Collaboration: glass half-full or glass half-empty?

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As well as expressing my inner turmoil on this topic, my question: collaboration: glass half full or glass half empty? seeks to capture how challenging it is to reconcile the theory of collaboration with its practice – which is quite specific in Canterbury – and what it can ultimately deliver, in particular, for environmental conservation.

In theory, collaboration holds much promise: broad participation; learning; multiple perspectives values and interests meeting around one table; deliberation; problem solving; and consensus decision-making.

Contrasting theory and practice raises important questions about: who has framed what problem; who gets to sit at the table; whose perspectives

values and interests are given priority; what are the opportunities for meaningful deliberation; and who is ultimately accountable for decisions. As I'm sure we all know, these aspects of collaboration are easily subverted and compromised, which can render collaboration unrepresentative, lacking legitimacy and ineffective.

To explore these issues, but from a completely different angle, I'd like to share with you an overview of my research that is focusing on the changing relationship between science and policy as Environment Canterbury rescales how diffuse nutrient pollution from agricultural land use is regulated to the level of the catchment to address cumulative effects on water quality.

Under government-led resource regulation, although often challenged, the authority of science has been indispensable in assessing environmental effects and formalizing rules to allocate resources. However, much has changed. It has been argued that a shift from government to governance that has opened up decision-making to non-state organisations has been necessary as nation states no longer have the power nor the capability to act in isolation to address the complexity of the social-ecological issues we now face. Maarten Hajer, Professor of Public Policy at the University of Amsterdam, argues that we are now operating in an "institutional void" (Hajer, 2003, p. 175). This is the unchartered territory of new political spaces and governance practices where "*there are no clear rules and norms according to which politics is to be conducted and policy measures are to be agreed upon*" (2003, p. 175). It's where decision-making takes place in the midst of "radical uncertainty" and "[p]olicy makers are … forced to rethink the way in which uncertainties are dealt with *socially*" (Hajer, 2003, p. 185). From what I see of the

implementation of the Canterbury Water Management Strategy, the translation of decisions into statutory policies and rules in regional plans, and the difficulties with actual implementation, the 'institutional void' captures the situation well.

In these new political spaces, and with the social and political consequences of resource limits careering into view, demands on science for the prediction and the quantification of future environmental effects are intensifying. While scientific institutions are happy to accommodate, the authority of science is difficult to defend when all parties claim to possess it, and when the knowledge that underpins decisions is derived from predictive models that are plagued by uncertainty and easily deconstructed in an adversarial court setting. This means that new ways have to be found to bring closure to contested knowledge claims to resolve disputes and legitimate policy action. *These shifting states of play open questions about how the role of the state is changing as governments adopt new governance practices, such as collaboration, and how the role of science is being redefined in the process.*

New Zealand's embrace of collaboration and events that have unfolded in Canterbury since 2010 provide useful insights on these questions. They are especially relevant given central government's proposal to extend the Canterbury model of limited appeal rights and fast-tracked limit setting across the country.

My work draws on Shiela Jasanoff's analytical framework of co-production which aims to understand how knowledge-making and state-making work together (2004). Jasanoff's framework directs analysis to discourses, representations, institutions and identities that operate at the

interface of science and policy.

A discourse conceives language as social practice. This means: not only is our world described by our talk, it is constituted in and by that talk. A discourse of limits has dominated calls for water reform in New Zealand for a long time. It now takes governable form through the National Policy Statement for Freshwater Management, the Canterbury Land and Water Regional Plan and the Canterbury Water Management Strategy.

In terms of representations, this discourse of limits constitutes the water quality problem as an issue of scale and fosters catchment-scale representations of diffuse pollution. Environment Canterbury's predictive models have brought visibility to the catchment scale. Through calculations and aggregations of land, land use and farm scale nutrient leaching, catchment-scale representations bring tractability to the regulation of cumulative effects.

While the discourse of limits has cut through in recent years to deliver long sought institutional reforms, the new scale of regulation is also facilitating central and territorial governments' irrigation expansion agenda. The discourse constitutes existing resource users as 'wasters' who need to reduce their use of the resource to create what's become known as 'headroom'. These expected gains come alongside limits being pushed as far as possible to allocate nutrients needed for irrigation expansion. The limits we now have are better described as 'negotiated limits', with unknowable consequences, rather than the 'environmental limits' specified in the CWMS.

Institutionally, in addition to the policy and planning instruments I've mentioned, the ECan Act that installed central government appointed commissioners has been foundational to this co-production of science and policy. It has created an institutional pathway that allows local government to temporarily step outside the RMA to avoid litigation from parties seeking to contest the merit of water quality limits and land use rules in regional plans.

Many argue this is necessary to stop litigation. Given the appeals going to the High Court on points of law this appears to be a difficult argument to sustain but it certainly protects the numbers – they can't be relitigated [on merit – only on points of law. This means the science and the models that produce the numbers and the limits are cordoned off].

A focus on the identities of scientists and 'the community' is illuminating. As discussed, historically, substantiating the regulation of environmental effects has fallen to the authority of science. However, uncertainty looms very large in respect of catchment-scale predictive modelling. The Lynton Dairy case demonstrated to governments years ago the perils of trying to defend modelling in Environment Court.

The technical report prepared by ECan in support of the Selwyn Te Waihora zone's catchment load limits and the community process undertaken to determine those limits explain how it has redefined the role of science and the community. ECan states:

> Setting outcomes and natural resource limits for catchments and deciding on the available capacity for resource use is not simply a technical question. These decisions are value judgements that involve weighing up, trading off, and balancing between conflicting outcomes and values. The key

> role for the technical team in these processes is one of informing those decisions, by making consequences transparent, rather than making the decisions themselves …

ECan further states:

> This shifts the role of Environment Canterbury from knowledge 'arbiter' to one of knowledge 'broker', exploring the implications of different management options with the community. It also shifts the role of the science, away from trying to find the 'right' answer and defending that position in scientific terms to a role of supporting and informing (ECan, 2014, p. 16).

On this basis, the technical team is involved in the supply of information that is "sufficient, relevant and credible" (ECan, 2014, p. 16) to allow the community to make an "informed value judgment" (2014, p. 16). Given how 'inevitable' uncertainties are recognized to be, ECan's technical team describes its work as having been limited to describing the directions and likely magnitudes of change into the future and predicting the likelihood of future outcomes.

This is a profound shift in the role of science in policy. With scientists casting themselves as 'knowledge brokers' in an understandable bid to distance themselves from politics to retain their credibility, and with the Environment Court deemed too risky, closure around the uncertainty of the modelling and legitimacy for the limits is left to derive from 'the community'. Of course, we have to remember that in Canterbury, 'the community' is a zone committee which comprises 4-6 so-called community members who are expected to represent community rather than partisan interests and who are chosen by councils [i.e. the regional and district councils] .

The question I started with was how are new governance practices, such as collaboration, changing the role of the state, and how is the role of science being redefined in the process?

Rescaling the regulation of diffuse agricultural pollution to the level of the catchment, while simultaneously making way for irrigation expansion, is a story of entangled science, policy and politics. It is a story of setting limits while making the resource go further and work harder. I wonder if this would have been possible without Canterbury's new institutional pathway that limits appeal rights to points of law. Hence, claims of a shift from government to governance are refuted by the case of Canterbury where the shift has been *to* government *and* governance.

Importantly, the co-production analytical lens highlights how the science policy space has been virtually vacated by scientists and cast as filled with values that require community attention. Hence, the identities of science and 'the community' are being redefined as scientists draw the line and the community is left to make the hard decisions and engender legitimacy for the rules and regulations that have profound implications for everyone.

In light of this analysis, the question I'd like to pose for discussion is: what other political spaces and governance practices can be created for environmental conservation groups to intervene in the 'institutional void'?

Environment Canterbury. 2014. Report by Robson, M. 2014. Technical report to support water quality and quantity limit setting in Selwyn Waihora catchment: predicting consequences of future scenarios: overview report. Report R14/15. Environment Canterbury: Christchurch http://files.ecan.govt.nz/public/lwrp/variation1/tech-report-sw-overview.pdf (accessed 1 March, 2014)

Hajer, M. 2003. Policy without polity? Policy analysis and the institutional void. *Policy Studies*, 36: 175-195.

Jasanoff, Sheila. 2004. "Ordering knowledge, ordering society", Pp. 13-45 in *States of Knowledge: the Co-production of Science and Social Order*, --ed Sheila Jasanoff, London: Routledge.