

State versus Participation:

Natural Resources Management in Europe

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Preface

Under what conditions can bureaucracies be refashioned or transformed to ensure that their outcomes (policies, programmes, resource allocation and projects) actually facilitate, rather than inhibit, participation and the adaptive management of natural resources? How do roles, rights, responsibilities, and the distribution of costs and benefits need to change among actors in civil society, government, and the private sector?

These are some of the questions guiding a collaborative research programme designed to examine the dynamics of institutionalising people-centred processes and participatory approaches for natural resource management (NRM) in a variety of settings. Co-ordinated by the International Institute for Environment and Development (IIED) and the Institute of Development Studies (IDS), this action research involves case studies in West Africa, India, and Indonesia as well as analysis of some international organisations and institutions.

This paper is the first of several ‘think pieces’ that have been commissioned as part of this action research. It focuses on natural resource management in Europe and explores the tensions between state-led and participatory management of water and forests. The authors analyse and discuss how participation does – or does not – occur in the management of forest and water resources at various institutional levels in European contexts. Using a historical perspective, they critically reflect on the roles and interests of the state in offering an institutional framework for participation and/or facilitating processes aimed at institutionalising participation in natural resource management.

State involvement in natural resource management has been a process of growing institutionalisation and bureaucratisation, both in Europe and in countries subjected to colonial rule in Africa, Asia, and Latin America. Historically, the state has extended its control over not only territories, but also over the resources on which people depend for their livelihoods, such as water, forests, minerals, and biodiversity. As the state has institutionalised, citizens have become less and less involved in natural resource management, with state employees taking on key operational functions.

In the age of economic globalisation, however, the state is challenged both from above, for example by transnational corporations, and from below, by citizens and communities. In response to these new challenges, the state develops multiple strategies to maintain control over natural resource management, for example by keeping control over policymaking while moving operational activities to the private sector and ownership to the local level.

Indeed, the authors argue that with globalisation, natural resources such as water and forests are of particular interest to the state because – unlike the corporate sector – they are not ‘mobile’ and cannot relocate. They offer competitive advantages as new technologies enhance their potential exchange values. In this emerging context, the state will always seek to maintain control of at least one of three stages of decision-making for natural resource management, be it policymaking, operations, or ownership of the resource. Under pressure from above and below, the state uses a very particular strategy of separating policymaking over the use of resources from both the operational activities and the ownership of these resources. As in the past, the state thus continues to strengthen its own development interests today by removing decisions about the management of natural resources from local users and communities’ hands. Peoples’ participation tends to be instrumentalised for the state’s own legitimacy purposes.

Whilst the authors focus on European countries, their analysis of the state-centric strategies used to control the scope and timing of participation is broadly relevant for developing countries that seek to institutionalise participation in natural resource management. In the context of globalisation and increasing competition, public administrations everywhere tend to see citizens as clients or consumers, and consequently ask for their financial participation as well. For example, both OECD and World Bank recommendations basically aim to reduce progressively citizens’ rights to have a say in management to those consumers who can pay. The French system of water management in which drinking and sewage services are contracted out to transnational corporations is, according to the World Bank, the model for developing countries. Similarly, decentralisation policies are also a reaction to the pressure to redistribute responsibilities because of the diminishing financial capacity of the state. Diminishing state subsidies and relatively weak local capacities lead to situations in which private-sector involvement is increasingly seen as necessary for the provision of what were originally public services. This trend is reinforced by higher environmental standards, whose compliance requires investments and technologies that overwhelm local government capacities and resources.

Echoing earlier critiques of the disabling state and dominant professions, the authors conclude by calling for the de-institutionalisation of the state. This is a process in which management functions are devolved to more primary actors and where non-state-led forms of deliberative democracy help shape policy and regulatory frameworks. However, at the same time that some of the state should be de-institutionalised, decisive measures are also needed to ensure that the most powerful groups cannot promote their vested interests more easily than they could when instrumentalising the state. Such transformation would also entail more decentralised and adapted governance systems, in which all concerned actors participate in defining the ends and means of what they need.

Michel Pimbert (Series Editor)

IIED and IDS

Introduction

In the past 10 years 'participation' has become a key concept in the sustainability debate (Schanz 1999:59-82). As sustainability is defined in ecological, economic, and social terms, participation, as a democratic way to take decisions, has been increasingly recognised as an essential means and end to the development of the social dimensions of sustainability. Acknowledging the conflictive views in risk assessment, the uncertainty of complex and dynamic processes, and the need to adopt the precautionary principle, and considering the diminishing trust of the public in technocratic, political, and administrative decision-making, it has become obvious that sustainability should not be the preserve of the experts, but needs to involve all concerned, and take into account their knowledge, interests, and values (Shannon and Antypas 1997:437-45). By involving all those who are 'stakeholders' to a given problem, it is argued, they become part of the solution (Romm 1993:280-93). But who are these stakeholders? Why, where, when, and how are they – or should they get – involved? Who should orchestrate their involvement? What are the roles and interests of the state in offering an institutional framework for participation and/or facilitating such processes?

Participation is – as Nici Nelson and Susan Wright say – a 'portmanteau concept' which different actors define according to their values, interests, and analytical frameworks, which depend in turn on institutional and historical context (Nelson and Wright 1995, Enggrob Boon 1999:47-62). This range of definitions is usually a result of the way the actors perceive and relate to power. In modern societies the state is a key actor in structuring power, so how does the state institutionalise participation?

In practice, participation generally comes under the patronage of the state and its agencies and the granting of some space for participation by stakeholders has been key in legitimising the state. The state has sought, during its increasing institutionalisation, to increase control not only over policymaking and regulation, but also over operational extractive and productive activities, as well as over ownership. State agencies engage in some participation processes, but generally limit such participation opportunities to either the policymaking or operational phase, and rarely allow it to affect or happen over the entire policy cycle.

FIGURE 1

Participation Opportunities in the Policy Cycle

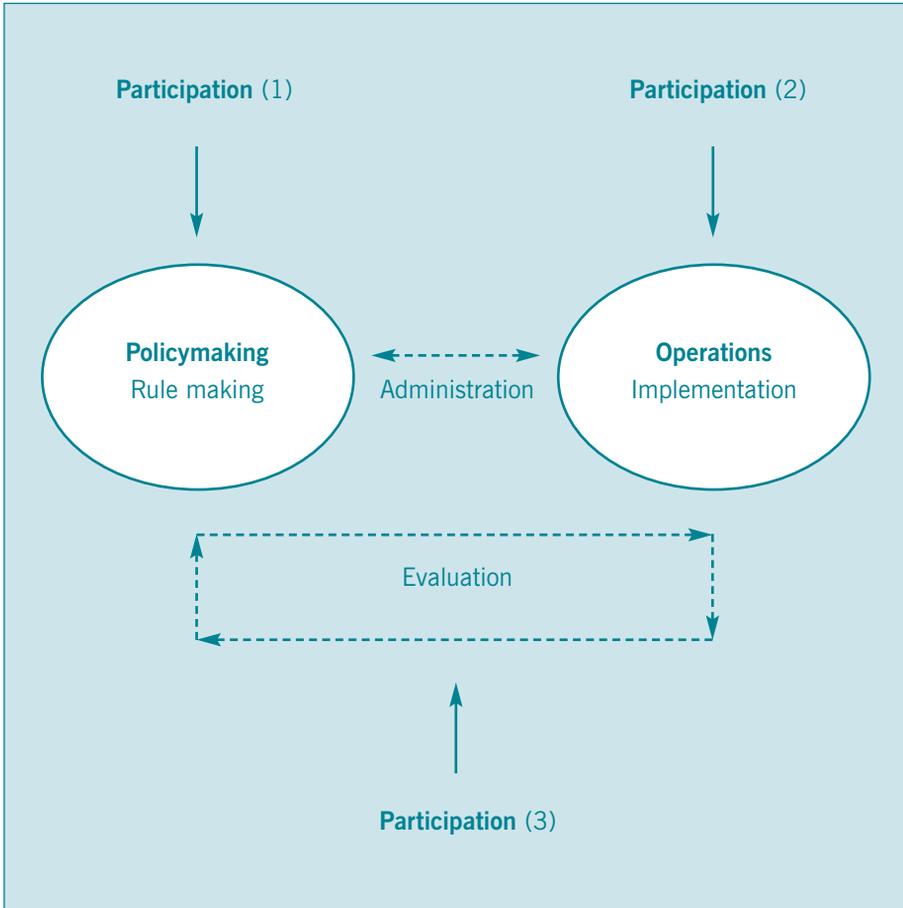


Figure 1 highlights where participation can fit into the overall policy cycle:

The policy cycle offers three opportunities for participation, one in each of its three core elements: policymaking, operations (i.e. when policies are being implemented), and evaluation (i.e. when policies are assessed against their original objectives). While participation in policymaking and evaluation is familiar, participation in operations needs some explanation. Operations can be carried out by the state (i.e. its public administration or civil service), or they can be partly or even totally outsourced to non-state actors.

In this age of globalisation, the state – and especially its public administration – are running into serious structural problems in both North and South. Participation can acquire even more important roles: participation in operations can relieve the state of costs and managerial responsibilities, while participation in decision-making and evaluation helps the state maintain or even regain legitimacy. People-backed legitimacy is actually the state's main advantage over its 'competitors' such as transnational corporations (TNCs) and non-governmental organisations (NGOs) when it comes to justifying its role in the provision of public services such as transport, postal services, communications, energy, water, health, and education. Natural resources are of particular interest to the state, as the state, unlike the private sector, is not 'mobile'. Such resources can be an additional competitive advantage in a globalised environment. As a result, when people want to get involved in managing natural resources, state agencies generally attempt to use and control that participation for the agency's own survival.

This text discusses the different state-centric approaches to participatory natural resources management using the forestry and water sectors as examples. The history of the role of the state with regard to participation in general and natural resources management in particular is described. The various approaches to participation are considered, in particular the way state agencies tend to instrumentalise participation. Finally some elements for more sustainable forms of participatory management are proposed.

1. Institutionalisation of the state and natural resources management

The state has extended its control over not only territories and their inhabitants, but also over the resources on which people depend for their livelihoods, such as water, forests, minerals, and wildlife. In the age of economic globalisation, however, this process of state institutionalisation is in jeopardy: the state is challenged both from above, for example by transnational corporations, and from below, by citizens and communities.

1.1. The Historical Process of State Institutionalisation

State development has been a process of growing institutionalisation and bureaucratisation, and over time the state has also taken on key societal functions. Originally, the state's main function was security and defence (army, police, legal security). This function was key to colonisation processes, both within the states' own frontiers and beyond, and has determined the history and vision of state institutionalisation. While this primary function and a later function of industrialisation significantly increased in importance, in the late nineteenth century a reparatory function was added, mainly in the areas of health protection and social security, and then in the 1960s environmental protection also became an important state role. In other words, since the late nineteenth century the state's second main role has been to mitigate the worst effects of industrial development in both the social and environmental arenas, i.e. those effects that could threaten its existence. In the beginning of the twentieth century the state became even more active in the process of industrial development by investing massively in infrastructure development, and in the transportation (road building, railways), energy (electricity, oil production), and communications (telecommunications, postal services) sectors. The state could therefore not be a neutral arbiter of diverging political interests relative to these goals. Rather, it is an active promoter of industrial development, an 'industrial development agency', whose development and expansion has become the very condition of its survival. Permanently growing within and beyond its (national) territories has been fundamental to the construction of the state since its very beginnings, and this organisational burgeoning demands ever more revenue, more natural resources, and more control (Clegg 1989). Although this evolution is itself characterised by a

permanent struggle between the different political interests seeking control of the state, the result is still, at least until the recent globalisation trend, the constant expansion of control and domination of the state (Giddens 1987). Today, the state is a highly complex system of organisations that has institutionalised into a set of values, norms, regulations, and symbolic references through which it legitimises its existence, its authority, and its various functions.

After acquiring the security, reparation, and development functions – and in order to be credible with respect to its citizens – the state had to build up corresponding means of operations, or administrative capacity. This resulted in a process of growing institutionalisation, whereby the three functions of security, reparation, and infrastructure development are increasingly being guaranteed, if not delivered, by government agencies. Consequently, the state built up its army, police, and social security administration, education and health-care services, transportation infrastructures and operators, energy providers, and communications systems. Most of the time it ran these by means of various administrative agencies, thus fulfilling the operational parts of the functions it had attributed to itself. In most countries this resulted in the growth of both state administration and its role in the national economy. Quite logically, liberal – or, more recently, neo-liberal – economists have criticised this administrative burgeoning as an (ideologically) illegitimate or (technically) inefficient intervention of the state into the economy. This economic critique misses the point, however, as the institutionalisation of state functions and economic development generally went hand-in-hand, and only recently seem to be somewhat in conflict because of globalisation (which is discussed in the next section). In other words, over time, the state has not only come to fulfil the main functions of a modern society – i.e. security, reparation, and (infrastructure) development – it has also taken on, thanks to its administration, the operational dimensions of these functions.

One can understand why the state defends its own interests, both as an institutional system and as a set of linked organisations. As an institutional system it is not only interested in its own survival, but also in its coherence and in staying in control of its various organisations. It is therefore generally reluctant to allow participation in setting institutional rules or policies which affect the way the state itself works, as opposed to the substantive policies, where participation is much more welcome.

But beyond being an institution, the state is of course also a set of sometimes loosely related organisations. Each of these organisations struggles to increase and cement its own share of power (and sometimes it also struggles for its own survival), a process that inevitably leads to bureaucratisation (Crozier 1963). This can, and often does, lead to these various public organisations pursuing their own objectives, sometimes ignoring the state's

overarching (institutional) interests. Organisational sociologists call this process 'goal displacement' (Etzioni 1964, Scott 1995). Finally, all actors increase their own power by using and developing public organisations, thus instrumentalising those organisations for yet other purposes than the ones for which they were originally conceived.

As the state administrations have taken on the key operational functions in the areas of security, reparation, and development, participation in providing these functions has been gradually removed from the citizens and handed over to state employees. As the state has institutionalised, citizens became less and less involved in service delivery, or operations. To maintain the appearance of democracy, however, it was important to keep people 'involved' in decision-making. This has been controlled by moving most opportunities for involvement from the local level to the state level – and institutionalising them into bureaucratic procedures.

1.2. Globalisation as a Threat to the State

Economic and technological globalisation present a very serious challenge to the state when it comes to operations. Many operational services currently provided by public administrations are becoming commercially interesting and viable. Pressure is mounting from both neo-liberals and business to hand over to the private sector the management and/or the ownership of these services. If the delivery of these security, reparation, or development services is not commercially viable, the state often remains the owner, yet still hands over the management functions to the private sector. This is often called 'delegated management', whereby private operators fulfil operational functions under state control and financial support. The main challenge here for the state is that the lucrative management functions are completely taken over by corporations, often transnational corporations, thus making it impossible for the state to use the income to cross-subsidise its non-lucrative services. These non-lucrative services, such as social or environmental reparation operations, are then either abandoned or reduced, or their management is in turn handed over to civil society operators, such as NGOs and associations, that can often deliver them much more efficiently and cheaply than commercial operators would because they do not need to make a profit.

It is difficult for state agencies to legitimise this evolution in democratic terms. Generally, the citizens of industrialised countries had accepted not being involved in operations as long as such operations took place under the umbrella of the state which, the administration made sure they believed, 'belonged' to them. Now that such operations are being overtly outsourced, it is increasingly difficult for public administrations to argue that the citizens are 'participating' in the management of the services by virtue of being 'the owners' of the operator, i.e. the administration. Not surprisingly, one now

hears a new line of argument, saying that outsourcing will improve the quality of the services, an argument which may well work as long as this is indeed the case. Others, such as the World Bank, even go as far as to argue that such outsourcing of operations is indeed a form of societal participation (World Bank 1997). In the context of globalisation the state's legitimacy is directly challenged: cultural globalisation, as well as the globalisation of social and environmental problems, leads citizens to question whether the state is the appropriate institution to 'participate' in, or whether their participation in policymaking should not be directed to other political levels (global, supra-national, regional, local) or even to non-state-led governance processes. This is particularly the case if the state does not even pretend to control operations.

So, challenged in both operations and policymaking by globalisation, states defend their interests and stakes, reacting first of all as a set of many organisations, rather than a coherent institution. As the State is coming under growing financial pressure, its organizations will tend to cater its operations more and more to those actors (individuals and corporations) who are actually able and willing to pay. Of course, these actors are only willing to pay as long as the state delivers better services than the private sector.

Newly emerging global actors – in particular transnational corporations – increasingly seek to instrumentalise the state for their own (commercial) purposes. Not only do these TNCs want the state to give them lucrative business opportunities by delegating operations (without, however, delegating the risks), but moreover they want the state to become a simple executor of 'policies', which the TNCs have defined among themselves largely above and beyond states' control. One example of this is the new global technical, environmental, and social standards, which TNCs have set amongst themselves (e.g., ISO standards) and now want states to enforce within their jurisdictions, taking advantage of their legitimacy. The TNCs often use multilateral agencies such as the World Trade Organization (WTO), the World Bank, and in developing countries the International Monetary Fund (IMF) to put pressure on states.

Transnational companies do remain very interested in the defence and policing function of the state, as well as in its reparation function. They need the former to protect their property, their operations, and their policymaking processes (WTO meetings, etc.) and the latter (reparation function) to take care of the problems that are created, such as unemployment and environmental degradation. Of course they also want to make sure that policies in these two areas are most favourable to them, while at the same time watching out that such policies are – or at least appear to be – democratically legitimate, so that they can be enforced by the state. The TNCs' interest in democratically legitimate (social and environmental) policies is complicated, however, because in the age of globalisation people no longer assume that 'democratic' decision-making at the state level is indeed democratic.

1.3. The State's Changing Control over Natural Resources

Since its inception, the state has sought to extend its control over not only its territory, but also its natural resources, including forests, water, minerals, and wildlife (Cronon, 1983). These resources were often managed before the state stepped in, but as part of an overall process of institutionalisation the state has displaced vernacular and local management to bring it under the control of state-owned national, regional, or local political and administrative entities. It did so to promote industrial development or, in the case of conservation, to mitigate against the worst effects of precisely such development (that is, reparation). Parallel to bringing the management (that is, the operations) of natural resources under its administrative control, the state increasingly became an owner of resources. This ownership has in fact been less questioned than its more or less exclusive control over the management of the resources that were formerly in the hands of primary stakeholders, i.e. local communities and their various users and workers. Indeed, the history of natural resource management – within so-called ‘developed countries’ and in their relationship with societies beyond their territories – illustrates the state's intrinsic links with military conquest and industrialisation: state-centred interests rationalised resources management along national development objectives, and agriculture, forestry, water, mining, and others have been modernised accordingly. Even nature conservation measures were meant mainly to protect urban infrastructure and to cater for the aesthetic or leisure demands of the largely urban-based higher income classes that have already benefited from industrialisation and modernisation (Finger-Stich and Ghimire 1997).

But globalisation brings new challenges for the state when it comes to natural resources. Globalisation further accelerates industrial growth, leading to an exponentially growing demand for natural resources. On the other hand, as seen above, the state comes under serious financial and legitimacy constraints. Natural resources such as oil, minerals, water, and forests are one of the rare assets that the state still controls to a large extent, and these assets have become even more strategically important in the age of globalisation. Consequently, natural resources can constitute one of the state's key competitive advantages, especially when bargaining with transnational corporations. In lower income countries in particular, TNCs have already managed to get direct access to these resources, thus using the state simply as a means to guarantee their property, pollution, and destruction rights. Often, administrative agencies or corrupt politicians have traded the exploitation (operations) of such natural resources for personal or organisational gain. Simultaneously, local communities, also pressured by globalisation and growing competition and suffering from the consequences of unsustainable natural resource management, ask for increased rights (use or ownership rights) to access local resources, as well as to participate in – or gain control over – their management (policymaking and operations), as this is key to local livelihoods and survival.

Under pressure from above (TNCs) and below (local communities), the state uses a very particular strategy of separating policymaking over the use of resources from both the operational activities and the ownership of these resources. Thus, for example, if resources management (i.e. operations) is being decentralised to local communities, ownership will be centralised at the national level. Or if ownership is decentralised either policymaking or operations or both will be controlled by the state. We can therefore hypothesise that the state will always avoid abandoning its control over natural resources, as natural resources constitute one of its main competitive advantages, particularly in the age of globalisation.

The state can combine these three mechanisms of control depending on the resource in question, the history and specific culture of the state, and the various political and economic pressures. Moreover, it can vary the combination of these three control mechanisms over time. For example, the state may grant some management or user rights to local communities for some time in order to motivate them to conserve or restore threatened or damaged natural resources that it cannot or will not take care of itself. The state retains the power to remove this granted autonomy, however. Even a slight political change may be enough for local communities to see their rights jeopardised either directly by the state or by some other powerful private actor that the state neglects to restrain. Community-controlled resources seem particularly at risk once communities have managed to improve or restore the resource and there is potential for more substantial benefits to be reaped.¹

If the state will always keep control over at least one of the three stages of decision-making, be it policymaking, operations, or ownership of the resource, the ways the state controls natural resources can be shown in Table 1. Indeed, policymaking in the area of natural resources, operational activities, and ownership can theoretically take place at – at least – five different levels, namely at the local commune level, the sub-national regional level (cantons and districts), the national level, the subnational regional level (e.g., EU), or the international level. Yet, we argue that the state will never give away its control over natural resources because of the arguments developed above. However, the state can develop multiple strategies to stay in control, for example by keeping control over policymaking while moving operational activities to the private sector and ownership to the local level. Or by keeping ownership while getting citizens to participate in policymaking and operations, etc.

1. Such cases of the state claiming back its control over resources have been reported lately in Nepal and India (Mahapatra 2001).

TABLE 1

Ways the State Controls Natural Resources

The institutional levels of the state	Control over policymaking	Control over operations	Ownership of the resource
Local (commune)			
Local (municipality political unit)			
Regional (sub-national – district/canton)			
National (state)	The nation-state will always keep one...	...of these three in order to...	...maintain control over natural resources
Regional (supra-national political)			
International			

Participation can take place at various institutional levels: in addition to the various sub-national levels of state-led institutions, the international level is gaining in importance, whether it is an international organisation such as the United Nations or a group of states, such as the European Union. In most countries, especially those with federal political structures, there are strong institutions below the national government too, at provincial or state level, plus local government. The existence of so many levels of power make the state's reaction to globalisation even more complex. According to our framework, the state is likely to confine participation not only to one of the decision-making stages but also to one institutional level. In fact, at very local levels, particularly at the commune level, participation is often limited as it collides most with ownership and local politics and also because social control mechanisms have great personal impact. Regional levels – which are less strictly defined administratively – often offer more space for participation.

2. Forests and Water Management: The Changing Roles of the State

Both water and forests are natural resources with a strong territorial component and are therefore of particular interest to the state, and both vary greatly in quality and abundance according to the territory, its ecosystems, and local land uses. In feudal times – since 1292, according to Philippe le Bel – forest and water management were under the same administration. This was confirmed in the first French constitution (Colbert, 1669). But the institutionalisation and modernisation of the nation state during the last century lead to separate administrations for water and forests. Current research shows that this trend of technical and organisational specialisation contradicts principles of ecological systems (WSL 2002). Indeed forests are one of the best means to guarantee water quality, to regulate water flows, and to prevent inundations and waterborne erosion.

Even though water and forest management need to be integrated, their particular issues and stakes need to be considered too. Water is a vital good for all human beings and is indispensable for industrialisation. Moreover, access to safe and sufficient water is considered to be a basic need: *'all people, whatever their stage of development and their social and economic condition, have the right to have access to drinking water in quantities and of a quality equal to their basic needs'* (United Nations Water Conference 1977). Water demand has grown constantly and has become a very profitable commercial good, resulting in great corporations actively seeking markets in both high- and low-income countries. Water is now considered a scarce resource everywhere, not only in terms of quantity but also quality, as it often requires expensive treatment to achieve drinking water standards. It is therefore a natural resource that requires an extensive and permanent infrastructure over both urban and rural territories. In the North, water consumers do in fact largely cover the costs of these infrastructures and their operation.

Today forests in industrialised countries – especially in Western European contexts, attract little commercial interest, and are no longer considered scarce as forested area is increasing. In some instances, forests are even considered intrusive when

they grow into pastures and agricultural land left fallow, closing landscapes, notably in mountainous areas.² The quality of most European forests is however declining (often because of insufficient use therefore rejuvenation potential and because of pollution), and natural forests are very scarce. In the context of continued deterioration in the global market for wood products and the uncompetitive production costs of timber in developed countries (because of high wages and environmental protection measures) forest management is economically unsustainable. Much forest management – be it on public or private land – is and will remain subsidised to ensure satisfactory forest-based environmental and social services.

2.1. The State and Forests

European forestry has long been characterised by state-centred and bureaucratic control. France was the precursor – first with feudalism in medieval times and then the French Revolution (1789) – of an exclusive and centralised resource management approach. The Enlightenment thinkers of the eighteenth and the beginning of the nineteenth century further legitimised a rationalist and technocratic approach to resources management. The spirit of 18 royal ordinances up to and including the 1699 Colbert ordinance was to impose a vision of the forest as a precious and noble resource whose management needed to be rationalised for the nation's common good, even if at the expense of local subsistence-related uses. Gradually, forestry was to be mastered by engineers trained in national schools. The French Forest Code was established in 1827 and curtailed customary rights even more decisively and submitted communal forests to the administrative control of the state.

The ideology was that only the state could preserve and restore the country's forests, and that otherwise local communities would deplete the resources for short-term benefits. Forest resources were no longer there to feed the rural people, but to provide the material basis without which colonisation (with its great naval industry), industrialisation (fuelled mainly with wood-based energy), and urbanisation (with massive infrastructure constructions) could not have taken place. This resulted in at least one hundred years of conflict between the state and rural people. These conflicts receded as industrialisation progressed, and more and more rural people moved to cities and agriculture became less and less dependent upon the use of forest resources (Nougarède 1995:273-82).

2. According to estimates from a UNEP report, forest coverage has increased by some 10 per cent since the beginning of the 1960s in Western and Central European countries because of both plantation and natural regeneration. About one third of Western and Central Europe is covered with forests, in Eastern Europe it is about half the territory. The report notes however that many of European forests have relatively little biodiversity (UNEP 1999, *L'Avenir de l'Environnement Mondial 2000*, PNUE, De Boeck University, Bruxelles, p. 102-106).

Although the institutional arrangements of the communes that preceded the French Revolution do not much resemble those of contemporary communes, today local communes do still own substantial forests in several European countries.³ In France, a total of 37,000 communes own 57 per cent of the country's overall public forested land, which make up about one-third of the total forested area, the rest being privately owned. In 1995, over half of the annual earnings from public forests came from forests owned by communes. French municipalities⁴ governing communes that own forests are actually organising and demanding both to be more fully considered as owners responsible for the management of their forests and to be better represented as decision-makers in national and regional forest policymaking processes (Zingari 1998:55-57).

The national office of forests (ONF Office National des Forêts) is under the ministries of agriculture and the environment, but the operational level is the responsibility of the National Office of Forests (ONF) since 1966. Even though a decentralisation law was passed in 1983 to give substantial decision-making power to municipalities in land-use planning, the Forest Code of 1985 still maintained that 'the politics to enhance the economic, ecological, and social values of the forest is the competency of the state'. Indeed, ONF's mission is to guarantee the respect of Forest Law (*Regime Forestier*) in all types of public forests. In the forest belonging to the state (*forêts domaniales*), ONF is in a quasi-monopoly situation when it comes to forest management, including operations. In communal forests (*forêts des collectivités locales*) ONF may not carry out the operations (it may be municipal employees or a private enterprise), but it plans and manages these operations and marks the lots that can be harvested. While some contest this multiplicity of roles, others feel that it guarantees economies of scales, coherence, and a long-term vision that is in the best interest of the nation (Bianco 1998:51-52).

The problems of authority and distinctive responsibilities between policymakers, managers, and owners are constantly under discussion. The Federation of French Forest Communes, which was founded in 1933, wants the relationship between communes owning forests and the national forest agency to change from one of submission to one of partnership. The forests owned by communes are in practice really managed by ONF, and if municipalities sign the local forest management plans prepared by ONF, the content is rarely discussed with the citizens of the commune (Finger, cit. in Jeanrenaud 2001:106-10).

3. Besides France, other European countries including Germany, Belgium, Italy, Spain, Sweden and Switzerland have substantial communal forests (UN-ECE/FAO Contribution to the Global Forest Resources Assessment 2000: Forest Resources of Europe, CIS, North America, Australia, Japan and New Zealand).

4. The municipality is the political-administrative body governing a commune – it is elected by the citizens residing in a commune. A commune is an administrative division of the territory of a country, by extension it refers also to the collectivity of residents inhabiting that territory.

One of the main problems for the forest-owning communes that are willing to get actively involved in forest management is to master the multiple layers of state agencies, from local to European levels, including regional and national levels. This profusion of policies and mostly uncoordinated laws and regulations often creates obstacles to more subsidiary and integrated forms of natural resource management. It prevents communes from integrating the management of their forests into their overall local land use plans. And municipal representatives, while concentrating on the ways and means to work with and around these complex organisations and institutional structures stemming from above, often miss the opportunity or will to listen to and involve local people once they are elected. In order to undertake some trimming in this institutional proliferation, a report suggested a 'regulatory moratorium' or the installation of the principle of 'regulator pays', while favouring more participatory and partnership-based forms of management adapted to territories (Bianco 1998:4).

It is increasingly difficult for forestry to be economically self-sufficient. While prices for timber have declined continuously since the beginning of the eighties, extraction costs in industrialised countries (mainly labour prices) have risen to levels that make timber extraction economically unsustainable, especially in less accessible areas such as mountains. With current budgetary constraints states are actually decreasing their investment and subsidies in forests – France's subsidies are now four to ten times lower per acre than other comparable European countries (Bianco 1998:1).

Besides the current lack of economic incentives for investing in forestry, the perception of many French citizens is that forests belong to the nation-state and that their management is decided by distant public agencies. Even in rural areas people are increasingly drawing on urban-based economic and cultural resources and dis-investing from local natural resources management. Agriculture and forestry are severed and there is considerable loss of knowledge about forest management among rural populations too. However, there are still some cases where local people do actually participate in forestry-related decisions, as we will see in a Section 3.3.

2.2. The State and Water

In Europe, water has historically been primarily a communal resource. This is mainly because of technical reasons, as water is pumped locally and sewerage disposed of locally. Nevertheless, over time, the national state agencies became increasingly involved in the water sector, even though operations (water supply and sewerage) remained generally under local control. The state's involvement took the form of health, sanitary, and environmental standards, codified into national law. Most

recently, this has been further centralised, and such standards and corresponding regulations are increasingly defined by the European Commission. Generally, these standards are also becoming more strict, which necessitates substantial investments in cleaning technologies.⁵

For European municipalities, water supply was such a financially lucrative activity that they were able to levy hidden (indirect) taxes that were used to subsidise other municipal services. This system of cross-subsidy is now coming under serious pressure from the state, from the European Commission, and from transnational corporations.

The background to this pressure is the central role of water in industry and every other sector: water consumption and wastewater production increases exponentially with industrial development. And even in a country with lots of water resources such as Switzerland, the costs of pumping and especially cleaning water, for both consumption and disposal, are rising exponentially. Given the increasing levels and types of pollution, new technologies are becoming necessary, again raising the level of investment. Furthermore, in many European countries the ageing water distribution and wastewater collection networks need substantial renewal – yet another additional financial pressure.

These general trends should now be put in context with concrete examples from different countries. In Switzerland and Germany communes generally own and operate their water services. Water production is integrated into the local utility company, which also distributes gas and electricity, while sewerage is generally carried out by a separate company. The sector is extremely fragmented, with approximately 3000 water companies and nearly that many sewerage companies in each of the two countries. The municipalities are increasingly under financial pressure, and it is unlikely that they will be able to finance the next step in investments. Privatisation and other forms of public–private partnerships are the most likely result of this pressure. In practice, this means that specialised transnationals will enter the Swiss and the German market, so regional and federal regulators will need to tighten health, sanitary, and environmental regulation. In the current system citizens' participation was minimal, but will become even less possible once water companies are privatised and regulation is centralised.

In France, the situation is totally different, although the water sector is equally fragmented. It is under the jurisdiction of the 36,000 communes, regrouped around approximately 12,000 inter-communal water entities. These local administrations

5. Specialised companies often lobby at the EU level for stricter standards.

contract both drinking and sewerage services out to a few French transnational corporations. The three biggest ones – Vivendi, Lyonnaise des Eaux, and SAUR – together already control 75 per cent of the drinking water and 65 per cent of the sewerage market in France, a trend which is bound to grow. While water is generally owned by communes or inter-communal structures, all management and operational tasks are contracted out, either by means of a concession or a lease contract (*affermage*). In a concession the company is responsible for investment, while in a lease contract the municipality generally remains in charge of maintaining and investing in the hardware. This so-called ‘French model’ of providing water services is considered by the World Bank to be the model for developing countries (Finger & Allouche 2001), and it will most likely become the standard model in Europe as well. This lease contract model is preferred by TNCs, which can hold municipalities hostage and make them pay whatever investments the TNC/operator judges necessary, while the TNC/operator reaps the financial benefits. Public participation in this model is minimal, and amounts, at best, to defining concessions and lease contracts every 20 to 30 years, although there is some citizen involvement at the regional level (e.g., river basin management) (Finger and Allouche 2001).

2.3. Failures of the State in Sustaining Natural Resources

On a global scale the continuously diminishing and degrading forest ecosystems and water resources sadly illustrate the failure of the state to manage natural resources. According to FAO, between 1990 and 2000 9.4 million hectares of forests were cleared annually worldwide. Europe (Russian Federation included) has a slight increase of forest cover (of 881 ha annual growth) (FAO, Forest Resources Assessment 2000). While FAO figures suggest that deforestation rates have slowed down during the nineties compared with the eighties, these figures are contested by the World Resource Institute, the World Rainforest Movement and the Worldwide Fund for Nature because they are based on changes in forest definition, do not show forest ecosystem degradation through logging, and do not show the replacement of natural forests with plantations (Matthews 2001).

Concerning water, the World Water Council found that in the 1950s only a handful of countries had a water scarcity problem, while today an estimated 26 countries with a population of more than 300 million are suffering. Projections for the year 2050 show that 66 countries, comprising about two-thirds of the world’s population, will face moderate to severe water scarcity (World Water Council).

State agencies have so far been ineffective in addressing comprehensively the numerous causes of forest as well as water degradation. They have been put under

pressure by non-governmental organisations, however, and recent developments in international environmental policymaking show that governments increasingly recognise the need for governance processes allowing both horizontal participation (addressing the multiple cross-sectoral causes of unsustainable forest or water uses) and vertical participation (decentralising the management of the resources and involving stakeholders). Such public management efforts remain largely ineffective, however.

Non-state actors have been the key players in putting international environmental policymaking on the agenda and while they have been pressuring governments to address underlying causes to unsustainable natural resources uses, their requests have mostly been of an institutional nature – stakeholder participation being one of their priorities.⁶ Under continuous pressures from NGOs, governments from the South and the North have been constrained to review their forest policies at international and national levels. European governments have also amended their forest laws and regulations during the last decade to allow stakeholders to participate in national or regional forest programmes (FAO/ECE/ILO 2000). However, these processes have until now been most often orchestrated by state agencies, and their scope is usually limited to either national policymaking, regional planning or operational levels (project based). If the processes encompass the full policy cycle they tend to have little influence on the actual decision-making.

Participation is about listening to different voices, considering different perspectives and interests. Various stakeholders have different ways of assessing the ‘sustainability’ of forest management. Forest agencies may say that forest resources in the North are known to be growing – the ratio of net annual growth to amount of felling of forests is generally positive in Europe – and thus they may conclude that forests are used sustainably. Non-governmental environmental organisations that consider biodiversity, health, and forest quality will have a less positive assessment. They may say that Europe has less than 1 per cent of its ‘natural’ or ‘old growth’ forest; that forest ecosystems are being fragmented; that forest health or resilience is hampered by pollution and, increasingly, climate change; that the protective functions of forests are declining; and that forest structures are becoming more uniform. Others looking at the economic and social benefits of forests recognise that forest products, related work, and livelihoods are suffering from the globalisation of markets, which undervalues primary resources, including timber. A longer term global perspective

6. See, for instance, the joint initiative on national and international underlying causes of deforestation and forest degradation, a multiple stakeholder group including many NGO from all continents, whose objective was to inform the Intergovernmental Forum on Forests from 1997 to 1999. The focal themes of the initiative were land tenure, resource management and stakeholder participation; trade and consumption; international economic relations and financial flows; and valuation of forest goods and services. Biodiversity Action Network, Washington, 1999.

would also add that current energy use in the North is not sustainable because it is no longer based on living biomass but on non-renewable fuel, which relies on inequitable social relationships between the North and South.

When it comes to water use, municipalities are worried about the increasing cost of renewing water and sanitation distribution infrastructure, while consumers disapprove of both their declining influence on increasingly centralised and privatised water management and rising water prices. It is not only environmentalists but also geographically or socially disadvantaged users affected by the inequitable and diminishing access to safe water that regret the increased pollution and degradation of freshwater ecosystems with nitrates, pesticides, heavy metals, pharmaceutical residues including antibiotics, hormones, and other persistent organic pollutants.

In both cases, water and forests, an alternative to state-centric and exclusive natural resources management is badly needed. The multiple views of various stakeholders need to be given the opportunity to enrich each other, and rather than a piecemeal approach whereby people are either allowed to participate at one point in time in a limited policymaking process or in a particular operational decision, we advocate for a comprehensive approach which links participation in policymaking with participation in operational issues – through deliberative processes that will last by adapting over time. If operations are already outsourced to private corporations, we advocate for an approach which links participation in policymaking with participation in regulation.

3. Participation: State's or People's Control?

There are many different meanings associated with the term 'participation'. One of the reasons this 'politically correct' term is so popular is precisely because it can serve so many purposes. If the goal of participation processes is not legitimising the growth or survival of state organisations, however, but developing more democratic, equitable, and sustainable forms of natural resources management, the concept needs to be clearly defined in each situation.

For this paper, we define 'participation' as 'the voluntary involvement of people who individually or through organised groups deliberate about their respective knowledge, interests, and values while collaboratively defining issues, developing solutions, and taking – or influencing – decisions'. According to this definition, strikes, boycotts, and demonstrations are not participation processes, as they do not allow a two-way exchange or open and voluntary deliberation, even though they may be an effective strategy to eventually get that exchange or deliberation. Court-based dispute settlement mechanisms are not 'participation' either, as they are based on the assertion of claims for which legitimacy is defined in relation to a corpus of binding laws and regulations. On the contrary, participation is in our view voluntary, with no predetermined outcomes, and this is precisely where we encounter the limits and the ambiguity of the concept of 'participation', given the supremacy of the state. An improved understanding of this ambiguity and these limits is precisely the objective of this book.

In order to distinguish better between different understandings and uses of the concept of participation, it may help to look at how each interpretation answers a set of simple questions such as: Who participates? Why does one participate? About what decisions and issues does one participate? How does one participate? When does one participate in the overall decision-making process? Most typologies of participation in the literature tend to focus their comparative analysis on one of the first four questions, and rarely on the last. We argue that it matters when participation actually occurs – whether during policymaking, operation, or evaluation. This question determines in fact who participates, what type of issues and decisions can be addressed, the reasons why various stakeholders are interested in getting involved,

and how they participate. Eventually, it will determine the effectiveness of the overall participation process.

3.1 Different Types of Participation

The question of why some actors wish to organise – or take part in – a participation process rests on different normative bases. Some value more a political and economic approach to participation, viewing it as a way to redress inequitable social relationships,⁷ while others prefer a pragmatic approach, which is based on resolving specific problems for which participation should enhance the effectiveness of policies and/or operations through more informed decision-making, improved legitimacy, and a broad acceptance of management options. State agencies organising such participation processes usually prefer the latter approach.

Although statements about equitable cost and benefit-sharing have been integrated into many recent resource management policies, most are broad and often quite vaguely worded. Most of these policies have been developed at international levels since the Rio UNCED conference, and leave much discretion to states in terms of implementation. One of the most progressive examples of this type of policy – until now only loosely implemented – is the Convention on Biological Diversity. Its policy process has phrased most explicitly the issues of equitable cost and benefit-sharing, integrating both the economic and political dimensions of sustainable use and of the related role of participation. For instance, in one of its recently developed key concepts of the ‘ecosystem approach’, the Committee of the Parties to the Convention defines the ecosystem approach as a ‘strategy for the integrated management of land, water, and living resources that promotes conservation and sustainable use in an equitable way.’ Further defining the concept along 12 principles, it says in its first principle that ‘The objectives of management of land, water, and living resources are a matter of societal choice’.⁸ And, according to the second principle, ‘Management should be decentralised to the lowest appropriate level’.⁹

7. To illustrate the political and economic approach to participation, Pearse and Stiefel say that ‘participation is organised efforts to increase control over resources and regulative institutions in given social situations on the part of groups and movements of those hitherto excluded from such control’ (Pearse and Stiefel 1979).

8. ‘Different sectors of society view ecosystems in terms of their own economic, cultural, and societal needs. Indigenous peoples and other local communities living on the land are important stakeholders and their rights and interests should be recognised. Both cultural and biological diversity are central components of the ecosystem approach (...). Societal choices should be expressed as clearly as possible.’ (Convention on Biological Diversity, COP V/6, May 2000).

9. Decentralised systems may lead to greater efficiency, effectiveness, and equity. Management should involve all stakeholders and balance local interests with the wider public interest. The closer management is to the ecosystem, the greater the responsibility, ownership, accountability, participation, and use of local knowledge (CBD 2000).

Defining who can participate will lead to different types of participation processes. We distinguish three main types: *public participation*, *representative participation* and *community participation*. If *all* who wish to participate can do so, be they organised groups or non-organised individuals, it is a *public participation* process. This type of process is usually organised by an agency with a lot of authority over the resource to be managed, usually a branch of the public administration or civil service. A public agency that organises a public participation process usually limits the scope and length of the process and takes the final decisions itself. Such processes can take place at the policymaking (at national, regional, or local institutional levels), administrative, or operational stage. As we described earlier, however, these decision-making stages and corresponding participation processes are kept relatively separate. The state agencies then tend to underline the fact that the process of participation is voluntary, but in terms not only of whether actors take part, but also how the agency uses the results of the process. This allows the agency to maintain control over decision-making processes.¹⁰

If only representatives of selected stakeholder groups are invited to participate, the process could be described as *representative participation*. Such multiple-stakeholders-based processes may evolve without the state agencies intervening, or without them dominating. The main difference then will be how the various actors' define their legitimacy or entitlement to participate. State agencies tend to recognise entitlement based on political legitimacy (i.e. elections), scientific expertise, and formalised ownership. Non-state co-management processes are more likely to consider other forms of entitlement, based on multiple forms of knowledge, customary rights, local institutions, residency and other forms of entitlement based on a commonly valued interpretation of history or interests (Borrini-Feyerabend et al. 2000). Co-management processes are usually institutionalised to maintain themselves over time and to have the potential to encompass a large spectrum of issues considering all the decision-making and management cycles of a resource base. But the state usually tries to keep some control over such processes by restraining them within a certain policy framework or by keeping control over ownership claims.

10. The FAO/ECE/ILO Team of Specialists on Public Participation defined public participation as 'inclusive rather than exclusive, voluntary with respect to participation and – except where a legal requirement specifies otherwise – to the initiation of the process and to the implementation of its results; may be a complement to legal requirements, but cannot conflict with legal provisions in force, in particular with ownership and user rights; is fair and transparent to all participants and follows agreed basic rules; is based on participants acting in good faith; does not guarantee or predetermine what the outcome will be' (FAO/ECE/ILO 2000).

If it is only the members of a particular community of place, interests, or interpretation that are invited to take part in management decisions, the participation process could be called a *community-based participation process*. The stakeholders taking part often seek to develop some autonomy in decision-making. Their legitimacy as resource managers is often affirmed on the basis of their entitlement over a set of resources, such as dependence on the resource for local livelihoods, customary use and knowledge, etc. The aim of community-based management processes is to gain more control over resource management and to build some institutional buffer that will protect the community (and the resources it depends upon) from the interference of state agencies and possibly other remote or more 'secondary' stakeholders. Such community-based institutional arrangements are rarely left without some state supervision, and the state usually controls at least the ownership of the resource base or takes part in the allocation of the benefits derived from the resources managed (see also Section 3.3.) (Finger-Stich 2001).¹¹

The issues that a participation process is able to address will be influenced by when in the decision-making cycle the participation takes place. The aim of the process may be to draft a particular management policy or plan to solve a particular conflict over the use of a resource, or to evaluate the desirability of a particular project by estimating its natural and social impacts. The plan may be opened to the participation of the public at large or just to selected stakeholders early on during the elaboration of the plan. In order to ensure both the political and economic feasibility of the participation process, it is usually in the state agency's interest to define and clearly limit the scope of the issue(s) that will be up for discussion, as well as the moment when participation can occur along the development stages of the policy in question.

As for *how* the participation process evolves, this raises questions about the methods (facilitation, mediation, etc.¹²) and the intensity of participation. In fact the choice of methods to organise and facilitate the process is also political, as it will have a direct bearing on how much people can participate in and influence decisions. There are various typologies for evaluating how much stakeholders – initially excluded from decision-making and benefit-sharing – can actually become capable of effectively

11. For a more detailed discussion on the theoretical basis of our typology – distinguishing public participation, from representative participation and community based participation see Andréa Finger-Stich, 'Social factors enabling local peoples' participation in Integrated Management Planning In the context of forested mountain territories', paper presented at Bardonecchia, seminar of July 2002 and soon published in G. Buttoud, M. Shannon, G. Weiss, I. Yunusova (Eds.) *The Formulation of Integrated Management Plans for Mountain Forests*. European Observatory for Mountain Forests (EOMF) Publisher for "Year of the Mountain 2002" (to be published late 2002)

12. There is a large literature on those methods of participation. See for example (Davis-Case 1989) and (Borrini-Feyerabend 1997).

taking part in decision-making. Sherry Arnstein describes a scale of eight degrees of participation, ranging from least to most 'citizen control' (Arnstein 1969:216-26). This typology is close to the one Michel Pimbert and Jules Pretty proposed in 1997, which has seven different intensities of participation, ranging from 'passive participation' to 'self-mobilization' (Pimbert and Pretty 1997:309-10). Gérard Buttoud (1999) proposes still another typology that evaluates how much direct influence participants actually have on the decision-making process and identifies three types of participation processes: 'resource participation' (participation as input or in a utilitarian approach); 'functional participation' (participation as input and output – people are part of the decision-making process) and 'auto-mobilization' (where quite spontaneously and often independently from a public authority problems and solutions are discussed among participants). Sarah White suggests yet another way to distinguish types of participation, which relates various forms and functions of participation to the various actors' interests defined according to their relative position in the process. The highest level of participation – 'transformative participation' – happens when both top-down and bottom-up actors meet to facilitate empowerment from below (White 1996:12).

The locus of decision-making power can also change during the participation process. The power dimension is intrinsic to participation, as the term only exists because of the dichotomy between those who are 'inside' the decision-making circle and those who are 'outside' but could be included (Applestrand et al. 1999). But who allows and sets the limits of this involvement is rarely discussed. Much of the literature and policy discourse on participation conceals this 'defining the rules' dimension of power. Discussion of this aspect is usually taboo amongst the agencies organising and controlling participation processes, in particular public participation processes, which are generally organised by state agencies and not meant to change the locus of decision-making power.

These political questions of intensity in participation generally remain hidden or un-addressed, even though they determine how participation processes are organised, the ground rules structuring interactions, the type of issues and conflicts that can be raised, the symbols used – language or modes of expression and communication – and consequently the type of people who can take part and the roles they can play. All these underlying decisions – what is an issue or a non-issue, when there can and cannot be participation, what is a legitimate or non-legitimate input – and hence 'participant' – are usually made by the actors with the most power in the participation process. And these power relationships may not all be directly observable, but may be the result of a certain 'mobilisation of bias' or even the result of more internalised forms of oppression, whereby the less powerful actors may themselves adopt a

quiescent behaviour – and not be in a position to reflect upon and determine their own interests (Gaventa 1980). This passivity both results from and leads to a lack of participatory social interactions (Freire 1972).

Nevertheless, a participation process – whatever the original intention of its initiator(s) – may evolve into unforeseen forms of citizen expression and involvement. Participation processes can therefore never be fully controlled: this is why participation has in all cases some potential to motivate social change (or structural change). People who are initially meant to take part only at a certain moment in a decision-making process and to address only precise issues may then feel more informed and actually empowered to seek means to influence decision-making and operations at other levels. Participation processes, whatever their type, have the potential to evolve and provide space and opportunities for social learning (Korten 1990).

Public participation, collaborative management, and community-based management as types of participation may not always be distinct. They may be complementary and evolve into one another over time. For example, a protected area policy may be drafted in consultation with the general public at a regional or/and national level, then there may be a co-management body to monitor the management of a particular protected area, and it may work in partnership with community-based associations to adapt this management to particular places, activities, and social groups. Moreover, and even though the literature stresses the (geographically) local nature of *collaborative management* and *community-based* processes, both can be found at – and across – various governance levels (Young 1989, 1997). In fact, their ‘localisation’ may not only be place-bound (for example limited to a particular water basin) but also be issue-focused (for example, on global climate change).¹³

Co-management and *community-based* approaches do allow for less state-centred, and more intense, durable, and sustainable forms of participation processes than do public participation approaches alone. In our view, the first two can consider in a more integrated way all stages of resource management from policymaking to operational levels than can the last. On the other hand, *public participation* processes – even though they are necessarily more time-bound and issue- or object-focused – can involve all or at least a much broader set of actors.

13. For Anthony Giddens ‘A locale may be understood in terms of time-space presence-availability’ – for face to face communication ‘a common awareness of properties of the setting of interaction is a vital element involved in the sustaining of meaningful communication between actors. (...) A locale may range from confined settings – the dwelling, office, factory, etc. – up to the large scale territorial aggregations of nations States or empires’ (Giddens 1995:39).

Whatever type of participation processes are used, the key question is whether they provide the space for deliberative exchanges through which participants can not only defend their pre-determined interests or opinions but also shape or revisit their views or preferences by interacting with each other.¹⁴ The more deliberative a participation process is, the more potential it has to critically and holistically consider the ends and means of natural resource management, to innovate in seeking solutions to actual problems, and to enhance social capacities to collaboratively adapt to change in the longer run (Stirling 2001:66-71, Shannon 2002). Deliberative processes can promote social learning insofar as they not only seek preferable solutions to practical problems, but also question the underlying social values, the institutions, and the power relationships of which they are a part (Pimbert and Wakeford 2001:23-28, Webler 1998:61-62).

3.2 The State's Instrumentalisation of Participation

Most state-centred approaches to participation favour a separation between political and economic participation. This approach does not question property and user rights, and barely touches upon questions pertaining to the allocation of costs and benefits of resources management. State-centred approaches tend to fragment the person into a voter, a tax payer, a consumer, a worker, an owner... a soldier. To each of these various fragments of the individual the state provides distinct opportunities and constraints for participation.

This divisive approach to participation allows the state to control and to instrumentalise people's involvement. This strategy is dramatically visible in conflicts between the state and indigenous peoples. For example, Northern European states are continuously at odd with the Sami culture and governance system, whose people have still not secured access to forests for their reindeer herds (Borchert 2001). The necessary changes to ownership laws and regulations require a real political will which state agents from both developed and developing countries seem most reluctant to push through – even when encouraged by international conventions.¹⁵ When there are demands for increased rights and responsibilities in the management of resources it appears that multiple-stakeholder participation processes are often not very helpful, at least not in the beginning. For marginalised groups self-mobilised and community-based types of action appear more meaningful (for self-determination) and effective (to pressure for institutional changes).

14. On preference formation through social interaction see Wildavsky (1987).

15. Sweden still has not signed the ILO Convention 169, which the Sami people are asking for. 'Forest for Every One? Or Just for Timber?' Taiga Rescue Network, Jokkmokk (undated), taiga@jokkmokk.se

Public participation procedures have been increasingly bureaucratised during the last two decades, in particular in OECD countries. This formalisation of participation in rules and regulations has taken place mainly at national and regional levels. Such procedures of public participation tend to limit the opportunities for public involvement to a brief intervention of limited scope in the decision cycle of policymaking, implementation, operations, and evaluation. Moreover, such opportunities are often limited to one-way individual declarations and only rarely lead to face-to-face deliberations amongst the various stakeholders. Indeed, procedural forms of participation tend not only to leave participants unable to develop a common language and to learn from each other, but also uncertain about the treatment of their inputs. As frustration grows, participants are eventually inclined to desert such processes. In response to this frustration some NGOs have been proactive in requesting participation processes, which are more meaningful and largely applied. Non-governmental organisations from 26 countries have federated in the Pan-European Eco Forum, which has been active in promoting the UN/ECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus 1998). Indeed, this convention has been promoted mainly by non-governmental organisations in Eastern Europe, but also poses a serious challenge to Western European governments, which have shown particular resistance to its ratification.¹⁶

Let us consider again the state's position vis à vis participation using the forestry example. During the 1990s most countries revised their forest laws. In great measure the pressure for these changes came from recent international forest and water policymaking processes, as well as from sub-national constituencies and citizens' organisations. The revisions include clauses favouring participation along with decentralisation, cross-sectoral approaches, multiple-use management, and an ecosystem approach.¹⁷ All of these new requirements were drafted mainly by

16. The Aarhus convention has been ratified so far by 17 countries (yet among the Western European countries only Denmark and Italy have ratified it), and came into force in October 2001. The convention concerns in particular issues related to the installation of industrial plants, energy (including nuclear), mining, chemical and genetically modified organisms, industrial meat production and waste management facilities that have environmental effects. The convention does not have a large impact on forestry, but affects some water-related activities, i.e. plans, programmes, or policies when they involve wastewater treatment plants, inland waterways construction, works for the transfer of water, and groundwater abstraction (Annex I of the Convention ECE/ECP/43).

17. For instance, according to the Intergovernmental Panel on Forests as a follow up to the implementation effort of Agenda 21 and the Forest Principles: 'The Panel emphasises a number of specific elements that need to be considered during the development and implementation of national forest programmes, in particular the need for appropriate participatory mechanisms to involve all interested parties; decentralisation, where applicable, and empowerment of regional and local government structures, consistent with the constitutional and legal frameworks of each country, recognition and respect for customary and traditional rights of, inter alia, indigenous people, local communities, forest dwellers and forest owners, secure land tenure arrangements, and the establishment of effective coordination mechanisms and conflict-resolution schemes' (Intergovernmental Panel on Forests, Commission on Sustainable Development Fifth Session, April 1997, E/CN.17/1997/12, United Nations, New York, proposal 9).

administrators (even though helped by many non-governmental organisations as well as the private sector) and are often meant to be implemented mainly by government agencies. The message common to these new policies and the long negotiations that they are the result of should not be underestimated, however. Even though their practical implementation remains questionable – and implementation remains their main weakness – they are based on the growing awareness that the state needs to break up its many fortresses which separate sectors (for instance water from forest management), the governed from the governors, and territories – both geographically and institutionally. In line with these new policies, during the last decade European countries have been developing national forest strategies or programmes, and are now about to draft similar water policies.

The work of the FAO/ECE/ILO Team on Participation in Forestry shows that many participation processes have developed across Europe and North America in relation to forestry (FAO/ECE/ILO 2000). Of the 14 case studies published by that team, we found that most of the participation processes initiated by governmental agencies are city, regional, or national-level planning processes, most of which were limited to general plans or management goals which would then have been further defined at operational levels. Several of the case studies show that the public is often frustrated when it gets involved at an institutional and management level that is removed from operational decisions, as peoples' main interests tend to be site-specific. The Danish case of user councils at district level merits a mention, as they are permanent and consider all types of forestry issues – from policymaking to operational levels. However, the author of that case study says: 'the user councils have no formal decision-making power' (Enggrob Boon 2000:71). In Switzerland the 1992 National Forest Law makes it mandatory for the cantons (the regional administrations) each of which has its own forest administration, to develop in participatory ways their forest plans, which are valid for about twenty years (Art 18.3 of the Federal Ordinance on Forests, 1992, RS 921.01). The law does not say how this participation should take place nor how the results of the consultation are to be used. It says only that (a) the objectives and the process of the elaboration of the forest cantonal plan have to be opened to the public before being finalised, that (b) people (without specifying the type of stakeholders) are invited to express their view during the elaboration of the plan, and that (c) there should be a material response to their inputs (Swiss Forest Ordinance, Art. 18.3). This gives a great deal of discretion to the cantonal forest administration in the ways and means it uses to implement the participation requirements of the new law. The cantonal authorities are free to decide how to implement their participation planning processes, and some take the fast and more top-down approach, while others do creatively seek ways to involve people more pro-

actively and intensively (pro Natura 1999). It is also up to the cantonal forest agency to decide how to integrate the results of the process into the final plan. These regional plans are designed to 'orient' forestry in the canton along general objectives, but the planning of operations is not participatory. The regional plan is binding for the forest administrations and for publicly owned forests.¹⁸ In order to make the plan more or less 'voluntarily' respected by private forest owners, the state provides subsidies (mostly federal) and management support where the guidelines agreed in the cantonal forest plan are followed.

The public forest sector in most European countries is entering a new phase of public management. After a period of highly subsidy-led forestry, the 1990s are characterised by budget restrictions and the need for more efficiency. At the same time there are increasing and changing social demands on forest resources, in particular for recreational and environmental services. The public forest sector is consequently quite deeply challenged in its roles and structures as well as in its relationship to other public services and their respective administrations. The reactions of the forest agencies to these challenges are, however, ambiguous. On the one hand they realise that they need to open up to the public in order to meet social demands better and to enhance their legitimacy. On the other hand, they are defensive and afraid of change. This ambiguity explains the at times contradictory behaviour of forestry organisations, which tentatively open up and yet keep exclusive control over forest-related decision-making processes.

In this situation, most public administrations are pressured from both the top and bottom. At the top they have a political system that produces an ever-increasing number of increasingly demanding, uncoordinated, and often contradictory policies. Generated in a top-down way without sufficient consultation, these policies tend to be very general in their formulation and disconnected from practice. As they rarely recognise the current lack of institutional and financial capacity for implementation they are often of little use to administrators and operators. Administrations are also under pressure from the bottom, which challenges their bureaucratic way of working and demands more democratic, adaptive, transparent, accountable, and cost-effective management. More participatory and also more decentralised or delegated management then becomes necessary in order to maintain the public service, refreshing its legitimacy. Participation processes also help administrations in their difficult relationships with the political level, by giving them the means to build some buffer against a sometimes too-demanding and often unpractical, contradictory, or

18. In Switzerland two-thirds of the country's forests are in public ownership, most of which is owned by communes or *bourgeoisies*, a community-based ownership system which dates back to medieval times.

whimsical political system. The administration may feel that if they lose some of their power to control resources (which they may relinquish to the bottom through participation processes), more power may be gained from the political top and/or from public or even private agencies competing for the same services.

Politicians often claim entitlement by virtue of participation (via election), and take decisions without giving the administrations in charge the resources to implement those decisions. Politicians then say that it is up to the people to do the job. Such attitudes are very common in the mostly political process of establishing protected areas. Park boundaries and conservation policies have mainly been defined without the prior consent of the inhabitants or users of the area – and then the politicians and under-resourced administrators ask local people to collaboratively invest in and manage the conservation scheme (Finger-Stich 2001).

For these reasons government agents are often very positive about participatory natural resource management. Nevertheless participation processes are often constructed to limit public involvement to the approval of options in their final stage of elaboration, or to implement policy decisions already carved in stone. Even if they facilitate an open and possibly ongoing dialogue between the administration and the public or a selection of stakeholder groups, these processes often have no or quite limited decision-making power.

Participation processes are often voluntarily and quite pro-actively launched by administrative agencies not just to involve the public and non-governmental sectors, but also to promote coordination with other state and administrative organisations. The participation process thus enhances the legitimacy of a particular organisation or agent not only in the public's view but equally in the view of other state organisations and authorities. Furthermore, the communication efforts these participation processes entail often not only open up the agency to the external world, but also change the agency from within, in particular regarding its collection, production, organisation, and sharing of information.¹⁹ In fact, participation processes enhance the overall role of communication within and between the state organisations and between these and other sectors of society (Shannon 2002). Nevertheless, those in power in organisations are usually only ready to risk these organisational changes once their administration is in relative jeopardy or in tough competition with other agencies, which is generally the case for forest administrations these days, but not yet for water organisations. In fact participation processes have the potential both to

19. The Finnish Forest and Park Service, for example, has experienced and reported on how developing participatory management has influenced its goals and also its mode of functioning from within (ECE/FAO/ILO, 200 (p. 72). See also Teppo Loikkanen, Timo Simojoki, Pauli Wallenius, 1999, *Participatory Approach to Natural Resource Management – a Guide Book*, Metsähallitus Forest and Park Service, Vantaa, Finland.

increase the profile (political and economic power) of a state organisation within the larger state apparatus, and to enhance their 'permission to operate' by the public, so ensuring a more effective implementation capacity (and possibly a politically and economically rewarding situation).

In the context of globalisation and increasing competition, public administrations tend to see citizens as clients or consumers, and consequently ask for their financial participation as well. While such 'financial participation' is more difficult to apply in the forest sector, where many forest benefits are difficult to internalise in monetary terms, this tendency is quite clear in the water sector. Both OECD and World Bank recommendations (World Bank 1994:2) on improved water services, do give a certain weight to what they call 'user participation', which basically means making users pay the 'real cost' of water. The European Union and Council of Europe have similar plans to reduce progressively the citizen's rights to have a say in management to those consumers who can pay. In fact, participation in the marketplace is mostly reduced to measuring how much consumers actually buy of something or to how much consumers complain. The French system of water services management, for example, is founded on the assumption that the silence of the consumer indicates his or her consent or approval. Rather than applying the 'polluter pays' principle – which would be more ethical – it is actually the more practical 'consumer pays' principle that is increasingly practiced by both public and private enterprises. The 'polluter pays' principle confronts powerful private interests, while 'consumer pays' targets a less organised and vocal consumers' constituency.

The recent policy shift towards decentralisation and subsidiarity is similar. Decentralisation policies are also a reaction to the pressure to redistribute responsibilities because of the diminishing financial capacity of the state. But the localisation of responsibilities in natural resources management in the context of diminishing state subsidies clearly surpasses local capacities. This situation makes private sector involvement an even more unavoidable component for the provision of what were originally public services. This trend is reinforced by higher environmental standards, whose compliance requires investments and technologies that overwhelm local government capacities and resources. For example, the European Union – whose Commission is well lobbied by large private enterprises – favours standards which require, if they are to be met, substantial investments, for example in wastewater treatment plants. These investments, however, are beyond the reach of the local public sector, thus favouring the entry of private investors and/or operators.

The growing space for participation processes and more integrated or cross-sectoral policymaking that has been created in the past two decades – in particular at

international levels – has been to a great extent the result of social and environmental movements' growing capacity to organise and pressure governments. Yet, these efforts have largely been instrumentalised by more powerful private sector actors to gain entry for themselves into public policymaking processes (Chatterjee and Finger 1994).

3.3 People-Centred Participation Opportunities and Limits

Distinct from state-centred approaches to participation are 'insider-driven', 'self-mobilising', or 'community-based' participation processes, where it is the primary stakeholders, the people who depend most directly on the resource, who are taking management into their own hands. It is then these very stakeholders who initiate a participation process and define its strategy and scope.

Many researchers who have worked in both North and South find that people generally get involved when they perceive that their livelihood or lifestyle are at stake, when they feel marginalised, are substantially discontent with a service, or when there is conflict over the use of a particular resource (Ostrom 1999). In fact, 'community-based' participation in natural resources management is rare in high-income countries, where urbanisation renders livelihoods less immediately dependent on local natural resources than in developing countries. In fact, many urban people find water provision and forestry services satisfactory, so their opinion is often 'if things seem to work fine without me interfering why bother'? Delegating responsibility for management to a specialised agency is then perceived as practical, especially in a society where time is a scarce resource and where specialisation is the modern mode of organisation.

There are cases where insider-driven or self-mobilising initiatives have developed in European contexts, however. These initiatives often draw on traditional systems of resource management. Crofting communities in Scotland²⁰ have reacted against over a century of marginalisation and have succeeded in asserting their rights to take part in forest-related management on their common grazing lands. Through their campaigning the crofters obtained grants that enabled them to shift from pastoral to forest-based livelihoods.

20. Crofting is a form of land tenancy unique to the Highlands and Islands of Scotland, which gives individuals inheritable rights to dwell on and manage a small area of land – called a croft – which is often under 10ha. Crofters also have a legal share in an area of common land, called the common grazings, which is managed by an elected 'grazing committee' (Jeanrenaud 2000). Crofters have customary user rights to graze on land which has been owned by large landowners, and nowadays also to some extent by public agencies. The crofters' common grazing land totals some 800 000 hectares or about 20 per cent of the Highlands and Islands (FAO/ECE/ILO 2000:97).

An interesting example of community-based water management is the Swedish case study by Per Olsson and Carl Folke (2001:85-104), who analysed the Lake Racken Watershed Management System, in particular for its capacity to develop sustainable crayfish farming. This community of 200 inhabitants spread over five villages has developed local ecological knowledge, institutions, and organisations adaptable to local ecosystem dynamics. So far this management system has successfully prevented the depletion of fish stocks, the spread of a deadly fungus, water acidification, and an inappropriate dam development. The analysis shows that these local institutional arrangements have been most resilient because they were nested into larger institutional frameworks (including new governmental regulations and incentives). The study claims that this system is more effective and flexible in adapting to social and ecological changes than the more static and partial indicator system applied by governmental agencies, and that scientific experts would do well to consider these local management capacities.

Like other types of participation, people-centred initiatives are not immune to inequitable power relationships based on class, education, age, origin, gender, profession, and mobility. And stakeholders' appreciation of the costs and benefits of participating in a process may change substantially according to the issue at hand and their interests (individual or shared with a possible community). It will further depend on their analysis of the opportunities and constraints determined by a broader institutional context, their own position in this context, their resources (skills, finances, and time), but also the format of the participation process they can get involved in. Water and forestry resources management shows that, depending on these factors, stakeholders may not always seek to be fully involved, nor be willing to gain full control over the management of a given resource. They may indeed wish to be involved only at some precise decision-making point of the management cycle (policy formulation – implementation – evaluation) and then leave it up to an agency to carry out the decisions.

4. Conclusions

'Incorporation, rather than exclusion, is often the best means of control' (White 1996:6-15). State-centred participation processes have often been used to manipulate people in order to obtain their support (including their free or cheap labour), to implement externally driven initiatives, or to obtain legitimacy for management policies, administrative acts, and operations that have been decided mainly within state organisations. Where this is the case, refusing to engage with such participation processes is often the best option for the people, especially the people holding least economic and political power.²¹

Moreover, as institutions and organisations are, by their very nature, interested in promoting their growth, modern states and modern societies generally are increasingly suffering from what might be called 'institutional pollution', a process which prevents the fostering of self-governed, flexible, and creative initiatives. Such institutional pollution is even preventing the state itself from working properly to fulfil its own objectives and to coordinate the functions and processes of its various agencies. The resulting overlap of institutional claims over the same territory or resource use creates governance problems that complicate and hinder both subsidiarity and the participation of the public in the management of a given territory or resource. Participation processes, being more pragmatic in nature, can help prioritise, integrate, and anchor policies according to each particular and changing context. They can help institutions to work better and even change, depending on the practical problems encountered and the demands of the people involved.

Some roles of the state, however, do need to be maintained and in some instances even reinforced. In many new policymaking processes aimed at developing more sustainable uses of natural resources, governments have relied extensively on NGOs. Many NGOs complain that governments do not take responsibility properly to support pro-actively (including financially) the elaboration, negotiation, and implementation

21. For more on this see Baudrillard (1983) in particular p.23: 'The strategy of power has long seemed founded on the apathy of the masses. The more passive they were, the more secure it was. But this logic is only characteristic of the bureaucratic and centralist phase of power. And it is this which today turns against it: the inertia it has fostered becomes the sign of its own death. That it is why it seeks to reverse its strategies: from passivity to participation, from silence to speech (...).'

of their decisions. Many of the international and regional conventions developed over the past decade are to a large extent the result of the hard and often unpaid or underpaid work of NGOs, while government officials first resist and weaken proposals, then reluctantly sign, and finally are applauded for doing so and rewarded with great press coverage. They in fact often use NGO participation as an opportunity to consolidate their legitimacy as policymakers (by appearing to be generous enough to open up their decisions to the participation of NGOs). Often, they further rely on NGOs, other non-state actors, and sometimes local governments to implement their decisions without giving them the necessary support to do so properly.²² In order to enhance not only the state's legitimacy but also its accountability, the roles of the state need to be more clearly defined in transparent and participatory ways and for each natural resource management process and related governance context. The monitoring and evaluation of the management processes by third party or multiple-stakeholder-based teams needs to be given much higher profile and support.

The state is needed in order to secure tenure rights. For local communities – just like other owners or users who need access to a resource – it is key to have the state formally recognise their claim, to protect them against other claimants. This key function of the state is also one of the fundamental limits in its capacity to initiate institutional change. The effectiveness of its regulatory role resides, however, precisely in its capacity to secure stability, and thus to be institutionally built to resist social change.

While the state has a key role to play in defining broad policy and regulatory frameworks, it should devolve much of its management functions to more primary stakeholders. It should consequently revive and adapt its framework regulations and policies, to ensure effective evaluation and enhanced public participation throughout the entire decision-making cycle, including the policymaking stage. A key requirement for the state is to reinforce or modify its regulatory system, so that it gives equal opportunities to all stakeholders to initiate and take part in participatory natural resources management. If some of the state is therefore de-institutionalised, measures should be taken to ensure that the most powerful groups cannot promote their vested interests even more freely than they could when simply instrumentalising the state.

A state-centred approach to natural resources management is very often inappropriate because of the territorial distribution and dynamics of the resource ecosystem. For example, more than 240 water basins in the world are shared among

22. In Europe this phenomenon is quite visible, for example, in the context of the Alpine Convention (Siegrist 2002).

at least seven countries (McNeely 1999:18). There are in fact so many stakeholders and sectors involved that policymaking and management processes are urgently needed to create a governance approach that reaches well beyond state agencies. In order to provide space for these multiple-stakeholder-based and cross-sectoral processes, some of the state's institutions have to be replaced by more open and adapted governance structures.

One of the great challenges of participation processes is to bring to the fore primary stakeholders to consider issues beyond their immediate interests, issues that range across territories, generations, and social groups that may not always be able to voice their concerns. Deliberative forms of participation are likely to be more helpful in this regard, so the focus is more on searching for preferable solutions to all concerned by revisiting the various underlying values and institutional frameworks, rather than on the defence or promotion of predetermined particular interests.

Conflicts over who is most entitled to make decisions over resource management are very important in all governance processes. Some say that politicians have the democratic right, as they have been elected as the people's representatives. Others, who are not satisfied with representative democracy – or with the actual representatives in power – will refer to non-state-based criteria of legitimacy (cultural and place-bound criteria of belonging). These various sources of legitimacy do in fact compete with each other, and participation processes are also about the mutual recognition or renegotiation of their respective validity.

Participation processes are both a way to manage conflict by seeking compromise between various interests, and they are also a way to develop more creative solutions that would not have emerged without the interaction of stakeholders. The decisions born out of such collaborative thinking and negotiation have the advantage of being owned by all those taking part, and are therefore more likely to be effective. Effective participation is thus a means and an end of collaborative learning.

While recognising the crisis in matters of sustainable resource management with its numerous, complex, and largely uncertain impacts, it is key to nourish the creative social change potential of participatory decision-making. State agencies should recognize that they often do not have the structures amenable to innovations. They should accordingly leave space for participation processes to develop, trying not to control and instrumentalise them for their own organisational interests. State officials engaging in participation processes should acknowledge that their organisations and the people working for them are also social actors with their own interests and values that should be considered openly.

More space for action should be set aside for participation processes initiated by non-state actors. Such processes can challenge regulatory and policy frameworks. They can provide a forum for the articulation of concrete demands to enhance the economic and political rights of civil society and/or of particular social groups who are otherwise marginalised by current power relationships. Such non-state-led processes are real social laboratories for testing the dominant institutions and proposing ways and means to change them.

As Michel Crozier proposes, the state needs to be stripped of its 'sacred' status, thus making its organisations less arrogant and more likely to listen to the multiple and varied demands of society and to enable civil society to articulate more freely its needs and demands (Crozier 1987). Much of the state's arrogant behaviour stems from its very essence, namely its military and developmental nature, that is, its original role as a 'coloniser' and a 'development agency'. Thus, becoming less arrogant and more open to people's demands and needs also means that the state will have to give up, at least in part, elements of its core identity. On the other hand, if the state were able to evolve in this direction, it might no longer need to have so much of its authority rest ultimately on the power of violence. Rather, its legitimacy could rest upon people's support, which it will receive if it helps articulate people's demands, and if it becomes a participant and possibly a facilitator in the definition, negotiation, and implementation of collectively deliberated goals.

This de-institutionalisation of the state would also imply profound internal organisational changes of the very missions of the organisations that make up the state, the internal functioning of those organisations (structures of decision-making, information flows), and the relationships between different state organisations (capacity of coordination and collaboration). This would imply shifts in priorities to serve people's demands, as people are likely to ask for both improved education and health services, as well as better environmental and natural resource management, etc. Such transformation would also entail more decentralised and adapted governance systems, in which all concerned actors become more responsible, as they participate in defining the ends and means of the services they need, as well as in their operations and monitoring.

De-institutionalising the state's underlying power structures will require considerable critical agency, as these power structures are not only taken for granted, but also perpetuated by the prevalent rules, and even internalised by the people, including those who are least privileged.

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This is one spare page. There are 10pp prelims + 50pp text = 60pp.