8%
E. Other	0	2	2	2	6	17%
Total	1	15a	16a	4a	36	100%

a. As some respondents gave more than one interpretation to the concept, the total number of interpretations is higher than the numbers under question 16b.

Question 16d. How do you explain the Commission's performance of this task?

2. The CFE was centrally based, poorly funded and unable to research and respond quickly to environmental "incidents" which might concern the Minister; on the formal EIR/EIA role it was more effective. The EIA of course was very ineffective as a tool.

3. As good as can be expected, given the climate.

4. Not well planned in terms of strategic direction. Crises driven.

7. Commission did not have an automatic right to comment on Cabinet papers etc., so role was often difficult to perform effectively.

8. CFE commitment and professionalism of staff.

9. Usually just firefighting.

10. Weak mandate - small size - conflict with territory of other departments.

11. Understaffed & lacking commitment.

12. Not clear what this is meaning.

14. The Commission called in departmental meetings.

17. The Commissioner maintained good personal relations, understanding and trust with the Minister. Confidence was required on both sides to make this relationship work effectively.

18. The Commission staff were diligent in obtaining information from as many quarters as possible and attempted to facilitate discussion and resolution of problems.

19. Unclear what you mean.

20. Overlaps with 16c.

21. The physical existence was a potent symbol - even if in practise the Commission failed to establish substantial influence.

24. Nobody seriously expected anyone to coordinate policy. Besides it would have upset others - Treasury + Cabinet who saw this as their role.

25. Few staff; so much development work happens in the country at time. Negative political reaction by government; a National government hell bent on think big.
28. Lack of clout with development at all costs government
29. It did extremely well in spite of size & lack of Government commitment.
34. Communication within government circles.
35. No requirement for any government or department to act on CFE recommendations. No inclination for the National Government to listen - Labour Government however was & there was a large degree of complementarity in views.
36. See under 16c.
37. Deliberate desire to keep CFE out of issues. Under resourced, lack of formal status. Role meant coordination task not consistently performed.
38. Ideas time was due - Antarctica needed eia.
40. Public opinion was behind what we were trying to do but no other department was in favour (only a handful of officials). This was true even after 1984.
41. See under 16c.

Question 17a. Which other agencies were, in your view, important in the CO-ORDINATION of environmental policy?

	Very important	Important	Of little importance
a. Officials Committee for the Environment	3	9	12
b. Cabinet Committee for the Environment	4	8	11
c. Cabinet as a whole	15	6	8
d. Environmental Council	4	12	16
e. Other agencies, namely..	8	4	1

Comments made with question 17a:

4. Cabinet Policy Committee and the Development and Marketing Committee were important; the EC was only important in some issues.
5. Under other agencies the Nature Conservation Council is mentioned.
11. Under other agencies the NCC is mentioned.
13. Don't know.
14. Depended on the policy.
17. Under other agencies: Town & Country Planning Division; NWASCA; NZ Forest Service.
18. I do not have enough knowledge to say.
19. About b: "no such animal". With other: Cabinet Policy Committee.
22. About OC: defunct; on Cab.Com.: didn't know there was one.
23. About a and b: there wasn't one. Under e: other management agencies Ministry of Works & Development, Ministry of Energy, Department of Labour, Department of Health etc.
28. Behind a and b: ? With d: "if specific issues". Other: Town & Country Planning Div. via its act with local authorities.
29. Other: ECO.
30. Other: Treasury, Dept. of Energy, Works.

31. Other: Treasury, Ministry of Works & Development, Ministry of Energy.
35. Other: the Minister for the Environment. Assumed this relates to the period of National Government
36. Other: NWASCO.
38. Other: DSIR Ecology Div re forest policy.
40. NGOs.
41. About a: "Never took stuff to them unless we had to!" About b: "Can't remember".

Question 17b. Did, in general, the CO-ORDINATION of environmental policy take place adequately?

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YES:          7   (21%)
NO:          25   (76%)
?             1    (3%)
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Total        33  (100%)
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Please explain your answer:

1. It's not something I thought a lot about.
2. National development objectives had priority in the "Think Big" projects - MOW worked for "client" developers. NZFS interpreted sustainable yield in various manners, Catchment Boards were constrained by the threat of compensation through inadequate legislation.
3. I was too far down the ladder then to know.
4. Co-ordination of environmental policy advice with other advice on issues at times not well co-ordinated.
5. We muddled thru.
7. Refers to answer under 16.
8. Adequate, but not perfect.
9. No adequate environmental structure and other departments had their own barrows to push eg Dep. of Energy; Mining Act, "to foster development". Not(?) control etc.
10. No.
11. Politicians are accountable: they should be the ultimate decision-makers - but there is a need for more binding commitment in manifestos.
12. The infrastructure was insufficiently developed, the political imperatives were interventionist & developmental.
13. Little interdepartmental co-operation, e.g. Works, FS, L&S all working to service themselves. CFE seen as baby upstart.
14. The achieved goal showed this.
15. No. No policy.
17. There was difficulty in bringing together the disparate responsibilities of action agencies who were keen and enthusiastic to promote their particular interests; it took a long time of education and explanation to achieve willing cooperation and acceptance of principles of environmental management.
18. This has been a long process culminating in recent changes so the Commission's work was ongoing and gradual.
19. Parochial attitude of departments. No legislative requirement.
20. There was limited coordination as such. The bureaucratic jungle was too polarised for that and the CFE and its Ministers too weak.

21. Any failures of co-ordination could be attributed to the low priority of accorded co-ordination by Cabinet rather than the environmental agency itself.
24. No - because environmental policy was a tack on to other policies. If these clashed with environmental policy it was tough.
25. Few departments. wanting to consider the interlinkages and still fewer really have the time.
28. There wasn't a policy to co-ordinate environmental evaluation with Think Big - it was the warm fuzzies at the end.
29. Contained in above.
30. Other departments & Ministers saw environmental concerns as an impediment to their plans - and they had the 'muscle' to go ahead without CFE input.
31. Time dims the memory.
34. In general the Commission participated and had an impact in the development of environmental policy.
35. There was no commitment to it by government (National) collectively, no real mechanism to deliver it, and a reality of several major and powerful developmental agencies with vested interest in not seeking co-ordinated environmental policy.
36. See under 16c.
37. Often it just didn't happen. "Coordination" was made to mean as much or as little as different administrations wanted it to mean.
38. There wasn't much development of environmental policy that I'm aware of.
39. Never enough time to thrash through issues.
40. Because Government only wanted "soft" coordination it was left to the watchdogs outside Government (mainly NGOs to point out the inconsistencies (eg in energy policy).
41. It was hard for our minister to win at cabinet. he was most successful when he had strong public backing for the time he was taking. Audit recommendations were seldom [illegible] by force of public opinion & without much assistance needed from the minister.

Question 18a. With which other government departments did the Commission develop a good working relationship?

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Department of Scientific and Industrial Research (DSIR)	14
Ministry of Works & Development	12
Ministry of Energy	9
Department of Lands & Survey	7
Department of Health	6
Department of Trade & Industry (including the Resource Conservation Unit)	6
Ministry of Transport (including Marine Division, and Meteorological Service)	5
NZ Electricity Department (prior to 1978)	5
Ministry of Foreign Affairs	4
Nature Conservation Council	4
NZ Forest Service	4
Environmental Council	2

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Ministry of Agriculture & Fisheries      2
Ministry of Education                    2
Department of Internal Affairs (Wild-
   life Division)                        2
Centre for Maori Studies                 1
Local government                         1
Mines Department                         1
National Parks Authority                 1
National Roads Board                     1
National Water & Soil Conservation
   Organisation (NWASCA)                 1
NZ Fire Service Commission               1
NZ Planning Council                      1
NZ Post                                  1
NZ Railways                              1
Queen Elizabeth II Trust                 1
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Total (26 agencies)                     95
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Question 18b. With which other government departments or agencies did the Commission have difficulties in establishing good working relationships?

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Ministry of Works & Development (in-
   cluding the Water & Soil and Town
   & Country Planning Divisions)        17
Treasury                                16
Ministry of Energy                      14
NZ Forest Service                        7
Department of Health                     6
Mines Department (prior to 1978)         6
Ministry of Agriculture & Fisheries      6
Department of Trade & Industry           5
Ministry of Transport                    2
"All of them"                            2
Department of Labour                     1
Department of Lands & Survey             1
Department of Scientific and
   Industrial Research (DSIR)            1
National Water & Soil Conservation
   Organisation (NWASCA)                 1
NZ Electricity Department (prior
   to 1978)                              1
Prime Minister's Department              1
Regional government                      1
State Coal                               1
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Total (18 agencies)                     89
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Question 18c. What caused, in your opinion, these difficulties?

1. Don't know. I wasn't closely involved.

2. Conflict of objectives - and intrusion into administrative areas usually the domain of those agencies - relating to management of physical resources.

3. Try - ideology; Transport - lack of understanding, education, brain in their officers.

4. CFE attempting to step on Departments patch, or in case of Treasury cost/money.

5. As the environment became an important factor in policy, naturally each dept developed its own response and some claim to own new administrative areas. Naturally that in turn led to friction.

7. Misunderstanding of objectives and conflicting philosophies and missions.

8. Differences in focus.

9. Arrogance of officers in those departments; lack of credibility of CFE; poorly defined objectives/powers of CFE.

10. Role of CFE - see paper - Also personality Peter Brooks & Ken Piddington in particular. Ian Baumgart was a bureaucratic politician & had a mature smooth approach that did not irritate.

11. Different basic philosophies.

12. Jealousies at senior levels.

13. Departmental entrenched views, ethos, ethic. Environment a challenge to them. Traditional power and decision making.

14. Different philosophical basis.

15. These organisations do not want environmental information from 'outside'.

16. In the case of Treasury and Trade & Industry the divergent economic philosophy from CFE. In the case of MOE their sensitive, manipulative and dishonest approach (sanctioned under the Bill Birch years).

18. The credibility of each individual officer determined the effectiveness of the working relationship in my view.

19. A perception that environment was no concern theirs. Environment was anti-development.

20. Territorial guarding by established agencies which had a lot to loose.

22. These were powerful agencies that resented outside interference.

23. The threat of intrusion + criticism, from another department possibly affecting power.

24. Two things: - those who saw us as trespassing on their patch - eg Town + Country Planning; - those who thought we were unqualified troublemakers - eg Public Health Section.

25. Political direction and bureaucratic power play.

28. CFE seen to be interfering with T&C role. Treasury until both realised they had the same agenda (save money, stop unwise development).

29. Political commitment to Think Big & Resource Development.

30. As mentioned in 9f and 17b.

31. The perception and priorities of senior Cabinet Ministers.

33. The pro-development emphasis of the government of the day combined with the hostility of the senior bureaucrats of these departments.

35. The mandate of these agencies were development oriented and not effectively (if at all) moderated by cooperation. The National Government had no interest in conservation with "Think Big" and encouraged these developmental biases.

36. In the former case resentment at being told what to do. In the latter resistance to improving environmental assessment.

37. Competition for territory; poor interpersonal relationships at high levels; conflicting imperatives politically.

38. Conflicts in ideologies. Mining and Treasury saw CFE as a nuisance.

39. Personalities, department' jealousies (against a new small Government agency), departmental inertia (bureaucracy?).

40. There was a built-in conflict but in the MWD case a doctrine also which saw the planning process (TCPA, Water and Soil etc.) as "covering" environment.
41. The self interest of those departments in maintaining their traditional powers of decision.

Question 19a. How was the Commission, do you think, PERCEIVED by other groups or agencies? (Tick more than one if appropriate)

	Environment-al advocate	Neutral arbiter	Just a nuisance	Development friendly
a. Most environment-al groups	26 (62%)	9 (21%)	1 (2%)	6 (14%)
b. The public in general	34 (87%)	4 (10%)	1 (3%)	0 (0%)
c. MOST government departments	18 (39%)	4 (9%)	24 (52%)	0 (0%)
d. MOST local govern-ment agencies	16 (37%)	5 (12%)	21 (49%)	1 (2%)
e. MOST private developers	18 (38%)	4 (8%)	26 (54%)	0 (0%)
Total	112 (51%)	26 (12%)	73 (33%)	7 (3%)

Comments made with question 19a:

3. Under a: "a weak ..."
12. Under public in general: not known "in general"; under d and e: "where known".
14. Depended on topic.
16. Puts MOST environmental groups in new category: "Irrelevant"
24. Under c,d and e/nuisance: some.
27. Under b: "if perceived at all".
41. "Changed over time; Commission became better appreciated".

Question 19b. If you wish, clarify your answers under 19a.

2. Perceptions are those feelings we have which arise from whether the persons/agency meets our expectations. Our expectations are what we want to see happen.
7. There were times when most groups or agencies perceived the Commission as a nuisance when the Commission's objectives were at odds with their own.
9. Most of groups above were "one issue champions" and couldn't understand CFE's wider responsibilities.
10. Again I think my paper explains the reasons. It's a perspective based on the different roles of the CFE.
12. By & large CFE was not well known outside Wellington except in its audit role.
14. None of these headings are appropriate for the work done on waste management.

16. Most saw the CFE as having no power under the Audit function. Nice people but irrelevant. political pressure by environmental groups was seen as more effective.
18. They are only guesses.
20. The role of the CFE was quite clear, even in EIA/EIR functions. We were "for the Environment".
24. With c,d,e, it depended on how it went from their point of view - if it was routine then neutral - otherwise we were a nuisance.
25. Dependent if it was carrying out its audit role or policy development.
28. Some private developers regarded CFE as a nuisance. Others [illegible] sensitive environments eg. harbour boards eg Tauranga (BOPHB) excellent.
33. The CFE was the only identifiably "green" agency of govt, apart from Wildlife Service (which was impotent) and National Parks which was within Lands & Survey.
35. Self evident except for b. where there is obviously a wide range. In audits there was often in my experience a balance of support but often the antagonism from both extremes (development vs. conservation) left a feeling of overall neutrality.
36. There were very rapid shifts in relationships and perceptions over the early years. Different decisions by the Commission invoked different reactions from any one group.
37. Best outcomes were achieved where developers perceived advantage in picking up our advice.
38. "Neutral arbiter verging on development friendly". Only on some issues did CFE act as an advocate, eg education.
41. Public pressure for good environmental behaviour increased over time & the performance of development agencies in this regard improved considerably. Also of developers. The small inexperienced renegade departments & private proponents were our most difficult clients; the big companies were caught by their corporate images.

Question 19c. Which view of the Commission mentioned under 19a was, in your opinion, closest to the truth? (Please explain your answer)

1. Advocate and arbiter 1/2.
2. Mostly an environmental advocate, and at others a neutral arbiter - when conflict resolution through defective analysis was the path followed.
3. Environmental advocate; we tried, we were green!
4. Environmental advocate.
5. Environmental advocate.
7. Environmental advocate. The Commission was the prime public advocate on many issues.
8. Neutral arbiter - due to lack of statutory powers.
9. Can't say. Most of CFE's work was achieved in the personal relationships of individual staff; each was allowed to pursue their own agendas by weak management.
10. They all express the truth.
11. Environmental advocate.
12. Environmental advocate. CFE was often alone in Govt. advocating the environment.
13. Environmental advocate. Without any real power, this is all CFE could do.
14. None.
15. Commission varied between neutral arbiter and advocate.

16. Environmental advocate. Did a lot of good work, but could have been more effective if it had polarised(?) (or has more resources).

17. Environmental advocate - the greatest success was in developing an environmental consciousness in the action agencies.

18. Environmental advocate, because no one else was really used to thinking of things with the environmental effects in mind.

19. Advocate - no one else much in Govt. was lobbying for environmental protection.

20. We were very green on the whole and environmental protection was our business.

21. Environmental advocate - but this doesn't detract from the fact that the Commission was a "nuisance" for many State agencies and developers.

22. Environmental advocate; sometimes neutral arbiter.

23. Neutral arbiter.

24. Varied with what we were dealing with. In some we were development (?) friendly, in others a nuisance, in others neutral and in some an advocate.

25. Environmental advocate.

27. There is not one "truth" - It depended on who, what and where. probably a mix of all of them.

28. Neutral arbiter, occasionally green.

30. Ironically, the one every group held to some extent - environmental advocate.

31. Don't know.

34. The Commission was the only department charged with this responsibility so naturally would be seen that way.

35. Environmental advocate - although lack of force for findings and recommendations probably resulted in minimal effect in a number of instances rating "just a nuisance" as cynical response.

36. Environmental advocate.

37. The advocacy role is bound to be seen as a nuisance to agencies bent on development.

38. CFE did not want to be aligned with env advocacy cause it would conflict with its role as auditor of EIRs.

40. I think the public saw us most clearly, acting as a neutral arbiter for environmental values, and not compromising itself in this.

41. Don't understand your question.

Closest to truth (some chose more than one option):

a. Primarily advocate	21	(51%)
b. Primarily arbiter	5	(12%)
c. Both advocate and neutral arbiter	5	(12%)
d. Variable, "all"	3	(7%)
e. Just a nuisance	3	(7%)
f. Development friendly	0	(0%)
g. Don't know	4	(10%)
Total	41	(99%)

Question 20a. Did, in your opinion, the Commission receive adequate resources to fulfil its tasks?

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YES                11   (30%)
NO                 26   (70%)
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Total              37  (100%)
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Question 20b. If NO, why not?

	Yes	No	Comments
1.	x		It was a small, high-profile group, sufficiently resourced and popular to "make waves".
2.		x	Lack of real management skills at Commissioner level. Lack of travel funds.
3.		x	Probably our weak part - Phil Goff was ranked 20 in Cabinet, the Troika were more concerned with free market, less Government
7.	x		Within the limits of the role set by government.
9.		x	It needed more $ so that more time could be devoted to issues, and real managers.
10.		x	Not perceived as sufficiently important.
11.		x	Lack of government commitment.
12.		x	Too marginal; insufficient public support; weak Ministers.
13.		x	Adversarial government in power; no legislation to base resource needs on.
14.		x	Environmental resources for pollution, wastes and hazardous substances work have and are totally inadequate in central government - worse now than then.
15.		x	It needed more highly qualified non libertarian economists and more senior experienced environmental managers with operational experience.
16.		x	A lot of pressure on reducing government spending. Environment is seen as optional thing.
17.		x	In this field there is never enough - the task is open ended. But in its initial phases the role of development of the CFE was reasonable; adequate to match its increasing responsibility.
18.		x	I know everyone thinks that more resources solve any problem, but the staff needed to be credible, experienced and well qualified, and the salaries probably didn't attract those people enough. The staff were dedicated but they shouldn't have had to be penalised financially for that. I feel strongly also that it was a waste of experienced officers' time that they often needed to carry out menial clerical tasks.
19.			Given the tasks allocated - the resources were not too bad - ...because towards the end, this was true for all departments which took successive 3% cuts.
20.		x	There was a strong development bias in Government and we were seen as getting in its way.
21.		x	Low Government priority, low spending - environmental issues weren't as prominent as they are today.
22.		x	Lack of money and staff.

24.   x   There were big holes in areas of expertise. We never got into
               economics while I was there because the Commissioner didn't want us
               to.
25. x   Yes in the sense people were able to travel quite freely & we
               developed the user pays. No in the sense of useless wages and few
               staff.
27.   x   Because government did not want it to become too effective.
29.   x   Contained in above.
30.   x   NO! Its task was not taken seriously by those in power.
31.   Don't know.
33.   x   Political climate.
34.   x   Budgetary restraints.
35.   x   No commitment by National Government to its mandate.
36. x   x   Initially yes.
37.   x   Deliberately to limit its effectiveness. Perhaps we didn't put up a
               convincing enough case for extra resources?
38.   x   Environment is always ranked lowly in Cabinet & therefore in $$
               votes.
40.   x   We were a small agency and the subsistence of out work depended on
               others, particularly DSIR. Salaries were relatively low given the
               intensive work pattern.
41. x   When all other departments were under sinking lid, the Commission
               grew steadily from year to year. Even during Thing Big when the
               political climate was not favourable to the Commission, it got a
               substantial increase in technical staff so it would not hold up
               auditing under the National Development Act.

Question 20c. Did the Commission possess the expertise required to fulfil its tasks?

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YES              18   (45%)
NO               22   (55%)
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Total            40  (100%)
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Question 20d. If No, what in particular was missing?

Yes No   Comments
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1.   x   A wide range of skills was represented in the staff and other
               departments (e.g. DSIR) were generally willing to provide expertise as
               necessary.
2.   x   What was lacking was an ability to effectively bring together realism,
               action and words. Too much "political" posturing and insufficient
               decision taking.
4.   x   Policy expertise.
5.   x   The appointment of Ian Baumgart as Commissioner in 1974 left it
               without the key staff at the top. It became like other departments.
7.   x   Generally, yes.
8.   x   Technical expertise. CFE had to rely to a large extent on expertise in
               other agencies. This is not necessarily a criticism since technical
               advice was generally given freely.

9.   x   Effective managers, effective advocacy team, more research staff.
10   x   x   In general yes, but I always thought we were missing economic
                 expertise.
11.   x   Not entirely; many specialized disciplines not represented - eg
                 economics, engineering, farming.
13.   x   Narrow range of general staff; specialisations needed, not enough
                 staff.
15.   x   See previous answer.
16.   x   Policy analysis - not necessarily economists but people who could do
                 hard needed, well reasoned policy analysis.
17. x   It was built on the basis that it could "borrow" staff from other
                 government agencies as required for particular studies. This worked
                 well, and agencies cooperated generously.
18. Mostly   The time to keep up with expertise, ongoing training etc.
19.   x   It depended on the issues - no one agency can hope to have every
                 discipline or expertise or staff. CFE recruited assistance from
                 Departments. such as DSIR, MWD.
21.   x   It lacked depth in technical expertise, and simply didn't have the
                 quality of staff to deal adequately with issues it faced.
22. x   But is was spread too thin.
24.   x   Economics, Engineering. Gaps in pesticides (See also under 20b).
25.   x   But it seconded it in a requirement especially for audit work.
26.   x   Some specialist skills needed in EIR audit work was contracted in, e.g.
                 biological, engineering.
27.   x   Experience in political pragmatism.
28.   x   Expertise, a number of inexperienced officers, just like Treasury.
                 Eager but needed the grey hairs. Scientific skills - real scientists,
                 expert witnesses.
33.   x   Environmental economists.
35.   x   There were many very competent staff but resources were so limited
                 that there was by necessity a reliance on fresh graduates lacking in
                 experience but high on enthusiasm and commitment.
36. x   x   It seconded people as required reasonably easy at no additional cost.
37.   x   Economic evaluation skills.
38.   x   Ecologists & scientists with sound ecological & environmental values.
40.   x   We lacked economic and sector expertise but could not attract such
                 people.
41. x   In the later years among others in house legal advice became
                 important, we established an office solicitor. The Commission was
                 extremely lucky to be able to coopt experts from other government
                 agencies for free - particularly DSIR.

Question 21a. How COMMITTED to the environmental cause were, in your view, the following GOVERNMENTS (tick only those governments under which you have served):

	Very committed	Moderately committed	Indifferent/ uncommitted
a. Marshall (until Dec.72)	1	3	0
b. Kirk (72-74)	1	3	0
c. Rowling (74-75)	0	3	1
d. Muldoon (75-84)	0	5	20
e. Lange (84-87)	9	21	1
Total	11	35	22

Comments made with question 21a:

36. Define "environmental cause"!!
40. Muldoon; "hostile".

Question 21b. Did, at the time you worked for the Commission, the government(s) have, in your view, a CLEAR environmental policy?

YES	9	(24%)
NO	24	(63%)
YES and NO	5	(13%)
Total	38	(100%)

Clarify your answer, if you wish:

2. Yes, uniform interpretation of the policy was lacking as agencies and ministers used the "smudge" words to meet their own objectives.
3. Environment had some political value - Commission kept reminding them of problems and solutions; Goff would use us as fire-fighters - i.e. reactive.
7. Yes, this grew out of the 1984 Environmental Forum.
8. Not in the area I worked (see 6)
10. Too diffuse a subject for any government to have a clear view - although, but attempt made during Lange's Government -considered economic and environmental policy - hence two ticks.
12. Unless a clear preference for no significant policy qualifies as a "YES".
14. There is still no environmental policy for the whole of NZ, just policy on specific topics.
15. I will say the Gov. did want information on environment in order to address issues - e.g. allocation of Crown land to DOC/Landcorp.
17. This was a learning and evolutionary period in which issues which appeared conflicting were gradually becoming complementary.
18. The Muldoon government did not appear to have a clear environmental policy though the EP&EP were in use and recognised. The Lange government came in with a basis of an environmental policy which was clearly stated.

19. No statute, so no clear guidance.
20. National did not have any environmental policy as such. The Labour Party was confused. It intended to create the MFE but DOC was just an accident of SOE formation. It hadn't actually thought out where it was.
21. Labour had a vague commitment to sustainable resource use, which has since been enhanced and clarified. National, particularly from 1981-84 had a pro-development orientation only.
22. No for Muldoon, Yes for Lange.
25. No - not National; Yes - Labour did have a clear policy.
26. But one was beginning to be thought through with disestablishment of CFE, Forest Service etc. and establishment of MFE, DOC, etc.
27. Environment was considered low priority.
28. Started off with an ideal, but it got in the road of development oriented Ministers, it had to be varied.
30. It was reacting to perceived public opinion - expediency, not a belief in the essential importance of sustainable resource use etc.
31. The Environmental Protection and Enhancement procedures clearly placed an obligation on Government agencies to incorporate.
33. Muldoon was anti-environment. Lange was more committed to the development of environmental policy.
35. National government had no clear environmental policy. Labour govt had good principles and developed reasonably clear policies through broadly consultative process.
40. In the case of Muldoon, to do the minimum that public opinion would accept. For Lange, the policy was to give environment "a seat at the table".
41. Only in the final year of environmental restructuring when the government came in with a policy to restructure environmental agencies (but it became a far more radical restructuring than the manifesto suggested).

Question 22a. How COMMITTED were, in your opinion, the following MINISTERS for the Environment to the environmental cause (tick ONLY those under whom you have served):

	Very committed	Moderately committed	Indifferent/ uncommitted
a. D.MacIntyre (72)	2	1	0
b. J.A.Walding (72-74)	0	4	1
c. T.V.M.Tirikatene Sullivan (74-75)	2	1	2
d. V.S.Young (75-81)	1	6	10
e. I.J.Shearer (81-84)	18	6	0
f. C.R.Marshall (84-86)	16	11	3
g. P.B.Goff (86-87)	9	14	3
Total	48	43	19

Comments made with question 22a:

18. Judgment of P.Goff: coloured perhaps by my change of role and so I was not involved that much.

19. Comment on Goff: Possibly not personally committed but able to achieve environmental objectives. Effective rather than committed. Shearer was committed but not effective.

24. On Shearer: Moderately in some; very in some issues only, eg Indigenous forests.

27. On Young: "but weak".

Question 22b. How EFFECTIVE were these ministers, in your opinion, in promoting environmental issues within their governments? (Tick only those under whom you have served)

	Very effective	Moderately effective	Very Little effective
a. D.MacIntyre (72)	3	0	0
b. J.A.Walding (72-74)	3	2	0
c. T.V.M.Tirikatene Sullivan (74-75)	0	2	3
d. V.S.Young	2	5	9
e. I.J.Shearer (81-84)	3	13	7
f. C.R.Marshall (84-86)	11	13	3
g. P.B.Goff	9	14	1
Total	31	49	23

Comments made with question 22b:

2. Shearer always had to balance his goals with those of his colleagues and weigh the probability of succeeding given differing timing and circumstances. Marshall was respected by his pears.

9. With Shearer: "he tried"!

10. This judgment on Marshall and Goff may be a bit unfair as they had tenure during the most unstructured institutional changes of the past 1 1/2 decades. On this scale Geoffrey Palmer would rank as very effective.

18. See comment under 22a.

24. Note the Commission was set up after the change of Government in 1972.

35. On Shearer: "considering his colleagues views".

40. "Under the high rating for Russel Marshall's effectiveness, the significant role played by Philip Woollaston as his Under Secretary."

Question 23a. Were you satisfied with your remuneration when working for the Commission for the Environment?

YES	27	(69%)
NO	12	(31%)
Total	39	(100%)

Comments made with question 23a:

3. Awful!
37. Long period of wage freeze.
41. Very poor for first 10 years.

Question 23b. Were you satisfied with your career prospects with the Commission?

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YES            20   (54%)
NO             17   (46%)
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Total          37  (100%)
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Question 23c. If NO, what was the reason?

1. Lack of career structure compared to what I expected (and now know) I could get elsewhere within the government.
2. I am/was too pragmatic. There was also infighting for strategic positioning which is not my method of operation. I believe in equity.
3. I was just starting so ran broadbanding, offering me slow but continuous promotion.
4. Nowhere to go in terms of policy and economic analysis.
9. Incapable management; limited resources.
10. Small size limited career prospects - motivated me to leave.
11. Only in my last two years did I move to the science salary scale - until then I lagged behind colleagues by about 3-4 years salary equivalent.
15. It was constrained by public service rules - innovation and hard work not rewarded.
18. Because I did not have high expectations. The structure within the Commission meant that only a certain number could progress to senior level. There was little emphasis on specific career paths. One had to leave to gain more relevant outside experience or have had it before arriving.
21. Limited career structure - avenues for advancement were limited.
22. Lack opportunity to try different types of work after being there for a few years.
24. My salary was similar to a sawmill labourer. At the time the career led nowhere but the Commission which too small for gaining broad experience in specialised professions.
25. We were all relatively young, no real ability to go higher; some very flat structure. I wanted to try and put into effect in a practical way some of the criticisms I had been giving.
28. At that stage the aim was to have environmentally aware people in other departments. etc.
29. No legal profession & not enough Court work.
30. N/A. Not into 'career' goals - I was there for other reasons.
33. Very restricted career path available.
35. Didn't join for either a or b but the lack of government commitment to environmental considerations [illegible] a negative response to both.
36. No career path.
37. Many hours of unpaid overtime had to be worked to get the job done. The organisation exploited staff goodwill to achieve this.

Question 23d. Were you satisfied with the other working conditions with the Commission?

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YES              31   (82%)
NO                7   (18%)
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Total            38  (100%)
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Question 23e. Explain your answer under 22d:

2. In early 1981-83 the staff relationships were good. Conditions re police + trust was bad. 1984-85 staff relationships not good, work place conditions very noisy -stressful. Difficult to obtain constructive decisions.
3. Brilliant, dedicated people to work with, real sense of purpose, commitment. Very caring people on whole - esp. Helen Hughes.
4. Work environment (building) was a "sick building".
6. I particularly liked the very inclusive informal egalitarian management style of Helen Hughes.
7. Yes, but there were a number of problems following the move into new accommodation in 1985, relating to poor building operation and environment.
8. The small staff and the management style contributed to a very satisfying work environment.
9. With reservations; The staff were friendly and [illegible] and could work as a team (due mainly to the effect of outside pressures).
10. In the main it was an excellent organisation to work in under all Commissioners including HRH.
12. Particularly pleasing were the gender balance of males & females & its attempts to develop a Maori understanding of all facets of Tikanga Maori. A beaut place to work.
14. Inadequate accommodation, insufficient support services.
15. Good leadership from Helen Hughes! And Ken Piddington (I still see Ken).
16. Nice informality, not very hierarchical, high proportion of women on the staff and in senior positions, non smoking.
18. I was mostly satisfied - the CFE was a delightful organisation to work for, small, dedicated, democratic. We were not very comfortably housed or equipped for a lot of the time but this improved later.
20. Senior management was highly committed to caring for staff and junior staff advancement. It was senior officers who got frustrated and I was never one of those.
21. There was and extremely positive and committed working environment within the Commission, which was well facilitated by the Commissioner.
22. Offices (CPD House) on Terrace   top noisy because of vehicle noise and construction noise. Office moved to unfinished building (Grand Annex) with terrible air conditioning in 1986. Also had to move 9 times in 15 months to temporary accommodation and then round and round as different floors were finished.
24. Other than salary and career structure.
25. The work colleagues were great value ranging debates & different points of view; access to top tiers of power in NZ all a good buzz.
26. Small organisation made it a good place to work in.

27. Small team, good people, flexible, able to work on projects using own initiative.
29. Enormous political pressure because of the Think Big projects.
30. I found Piddington & Hughes excellent bosses to work for. Work environment was 'human' & flexible.
31. Very supportive colleagues and working environment.
34. At that stage of my career it suited me.
35. A very positive and supportive work environment, flat structure and ability for all to be heard. The challenges were great and intellectually stimulating.
36. Good team spirit, strongly motivated people, unusually egalitarian and democratic for a government dept.
37. Very poor physical working conditions - Noise, cold, bleak environment, few resources eg PCs, poor accommodation, difficult access after hours/weekends.
38. More involvement in decision making - I was on a specific contract so difficult to answer.
40. It was a remarkable group of people and the energy made up for the material and policy problems, most of the time!
41. Above all it was a wonderful learning environment with stimulating staff & a great feeling of empowering the public & playing a leading role in fixing environmental problems.

Question 24. If you wish, please elaborate on any of the questions above, or on ANY OTHER POINT which you might wish to make about the Commission for the Environment.

2. The Commission was an agency designed to meet a perceived need, it was subject to protective postures from threatened departments. Discouraged by development agencies, and criticized by ministers who saw their ideas faced with stalling. Conservation groups were led by people with zeal and commitment in the early phase - later by people seeking a flag to wave and a cause to fight. Issues were chosen to fit wider strategies. The CFE along with the rest of the community educated each other and the process matured. The question with no development or radical change to the various facets of the environment - what is the present MOE role? Has the community matured? Are we really developing the balance of decision making to meet the goals we wish for the environment for the next generation. Or are we just stalled?
3. A foremost indicator were the "Commission lunches - potluck lunches put on for 1) ourselves or visit by 2) Minister. Tons of food, all healthy - beans, wholemeal bread, salad and quiche. Everyone gave, participated and had a good time! They had quite a reputation! Friendly, too. I was at CFE for its last years. The last few months tended more and more to anarchy - no one directing, few managers, and more and more taken up by Environment Establishment Unit.
4. The ethics/perspective of the organisation came more through the personal attitudes/commitment of the staff than through any responsibilities or mandates.
9. I always doubted the sincerity of some of the officers. One had the communist manifesto pinned to his wall, and this could explain much of his modus operandi. Main point is that CFE was made up of individuals all with their own agendas (mostly sincere) and were not controlled enough to allow development of and effective ideology.
10. See paper. On the whole I think the CFE was an important element in the development of environmental policies with the EP&EP responsibility acting as the most important catalyst for change. In the maelstrom that followed

1984 the CFE was less important than the economically driven institutional reformers and their alliance with NGOs.

11. When can I see the results?

12. It must be remembered that for most of its life CFE had less than 24 professional staff (i.e. at any one time). The achievements of this small band is probably unsurpassed by any other NZ institution.

13. There was freedom of thought. Genuine care for people. High ethical standards for environment and the public service. Active promotion of Tikanga Maori. A very pleasing experience.

14. For all its lack of resources and power within the system, the Commission did a lot more for the environment in New Zealand than the Ministry, particularly between 1983 and 1986 when Helen Hughes oversaw the professional staff. This was a very difficult questionnaire to answer and many of the questions seem irrelevant to my work. It took longer than 30 minutes. Most people won't be bothered with it.

15. I learnt a lot while there and enjoyed my workmates! Ideas and commitment.

17. The involvement of CFE and Minister in international organisations such as UNEP, OECD and SPC was an important element in developing government policies. The Commission itself was set up after the Stockholm Conference on the Environment attended by Hon.D.MacIntyre, who realised that he needed independent advice on environmental matters.

19. It was a good training ground, it had a good Kulture, was friendly and supportive of staff. Former employees of CFE have achieved high standing in both public and private sector. As the environmental advocate it had no teeth and was unable to effect reform. The environmental movement has and is the best advocate in New Zealand.

20. Personalities were all important. Ken Piddington and Helen Hughes made CFE what it was, both good and bad.

22. There was an excellent team atmosphere - something that isn't present in the same way in the Ministry.

25. With the change in government 1984 the Labour Party had a clear environmental policy and pushed it through. Under National the Commission was a thorn in its side. There was a notable change in the attitude of other departments with Labour as it became clear that there was to be major reorganisation they then tried to "cuddle up" to CFE.

29. I think it did amazingly well under grave difficulties. The combination of Piddington/Hughes was amazing. Piddington was not liked but had great courage & a view of environment which this Labour Govt has almost swallowed whole.

35. A fascinating organisation to work for at the time I did. It was under severe threat by the Muldoon government yet, unlike the Commission for the Future, was not (just!) axed largely because of public support - in spite of such treatment as all staff being under police investigation + persuasion for fingerprinting to trace politically annoying leaks - which never could have originated in CFE. In spite of this there was very high staff morale and commitment to a cause which, if not explicitly stated, was none-the-less real and which has now come into the mainstream of government policy. In large part its achievement was surviving with its mandate largely intact through "Think Big" without compromising in any significant way and contributing to the environmental restructuring of 1984-6.

38. I was only at the CFE for a short time on a specific contract, so much of the questionnaire not appropriate for me. Also I was unaware of any involvement in basic environmental policy development. Most of the work appeared to be auditing EIR's.

40. I will write separately on this point.

41. Overall I think you would get much higher quality info using in depth interviews rather than a questionnaire with limited space & structured questions such as this. Very interesting however to trip back down memory lane. It was a wonderful place to work & grow.

APPENDIX D - ENVIRONMENTAL IMPACT AUDIT REPORTS

1973

Rangipo Power Station.
Benge Block Stage 2.
Bledisloe and King's Wharf Redevelopment Scheme.
Gulf Harbour Reclamation.
Kapuni - New Plymouth Pipeline.

1974

Pencarrow Block, Wainuiomata.
Mount Tauhara Television Transmitter.
Otahuhu Power Station Extension.
Hobson Bay Marine Park.
Stratford - Whirinaki Power Stations.
Tourist Hotel Corporation Developments - Mount Cook.
Huntly East Side Coal Mine.
Marsden B Power Stataion.
Auckland Rapid Transit: Stage 1 and Eastern Loop.
Hibiscus Coast Sewerage.
Kaniere Gold Dredge: Grey River Proposals.
Mount Maunganui Oxidation Pond Reclamation.
Mangatotara Forestry Development Proposals.
Greta Point Marine Research Facilities.
Oaonui - Huntly (Auckland) Pipeline: Oaonui - New Plymouth Section.
Maui Development.

1975

Auckland Thermal No 1 Power Station Sites.
Baigent's Refiner Groundwood Pulpmill - Nelson.
Wakaaranga Creek Development.
Ngataringa Bay Devon Isles Development.
Maui Development: Design and Construction of the Production Station.
Oyster Farming: Houhora Harbour.
New Zealand Forest Products Limited: Reafforestation Proposals in the King
  Country.
Sewerage Treatment and Disposal for the New Plymouth Area.
Kirckpatrick Reclamation, Napier Breakwater Harbour.
Oaonui - Auckland Pipeline : New Plymouth - Huntly Section.
Upper Clutha Valley Development.
ARA Refuse Pulverising Stations.
New Zealand Railways New Plymouth Freight Terminal.
Hydro Electric Investigation of Otaki River.
Mount Roskill to Wiri Motorway: Onehunga Bay Section.
Mount Davy Colliery Project.
Thorndon Container Terminal.
Port Chalmers Reclamation and Container Terminal.
Lake Wakatipu Roading: Kinlock - Elfin Bay.
Lowry Bay Boat Harbour.

1976

ARA Pulverised Refuse Landfills.
Wilberforce Rive Diversion Into Lake Coleridge.
Portland Cement Works: Southern Wairarapa.
Aniwhenua Hydro Electric Scheme.
ARA & NZR Pikes Point East Reclamation.
Remarkables Skifield.
Waiau Plains Irrigation Scheme.
Marsden Point Poly-Vinyl Chloride Plant.
Maui Pipeline.
Fergusson Wharf Extension Stage III.
Wellington Airport Runway Extension.
Featherston County Council Proposed Solid Waste Disposal Sites.
Muritai Reservoir: Eastbourne City Council.
Paihia Sewerage Scheme.
Moutoa Farm Settlement Land Development Proposal.
Karioi State Forest Thermo-Mechanical Pulp Mill.

1977

Trap Nets in New Zealand.
Auckland Thermal No 1 Power Station.
Waikawa Marina.

1978

Waipori Farm Settlement.
Hydro-Electric Investigation of the Patea River.
Proposed Extension to Half Moon Bay Marina.
Broadlands Geothermal Power Development.
Refuse Disposal for Christchurch, Including the Waimara Coastal Area Recreation
  Development Plan.
Te Marua Water Storage and Treatment Scheme.
Runciman Fertiliser Works.
Clutha Valley Development - Clyde Power Development.

1979

Proposed Boat Launching Dacilities: Browns Bay, Auckland.
Marsden Point Oil Refinery: Proposed Extensions.
Poor Knights Island Marine Reserve.

1980

CSR - Baigent Termomechanical Pulp Mill Proposal.
Devonport Naval Base: Proposed New Wharf.
Proposed Huntly to Auckland Natural Gas Pipeline - Pukekohe to Westfield
  Section.
NZ Steel: Proposed Extension.
Proposed Methanol Plant: Waitara, Taranaki.

1981

Proposed Synthetic Petrol Plant at Motunui, North Taranaki.
Northland Forestry Port Proposal: Marsden Point.
Oakleigh to Marsden Point Proposed Rail Line.
Proposed Aluminium Smelter at Aramoana.

1982

Proposed N.Z. Railways Rail Line (Mission Bush to Maioro) For NZ Steel Ltd and
  Other Ironsand Transport Options.
Clutha Valley Development: Proposed Luggate and Queensberry Hydro Power
  Stations.
Mimiwhangata Marine Park.

1983

Seaview LPG Bulk Depot.

1984

Wanganui - Kaitoke Natural Gas Pipeline Loop Proposal.
Kawerau - Opotiki - Gisborne Natural Gas Pipeline.
Triune Resources Corporation Water Export for Deep Cove.
Weavers Open Cast Coal Mine.

1985

Waikato Thermal Power Station.
Crusader Monowai/Maratoto.
Martha Hill Gold Mine.

1986

Wainui Road Mill Spectrum Resources Ltd.
Huntly - Stratford Transmission Line: Mount Pirongia Area.

APPENDIX E - ENVIRONMENTAL IMPACT AUDIT REPORTS: ANALYSIS.

In the table below the 93 environmental audit reports produced by the Commission for the Environment have been listed and analysed on the following characteristics:

Proponent:

Indicating the initiator/sponsor of the proposal under review. The following three categories were used:

G: central government (departments)
L: local or regional government
P: private sector

Some proposals were initiated/sponsored by a combination of agencies in two categories, and have consequently been classified in two categories.

Category:

Here, the proposals have been classified according to type of activity. The following categories were made:

E: Energy related proposals (hydro dams and other power stations; gas exploitation/pipelines, geothermal development; oil refinery; methanol plant etc.);
L: Land use related proposals (subdivisions; forestry; reclamations; agriculture etc.);
Inf: Infrastructural proposals (road/motorway construction; transmission projects; harbour facilities; railway projects; airport proposals);
Re: Recreation related proposals (marinas; tourist, skifield development);
S: Sewage and waste disposal related proposals;
M: Mining (coal; gold) projects;
I: Industrial (pulpmill; cement; poly-vinyl; fertiliser; steel and aluminium) projects;
O: Other (Marine reserve; fisheries proposals; water storage; naval base extension; conservation proposals).

Again, some proposals have been placed in two categories because of their overlapping character.

Pages:

The number of pages of the audit report, providing some (very rough, and only relative) indication of the amount of work that the Commission put into an audit.

Submissions:

The number of submissions made to the Commission on the proposal. This can be seen as an (again rather primitive) indication for the degree of public interest in, and concern about, a proposal.

Recommendations:

The recommendations of the Commission have been classified in the following

categories:

G: Recommendations of a general nature (general evaluation; recommendations of a procedural nature; need for further research; not depicting or suggesting a particular outcome or direction);

T: Technical recommendations (on a project level, related to design, technical aspects, location; aimed at protecting the natural environment: landscape, soil, rivers, wildlife etc.);

S: Social recommendations (related to the social or human environment, including recreational needs, access issues, Maori values and employment issues);

E: Economic recommendations (related to questions of (alternative) resource use, including rate and scale of use/depletion);

P: Policy recommendations (suggestions or advice for changing legislation, policies, regulation, management structures and distribution of responsibilities).

Evaluation:

In this column the overall evaluation of the proposal by the Commission is given. The following classification has been used:

+   :   Proposal approved "on conditions" (Environmental impact report considered to be adequate; no serious environmental problems expected);

+/- :   Proposal approved "on conditions", but strong reservations expressed on the Environmental Impact Report or/and the environmental implications of the proposal;

-/+ :   Deferral and/or reconsideration of the proposal suggested, for instance because of deficiencies in the Environmental Impact Report and insufficiency of available information;

-   :   Proposal rejected on environmental grounds, or suggestion to put "on hold" indefinitely; search for new alternatives suggested.

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	RECOMMENDATIONS						
					G	T	S	E	P	TOT	EVAL.
1973											
Rangipo Power Station	G	E	18	15	7	5	1			13	+
Benge Block Stage 2	G	L	13	11	4	3	3			10	+/-
Bledisloe Red. Scheme	L	Inf	13		2	5	4		1	12	+
Gulf Harbour Reclamation	P	L/Re	14		5	5	3			13	+
Kapuni-New Plymouth Pipeline	G	E	4	4						0	+
1974											
Pencarrow Block, Wainuomata	G	L	12	19	1	3	6			10	+/-
Mt.Tauhara Tel. Transm. Station	G	Inf	9	14	2	6				8	+

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	G	T	S	E	P	TOT	EVAL.
Otahuhu Power Station Ext.	G	E	8	6	3					3	+
Hobson Bay Marine Park	L	L/Re	10	11	4	2			1	7	-/+
Stratford-Whirina-ki Power Stations	G	E	6	7	4	1				5	+
Tourist Hotel Corp. Dev.- Mt.Cook	G	Re	8	20							-
Huntly East Side Coal Mine	G	M	9	7	4	3				7	+
Marsden B Power Station	G	E	18	17	2	6	2			10	+/-
Auckland Rapid Transit Stage 1	L/G	Inf	8	27	4					4	-/+
Hibiscus Coast Sewage Proposals	L	S	14	18	7	8			1	16	+/-
Kanieri Gold Dr. Grey River Prop.	P	M	10	19	4					4	+
Mt.Maunganui Oxid Pond Recl.	L	S	10	14	1	3				4	-
Mangatotara State Forest	G	L	13	78	6	3				9	-/+
Greta Point Marine Res.Fac.	G	O	5	16	3					3	+
Oaonui-Auckland Pipeline	G	E	9	12	3	1			1	5	+
Maui Gasfield Offshore Dev.	P	E	17	32	3	3	1			7	+/-

1975

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	G	T	S	E	P	TOT	EVAL.
Auckland Thermal No.1 Power St.	G	E	20	465	3	1				4	+/-
Baigent's Refiner Groundw.Pulpmill	P	I	21	21	1	2			1	4	+/-
Waakaranga Creek Development	L	L	10		3					3	-
Ngataringa Bay Devon Isl.Dev.	L	L	25	46	2	5	4		1	12	-
Maui Dev. Design Prod. Station	P	E	5	12	1					1	+
Oyster Farming: Houhora Harbour	P	O	8	24	1				1	2	-
NZFP - Reaffor. Prop.King Country	P	L	17	50	5	1	1		2	9	+
Sewage Treatment New Plymouth	L	S	10	13	6	2				8	+
Kirkpatrick Recl. Napier Breakw.	L	L	12	20	2	1				3	+
Oaonui - New Plymouth Pipeline	G	E	8	12	3	1			1	5	+
Upper Clutha Valley Dev.	G	E	67	107	2	4	1	2	7	16	-/+

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	G	T	S	E	P	TOT	EVAL.
Refuse Pulverising Stations	L	S	19	26	3	13				16	+/-
NZR New Plymouth Freight Terminal	G	Inf	8	15	2	5	1			8	+
Hydro Electr. Inv. Otaki River	L	E	21	186	4					4	-
Mt.Roskill to Wiri Motorway	G	Inf	7	19	1	2	1			4	-/+
Mt. Davy Colliery Project	P	M	19	23	3	1				4	+
Thorndon Container Terminal	L	Inf	14	3	1				2	3	+/-
Port Chalmers Recl./Cont.Term.	L/G	Inf	9	14	2	6				8	+
Lake Wakatipu Roading	G	Inf	11	36	4	1				5	+/-
Lowry Bay Boat Harbour	L	Re	13	49	6	4				10	-/+

1976

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	G	T	S	E	P	TOT	EVAL.
ARA Pulv.Refuse Landfills	L	S									?
Wilberforce River Diversion	G	E	11	5	1	3	1			5	+
Portland Cement Works: S.Wairar.	P	I	16	21	4			1		5	-/+
Aniwhenua Hydro Electric Scheme	L	E	10	10	3	4				7	+
ARA & NZR Pikes Point Recl.	L	L/S	9	15	3					3	-
Remarkables Skifield	P	Re	21	66	6					6	-/+
Waiau Plains Irrigation Scheme	G	L	20	30	4	2				6	+/-
Marsden Point Poly-Vinyl Pl.	P	I	21	58	2					2	-
Maui Pipeline		E									?
Fergusson Wharf Ext. Stage III	L	Inf	23	158	6	3	5		6	20	+/-
Wellington Airport Runway Ext.	G	Inf	16	50	3	3			1	7	-/+
Featherston Solid Waste Disp. Sites	L	S	8	20	1	5				6	+
Muritai Reserv. Eastbourne B.C.	L	O	11	24		3	1			4	+
Pahia Sewage Scheme	L	S	10	11	4					4	+
Moutoa Farm Settlement	G	L	16	19	1	2	1			4	-/+
Karioi State Forest Pulp Mill	P	I	36	31	2	5	4		2	13	-/+

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	G	T	S	E	P	TOT	EVAL.
1977											
Trap Nets in New Zealand	G	O	22	12					5	5	-/+
Auckland Thermal No.1 Power Stat.	G	E	26	48	2	2			3	7	-/+
Waikawa Marina	L	Re	16	13	3	2				5	+
1978											
Waipori Farm Settlement	G	L	24	15	1	8	1	1	2	13	-/+
Hydro Electr. Inv.Patea River	L	E	20	16	4	2				6	+
Prop.Ext. to Half Moon Bay Marina	P	Re	31	444	3	1	2			6	-/+
Broadlands Geoth.Dev.	G	E	36	27	2	11	5		1	19	+
Refuse Disp. for Christchurch	L	S	22	101	3	8			2	13	+
Te Marua Water Storage Scheme	L	O	28	31	6				4	10	-/+
Runciman Fertiliser Works	P	I	24	82	7	5	1		2	15	-/+
Clutha Valley Dev. Clyde Power Proj.	G	E	55		3	7	3	3	1	17	-/+
1979											
Prop. Boat launch Fac.Browns Bay	P	Re	27	981	6				2	8	-
Marsden Point Oil Ref. Ext.	G	E	29	20	3	4	3			10	+
Poor Knight Isl. Marine Reserve	L	O	28	25	8	4			5	17	+
1980											
CSR - Baigent Therm.Pulp Mill	P	I	45	58	1	4	2		2	9	-/+
Devonport Naval Base: New Wharf	G	O	41	84	12	7	6		1	26	+
Huntly to Auckl. Nat.Gas Pipeline	G	E	33	22	8	4				12	+
NZ Steel: Prop. Expansion	G	I	58	33	9	18	8		9	44	+/-
Prop. Methanol Plant: Waitara	G	E	90	34	11	18	9		4	42	+

YEAR/SUBJECT	PROP	CAT.	PAGES	SUBM.	G	T	S	E	P	TOT	EVAL.
1981											
Prop.Synth.Petrol Plant Motonui	G	E	129	68	2	25	12		4	43	+
Northland Forest. Port Proposal	L	Inf	103	44	18		1		3	22	-/+
Oakleigh to Marsden P. Rail Line	G	Inf	32	50	7	7	3			17	+
Prop.Alumin.Sm. at Aramoana	P/G	I	106	473	7	4	7			18	+/-
1982											
NZR Railw.Line For NZ Steel	G	Inf	72	173	8	28	7			43	+/-
Clutha Valley Dev. Luggate St.	G	E	77	42	7	12	12	8	3	42	+
Mimiwhangata Marine Park	L	O	47	24	12	5	1		5	23	+
1983											
Seaview LPG Bulk Depot	P	E	55	54	8	12	3			23	+/-
1984											
Wanganui-Kaitoke Nat.Gas Pipeline	G	E	26	9	2	1	4		3	10	+
Kawerau-Opotiki Gisb.Nat.Gas Pip.	G	E	56	33	8		1		1	10	+
Triune Res.Corp. Water Exp.Deep C.	P	O	55	162	12	1	4		6	23	-/+
Weavers Opencast Coalmine	G	M	89	20	13	38	19		4	74	+/-
1985											
Waikato Thermal Power Station	G	E	53	41	4	12	9	1	2	28	-/+
Crusader Monowai/ Maratoto	P	M	129	96	15	29	19		5	68	+
Martha Hill Gold Mine	P	M	126	71	26	20	31	3		80	-/+
1986											
Wainui Road Mill Spectrum Res.Ltd	P	M	66	20	21	10	14		4	49	+
Huntly Stratford Transm. Line	G	Inf	104	86	11	18	11		9	49	+/-
Total			2760	5518		469		18		1277	
					431		239		120		

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ENV 1/7/1   Env. Policy - NZ Development Strategy. Volumes 1-2.
ENV 1/8   Env. Policy - Economics. Volumes 1-2.
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