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The Journal of Environment Development 2012 21: 62

DOI: 10.1177/1070496511435551

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21(1) 62–66

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Abstract

Non-governmental organizations play an increasingly important role in the formation and implementation of environmental policies and institutions. The growing involvement of non-state actors in environmental governance is generally welcomed for two reasons: civil society presumably helps governments reach more effective and democratic agreements by providing information and legitimacy. Yet, there are reasons to doubt civil society's capacity to fulfill these two functions. Many non-governmental organizations themselves lack democratic legitimacy; and weak international agreements are often the result not of lack of information, but of lack of political will. While non-state actors clearly have an important role to play in global environmental governance, this article calls for more research to identify when and how non-state actors indeed contribute to more effective and democratically more legitimate governance.

Keywords

civil society, climate, environment, global environmental governance, governance

Global environmental diplomacy has intensified remarkably since the 1972 United Nations Conference on the Human Environment in Stockholm. Both the impressive increase in the number of new international agreements (see <http://iea.uoregon.edu/page.php?file=home.htm&query=static>) and the number of meetings and participant numbers per meeting are testimony to this trend. Even though governments have remained firmly in the “driver’s seat,” the number and diversity of “passengers” has increased, to keep with the metaphor. Global governance has become less state centric,

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***Sustainable Development from Rio 1992 to Rio 2012 and Beyond: Taking stock and moving forward.** This article was written by invitation as a contribution to the 20th anniversary issue of the *Journal of Environment and Development*, March 2012

as civil society¹ seems to be playing an increasingly important role, both in the implementation of global environmental policy and in the formation of new policies and institutions.

From the perspective of governments, it may be more cost-efficient to outsource the implementation of some policies to nongovernmental organizations (NGOs). The latter may, arguably, sometimes be in a better position to deliver public goods, because they are present on the ground and have considerable experience and specialised expertise that may be more costly to obtain from within the government apparatus. In line with the neoliberal ideal of a lean state, governments have thus funneled increasing amounts of funding to civil society groups and the private sector. These actors have in fact become public service providers in some areas of environmental policy implementation, first in biodiversity conservation and more recently for generating carbon-emission reductions in return for certified carbon credits.

States also seem to turn toward NGOs during the policy formation stage. The climate change negotiations are, arguably, the most spectacular example, with currently more than 1,500 accredited nongovernmental observer organisations of various types (e.g., environmental NGOs, business associations, academic institutions).

Moreover, civil society representatives are, at an increasing rate, also formally included as members of national delegations to climate change negotiations. Their de facto influence with respect to national bargaining positions and international negotiations differs strongly from delegation to delegation (or country to country). However, the mere fact that civil society actors are, in large numbers, formally granted a “seat at the table” and thus become country and nongovernmental representatives in one person is astonishing, because it is almost unthinkable in other important global policy arenas, such as institutions governing global trade, monetary and financial relations, or security.

The increasing role of civil society in global environmental diplomacy is often explained with two arguments:

- Civil society representatives provide valuable information and expertise to governments and thus help them reach “better,” that is, more effective, agreements. This information provision role becomes particularly important when governments face budgetary constraints.
- They provide legitimacy to intergovernmental negotiations and thus mitigate the “democratic deficit” in global policy making, which takes place far away from domestic political arenas and the national demos (see, for example, Biermann & Gupta, 2011; Dryzek, 2011; Betsill & Corell, 2008; Steffek & Ferretti, 2009).

If these are indeed the reasons why governments seek civil society involvement and civil society agrees to become involved in global environmental policy making, we should welcome the trend toward more civil society participation. More civil society participation will then, presumably, result in more effective and more legitimate global environmental agreements.

Let's take a step back, however, and ask whether there is sufficient empirical evidence for these assumptions or claims. To what extent can civil society fulfill the two functions of enhancing effectiveness in problem solving and enhancing democratic legitimacy? Are there reasons to question the capacity of civil society to live up to these expectations? The extensive scientific literature on interest (lobby) groups at the domestic level suggests that we should remain cautious. This literature, which is based on a long tradition of theoretical and empirical research in the social sciences, evaluates interest group participation in politics rather critically, notably in light of potential capture of public policy by private interests at the expense of the public good (e.g., Baumgartner, Berry, Hojnacki, Kimball, & Leech, 2009; Baumgartner & Leech, 2001; Olson, 1982).

Two types of criticism of civil society involvement in politics are often voiced: One relates to problem solving and the other to legitimacy. Such criticism has been directed primarily at interest groups within national political systems. However, at least some of it is likely to apply also to the presumably beneficial contributions of civil society to global environmental governance efforts.

As to the problem solving part, existing research offers episodic, but not systematic and strong empirical evidence that more civil society participation has contributed to more effective agreements. Although it is plausible to argue that civil society can help reduce information deficits and thus facilitate agreement, the problem could also be too much information rather than too little. In other words, slow progress in solving many of the pressing environmental problems may not stem from a lack of information and know-how, or from insufficient involvement of civil society, but rather from (well-informed) government preferences that stand in the way of effective collective action.

As to the legitimacy part, civil society is often said to lack legitimacy and accountability. Many civil society representatives claim to speak for the public at large, but neither the positions nor the actions of these actors emanate from that public. Decisions are taken by a small number of persons who may or may not be elected based on standards that are benchmarks for liberal, representative democracies. The general public—and often not even the membership of civil society organizations—usually has no possibility to hold the leadership of civil society groups accountable for their action or inaction. Also, it might not care either. Empirically, there is no robust and generalizable evidence for whether the public (voters) views negotiations and their outcomes as more legitimate and thus acceptable when civil society is involved to a greater extent. In other words, we simply do not (yet) know whether civil society participation can promote public support for global environmental policies.

What does this mean for global environmental governance? Should we adopt the cautious stance of the literature on domestic interest group politics and plead for a return to more state centric or perhaps corporatist models of governance? We would not go that far. Civil society clearly has a role to play in global environmental governance, and probably an important role for that matter. However, more is not automatically better, even though civil society participation may have evolved into a necessary,

but not a sufficient condition for effective and legitimate global environmental governance.

Social sciences research on global environmental governance has, thus far, concentrated on selectively describing civil society involvement and, in doing so, has often used an arguing-by-example approach. Not surprisingly then, the general tone in this literature is very sympathetic to civil society. However, the conclusions are likely to suffer from selection bias, in the sense of being based on empirical analysis of cases where civil society appears to have contributed to problem solving.

Future research in this area needs to move in a direction that generates larger-scale comparisons that pay equal attention to potentially positive, negative, or irrelevant implications of civil society involvement. Such research could also have policy implications. When interviewing national delegations to the climate summit in Durban in December 2011, the authors of this essay noted that many governments appear to be reconsidering the role of civil society in global climate negotiations. Notably, they are reconsidering the pros and cons of formally including civil society representatives in national delegations, or involving them in other forms. Improved empirical evidence on informational/know-how and legitimacy effects of civil society involvement could be helpful in this respect.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors acknowledge support for this work from the National Center of Competence in Research (NCCR) "Challenges to Democracy in the 21st Century" (<http://www.nccr-democracy.uzh.ch/>).

Note

1. We subscribe to a broad definition of civil society in this article. This definition follows the accreditation criteria for observers under the United Nations Framework Convention on Climate Change. For example, it includes not only NGOs but also business associations (but not private firms) and research institutions.

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Bios

Thomas Bernauer is a professor of political science at the Swiss Federal Institute of Technology (ETH) Zurich. He and his research group are based at the Center for Comparative and International Studies. His research focuses on political and other conditions under which environmental and economic problems that extend beyond national borders can be solved.

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