Michael Böcher, Lukas Giessen and Daniela Kleinschmit (Eds.)

Environmental and Forest Governance

The Role of Discourses and Expertise

Proceedings of the International Conference, Göttingen 2007

Universitätsdrucke Göttingen

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[1] Each of the editors contributed equivalent parts to this edited volume.

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1 The role of discourses and expertise in environmental and forest governance – Introductory remarks

Michael Böcher, Lukas Giessen and Daniela Kleinschmit[1]

The role of Discourses and Expertise in environmental and forest governance

The governance concept has become a popular framework in political science during the last decade, especially in the study of policy fields in which political co-ordination problems arise. Governance implies that societal and economic actors have become influential over policy (Peters & Pierre, 1998). Political decisions are being negotiated between these private and state actors in *new modes of governance* which depart from conventional, hierarchical top-down legislation using regulations and directives (Eberlein & Kerwer, 2002; Böcher, 2008b). The term 'governance' today is used in different fields of research on a local, regional, national, European and global level.

Policy fields concerning environmental questions can be seen as good examples for the above mentioned increasing co-ordination problems. Consequently, governance issues are currently discussed intensively in environmental as well as in forest policy (Glück *et al.*, 2005; Speth & Haas, 2006; Jordan *et al.*, 2003; Heinelt *et al.*, 2001). In both policy fields new modes of governance have arisen, which can be identified by an increasing use of new governance instruments or coordination mechanisms, like for example participative processes or adaptive and iterative policy planning procedures. National Sustainability Strategies, National Forest Programmes and globally relevant certification schemes like FSC

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[1]Each of the authors contributed equivalent parts to the chapter.

are just some examples for the relevance of these 'new' governance approaches in environmental and forest policy.

The main argument of this volume is that the rise of new modes of governance in environmental and forest-related political practice highlights the influence of discourses between societal, economic and state actors as well as the influence of expertise as important sources of knowledge for political actors and their decisions. The *interplay* between discourses and expertise plays an important role within new modes of governance in forest-related as well as in environmental policy. But why is this the case and which are the core principles of this interplay? What is new in this interplay reflecting the currently increasing debate on governance?

Firstly, it seems to be striking that environmental or forest-related policies to a certain degree are dependent on scientific knowledge. In principle, all questions relating to the environment and the use of natural resources depend on the results of (natural) scientific research (Böcher, 2008a). Therefore, scientific expertise is often seen as being increasingly at the forefront of environmental policy formulation (Lidskog & Sundqvist, 2004). But secondly, it is also clear that in political practice scientific knowledge does not influence the policy process in a linear, technocratic manner. Instead of simply 'speaking truth to power' (Price, 1981), scientific expertise is part of a discursive policy process due to at least two main reasons:

1. Confronted with complex problems, scientific expertise does not always deliver simple 'first best-solutions' to emerging challenges. Rather different scientific recipes are formulated based on different scientific foundations (Beck, 1986). Climate change might be an example for this phenomenon where the IPCC itself has investigated different scenarios of possible climate change effects in the 21st century.

2. But in strong connection to this, academic science is not longer the only source of expertise being used and discussed in political processes. Especially in environmental policy alternative research by NGOs (Van den Daele, 1996) or citizens formulating suggestions on local level based on their experiences (Fischer, 2000) have become

influential counterparts (or important supplements) of the traditional form of producing scientific expertise by academia[2].

If we leave aside the traditional idea of scientific expertise being commissioned by political actors to deliver advice for certain demands and neglect the idea that the sphere of scientific knowledge production is completely separated and independent from the political realm and stakeholder interests, we have to outline an alternative and yet more realistic picture of the role expertise might play in the policy process. Let us take a short look on such an altered picture:

It was Habermas (1969) who argued at the end of the 1960s that there cannot be a strict separation between the spheres of scientific experts and political actors. For him the relation between expertise and the political process is better to be understood as a mutually critical relationship of discourses and communication between science and politics. In Habermas' normative view, the public discourse between science and public policy should be an important prerequisite for society to obviate possible threats of technocracy or supremacy of any scientific inherent necessity. In his later works, Habermas (1996) developed a model of deliberative democracy in which rational discourses form the basis of a democratic society. Here he emphasises that it is essential for a deliberative policy discourse to include civil society actors as he expects them to have a greater "sensitivity in detecting and identifying new problem situations" (ibd., pg. 381). The possibility of free discourses and mutual communication between scientists, politicians, and citizens should be an important prerequisite to find democratically legitimised political decisions, which are based on the different special 'expertises' delivered by societal actors. Weingart (2003) in a further model high-lights that the science-policy interface should be understood as a non-linear, recursive communication process in which scientific experts communicate scientific issues to political actors and the citizens. Science helps to define policy problems and contributes to policy discourses, often in collaboration with the media as well as politicians also asking scientists for advice in finding solutions to these problems (Böcher, 2008a, pg. 187).

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[2]Some authors even speak of the importance to mix different kinds of knowledge (scientific 'Mode 1'-knowledge and other forms of 'Mode 2'-knowledge, e.g. tacit or implicit knowledge) in order to find adequate solutions to current society's challenges (Gibbons *et al.*, 1994) or demand a new understanding of 'post-normal' science (Funtowicz & Ravetz, 1993).

Furthermore he argues that scientists to a certain degree are dependent on political actors and civil society because they could provide science with funding and legitimacy.

Even these few aforementioned thoughts help to illuminate the potential connection between expertise and discourses: As in the *new modes of Governance* paradigm hierarchical top down legislation does no longer count as an adequate, satisfying instrument, discourses – lead by a rational argumentation – become more and more important. This trend is intensified because the involvement of societal and private actors in political decision making leads to the question of legitimacy. Decisions based on rational discourses might provide a solution for this problem. A deliberative discourse in the sense of Habermas is lead by rational arguments instead of personal interests; therefore expertise plays an important role in discourses. Expertise on the one hand is not longer necessarily a strict domain of science, on the other hand all kinds of expertise can become part of a political discourse, in which different arguments amongst others are deliberated and lead to political decisions. This changed view of expertise in the political process has been described as interplay between "evidence, argument, and persuasion" (Majone, 1989). The application of scientific expertise is not just a question of the quality of its evidence but is also dependent on political actors and experts, finding the right arguments supporting this expertise and being able to persuade others from the benefits of considering some special kind of evidence in political discourses.

Especially in the governance concept the relevance of private actors and civil society for policy formulation is a central idea, naturally leading to other than just linear or technocratic forms of integrating science into policy-making. Likewise, other kinds of expertise – besides scientific knowledge – may thus be integrated into political decisions. New modes of governance seem to represent a fruitful environment in which discourses and expertise and their interaction can be seen as important aspects of the analysis of policy processes.

The conference

Based on these central ideas, the Chair of Forest and Nature Conservation Policy of the Georg-August-University of Göttingen, Germany, organised an international conference on 'Scientific Framework of Envi-

ronmental and Forest-related Governance – the role of discourses and expertise'. The conference took place in August 2007 and was attended by more than 50 participants from over 15 countries. The idea was to illuminate different ways of how information influences governance processes. The question if or how *discourses* and *expertise* or combinations of both do matter in the governance perspective was the leading question of the conference. The overarching topic was – as aforementioned – if there is certain interplay between expertise and discourses within new modes of governance? Are there specific connections between the roles of discourses and expertise which are typical for new modes of governance in environmental and forest-related policies? Hence the conference addressed the role of discourses and expertise within the overall conceptual framework of governance, both from a theoretical point of view as well as from empirical findings in environmental and forest-related policy fields.

The conference also addressed questions of whether discourses become an important part of governance processes on the basis of the notion 'arguing' instead of 'bargaining' and the question concerning the legitimacy of governance. Another question was, if alternative forms and sources of expertise actually become relevant for policy processes. Furthermore, the idea of '*accountable expertise*', which can be described as being a concept for the democratisation of expertise, was shown to become quite popular in the governance debate.

This volume's contributions

The proceedings volume represents a selection of 13 international contributions presented during the conference and consists of three parts:

In the first part 'The role of discourses' the first contribution (Schiller) discusses the relevance of Habermas' discourse theory for governance theory. Subsequently, three contributions discuss different aspects of discourses in environmental governance processes based on empirical findings from Finland (Rantala), Nepal (Ojha *et al.*) and the Amazon region (Medina *et al.*). These contributions are supplemented by a chapter analysing discourses on the level of international negotiations (Mert).

The second part 'The role of expertise' comprises chapters representing three country cases, i.e. Romania (Bouriaud and Bancu), Denmark (Lund *et al.*), and Russia (Tysiatchniouk and Maletz). Subsequently one

contribution discusses the identity and expertise of foresters in post-socialist Europe (Lawrence) followed by a study investigating the role of expertise on a European Union level (Hertin *et al.*) and one chapter on global forest governance (Werland).

In part three 'Overarching contributions' two contributions analyse the role and interplay of discourses and expertise in India (Kumar) and Brazil (Rodrigues *et al.*).

All contributions show that the main questions of the conference are globally discussed scientific topics and give an exemplary insight into this research field. They represent rich examples for the scientific research on the role of discourses and expertise in environmental and forest-related governance.

Bibliography

Beck, U. 1986. *Risikogesellschaft.* Frankfurt/M.: Suhrkamp.

Böcher, M. 2008a. The Role of Scientific Knowledge in Public Policy in Theory and in Political Practice - The Case of Integrated Rural Development. *Pages 183–198 of:* Stehr, N. (ed), *Knowledge Democracy - A 21st-Century perspective.* New Brunswick: Transaction Publishers.

Böcher, M. 2008b. Regional Governance and Rural Development in Germany: the Implementation of LEADER+. *Sociologia Ruralis,* **48**(4), 331–426.

Eberlein, B., & Kerwer, D. 2002. *Theorising the New Modes of European Union Governance.* European Integration online Papers (EIoP) 6 (2002) No. 5; http://eiop.or.at/eiop/texte/2002-005a.htm.

Fischer, F. 2000. *Citizens, Experts, and the Environment: The Politics of Local Knowledge.* Durham and London: Duke University Press.

Funtowicz, S.O., & Ravetz, J. R. 1993. Science for the post normal age. *Futures,* **25**(7), 739–755.

Gibbons, M., Limoges, C., Nowotny, H., Schwartzman, S., Scott, P., & Trow, M. 1994. *The New Production of Knowledge: The Dynamics of Science and Research in Contemporary Societies.* London: Sage.

Glück, P., Rayner, J., & Cashore, B. 2005. Changes in the Governance of Forest Resources. *Pages 51–74 of:* Mery, G., Alfaro, R., Kanninen,

M., & Lobovikov, M. (eds), *Forests in the Global Balance - Changing Paradigms*. Vienna: IUFRO.

Habermas, J. 1969. Verwissenschaftliche Politik und öffentliche Meinung. *Pages 120–145 of:* Habermas, J. (ed), *Technik und Wissenschaft als Ideologie.* Frankfurt/Main: Suhrkamp.

Habermas, J. 1996. *Between Facts and Norms.* Cambridge: Polity Press.

Heinelt, H., Malek, T., Smith, R., & Töller, A.E. 2001. *European Union Environment Policy and New Forms of Governance: A Study of the Implementation of the Environmental Impact Assessment Directive and the Eco-Management and Audit Regulation in Three Member States.* Aldershot: Ashgate.

Jordan, A., Wetzel, R.K.W., & Ziti, A.R. 2003. *New Instruments of Environmental Governance? National Experiences and Prospects (Environmental Politics).* London: Cass.

Lidskog, R., & Sundqvist, G. 2004. From Consensus to Credibility: Policy-Relevant Science in Late Modernity. *Innovation: The European Journal of Social Science Research*, **17**(3), 205–226.

Majone, G. 1989. *Evidence, Argument, & Persuasion in the Policy Process.* London: Yale University Press.

Peters, B.G., & Pierre, J. 1998. Governance without Government. *Journal of Public Administration Research and Theory*, **8**(2), 223–243.

Price, D.K. 1981. The spectrum from truth to power. *Pages 95–131 of:* Kuehn, T.J., & Porter, A.L. (eds), *Science, technology, and national policy.* Ithaca and London: Cornell University Press.

Speth, J., & Haas, P. 2006. *Global Environmental Governance: Foundations of Contemporary Environmental Studies.* Washington: Island Press, Foundations of Contemporary Environmental Studies Series.

Van den Daele, W. 1996. Objektives Wissen als politische Ressource: Experten und Gegenexperten im Diskurs. *Pages 297–326 of:* Van den Daele, W., & Neidhardt, F. (eds), *Kommunikation und Entscheidung. Politische Funktionen öffentlicher Meinungsbildung und diskursiver Verfahren.* Berlin: edition sigma.

Weingart, P. 2003. Paradox of Scientific Advising. *Pages 53–89 of:* Bechmann, G., & Hronszky, I. (eds), *Expertise and Its Interfaces: The Tense Relationship of Science and Politics.* Berlin: edition sigma.

The role of discourses

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2 Ideas for Governance Systems – Methodological Aspects and Theoretical Perspectives

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Introduction

To some extent governance is still a loose set of theories ranging from global to local dimension and from analytical to normative perspectives than one clearly shaped body of theory. These theories have different ideological backgrounds and not all of them have their roots in political science. In this article I will draw on a concept of governance that focuses the topic from a theoretical point of view. Therefore, a distinction between governance as an analytical perspective and governance as a theoretical frame will be made. The analytical perspective can be expanded by differentiating between processes and structure.

Since the question when to turn from processes to structures – or from micro to meso – has not yet been fully explored within the debate about arguing and bargaining section 2 will introduce some methodological suggestions how to approach this problem. Social research in any social scientific discipline implies some sort of meta-theoretical reasoning to back the methods and the chosen subject area. However, rather than drawing on social meta-theory (or developing some ad hoc ersatz) such a backing may also be provided by other disciplines. This points to interdisciplinary research for which Habermas has suggested a method of 'rational reconstructionism'. It balances normative claims and interdisciplinary empirical research and allows depicting a research

programme along the lines of discourse theory. Such a rational reconstruction will be applied to understand the emergence of ecological economics, which established only a few decades ago in explicit opposition to environmental economics. This will permit analysing shifts in policy ideas and strategy.

The impact of knowledge on politics has been addressed as the impact of ideas on policy. Policy analysis has a variety of partial theories to explain their influence. Focussing on ideas in the policy process does, however, restrict the range of ideas to a modus of problem-solving. It abstains from raising wider questions of legitimacy that may also concern matters of politics and polity. In fact, quite often we can observe both, the rise of new policy issues and the de-legitimisation of the institutional *status quo*.

To understand the origination of the EU resource strategy, which has been announced in 2005, we have to draw on rational reconstructions and ideas. The available policy and governance theories and the research methods at hand would not suffice to analyse the rise of this idea. In essence the article leaves macro-theory as it is and refers to it only to make sense of the formulation of the resource strategy. The main objective of the article is neither to clarify the status of different governance theories nor to explore the detailed mechanisms of governance but to understand the origin of the resource strategy.

Governance Theory and Public Justification

A distinction between governance as an analytical perspective and governance as a theoretical frame (cf. Pierre & Peters, 2000, pg. 24) might be challenged on constructivist grounds: governance might be said to be just about the independence between both. The same critical claims might also be raised against distinguishing between process and structure. On the other hand this allows refine the process dimension of governance in regard to 'modes of governance' (Treib *et al.*, 2007). Treib *et al.* have suggested to understand 'modes of governance' along the familiar lines of 'policy', 'politics' and 'polity' even though the 'polity' of governance may quite often be ill-defined in international relations. And with regard to the epistemic conditions of governance these three modes are too narrow as well. The dissemination of useable knowledge in politics and society is far more complex than this analytical distinction suggests.

According to Pierre and Peters structures include hierarchies, markets, networks and communities (Pierre & Peters, 2000, pg. 17). Similarly, Benz refers to institutional mechanisms of regulation, which are, according to him, state, market, network and society. He also adds to the process dimension of governance by discriminating between hierarchy, competition and bargaining. This adds another process dimension to the distinction between regulations and coordination, made by Pierre and Peters. Against the background of the ZIB-debate on bargaining and arguing one can add as a fourth dimension 'arguing'. All dimensions refer to the coordination of actors within given governance structures.

Another point of reference, suggested by Lange & Schimank (2004, pg.20), may help to understand the relationship between processes and structure in governance research even better. The authors start from the social-theoretical notion of (two) governance actors who adapt their actions to another in the course of interaction. This sociological point of departure merges any a priori difference between state- and private actors in a question of social integration and tends to undermine the problem of legitimacy. However, adaptation of actions is said to take place in unilateral or reciprocal ways through observation, influence or bargaining and, thus, addresses hierarchical and legitimate aspects of governance again. It should be noted that discourse theory pursues the social integration of societies in a similar way but based on the communicative interaction between actors that struggle with the functional spin-offs in society (Habermas, 1984, -1981-). There seems to be agreement in political science that arguing is more attuned to epistemic reason than bargaining (Saretzki, 1996; Fischer, 2003; Hajer, 2003). Habermas supports this view by stressing the epistemic permeation of the whole society (Habermas & Fultner, 2003, -1999-). Indeed, the rise of new knowledge for policy-making and the de-legitimisation of the political status-quo often coincide. Getting scientific findings into policy usually takes the route via the public or through publicity to challenge outdated political institutions and social habits.

In some sense (Pierre & Peters, 2000, pg. 32) take a somewhat sociological stance on governance too. They emphasise the capability of governance theories to bring society back in to political research. According to **?**, pg. 19 governance refers to a complex set of institutions and actors that include the government but also go beyond it. In some sense even Benz, who has focused his research on the vertical coordi-

nation of policies, shares this view when defining governance as "steering for the aim of managing interdependencies" (Benz, 2004, pg. 20, trans. FS.). All four authors stress the capacity of governance theories to study in depth the complex relationships between state (formal institution) and society (informal institutions). However, in opposition to Habermas or Lange/ Schimank these authors do not found their analytical theories on the immediate interaction between different actors in governance networks but rather conceive interaction as part of the governance process within an institutional framework. This perspective bears similarities to the theoretical endeavour of actor-centred institutionalism (Mayntz & Scharpf, 1995; Scharpf, 1997).

Actor-centred institutionalism has been introduced to policy research as a heuristic, which relates actors to institutional structures. Actors are said to possess certain power- and cognitive capabilities and to follow their orientations (for actions) mostly strategically. They act, however, within a given institutional context in which these orientations meet with other actors' action-orientations. These actor-constellations and the specific interaction between the actors define the situation. Thus, actors find themselves in non-cooperative, cooperative or unilaterally hierarchical constellations. Methodologically speaking, actor-centred institutionalism is more flexible than rational-choice institutionalism in studying social interaction since it takes the actors' orientations into account (Vowe, 1997). This must include some form of hermeneutical understanding of actor's motives and reasons. In further departure from rational-choice institutionalism actor-centred institutionalism has limited itself to middle-range generalisations that remain attached to the social context. Still, already at this level of generalisation commonly held values, but most of all ideas are neglected. This is so since actor-centred institutionalism studies actors only in as much as their action-orientation are thought to matter for the final policy solution. It does not study ideas or discourses influencing actor-constellations from the outside. However, both, values and ideas, can impact on actor-constellations by changing actors' orientations in public discourses.

Schmidt has distinguished three sorts of discursive-institutional interactions, namely national one-actor systems, national multi-actor systems and supranational multi actors' systems or, to use a different term, governance systems. The first two separate different political systems, such as centralised states like Great Britain and France on one hand and

decentralise states such as Germany on the other. Different discourse types dominate in these political systems.

Coordinative discourses connecting policy actors overlook multi-actor systems communicative discourses addressing the public direct one-actor systems. Not surprisingly Schmidt depicts the European Union as a supranational multi-actor or governance system, which is characterised by a network of epistemic communities, advocacy and discourse coalitions brought about by of the commission. This network creates a highly complex coordinative discourse across two or even three levels attempting to create legitimacy. Only few policy areas remain under full control of the European Council. The importance of the coordinative discourse is increased by the fact that in the absence of a European public the communicative discourse is rather weak.

Methodologically speaking, Schmidt still locates the impact of discourses on policy change in relation to the institutional context. This is why she suggests depicting the institutional location of influential discourses first and carrying out and empirical discourse analysis later. "[I]nstead of looking for evidence of the causal influence of discourse in protests, elections, opinion polls, and attitude surveys of the public, one does better to delve into the negotiations among policy actors' coordinating policy construction, their communication with their constituent members, and the opinions of policy elites and their constituents." (Schmidt, 2002, pg. 253) But even though Schmidt at times acknowledges the influence of culture and ideas on the coordinative discourse she has been no method to analyze the impact of culture or ideas on policy change.

Willy Viehöver (2002) does not share Schmidt's analytic premise that discourses matter only when embedded in formal institutions. But to explain policy change he as well refers to actor-centred institutionalism. Still, Viehöver highlights the relevance of cultural factors in changing politics by pointing to discourse theory[1]. He claims that the political groups of settled policy networks introduce their specific policy solutions not only in regard to the exclusive negotiation arena in question,

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[1] Habermas takes up a sociological "bottleneck model" of the public (Peters, 1997, cf.). He refers to the institutional restrictions that political innovations have to pass when moving from the public into the political-administrative system. In doing so he presupposes the resistance of functional systems against deliberative, communicative rationality at the macro-level of explanation.

but also in respect to the larger public, the forum. These initial policy proposals can start a public discourses to which other actors link. Thereby, different coalitions emerge, which can be distinguished along competing narrations, which draw on and building up culture at the same time. Due to the openness of the narratives (cf. also Radaelli, 1995) and the complexity of the situation it is always possible to change policy interpretations. This makes it easier for non-established groups to join the discourse. In the course of public debate non-established groups may even succeed to direct established actors away from their initial positions.

Discourse coalitions are more volitional and more integrative than social networks because it takes less to gain public attention then formal recognition. In networks the normative and the cognitive action-orientations of participants usually point beyond the closed bargaining context of policy arenas. Viehöver takes up an explanation suggested by Scharpf to grasp this normative and cognitive overspill: the emotional mobilisation of the participants (cf. Scharpf, 1997, pg. 393). Actors engaging in discourses know that they can call upon the public as a benchmark to cancel out tendentious or one-sided proposals. The forum exhibits a stronger orientation towards universally acceptable solutions than negotiation arenas.

The process of public discourse is moderated by the institutions of the mass medial public that are set apart from immediate policy struggles. Although policy actors try to influence public opinion in their favour they can not strategically pocket entire public discourses. Rather, media-mediated discourses feed back into bargaining arenas by influencing participants' action-orientations: e.g. competitive actor-orientations in the collective bargaining arena may be moderated and turned into corporative orientations. Thereby, public attention can be said to facilitate innovative policy solutions. Nevertheless, discourse coalitions still stand in the institutional context of the larger polity when calling upon the public in a specific policy arena or in the general forum.

Methodologically speaking, Viehöver's heuristic provides a sound way of studying discourses in political multi- and single-actor systems. Rather than the shadow of the state the light of the public is seen as facilitating policy solutions and bringing about political change. But can discourses also emerge from international multi-actor systems without

a forum or could they influence policy arenas dealing with distributive issues? And what role do ideas play in this regard?

The audience-orientation in institutional development

There is evidence that even the absence of an institutionalised forum does not abrogate the empirical audience orientation of political actors. Studying the European debate about the legitimacy Eder & Trenz (2004) argue that the discussion represents a "system of public communication" over the legitimacy deficit of the European Union that for his part affects the development of the European multi-level governance. "The absence of an 'institutional hardware' for democracy, such as a constitution, is compensated for by providing an 'institutional software' in the form of public communication which facilitates the loose coupling between the elements of multi-level governance." (ibid: 7) Eder spots three recurring communicative phenomena in which a European public is taking shape (Eder & Trenz, 2004, pg. 172):

- speakers, who push topics of transnational importance and endeavour in transnational agenda setting processes

- publications, that report on such agenda setting processes and, thereby, generate a transnational resonance space of publicity

- mass media, which objectify these communication processes and create a lasting transnational resonance space (over time and space).

According to Eder and Trenz the loose coupling of actors in social networks creates a resonance that retroacts on the institutional development as well as on the discursive public justification of this institutionalisation process. Similar functional effects have also been observed in other policy networks even if the role of language and publicity has not been addressed (cf. Windhoff-Héritier 1996). And Eric O. Eriksen (2007) has suggested perceiving the institutional development of the European Union from a normative point of view as a working agreement that is an agreement between rational normative consent arising from public discourse and pragmatic political compromise within the political-administrative system. Yet, it must be stressed that Eder/ Trenz give a functional twist to the emerging European public calling it

'the democratic paradox of institutionalisation': While getting ever more institutionalised the European Union increasingly relies on a public to democratise its political institutions. However, this may be a paradox of institutionalisation in a democratic culture only, and may not hold elsewhere in international politics. Does this functional connection also exist in other areas?

Indeed, it is uncertain in how far this functional hypothesis may also hold beyond the institutional boundaries of the European Union given the diverging views in the literature. Whereas Ulbert & Risse (2005) have shown how even non-cooperative actors can be drawn into processes of public argumentation and justification Peter Haas (2004) has claimed that successful policy solutions in international relations result from devoted but basically unknown epistemic communities. Epistemic communities aggregate and articulate knowledge in terms of state interests for decision makers, and they disseminate those beliefs internationally. Their major power resource is their reputation for impartial expertise. According to Haas (2004), the knowledge provided by those communities adapts to the procedural dimension of politics and comprises social learning. 'In short, useable knowledge encompasses a substantive core that makes it usable for policy-makers, and a procedural dimension that provides a mechanism for transmitting knowledge from the scientific community to the policy world and provides for agency when theorizing about broader patterns of social learning, policy-making, and international relations.' (Haas, 2004, pg. 573). Although Haas does not refer to arguing it does play a role in shaping distinct (international) policy arenas.

Thomas Saretzki (1996, 2007) has emphasised diverging functional relations of arguing and bargaining. Whereas arguing refers to solving cognitive problems bargaining is said to point to distributive problems. Again, some close relationship between arguing and epistemic reasoning is indicated, which becomes especially apparent when issues of social learning are raised. By definition social learning has to appeal to a broader audience. It takes the route of convincing by arguing (Miller, 2006) and does not even have to take the way via the political system. According to Saretzki, the mode of arguing allows distinguishing different interaction-orientations: discourse (co-operative interaction-orientations), debate (competitive interaction-orientations), and dispute (confrontational interaction-orientations).

However, in order to understand the motives and reasons forming the interaction-orientations of actors who argue some hermeneutical tools will be needed. This is also true for narratives, ideas etc., which all address the issue of hermeneutical in relation to analytical methods. On the other hand we can draw on argumentation theory and analyse the argumentation in discourses that build international policy arenas (Schiller & Tänzler, 2004). This approach is possible without hermeneutical methods of understanding.

Governance and Reconstructionism

Governance approaches should, however, not be restricted to micro- or meso-theory since they can bring up methodological aspects that may point to macro-theory. One the other hand macro-theory can result in a "rain dance" like some constructivist theory (Eder, 1998).

Whereas discourse analysis in the Foucaultian tradition has for the most part abandoned analytical explanations for a synthetic understanding, Habermas' discourse theory maintains both: explanation and understanding. Habermas' theory of rationality (Habermas, 1999) allows the integration of analytical methods while the criticism of functional differentiation (Habermas, 1984, -1981-) is bases on the hermeneutical approach. In opposition to Foucaultian discourse analyses this allows discourse theory the accommodation of analytical and hermeneutical methods and of actors and structures. Next to discourses, which comprise argumentations (according to Saretzki's terminology) the theory includes informal and formal institutions integrating society socially and functionally (Dietz, 1993). Still, the functional traits of the theory have not yet been recognised by international relations scholars and Saretzki's accentuation of this matter has not been taken on.

According to the theory of communicative action we must distinguish between the reproduction of functional systems through media (money and law/power) and the discursive practices that establish the life-world with its components culture, society and personality. According to this social theoretical view the political-administrative and the economic system are said to spin-off from the common life-world of the people. This critical understanding of society faced some disapproval and the social theory is often said to be plainly normative. The criticism

is, however, misdirected since the normative aspects of social life are addressed in discourse ethics (Habermas, 1990, -1983-), which is carrying discourse theory beyond present theories of constructivism in international relations. Ethical discourses become necessary if the communicative interaction seam of the life-world is broken. Habermas' legal theory of democracy (1999) had to reconcile the normative, discourse ethical reasoning with the empirical social theory laid out in the theory of communicative action.

Institutionally speaking, the theory applies to the nation state and does not have much to say about governance. From the perspective of discourse ethics the legal theory of the democratic state is meant to establish free moral-ethical communication processes in the face of the media-driven functional developments. To this end the medium of the law must remain accessible for all citizens for normative reason, since next to constituting the political-administrative system law institutionalises society as well. In order not to get trapped in a crude legalism Habermas made use of the method of rational reconstructionism[2].

In a first step, Habermas reconstructs the system of the rights and the principles of the legal state. Then he takes up internal criticism from legal theory and -philosophy and connects this with the external criticism from legal sociology, in order to empirically point out a (weak) normative background for a procedural legal state. By locating this weak normativity again within the proceduralism of discourse ethics, he can show progress in the development of law. This takes the form of systemic paradigms: a valid legal paradigm is said to affect all citizens and to that extent it is not simply functional any more, but already socially integrative. The political-administrative system includes all addressees in the process of the generation and administration of law. In this sense it is normatively appropriate and reflexive. Thus, Habermas has come to relax his stronger claims about functional systems colonizing the life world.

It should be stressed that rational reconstruction is not a deductive undertaking but is methodologically guided. Generally speaking, Habermas reconstructs the legal discourse by taking up internal critiques of legal thought, which address negative social consequences of

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[2]It should be mentioned that Habermas has applied this method earlier in his philosophical writings (Habermas, 1990, -1983-). There reconstructionism is implicitly depicted as an interdisciplinary method, which is subject to fallibilism.

legal practise, and confront the legal system as such with these outcomes. By pointing to justified legal paradigms Habermas assigns a normative dimension to the process of successive legal paradigms (Kieserling, 2000). Since a rational reconstruction takes both an internal and an external perspective it establishes publicity as a methodical principle. Even though the method does provide a normative backing for some empirical statements it also limits normative claims by restricting them to the existing internal critique of functional systems, which can be empirically found. This gives an independent meaning to moral, ethical and pragmatic claims, which affect the scientific observer as well: but by applying publicity as a methodical principle a social-integrative audience-orientation of the theoretical development in political science is sustained.

Rational reconstructionism must be distinguished from narrative reconstructionism put forward by proponents of a literary turn and discourse analysis in the tradition of Michael Foucault. These tend to sack institutional analysis and causal explanations altogether by focusing on discourses and macro-theory only. It is also set apart from causal reconstructionism, which "does not look for static connections between variables, but for an explanation of the macro phenomenon under study by identifying the processes and interdependences that bring it about." (Mayntz, 2002, pg. 13) Habermas' method departs from causal reconstructionism by reflecting on the limits of connecting partial explanations analytically; but for this end methods of understanding are employed (cf. Herborth, 2007). Still, both rational and causal reconstructionism, aim for plausible explanations, because "in view of complex social connections the value of plausible qualitative statements is often larger than those, which quantifying or at least formalising generalisations over the same phenomenon permit to make". (Mayntz, 2002, pg. 18) Still, even though we may acknowledge the explanatory power of this actor-oriented institutionalism at the meso-level its explanations "can only be linked through narrative connections between partial theories, which provide empirical as well as analytical support" (Schmidt, 2003, pg. 325).

Rational reconstructions can provide such connections without slipping into macro-theoretical narratives, which may go beyond epistemic principles. Like all other types of knowledge rational reconstructions hold hypothetical status only. The principle of fallibilism still applies to

both the epistemic and the normative dimension of a rational reconstruction.

Reconstructing the paradigm of a discipline: ecological economics

Given the state of epistemic reflection in the social sciences it is surprising that something like rational reconstructions have not been put forward by advocates of interdisciplinarity[3]. This state is deplorable since such reconstructions could provide a link between meso- and macro-level of explanation. There is a kind of interdisciplinary (and often even transdisciplinary) research that is of particular interest in this regard. This is when a new paradigm develops within a discipline (Kuhn, 1962), which can be said to turn the discipline reflexive attracting other disciplines to join the research efforts in interdisciplinary research projects.

At the end of the past century, economics has seen the emergence of ecological economics (cf. Martínez Alier *et al.*, 1987), which has questioned environmental and resource economics as the dominant paradigm describing economic systems' interaction with nature[4]. In fact, it questioned nothing less but the very separation of resource- and environmental economics: according to the laws of thermodynamics environmental effects of economic activity could no longer be perceived as contingent results of resource use but must be understood as a physical necessity. If anything in the social world justifies the use of the term 'paradigm', which Kuhn had reserved for the natural sciences, it is this fundamental shift in economic thought. Since next to the physical also the biological world is linked to social development we may even speak of a co-evolution between society and nature (Norgaard, 1994). Never-

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[3]On the other hand Habermas has never explicitly reflected on interdisciplinarity even though rational reconstructionism implicitly draws on different disciplines. The reason for this might be the implicit reference to functionalism, which Habermas has addressed as the political-administrative and the economic system in the (macro)theory of communicative action. Rational reconstructions thus go beyond interaction-orientation, and argumentative modes that lie at the micro-level. In fact, for the theory of communicative action this may indicate that no additional rational reconstructions are needed.

[4]This tendency is furthered by the establishment of industrial ecology, which has arisen from engineering science as an own academic discipline.

theless, the impact of ecological economics on the economic discipline as a whole is limited (Ma & Stern, 2006)[5].

Two approaches developed within ecological economics (Costanza *et al.*, 1997): The natural capital approach tries to maintain certain natural assets that cannot be sacrificed to economic development, e.g. the ozone layer or climate. These assets can be defined in absolute or monetary terms. Usually monetary methods are preferred. Defining endangered natural entities in monetary terms, however, carries economic uncertainties over (e.g. inflation), which can be avoided by defining them as carrying capacity of the planet in physical terms. However, this is confronted with problems of ecological uncertainty on the one hand and uncertainties about the relationship between environmental pressure, affluence, population and technological stock on the other.

To avoid these and other problems, the second approach focuses on material flows, which relate to nature as a resource *and* a sink. This approach claims the absolutely scarcity of natural assets. To study material flows in the economic processes a plurality of micro- and macro-approaches is available[6]. Some relate the creation and consumption of economic value to the matter and energy used in this process (Life-Cycle Assessment, Material Flow Accounting, Physical Input-Output Tables, Material Intensity Per unit Service, Total Material Requirement and Output) other convert the used materials to one independent environmental measure (ecological footprint, ecological space, eMergy-/eXergy-concepts). To achieve sustainability the input, the throughput, or the output have to be reduced, which is either measured as resource- and/or eco-efficiency. According to the increase in resource-efficiency we can either speak of delinking, that is the decoupling of economic development from resource-use or of dematerialisation, which signifies an absolute reduction of material input. If the decrease of material-energy flows is related to the output and environmental pressure we speak of eco-efficiency. Most accounting methods can be adapted to either end.

Both approaches for sustainability, weak and strong sustainability alike, challenge conventional economic-thought. Still, this common ground does not settle the ongoing controversy between them. The dispute revolves around the absolute and relative scarcity of natural assets expressed in the appropriateness of monetarising ecological damages

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[5]However, this seems to be true for environmental and resource economics as well.

[6]A concise overview is for example provided by Daniels & Moore (2002).

and threats. This is visible in competing schools of thought that apply different methods (cf. Schiller, 2007). Schools of strong sustainability tend to prefer for instance participatory methods over cost-benefit analysis. Despite the differences, those schools converge towards the paradigm's core. Furthermore, both approaches share the (normative) goal of delivering sustainable social progress even if at times they hold distinctively different views on the status of the economy in society (Illge & Schwarze, 2006). Still, by and large they employ the same policy instruments (e.g. price-standard based input taxes, fees etc.) even though advocates of strong sustainability have suggested and argued for novel instruments like input taxes. Based on the notion of material flows, these preventive taxes burden environmental bads at or towards the input side of the economy by changing for instance the price-relation between resources and recyclates[7] and public systems of provision (Hertwich, 2005).

But do paradigms ever directly influence the social world or political world-views? Certainly, science is not indeterminate to the social world. As research on finalisation, post-normal science and mode 2 has shown there is social influence on the development of science. It should also be noted that while ecological economics alone seems to justify the use of the term paradigm in social science different schools still exist, which act very much like 'thinking collectives' (Fleck, 1979). Thus, speaking of a social scientific paradigm in a Kuhnian sense does certainly not try to (re)establish objectivity but provides the fundamentals to understand political strategies that are beyond the explanatory powers of pol-

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[7]Standard textbooks of environmental economics usually still do not make any reference to up-stream taxes even though these are implemented in environmental policy. In contrast, the Coase' theorem still attracts lengthy sections even though it has never been applied as such even though it inspired the permit-solution and the legal revision of burden of proof in some legal systems. The later usually again neglected by the textbooks.. These seemingly tiny shifts in instruments and methods may result in quite different policy recommendations and policy outcome. Material flow accounting is increasingly requested in environmental policy often enough in cases where monetary accounting is failing to deliver the right price to meet set reduction objectives. It has thus become the cognitive and informational background for a variety of innovative governmental, economic and social actions. This is particularly apparent in relation to life-cycle assessment, which is now applied by many companies to reduce their material use in production or/ and its ecological impact and which can extend to the larger network of sub-suppliers. In comparison it took much longer to apply these methods to consumption partly because the associated resource-use is mediated by private producers

icy analysis. In this sense the rational reconstruction of ecological economics may even fill the institutional void (Hajer, 2003) that is not and can hardly be fully institutionally covered given the constitutional liberties of science. But is the insight of ecological economics taken up in any way by politics and may it even matter in policy-making?

Ideas and Governance

Ideas do not fall onto the political stage out of the blue but have a genesis in which actors assign to it. Ideas appeal through conviction and are shared with an audience. They are open in this regard and are addressed towards the public at large. In this they possess a structural similarity with an argumentative discourse. But in order to make it into politics ideas have to pass political arenas and the negotiation processes. Ideas thus seem to undergo a metamorphosis from a primarily argumentative undertaking into a robust policy initiative capable of resisting the pressures of negotiation processes. A prominent political theory explicitly addressing the motivational power of ideas and their welfare implications is Paul Sabatier's advocacy coalitions approach.

According to Sabatier & Jenkins-Smith (1993) advocacy coalitions are characterised by a belief system. They distinguish analytically between a deep core, a near core or policy core and secondary aspects within belief systems. Belief systems explain the actors' socialisation and their identities as well as the structural division of a policy subsystem into several advocacy coalitions. The deep core and the policy core develop out of such socialisation processes. Sabatier's central hypothesis is that the core of an advocacy coalition's belief system results from very rare non-cognitive factors or events (crisis, scandals etc.) outside the subsystem (cf. also Kingdon, 1995). Only the secondary aspects of belief systems are open to easier changes. Advocacy coalitions change but continue to carry on policies over a decade or more finally overcoming the institutional restrictions. The implemented policy solutions are equivalent to welfare concepts. Even though the advocacy coalitions may share a functional interest they do not need to agree on the same concept of public welfare. In addition Sabatier & Jenkins-Smith (1993) have suggested policy learning as a means to prevent the deadlock of policies. Policy learning originates from the interaction of competing advocacy coalitions in the policy process.

Dietmar Braun (1998) has pointed out that by entangling normative and cognitive elements of ideas advocacy coalitions could easily deadlock entire policy subsystems. Competing advocacy coalitions may perceive policy change as a mere political struggle bereft of cognitive content. There is a danger of escalating conflicts if no cognitive resources to transform the conflict are available. In the end power, as the refusal to learn, may threaten internal resolutions of social problems with a distributive dimension. It is thus no surprise that distributional issues are normally brought up for discussion from outside of established policy networks (cf. Benz, 1997, pg. 318). The deadlock of policy subsystems might come from a lack of opportunity to bargain in the market or to argue in the forum with much evidence that epistemic structures provide much more and better cognitive resources than interest-driven, non-scientific practices. Only if material conflicts can be transformed into ideational conflicts fair solutions seem possible. For the most part, Sabatier's approach avoids welfare theoretical considerations or a policy typology along the lines of fair socio-political agreements among opposing advocacy coalitions (cf. Hemerijck & van Kees Kersbergen, 1999).

Not surprisingly, Maarten Hajer (1995) has rejected the advocacy-coalition theory as too narrow for political analysis. Hajer employs a discourse analysis that is largely inspired by Foucault. It conceives discourse coalitions as political engaged actors that bring about policy change by developing a story-line around specific policy problems. This story-line is beyond the reach of each discourse coalition and thus develops contingently during a public discourse. Hajer's emphasises the multi-interpretability of its core idea that is ecological modernisation. At the same time he also stresses the importance of open public discourse. Ecological modernisation appears as an 'argument' in the discourse. The final policy solution, however, is brought about almost exclusively by the appeal of the idea of ecological modernisation to the actors in power. These are political actors (hierarchy), oligopolies (markets) and civil actors (networks). Even though the study does not address the relation between arguing and bargaining processes – it preceded this debate – it does support the view that policy analysis is influenced by conceptualisations, theories, arguments and norms (cf. Majone, 1992). Still, it does not tell much about how ideas make it into policy arenas if they have distributive implications.

More telling in this regard is the distinction between ideas in the con-

text of bargaining systems and ideas in public discourses that Braun has suggested. Along with Viehöver this is addressing a meso-level of explanation.

While ideas in policy arenas are said to be bound to problems of collective action and are, thus, still tied to material interests, ideas in the forum of a political community "are rather like story-lines or narratives which are convincing or plausible in a given situation." (Braun, 1999, pg. 26) If such public ideas gain supremacy in the forum they are perceived as benchmarks that all actors start to call on to define and legitimise their interests. A hegemonic idea, such as Keynesianism in the 60ties, influences the entire public discourse. Braun draws an analogy between such ideas and the median voter theorem of public choice. However, instead of parties that are drawn to the ideological middle of the party system, actors are drawn to the public idea. Regarding this actors rather fight as advocates than barter as interested persons. Such ideas are established alongside policy arenas and may impinge on policy arenas by e.g. the principles and values they provide. "In the political arena interests are the ultimate screen of actors' choices but ideas play an influential role as benchmarks. In the public forum general visions of the public interest and on the nature of the political community are discussed and decided which in turn 'frame' the development of benchmarks within the negotiation system. In the public forum material interests are put in the background and world-views and belief systems become predominant." (ibid: 28) This raises tremendous problems of explanation for, so to speak, equity-oriented rational-choice approaches (cf. Braun, 1999, pg. 194). Still, when do distributive struggles within an arena catch on ideas raised in the forum? Interpretative approaches employing hermeneutical methods may prove indispensable to come to terms with this puzzle.

Ecological Modernisation as a Governance Idea

The case of ecological modernisation does illustrate this. Following Hajer (1995) ecological modernisation can be seen as a highly flexible *policy discourse*. In his analysis Hajer is not concerned with the analytical distinction between cognitive and distributive aspects of arguing. In fact, the distinction may even be misleading in as much as the total financial costs of environmental problems are often not predicable

or assessable according to allocative or distributive standards. On the other hand environmental policy measures are usually associated with costs (of implementation, adaptation etc.), which is why environmental policy is strongly relying on knowledge backing it. Despite controversies on risks, ignorance, and uncertainty of prognosis and, as a result, the innovative uptake of secondary principles (precautionary principle) environmental policy has been relying on cognitive certainty (Mayntz, 1999).This particular knowledge emanates predominantly from the natural and environmental sciences and its uptake in the policy arena has often been brought about by the forum.

This might be lesser true for policy-relevant knowledge that is addressing (long-term) aspects of a sustainable future since this implies larger socio-economic change. This has also been experienced by the theory of ecological modernisation, which has first been articulated in the 80ties of the last century. Ecological modernisation aimed at explaining and promoting policy changes integrating economic and environmental criteria. Whereas Hajer and other policy analysts have identified its multi-interpretability as a reason for its success it is also a political theory referring to the economic system and analysing its structural change as a consequence of political intervention. Not surprisingly, ecological modernisation has been criticised for oscillating between positivism and normativism (Seippel, 2000).

The theory started as a criticism of the capitalist economy diagnosing a state failure to intervene into the economy on behalf of the environment and, ultimately, future generations (Jänicke, 1990, -1980-). The criticism used the economic system as its reference leading to a focus on preventive environmental policy as structural change and an increasingly efficient production (Jänicke *et al.*, 1987). Still, the theory was not restricted to the economy but envisaged a complex social modernisation in separate value sphere. This foresaw at least a cultural and political modernisation through social movements and political parties, which reflected existing struggles for sufficient consumption patterns and alternative life-styles (Simonis, 1984). Although the theory was not explicitly spelled out as a multidisciplinary theory it was eventually taken on by sociologists and economists. Even more importantly, it received wide international recognition subsequently leading to its adaptation and modification to different cultural contexts. This process was eased by the newly developed methods of material and energy ac-

counting. In the process of new social movements growing older and the economic system becoming globalised attention has been drawn to the economic side of the theory focussing more and more on increasing resource- and eco-efficiency (Huber, 2000).

This theoretical development has to be understood in connection with the existing functional subsystems of society, which resist and limit policy change. The implementation of the successful eco-tax in Germany relied, for instance, on the hidden consent that this tax had to be macro-neutral even though the tax was redistributive[8]. Many other environmental policies relied on least-cost situations, in which stakeholders were indifferent to measures (Kirchgässner & Pommerhehne, 1993). Institutions like the US-Environmental Protection Agency systematically utilise indifference to implement measures apart from political struggles over values and distribution (Braun, 1998, 1999, pg. 812/197). Only win-win solutions are easier to exploit for environmental policy and economic actors may well profit with eco-efficient innovations from environmental regulation at the expense of old industries. Lead markets carry this to the international level by establishing international conditions for exporting green industries (Jänicke & Jacobs, 2005). This is accompanied by the international diffusion of environmental policy innovations (Kern *et al.*, 2001). In addition to that we must consider that discourses penetrate markets and networks also directly without going political in the first place (Heiskanen, 2001). This can induce learning processes towards sustainability in networks even where market and hierarchy fails (Bleischwitz *et al.*, 2004).

The success of ecological modernisation as a theory and a policy shows how adaptable and elaborated ideas have to be in order to attune to the policy process. Ecological ideas have to be reflexive to match with the social differentiation of modern societies, the preferences given and the rapid environmental degradation society is facing. Thus, they aim at the functional dynamics of societies; but it seems unlikely that the analytical partial theories – no matter whether these start from the functional aspects of the arguing, interaction modes, or the difference between policy arenas and forum – can build up a macro-theory. This seems to suggest reflexive governance (Voß *et al.*, 2006). Why then does

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[8]Its revenues lowered the contributions to the German pension scheme.

international politics not get lost in the potential indeterminacy of political advice?

Dematerialisation as an Idea in the EU: the Resource Strategy

There are several environmental policies at EU-level that have been inspired and guided by the idea of ecological modernisation to dematerialise economic growth. The idea has already provided the background for several environmental policies at EU-level. These regulations, e.g. RoHS - and WEEE-directive, are already tackling unsustainable material flows. The idea has even gone beyond environmental policy by integrating it into innovation policy; e.g. the Integrated Product Policy (IPP: 2001) and the Action Plan for Environmental Technologies (ETAP: 2004). Still, an independent strategy was set up to cope with the increasing resource flows of the EU.

In preparation of the 6 EAP, the European Commission has requested a number of experts to give their views on the issue of resource management, to explain fundamental concepts, and to provide suggestions for appropriate measures to improve resource efficiency[9]. These documents reveal an unbiased access to the positions of resource and ecological economics. Still, there is a notable dominance of material-flow accounting concepts, which could be said to be self-evident. However, the requested concepts went beyond the frame of resource economics in that they had to address the economies metabolism with nature.

The 6th EAP, which outlines the environmental policy priorities of the EU until 2010, was adopted in 2002. It demands an estimate of materials and waste streams in the Community including imports and exports by using the instrument of material flow analysis. A review of the efficiency of policy measures and the impact of subsidies relating to natural resources and waste; establishment of goals and targets for resource-efficiency and the diminished use of resources, decoupling the link between growth and negative environmental impact; promotion of

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[9]A study exploring the basic methods of material flow analysis was commissioned to GUA (Austria) to provide the basis for discussion at an expert workshop held on 13th July 2000. A second expert workshop was held on 11th October 2001. It drew on a study by COWI (Denmark), in which different views were presented on what should/could be done to promote sustainable resources use.

extraction and production methods and techniques to encourage eco-efficiency and the sustainable use of raw materials, energy, water and other resources; development and implementation of a broad range of market-based and economic instruments including research, technology transfer, programs of best practice and indicators of resource efficiency.

In October 2003, the European Commission adopted a Communication with the title 'Towards a Thematic Strategy on the Sustainable Use of Natural Resources' (CEC, 2003, pg. 572, final). The Communication confirmed the need for a future Strategy on Sustainable Use of Natural Resources that would set up "a framework for using resources, which supports the objectives of the Lisbon strategy and the EU's sustainable development strategy. [...] Although it sets out basic ideas on how the EU should target its efforts to reduce the environmental impacts of resource use, it does not actually propose specific measures to this end." (ibid: 4) These are proclaimed for the final strategy. Given that the Lisbon strategy aims at an annual economic growth rate of 3% it appears clear that strict targets are needed to succeed in delinking growth from environmental degradation or to even dematerialise growth and turn production and consumption sustainable.

The EU finally adopted the resource strategy in 2005 (CEC, 2003, pg. 670, final). The resource strategy is now one of the seven thematic strategies of the 6th Environment Action Plan. Again, the strategy aims to "reduce the negative environmental impacts generated by the use of natural resources and a growing economy - a concept referred to as decoupling." (ibid: 5) However, it does not provide quantitative targets for resource efficiency and for diminishing the use of resources as prescribed by the Sixth Environmental Action Program. It does not even state whether decoupling refers to relative or absolute decoupling (dematerialisation) and it leaves environmental policy basically as it is and avoids setting binding reduction aims.

The regulatory aspirations have shrunk to building on existing and emerging EU environmental policies guided by MFA and to provide a bracket for these. Apart from the EU policies several member states have gained and are gaining experience with new policy approaches informed by material- and energy-efficiency targets. Germany is currently preparing for a national resource-efficiency strategy as a core element of sustainability (http://www.ressourcenproduktivitaet.de/1/

index.php?main=8&call=Projektergebnisse). The waste policies of this fore-runner state as well as that of a laggard such as Great Britain have both been informed by MFA. Indeed, the generation of MFA-data to set-up environmental policy is part of the ongoing diffusion of environmental policy innovations.

To overcome specific problems such as lack of information the Commission is establishing a sound data base on internal and external resource flows of the European Union. This is even given priority over linking existing policies to the resource strategies. The inventory of material-related data will be due in 2008 while the actions needed to implement this strategy are said to be best taken at national level. The commission is pointing to the fact that with the exception of agriculture and fishery most natural resource policies do not fall under exclusive community competence (ibid.: 9). The member states are also taken to be responsible for education and training - including the wide area of consumer policies. It is proposed to the member states to develop national measures and programs in this regard.

From this we can conclude that the idea of resource-efficiency is taking on in different policy arenas and at different levels of the European governance system, although it has not yet been substantiated by over-arching targets. Only within some policy arenas, such as waste policy, specific flow-related targets have become statutory. However, though data problems with the aggregative nature of the macro-indicators may exist, the Commission has also abstained from targets in areas where the uncertainty is low. It is thus unclear how the sustainability strategy of the EU is going to be fulfilled given the political indeterminacy.

A fully developed resource strategy would suggest in part new policies, which must be integrated into existing ones. In doing so it will have to incorporate polices beyond current environmental policy integration and across economic sectors including consumption. To achieve such ambitious aims the resource strategy will at least need to effectively coordinate different EU policies. First of all in terms of horizontal coordination, that is between different DGs, but also in regard to the vertical coordination between the EU and its member states. In contrast to the potentially immense impact of any flow regulation, the idea of dematerialisation/ delinking has rather little public recognition either in the national state or the EU. This raises problems in regard to policy formulation and -implementation in the national states, which are supposed

to carry out the policies for that matter. In the absence of public attention organised interests in the member states may block policies challenging the status quo of today's resource use. The resource strategy of the EU, however, may offer a forum-like background for emerging resource-efficiency policies at the national level and the strategy may provide a quite robust backing for actors arguing for dematerialisation in discourses.

Conclusion

This paper has sought to show the relevance of Habermas' theoretical reasoning for governance theory. Drawing on discourse theory has two methodological implications for studying complex societies and politics: besides making use of discourse analytical methods and political partial theories to understand governance at the meso-level of explanation we should also utilise rational reconstructionism to grasp the epistemic dimension of society. The importance of knowledge particularly in environmental policy has been stressed by over and over again. While these usually relate knowledge directly to the political process the article argues for an indirect approach that on the one hand links to the public in the forum (and macro-theory) and on the other hand to ideas in politics and specific policy arenas. With regard to the later aspect the analytical idea approach allows to track scientific knowledge on its way to the political process. This has been shown in regard to the idea of ecological modernisation as a fore-runner of the resource strategy of the European Union. To become effective, this strategy will have to be retranslated into differentiated, existing policy arenas. The problems involved are more substantial than commonly thought – already at the theoretical level.

There are intrusive research questions surfacing from the social indeterminacy of the ecological-economics paradigm: Does the EU resource strategy, for instance, constitute a 'topical publicity' that may go beyond existing institutions and policy arenas of environmental modernisation following Eder/Trenz' functional hypothesis and Braun/Busch's analytical distinction? How does it feed back to different policy arenas established to manage resource flows (e.g. waste and renewable energy policy)? Are there links to national forums or to European governance structures? Will the existence of participatory approaches and methods

within ecological economics already suffice to ensure democratic participation in the governance for sustainability? It will in part be a matter of political scientific ingenuity to devise discursive designs to prevent failure of the resource strategy.

Bibliography

Benz, Arthur. 1997. Policies als erklärende Variable in der politischen Theorie. *Pages 303–322 of:* Benz, Arthur, & Seibel, Wolfgang (eds), *Theorieentwicklung in der Politikwissenschaft - eine Zwischenbilanz.* Baden-Baden: Nomos Verlagsgesellschaft.

Benz, Arthur. 2004. *Governance - Regieren in komplexen Regelsystemen: eine Einführung.* Wiesbaden: VS, Verl. für Sozialwiss.

Bleischwitz, Raimund, Latsch, Michael, & Andersen, Kristian Snorre. 2004. *Sustainable Development and Collective Learning: Theory and a European Case Study.* BEEP briefing no 7.

Braun, Dietmar. 1998. Der Einfluß von Ideen und Überzeugungssystemen auf die politische Problemlösung. *Politische Vierteljahresschrift*, **39**(4), 797–818.

Braun, Dietmar. 1999. Interests or Ideas? An Overview of Ideational Concepts in Public Policy Research. *Pages 11–29 of:* Braun, Dietmar, & Busch, Andreas (eds), *Public policy and political ideas.* Cheltenham: Elgar.

CEC, Commission of the European Communities. 2003. *Towards a Thematic Strategy on the Sustainable Use of Natural Resources.* COM, 2003, 572 final.

Costanza, Robert, Cumberland, John H., Daly, Herman E., Goodland, Robert James, & Norgaard, Richard B. 1997. *An introduction to ecological economics.* Boca Raton, Fla: St. Lucie Press.

Daniels, Peter L., & Moore, Stephen. 2002. Approaches for Quantifying the Metabolism of Physical Economies. *Journal of Industrial Ecology*, **5**(4), 69–93.

Dietz, Simone. 1993. *Lebenswelt und System: widerstreitende Ansätze in der Gesellschaftstheorie von Jürgen Habermas.* Würzburg: Königshausen Neumann.

EC, (European Commission) – DG Environment. 2002a. *A Study to Support the Development of a Thematic Community Strategy on the Sustainable Use of Resources.*

EC, (European Commission) – DG Environment. 2002b. *Towards a European Strategy for the Sustainable Use of Natural Resources.* Discussion Paper of the Stakeholder Meeting.

Eder, Klaus. 1998. Gibt es den Regenmacher? Vom Nutzen des Konstruktivismus in der soziologischen Analyse der Natur. *Pages 97–115 of: Soziologie und Natur. Theoretische Perspektiven.* Opladen: Westdeutscher Verlag.

Eder, Klaus, & Trenz, Hans-Jörg. 2004. The democratising dynamics of an European public sphere. Towards a theory of democratic functionalism. *European Journal of Social Theory*, **7**, 5–25.

Eriksen, Erik Oddvar. 2007. Deliberation und demokratische Legitimität in der EU. *Pages 294–320 of:* Niesen, Peter, & Herborth, Benjamin (eds), *Anarchie der kommunikativen Freiheit: Jürgen Habermas und die Theorie der internationalen Politik.* Frankfurt am Main: Suhrkamp.

Fischer, Frank. 2003. *Reframing public policy: discursive politics and deliberative practices.* Oxford: Oxford Univ. Press.

Fleck, Ludwik. 1979. *Genesis and Development of a Scientific Fact.* Chicago: University of Chicago Press.

Haas, Peter M. 2004. When does power listen to truth? A constructivist approach to the policy process. *Journal of European Public Policy*, **11**(4), 569–592.

Habermas, Jürgen. 1984. *The theory of communicative action.* Boston: Beacon Press.

Habermas, Jürgen. 1990. *Moral consciousness and communicative action.* Cambridge: Polity.

Habermas, Jürgen. 1999. *Between facts and norms: contributions to a discourse theory of law and democracy.* Cambridge, Mass: MIT Press.

Habermas, Jürgen, & Fultner, Barbara. 2003. *Truth and justification.* Cambridge, Mass: MIT Press.

Hajer, Maarten A. 1995. *The Politics of Environmental Discourse. Ecological Modernization and the Policy Process.* Oxford: Clarendon Press.

Hajer, Maarten A. 2003. Policy without Polity? Policy Analysis and the Institutional Void. *Policy Science*, **36**(2), 175–195.

Heiskanen, Eva. 2001. Institutionalization of Life-Cycle Thinking in the Everyday Discourse of Market Actors. *Journal of Industrial Ecology*, **4**(4), 31–45.

Hemerijck, Anton, & van Kees Kersbergen. 1999. Negotiated Policy Change: Towards a Theory of Institutional Learning in Tightly Coupled Welfare States. *Pages 168–185 of:* Braun, Dietmar, & Busch, Andreas (eds), *Public policy and political ideas.* Cheltenham: Elgar.

Herborth, Benjamin. 2007. Verständigung verstehen. *Pages 147–172 of:* Niesen, Peter, & Herborth, Benjamin (eds), *Anarchie der kommunikativen Freiheit: Jürgen Habermas und die Theorie der internationalen Politik.* Frankfurt am Main: Suhrkamp.

Hertwich, E.G. 2005. Life cycle approaches to sustainable consumption: A critical review. *Environmental Science and Technology*, **39**(13), 4673–4684.

Huber, J. 2000. Towards industrial ecology: Sustainable development as a concept of ecological modernization. *Journal of Environmental Policy and Planning*, **2**(4), 269–285.

Illge, Lydia, & Schwarze, Reimund. 2006. *A matter of opinion: how ecological and neoclassical environmental economists think about sustainability and economics.*

Jänicke, Martin. 1990. *State failure: the impotence of politics in industrial society.* University Park, PA: Pennsylvania State University Press.

Jänicke, Martin, & Jacobs, Klaus. 2005. Ecological modernisation and the creation of lead markets. *Pages 175–193 of:* Weber, Matthias, & Hemmelskamp, Jens (eds), *Towards environmental innovation systems.* Berlin: Springer.

Jänicke, Martin, *et al.* 1987. *Improving environmental quality through structural change: a survey of 31 countries.* Berlin: Wissenschaftszentrum Berlin für Sozialforschung.

Kern, Kristine, Jörgens, Helge, & Jänicke, Martin. 2001. *The diffusion of environmental policy innovations: a contribution to the globalisation of environment policy.* Berlin: WZB.

Kieserling, André. 2000. Zwischen Soziologie und Philosophie: Über Jürgen Habermas. *Pages 23–42 of:* Müller-Doohm, Stefan (ed), *Das Interesse der Vernunft: Rückblicke auf das Werk von Jürgen Habermas seit "Erkenntnis und Interesse".* Frankfurt am Main: Suhrkamp.

Kingdon, John W. 1995. *Agendas, alternatives, and public policies.* New York, NY: HarperCollins College Publ.

Kirchgässner, Gebhard, & Pommerhehne, Werner W. 1993. Low-cost Decisions as a Challenge to Public Choice. *Public choice*, **77**, 107–115.

Kuhn, Thomas S. 1962. *The structure of scientific revolutions.* Chicago, Ill.: Univ. of Chicago Press.

Lange, Stefan, & Schimank, Uwe. 2004. *Governance und gesellschaftliche Integration.* Wiesbaden: VS, Verl. für Sozialwiss.

Ma, Chunbo, & Stern, David I. 2006. Environmental and ecological economics: A citation analysis. *Ecological economics*, **58**(3), 491–506.

Majone, Giandomenico. 1992. *Ideas, interests and policy change.* San Domenico, FI: Europ. Univ. Inst., Florence, Dep. of Political and Social Sciences.

Martínez Alier, Juan, Schlüpmann, Klaus, *et al.* 1987. *Ecological economics: energy, environment and society.* Oxford: Blackwell.

Mayntz, Renate. 1999. Wissenschaft, Politik und die politischen Folgen kognitiver Ungewißheit. *Pages 30–45 of:* Gerhards, Jürgen, & Hitzler, Ronald (eds), *Eigenwilligkeit und Rationalität sozialer Prozesse: Festschrift zum 65. Geburtstag von Friedhelm Neidhardt.* Opladen: Westdt. Verl.

Mayntz, Renate. 2002. Zur Theoriefähigkeit makro-sozialer Analysen. *Pages 7–43 of:* Mayntz, Renate (ed), *Akteure, Mechanismen, Modelle - Zur Theoriefähigkeit makro-sozialer Analysen.* Frankfurt am Main: Campus-Verl.

Mayntz, Renate, & Scharpf, Fritz W. 1995. *Gesellschaftliche Selbststregelung und politische Steuerung.* Frankfurt am Main: Campus-Verl.

Miller, Max. 2006. *Dissens: zur Theorie diskursiven und systemischen Lernens.* Bielefeld: Transcript.

Norgaard, Richard B. 1994. *Development betrayed: the end of progress and a coevolutionary revisioning of the future.* London: Routledge.

Peters, Bernhard. 1997. *On public deliberation and public culture: reflections on the public sphere.* Bremen: InIIS-Arbeitspapier.

Pierre, Jon, & Peters, Brainard Guy. 2000. *Governance, politics and the state.* Basingstoke: Macmillan.

Radaelli, C. M. 1995. The role of knowledge in the policy process. *Journal of European Public Policy*, **2**(2), 159–183.

Sabatier, Paul A., & Jenkins-Smith, Hank C. 1993. *Policy change and learning: an advocacy coalition approach.* Boulder, Colo.: Westview Press.

Saretzki, Thomas. 1996. Wie unterscheidet sich Argumentieren und Verhandeln? Definitionsprobleme, funktional Bezüge und strukturelle Differenzen von zwei verschiedenen Kommunikationsmodi. *In:* Prittwitz, V.v. (ed), *Verhandeln und Argumentieren. Dialog, Interessen und Macht in der Umweltpolitik.* Opladen: Leske + Budrich Verl.

Saretzki, Thomas. 2007. Argumentieren, Verhandeln und Strategie. *In:* Niesen, Peter, & Herborth, Benjamin (eds), *Anarchie der kommunikativen Freiheit: Jürgen Habermas und die Theorie der internationalen Politik.* Frankfurt am Main: Suhrkamp.

Scharpf, Fritz W. 1997. *Games real actors play: actor-centred institutionalism in policy research.* Boulder, Colo.: Westview Press.

Schiller, Frank. 2007. *Der Diskurs über Nachhaltigkeit und die Rolle der ökologischen Ökonomie.* to be published in the conference reader of the Soziologentag 2007 in Kassel.

Schiller, Frank, & Tänzler, Dennis. 2004. *Dissent about Scientific Uncertainties: Implications in Policy Arenas.* Proceedings of the 2002 Berlin Conference on the Human Dimensions of Global Environmental Change - Knowledge for the Sustainability Transition. The Challenge for Social Sciences. Global Governance Project: Amsterdam, Berlin, Potsdam, Oldenburg, 184 – 192.

Schmidt, Vivien A. 2002. *The futures of European capitalism.* Oxford: Oxford Univ. Press.

Schmidt, Vivien A. 2003. How, where and when does discourse matter in small states' welfare state adjustment? *New political economy*, **8**(1), 127–146.

Seippel, Ø. 2000. Ecological modernization as a theoretical device: Strengths and weaknesses. *Journal of Environmental Policy and Planning*, **2**(4), 287–302.

Simonis, Udo E. 1984. *Preventive environmental policy: concept and data requirements.* Berlin: WZB.

Treib, O., Bähr, H., & Falkner, G. 2007. Modes of governance: Towards a conceptual clarification. *Journal of European Public Policy*, **14**(1), 1–20.

Ulbert, Cornelia, & Risse, Thomas. 2005. Deliberately Changing the Discourse: What Does Make Arguing Effective? *Acta Politica*, **40**, 351–367.

Viehöver, Willy. 2002. Verhandlungssysteme und Diskursanalyse. *Pages 85–170 of:* Brand, Karl-Werner, Göschl, Alexandra, Hartleitner, Bernhard, Kreibe, Siegfried, Pürschel, Christian, & Willy, Viehöver (eds), *Nachhaltigkeit und abfallpolitische Steuerung: der Umgang mit Kunststoffabfällen aus dem Verpackungsbereich.* Berlin: Analytica.

Voß, Jan-Peter, Bauknecht, Dierk, & Kemp, René. 2006. *Reflexive governance for sustainable development.* Cheltenham: Elgar.

Vowe, Gerhard. 1997. 'Auf der Suche nach dem 'Probierstein des Fürwahrhaltens'. Methodische Aspekte der Analyse von Handlungsorientierungen. *Pages 145–163 of:* Benz, Arthur, & Seibel, Wolfgang (eds), *Theorieentwicklung in der Politikwissenschaft - eine Zwischenbilanz.* Baden-Baden: Nomos Verlagsgesellschaft.

3 Discourse on legitimacy of forest and nature conservation policy in Finnish print media: framework for analysis and revised principles of democratic legitimacy

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Abstract Forest governance around the globe has been in transition from 'top down' or hierarchical approaches to new patterns of interaction, known broadly as 'policy networks'. The increasing number of institutions related to the latter type of governance underlines the importance of public discussion through which individual actors affect socially constituted, self-regulating mechanisms that create institutions and shape individual behaviour.

The objectives of this study are to: 1) test and refine conceptions of democratic legitimacy and corresponding research instruments that especially facilitate study of public support to forest regime and 2) develop further the conceptual framework of legitimacy in order to better understand different dimensions of legitimacy, especially democratic legitimacy, and their relations.

The overall structure of the study is as follows: section 2 analyses theoretical conceptions related to democratic legitimacy. The outcomes of section 2 are specifications concerning the structure of the legitimation statement; these are presented in section 3.2 and then applied in section 3.3. Section 3.1 describes the data. The analysis also suggests a reformulation of the framework of Hurrelmann *et al.* (2005a), presented in section 3.3. The empirical part of the study explores the print media discourse, based on the 'letters to the editor' in three newspapers and in one journal (n=547) and the comments received during the preparation of the Finnish National Forest Program (n=140). The empirical analysis depicts some of the most typical schemata found in the empirical data. The analysis also separates out a group of principles that are essential to the sovereign liberal democratic constitutional state and separates performance

evaluations into distinct dimensions because these are considered as conceptually different from the principles of 'core legitimacy'.

1. Background

1.1 Why are studies of legitimacy needed?

> *"Matti Peltola* [Managing Director of the Federation of Harvesting Enterprisers, 29.8.2003] *denies the environmental movement's right to demonstrations by saying that 'An organised society can not be ruled by the irresponsible extremist movements but has to set the limits for commonly accepted activities'. In western societies, the freedom to demonstrate has traditionally been understood as a generally accepted and important value that should not be undermined lightly. The stigmatising of nature conservation organisations as 'irresponsible extremist movements' reminds me of UN Secretary General Kofi Annan's important message: 'Terrorism* […] *is used increasingly as an excuse for demonising political opponents, for repression of free press, and for nullifying the justified demands for a change of social defects'. The criminalisation of demonstrations in forests represents exactly the same attitude. A balanced civil society will then be only a remote dream".*

> Sini Harkki, Forest Expert, Finnish Federation for Nature Conservation
> (a letter to the editor in Helsingin sanomat, 21.9.2003;
> translated by Rantala)

Forest governance around the globe has been in transition from 'top down' or hierarchical approaches to new patterns of interaction, known broadly as 'policy networks' (Glück *et al.*, 2005). These patterns include a wide range of new institutional arrangements, such as international forest processes, national forest programs and forest certification, and emphasise voluntary self-organisation of involved interest groups and devolution of power. A general understanding is that network governance has raised difficult questions of accountability, responsiveness, and effectiveness, and in general, the 'rules of the game' in a new situation. In other words, the new forms of forest governance pose challenges to the legitimacy of forest policy and forest regime that are by nature different from those of hierarchically-organised regimes.

The forest regime of today consists of the legally binding institutions, sanctioned by the court system, and non-legally binding 'soft' institutions that are in principle more voluntary and more open to interpretation. The increasing number of the latter type of institutions underlines the importance of public discussion in which "individual actors affect the discursive realm through the production of texts, as well as the processes through which discourses provide the socially constituted, self-regulating mechanisms that enact institutions and shape individual behaviour" (Phillips *et al.*, 2004).

The citation at the beginning, published in the 'letters to the editor' in the major newspaper of Finland, displays some of the main topics of this study. The stimulus for its writing was a legal reform concerning the limitation of public demonstrations in felling sites that was introduced in the National Parliament. Matti Peltola, a representative of the Federation of Harvesting Enterprisers, opened the discussion by defending the initiative. Several responses were given and among them was Sini Harkki's reply that is cited above. The text uses vocabulary that refers to political community ('organised society', 'western societies', 'civil society'), society's key institutions (laws ['criminalisation'] and 'free press'), the normative principles that are suggested to be acceptable or unacceptable ('commonly accepted activities', 'generally accepted and important value', 'rights', 'freedom', 'repression', 'irresponsibility', 'extremism', 'terrorism', and 'balance' of civil society) in the context of a broader value system ('western' societies). The key theme of the writing was to defend one form of public participation, namely demonstrations.

Apparently, the patterns of network governance are also reflected in the discourses on forest policies. More importantly, the analysis of political texts can reveal how discourses are linked to each other. In addition to the citation of Matti Peltola's text, the writing cites Kofi Annan's speech and also refers to the wider international community ('western societies'). The policy networks exist not only through physical face-to-face communication but also in the forms of public texts that are cited in other texts. Phillips *et al.* (2004) take this even further and claim that institutions are constructed primarily through the production, dissemination, and consumption of texts, rather than directly through actions. Furthermore, "actions may form the basis of institutionalised processes, but in being observed and interpreted, written or talked about, or depicted in some other way, actions generate texts" (ibid.).

1.2 The conception of legitimacy and the focus of this study

Political legitimacy can be understood as an umbrella term for a family of concepts (e.g., Searing *et al.*, 2004; Weatherford, 1992). Its central notion is the condition of being in accord with established principle. Thus, citizens usually accept official decisions when they believe they have been made in accord with generally accepted principles. Citizens accept these decisions because (and to the extent that) they accept the principles. The principles are open to constant change and adjustment of their meaning and importance and can be interpreted in different ways in different times and places (countries, cultures, subcultures) (Saward, 2003).

The general approach in this study is holistic in the sense that the overall framework (Hurrelmann *et al.*, 2005a,b) in which legitimacy is explored has been chosen for covering the widest range of the dimensions of legitimacy.

In general, the overall picture of legitimacy studies is that the concept of legitimacy is used narrowly and fragmentarily. Most studies have been limited to analysing two or only a few dimensions of legitimacy and even the key definitions of central theoretical concepts, such as the input and output dimensions of legitimacy, appear to differ significantly among theorists.

The narrow theoretical focus is fatal from the point of view of empirical studies because legitimacy evaluations in real life may not be limited to only a fixed number of categories (cf Hurrelmann *et al.*, 2005a). Therefore, explorative studies are needed. The narrow focus of frameworks is especially problematic in survey studies in which the observations are completely dependent on the theoretical concepts available, but also in qualitative, explorative studies: if some essential theoretical concepts are missing, this reduces the capability to make observations of potentially important phenomena. For these reasons, it seems that a wider framework on legitimacy would contribute to understanding the overall picture of legitimacy and also facilitate empirical studies (which, of course, always have to be more limited in their scope).

In this study, the legitimacy of forest regime is explored in the context of the overall framework by Hurrelmann *et al.* (2005a,b) but the analysis focuses especially on democratic legitimacy, both in the theoretical and

empirical parts. Democratic legitimacy can be defined preliminarily as support for the principles of democracy (see Linde & Ekman, 2003).

The objectives of this study are to: 1) test and refine conceptions of democratic legitimacy and corresponding research instruments that especially facilitate study of public support of forest regime and 2) develop further the conceptual framework of legitimacy in order to better understand different dimensions of legitimacy and their relations.

The empirical analysis presented below focuses more on defining some of the most typical schemata found in the empirical data rather than on a representative quantitative description of the distribution of positive or negative statements concerning certain institutions – these will be elaborated in forthcoming studies.

The overall structure of study is as follows: section 2 analyses theoretical conceptions related to democratic legitimacy. The outcomes of section 2 are specifications concerning the structure of the legitimation statement; these are presented in section 3.2 and then applied in section 3.3. Section 3.1 describes the data. The analysis also suggests a reformulation of the framework of Hurrelmann *et al.* (2005a), presented in section 3.3.

2. Theoretical conceptions

The analysis below draws from the following sources: Hurrelmann *et al.* (2005a,b) suggest a certain theoretical positioning and an empirical tool for the analysis of legitimation statements; these will be critically analysed by means of several distinctions that Norris (1999), Linde & Ekman (2003), and Saward (2003) have suggested. The conception of institution is used here mostly by following Scharpf (1997). Much of the examination is conceptual and analytical by nature but it is made hand in hand with empirical analysis and based on studies with much interest in empirically useful conceptions.

Hurrelmann *et al.* (2005a,b) provide several useful starting points for an empirical analysis of legitimacy. Following Barker (2001) and Beetham (1991), they begin with separation of normative (a priori) and empirical (a posteriori) legitimacy; the former means acceptability in the light of criteria provided by democratic theories or other strands of political philosophy and the latter refers to the factual acceptance of nation-state institutions among the population. They argue that these

two forms of legitimacy are not necessarily related and that normative criteria of democratic theories might be of limited relevance for citizens' attribution of legitimacy to their political system. As we will see later, the writers cited above (and also this study) have actually found many links with the key conceptions of democratic theories and empirical observations. However, the key point here is not to reject theories but to develop instruments for connecting theories and data. It is also important to note that an excessive commitment to theories may bias observations as, according to Hurrelmann *et al.* (2005a, pg. 3-4), may have happened in the case of legitimation crisis theories. Therefore, an exploratory empirical analysis should not be limited only to fixed categories but rather focus on the different forms of legitimation in different cultural and political contexts.

The starting point for empirical analysis is that a legitimation statement has the following structure: [Object A] is (il)legitimate because of [Pattern B]. In the vocabulary of Hurrelmann *et al.* (2005a, pg. 8-11), object of analysis refers to "the institutions and principles that are being legitimated or delegitimated". Their analysis is targeted to "particularly important objects at the core of national systems of government: the political system as a whole; political community (i.e. the nation and its citizenry); the dimensions and principles that characterise the modern western state in general (democracy, nation state, constitution/rule of law, welfare state, sovereignty/monopoly of legitimate coercion); types of democracy (parliamentary vs. presidential, representative vs. direct, etc.); specific institutions and branches of government (monarchy or republic, executive, legislature and judiciary), the electoral system, federalism/territorial organisation; and core groups of actors like the political class/elite, the party system, and the system of interest groups" Hurrelmann *et al.* (2005a, pg. 7). Statements about the legitimacy of sub national institutions, individual actors, and specific policies were omitted from their analysis. The classification of objects of legitimation seems to need further clarification. Linde & Ekman (2003) have argued that the objects of political support are separated insufficiently in many empirical studies of democracy. The approach chosen here was developed by Pippa Norris (1999) who has widened David Easton's (Easton, 1965) three-fold distinction between different objects of support (political community, regime and authorities) into a five-dimensional category of political support. Norris distinguishes between five levels or

objects of support: the political community, regime principles, regime performance, regime institutions and political actors (see Table 1). The concept of support is understood as genuinely multidimensional and the different objects are treated as existing on a continuum; in Estonian terms, ranging from diffuse support (for the national community) to specific support (for particular political actors). Most democratic the-

Table 3.1: Objects of political support (Norris, 1999, cited from Linde & Ekman (2003, pg. 393-394)), simplified. (*) added by author.

OBJECTS	TYPE OF SUPPORT
THE POLITICAL COMMUNITY	A basic attachment to the nation beyond the present institutions of government and a general willingness to cooperate together politically.
REGIME PRINCIPLES	Support for 'democracy' as a principle or an ideal (i.e., as the most appropriate form of government).
REGIME PERFORMANCE	Support for how the [(*) *democratic system as a whole or institutions or actors of the*] democratic political system functions in practice.
REGIME INSTITUTIONS	Attitudes toward governments, parliaments, the executive, the legal system and police, the state bureaucracy, political parties and the military. Support for institutions rather than persons (e.g., support for the presidency as an institution rather than support for George W. Bush as president).
POLITICAL ACTORS	Specific support for political actors or authorities.

orising is based on the varying sets of aprioristic principles of democracy, e.g., political equality, inclusion, expressive freedom, and transparency, which are tied to each other with mutual references and implications (Saward, 2003, pg. 162-166). The principles form a basis for

conceptions of democracy: "A common approach is deductive: equality, for example, can be deduced from a deeper religious (or contractarian) foundation, and in turn institutions and practices can be deduced from the principle" (Saward, 2003, pg. 163). Respectively, the evaluations of existing democratic institutions are based on principles of democracy. In addition to trust in the democratic system as a whole, one may speak about trust in particular democratic institutions, such as parliaments and elected governments (Grönlund & Setälä, 2004).

Theorising about institutions uses varying definitions: political scientists have traditionally focused on formal institutions (such as laws and other sanctioned rules and their implementation) while sociologists have operated with wider definitions of institutions that include not only formal rules but also more or less informal social norms (see Rothstein, 1998; Hall & Taylor, 1996). Following Scharpf (1997, pg. 38-43), institutions are defined here as "system of rules that structure the courses of action the actors may choose". Furthermore, "this system includes not only the norms that are sanctioned by the court system and machinery of state but also social norms that actors will generally respect and whose violation will be sanctioned by loss of reputation, social disapproval and withdrawal of cooperation and rewards". In other words, institutions include both the formal and informal institutions that are relevant to strategic political activities. According to Scharpf (1997) the actors "depend on socially constructed rules to orient their actions in otherwise chaotic environments and because, if they in fact perform this function, these rules must be 'common knowledge' among the actors and hence relatively accessible to researchers as well." Phillips *et al.* (2004) maintain that institutions are constructed through public discourse, to a large extent through production of texts that are visible and are cited in other texts.

According to Hurrelmann *et al.* (2005a, pg. 8) "a legitimation statement may either be generic, i.e. the object of legitimation is evaluated as legitimate or illegitimate without further justification, or it may refer to a specific pattern of legitimation" which is "substantive criteria a speaker relies on when affirming or casting doubt on the legitimacy of an object." In this definition, the conception of 'pattern' needs further scrutiny. Their empirical findings, presented in Table 2, will clarify the meaning of their conception of 'pattern' in detail.

In their framework, the patterns of legitimacy are cross-tabulated

into a two-dimensional table. The first dimension is formed according to Fritz Scharpf's (Scharpf, 1997, pg. 153-155) dichotomy of input and output legitimacy, and the second consists of democratic and non-democratic legitimacy. An input-oriented pattern refers to "the process of decision-making, in particular to the actors involved and the procedures followed" and an output-oriented one refers to "the results of the process, their quality and consequences" (note that these definitions differ from those of Scharpf, 1999). Patterns of legitimation referring to decision-making processes or political outputs that are essential to the implementation of such a system are classified as democratic; they also make reference standard definitions of democracy. Not surprisingly, the non-democratic patterns are the ones that do not fit in the class of democratic ones.

In the legitimation statement, the concept of 'pattern' that is used as justification of the object appears to actually be relatively close to the conception of democratic principle. Furthermore, the definition of objects of legitimation (Hurrelmann *et al.*, 2005a, pg. 7) presented earlier mentions democracy as one of the "dimensions and principles that characterise the modern western state in general" and again in the form of "types of democracy (parliamentary v. presidential, representative v. direct, etc.)". Can the democratic principles be used as justification of other democratic principles (or 'dimensions' or 'types of democracy')? The argument would be probably become more understandable if the democratic principle as object of legitimation could be understood as a general form of democratic governance with clearer reference to existing western states[1] and which is justified by the democratic principles (the 'patterns' of democratic legitimation presented in Table 2). The 'types of democracy' can be more easily understood as existing institutions that can be evaluated by the 'patterns' (which in my opinion should rather be

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[1] In fact, Linde & Ekman (2003, pg. 393-394) defend the operationalisation of democracy as a regime principle (democracy as a principle or an ideal, i.e., as the most appropriate form of government, see Table 1), with a wording that refers more to existing institutional order: "Our current system of government is not the only one that this country has had. Some people say that we would be better off if the country was governed differently. What do you think? [alternatives]." The respondents are then presented with a number of alternatives: "we should return to communist rule"; "the army should govern the country"; "best to get rid of parliament and elections and have a strong leader who can decide things quickly" or "return to monarchy". The respondents also have the opportunity to reject all non-democratic alternatives.

Table 3.2: Patterns of legitimation (Hurrelmann et al. 2005a: 9).

	DEMOCRATIC	NON-DEMOCRATIC
Political processes – INPUT	*popular sovereignty* – all power resides in the citizens	*charismatic leadership* – strong personal leadership
	accountability – rulers can be controlled and removed	*expertocratic leadership* – leadership by experts
	participation – citizens can actively contribute to decisions	*religious authority* – political processes follow religious principles
	legality – domestic legal rules are respected	*tradition* – political processes follow traditional rules and customs
	international legality – international legal rules are respected	*moderation* – political style is conciliatory and non-aggressive
	transparency – political processes are public and accessible	
	credibility – political processes conform to stated objectives, no hidden agenda	
	deliberation – political processes are based on a rational exchange of arguments	

called 'principles'). Furthermore, we can now see that the approach of Hurrelmann *et al.* (2005a) defines the objects of the legitimation statement as 'institutions and principles' but actually includes also the conception of political community ('the nation and its citizenry'). In general, it seems to be that the definitions of these conceptions could be spelled out a bit more explicitly in many studies – several propositions for this will be given in section 3.3.

Table 2: Patterns of legitimation (continued from previous page)

	DEMOCRATIC	NON-DEMOCRATIC
Political results – OUTPUT	*protection of human rights* – individual and political rights are guaranteed	*effectiveness* – solution to common problems
	democratic empowerment – material and cognitive conditions of meaningful participation are guaranteed	*efficiency* – political results are cost effective, not wasteful
	contribution to public good – political results serve the population as a whole	*distributive justice* – equal distribution of resources and burdens
	reversibility – political results are not irrevocable	*contribution to stability* – enhancement of political stability
		contribution to identity – political results reflect or enhance the political community's sense of identity
		contribution to morality – political results conform with moral standards
		contribution to sovereignty – enhancement of a polity's autonomy, capacity, power, or interest
		good international standing – enhancement of a polity's status in the international sphere

3. Results

3.1 Research questions, data, and procedure of analysis

The research questions are: What principles of legitimacy do citizens use in their evaluations of current forest regime? How should these prin-

ciples and other dimensions of legitimacy be classified into a coherent theoretical framework?

The study explores the print media discourse, based on 'letters to the editor' in three newspapers and in one journal; these are supplemented with comments received during the preparation of the Finnish National Forest Program. So far, 687 relevant texts have been analysed.

Of the newspapers studied, Turun sanomat (n=158 during 1999-2004) is a middle-sized newspaper published in the third largest city of the country. Helsingin sanomat (n=181 during 2002-2004) is the largest newspaper in Finland, Maaseudun tulevaisuus (n=185 during 2003-2004) is a newspaper published by the Central Union of Agricultural Producers and Forest Owners (MTK), and Vihreä lanka (n=23 during 1998-2004) is the weekly journal of the Green League of Finland; all of these are published in Helsinki, the capital of Finland. Helsingin sanomat (circulation 422,000) reaches 25% of Finns and 66% of the population of the Helsinki region, and the audience of Turun sanomat (circulation 112,000) represents most social groups in southwestern Finland (Mediatiedot, 2005). Maaseudun tulevaisuus (circulation 82,000) represents especially the rural population of Finland Maaseudun (2005). Vihreä lanka is a small party journal with a circulation of 4000. These data sets were supplemented with comments received during the preparation of the Finnish National Forest Program (FNFP, 1999) (N=140 during 1998).

The data included texts written by laymen, officials who represent public administration, and representatives of organised interest groups (Table 3). A layman as used here denotes that the writer used only his or her own name or a pseudonym with no reference to organisations, companies, etc. In the first stage, the data included all texts that expressed any argument concerning forest use or forest-related policies. In the preliminary analysis, it became evident that the texts were related to a number of activities in different public policy sectors. The activities of people are definitely not limited to a certain sector of policy with a limited scope. Instead, the texts deal with a great number of things that occur simultaneously in people's lives or are connected in their mental representations and which may have relatively little to do with forests or forest-related policies.

The selected data of 687 writings consisted of those texts that included a clear reference to forest use or conservation as well as those involved in forest policy or forest-related nature conservation policy.

Texts related to urban areas, such as urban parks and suburban forests (governed by local decision-making), were rejected but texts referring to recreational use of the non-urban forests were included. The arguments that referred to forest and nature conservation policies or activities that are controlled by policies were included. The data also incorporated the arguments referring to the activities of administrative officials and the principles they apply. Many of the texts also evaluated the goals and activities of informal interest groups and political parties as well as their representatives; all these were set aside at this stage of analysis. The arguments discussing the general principles of political participation were included in the data but those referring to the informational authorities were excluded at this stage.

The analysis followed the principles of analytic induction (e.g., Koskinen *et al.*, 2005, pg. 233-241). The coding was done with *Atlas.ti 4.2*. The first stage of analysis started with preliminary coding of a data subset of 50 texts. The unit of analysis was an evaluative statement but this was interpreted by considering its meanings as a part of the whole writing. The coded quotations varied from one sentence to almost an entire writing. In the next step, the evaluative arguments were classified into categories and named according to different principles of legitimacy that were found in the data. After reaching the end of all the data, the coding was restarted from the beginning of the data in order to search for evaluations that belonged to the new categories found during the analysis. The classification was gradually developed during the analysis of main data into 230 categories. At the final stage of analysis, these categories were grouped into clusters ('families') according to connections found between the categories and some of the most frequently used examples were selected for the demonstration of arguments.

3.2 Legitimation statement with specifications

The empirical analysis uses the legitimation statement defined by Hurrelmann *et al.* (2005a); however, some corrections have been made following the theoretical analysis in section 2 and experiments with empirical analysis. The legitimation statement has the following structure:

[Object A] is (il)legitimate because of [Pattern B]

where the 'object' is some real-life institution; in the context of this study it refers to democratic institutions (formal or informal). The formal institutions include, e.g., the national parliament, government and participatory processes as well as their outcomes.

The informal institutions include conceptions of good customs and practices that actors will generally respect and whose violation may be sanctioned by loss of reputation, social disapproval and withdrawal of cooperation and rewards, especially those that are relevant to strategic political activities.

In this context, the 'pattern' refers primarily to democratic principles that are used in the legitimation of existing institutions. The principles are abstract and ideal by nature, and socially constructed and continually redefined.

The analysis separates a group of principles that are essential to the sovereign liberal democratic constitutional state into a distinct dimension. These principles include, e.g., popular sovereignty, equality, freedom and other human rights, legality, and contribution to public good, which are considered to be more constitutive by nature than other principles related to democracy. The performance is also separated into a distinct dimension because the evaluations of real-life institutions appear in every case to be related to performance. These separations will be further clarified in section 3.3.

The empirical analysis suggests that institutions can also be legitimised through other institutions, in most cases through the supreme institutions. For example, the key institutions of forest regime, such as forest legislation and the National Forest Program are legitimised through national legislation and the EU's institutions and international institutions that are considered supreme in rank or authority. Furthermore, the supreme institutions can be legitimised through democratic or extra-democratic principles.

3.3 Empirical findings: examples of arguments and the revision of the theoretical framework

In general, the purpose of this section is 1) to demonstrate different forms of arguments related to democratic legitimacy that are used in real-life legitimation and illegitimation concerning the forest regime, 2)

to give examples of different principles of democratic legitimacy, and 3) to facilitate modifications in the general framework of legitimacy.

The examples and their translations – the arguments that are converted in the form of legitimation statements – are presented in Tables 4, 5, 6, and 7. The examples and the revised framework are further arranged by separating more dimensions (Tables 8, 9, 10, 11, and 12; for Tables 4-12 see the Annex A).

The general principles related to the "sovereign liberal democratic constitutional state" that are considered as supreme and/or covering relatively much of the legitimacy's field in general are separated into their own dimension. The input dimension has been divided into two dimensions, namely a new input dimension (who decides? and a throughput dimension (how decisions are made?). The non-democratic dimension is renamed as extra-democratic dimension because it apparently includes both factors that are contradictory to democracy and factors that are neutral or parallel to democracy[2]. The performance (Table 12) is considered as a separate dimension as well because it appears to be related to all democratic and extra-democratic dimensions of legitimacy – apparently the performance evaluation always uses some principle when the performance of any kind of institution is evaluated (how do the institutions work 'in practice'?). The framework is not considered to be definitive and finished in any sense but rather a demonstration of how difficult is it to separate the principles into watertight categories.

The examples are presented as follows: 1) The general principles related to the 'sovereign liberal democratic constitutional state' (Table 4), 2) The input characteristics of political process (Table 5), 3) The throughput characteristics of political processes (Table 6), and 4) The output characteristics of political results (Table 7). In practice, many of the arguments use principles from several categories.

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[2]The term extra-democratic was proposed by Peter Schlyter in the NESS workshop.

Table 3.3: The distribution of the laymen, officials of public administration, and representatives of organised interest groups in the data, and the frequency of texts that include democracy-related arguments, %.

	Turun sanomat	Maaseudun tulevaisuus	Vihreä lanka	Helsingin sanomat	National-Fores-Programm	% of all writers
Laymen	94	128	-	71	14	45
Officials, forestry	2	4	1	11	26	6
Officials, nature conservation	1	2	-	5	5	2
Forest industry	2	1	1	1	1	1
Organisations of land-owners	5	7	2	1	9	3
Nature conservation organisations	14	13	11	31	24	14

Table 3: continued from previous page

	Turun sanomat	Maaseudun tulevaisuus	Vihreä lanka	Helsingin sanomat	National-Fores-Programm	% of all writers
Researchers	5	7	1	42	21	11
Professional organisations	-	2	-	1	6	1
Politicians	24	15	3	9	3	8
Other officials, organisations, and companies	11	6	4	9	31	9
TOTAL	**158**	**185**	**23**	**181**	**140**	**100**
Democracy-related arguments, %	43	37	83	57	29	44

Acknowledgements

Bibliography

Barker, R. 2001. *Legitimating Identities: The Self-Presentation of Rulers and Subjects.* Cambridge: Cambridge University Press.

Beetham, D. 1991. *The Legitimation of Power.* Houndsmills: Macmillan.

Easton, D. 1965. *A Systems Analysis of Political Life.* New York: John Wiley.

Glück, P., Rayner, J., & Cashore, B. 2005. Changes in the governance of forest resources. *In:* Mery, G., Alfaro, R., Kanninen, M., & Lobovikov, M. (eds), *Forests in the global balance – Changing paradigms.* IUFRO World Series Vol. 17.

Grönlund, K., & Setälä, M. 2004. *Low Electoral Turnout: An Indication of a Legitimacy Deficit.* A paper prepared for presentation at the ECPR Joint Sessions of Workshops, Uppsala, 13-18 April 2004.

Hall, P.A., & Taylor, R.C.R. 1996. *Political Science and the Three New Institutionalisms.* Political Studies XLIV.

Hurrelmann, A., Krell-Laluhová, Z., & Schneider, S. 2005a. *Mapping Legitimacy Discourses in Democratic Nation States: Great Britain, Switzerland, and the United States Compared.* TranState Working Papers No. 24.

Hurrelmann, A., Krell-Laluhov, Z., Lhotta, R., Nullmeier, F., & Schneider, S. 2005b. Is there legitimacy crisis of the nation state? *European Review*, **13**(1), 119–137.

Koskinen, I., Alasuutari, P., & Peltonen, T. 2005. *Laadulliset menetelmät kauppatieteissä.* Tampere: Vastapaino.

Linde, J., & Ekman, J. 2003. Satisfaction with democracy: A note on a frequently used indicator in comparative politics. *European Journal of Political Research*, **42**, 391–408.

Maaseudun. 2005. *tulevaisuuden tutkimustiedot.* http://www. maaseuduntulevaisuus.fi Accessed in 19 May 2005.

Mediatiedot. 2005. *Turun sanomat.* http://www.turunsanomat.fi/ mediakortti/pdf/mediatiedotjahinnat2005.pdf Accessed in 19 May 2005.

Norris, P. 1999. The growth of critical citizens? *In:* Norris, P. (ed), *Critical citizens: Global support for democratic governance.* Oxford University Press.

Phillips, N., Lawrence, T.B., & Hardy, C. 2004. Discourse and institutions. *Academy of Management Review*, **29**(4), 635–652.

Rothstein, B. 1998. Political institutions: An overview. *In:* Goodin, R., & Klingemann, H.-D. (eds), *A New Handbook of Political Science.* Oxford: Oxford University Press.

Saward, M. 2003. Enacting Democracy. *Political Studies*, **51**, 161–179.

Scharpf, F.W. 1997. *Games real actors play: actor-centered institutionalism in policy research.* Jackson: Westview Press.

Searing, D.D., Conover, P.J., Crewe, I., & Solt, F. 2004. *Studying everyday political talk in the deliberative system: does democratic discussion make better citizens?* Paper presented at the Conference on 'Empirical Approaches to Deliberative Politics' European University Institute, Swiss Chair. Firenze. 21-22 May 2004.

Weatherford, M.S. 1992. Measuring Political Legitimacy. *American Political Science Review*, **86**(1).

Annex A

Table 3.4: General principles related to the 'sovereign liberal democratic constitutional state': popular sovereignty, equality, freedom and other human rights, property rights, and independence of judiciary

Examples from data	Translations
It is clear that forest owners have to be treated equally in all parts of country. This is a key task in the law enforcement of Forest Centers.	The law enforcement of Forest Centers [Object] is legitimate because forest owners are treated equally in all parts of the country [principle: *equality*].
The forest legislation weakens opportunities for livelihood and provides the potential for forest and nature conservation officials to consider and sometimes arbitrarily decide how the forest owner can be treated. […] According to the Constitution the power belongs completely to citizens and this is an inalienable right. Now the power has been removed from the citizens for whom the system was created.	The forest legislation [Object] is illegitimate because it weakens opportunities for livelihood [principle: *right to pursue welfare*] and because provides the potential for forest and nature conservation officials to consider and sometimes arbitrarily decide how the forest owner can be treated [principle: *no arbitrariness /despotism*] and because power belongs completely to citizens and this is an inalienable right [principle: *popular sovereignty as inalienable right / constitutional rights of liberal democracy*; supreme institution: *the Constitution*].
No governmental body is specified as responsible for giving legally binding interpretations of section 49 of the Nature Conservation Act. This threatens compensation and it is against the Constitution, which guarantees the protection of private property.	The Nature Conservation Act [Object] is illegitimate because it threatens compensation of nature conservation [principle: *property rights, right to fair compensation, constitutional rights of liberal democracy*; supreme institution: *the Constitution*] and because no governmental body is specified as responsible for giving binding interpretations [principle: *no arbitrariness /despotism*].

Table 3.5: Input characteristics of political process: accountability, participation, transparency, democratic empowerment, and no preconditions in agenda setting.

EXAMPLES FROM DATA	TRANSLATIONS
The Ministry of Agriculture and Forestry appears to operate completely isolated from civil society. This situation will be the same as long as nobody is politically responsible for the activities of the ministry.	The activities of the Ministry of Agriculture and Forestry [Object] are illegitimate because it operates isolated from civil society [principle: *participation*] and because nobody is politically responsible [principle: *accountability / responsibility*].
In western societies, freedom for demonstrations [in felling sites] has traditionally been understood as a generally accepted and important value, which should not be undermined lightly.	The demonstrations in felling sites [Object] are legitimate because of having traditionally been understood as a generally accepted and important value in western societies [principles: *right to participate, freedom of expression, freedom in general*].
The National Forest Program is a process which develops the cooperation of all parties and which is characterised by openness and comprehensiveness	The National Forest Program [Object] is legitimate because it develops the cooperation of all parties [principle: *cooperation*] and because it is characterised by openness [principle: *openness*] and because it is characterised by comprehensiveness [principle: *comprehensiveness*].
The working group [for new natural conservation programs] has a senseless precondition: new financing for it will be given only after 2007.	The working group for natural conservation [Object] is illegitimate because it has a senseless precondition: new financing for it will be given only after 2007 [principle: *no preconditions in agenda-setting*].

Table 3.6: Throughput characteristics of political processes: credibility and deliberation

Examples from data	Translations
This [the public hearings of the National Forest Program] could have been a triumph of democracy in our country if the major lines of the program had not apparently been nailed down before starting public participation rounds.	The National Forest Program [Object] is illegitimate because the major lines of the program were apparently nailed down before starting public participation rounds [principle: *no hidden agenda*]. The public hearings of the National Forest Program are legitimate because of the public participation [principles: *public participation and democracy in general*].

Table 3.7: Output characteristics of political results: consensus, commitment, and trust

Examples from data	Translations
The Nature Conservation Association claims that the majority of the power [in the PECF certification committee] has been reserved for forest actors. This is completely untrue claim: all willing parties have always been invited, especially the environmental organisations. No majority has been reserved to any party and the goal of the decisions is consensus.	The PECF certification [Object] is legitimate because all willing parties have always been invited [principle: o*pen participation*] and because no majority has been reserved to any party [principle: *equality*] and because the goal of the decisions is consensus [principle: *consensus*].
The forestry actors have committed in the National Forest Program to conserve the threatened species and habitats in Southern Finland. No actor has wriggled out of that. If that is not enough [for the nature conservationists], what then is?	The conduct of forestry actors [Object] is legitimate because they have committed in promises given during the process of the National Forest Program [principle: *commitment*]. Indirect supposition: The conduct of nature conservationists [Object] is illegitimate because they do not trust in the commitment of forestry actors to process of the National Forest Program [principle: *trust*].

Table 3.7 – Continued

EXAMPLES FROM DATA	TRANSLATIONS
An explicit decision concerning the protection of biodiversity cannot be put off until 2007 but the conservation program has to be decided on immediately. Only then can the trust of environmental organisations be restored in the process of the National Forest Program and in Finland's genuine willingness to pursue ecological sustainability	The process of the National Forest Program [Object] is illegitimate because of lack of trust concerning the protection of biodiversity [principle: *trust*] and because of lack of trust in Finland's genuine willingness to pursue ecological sustainability [principle: *trust, ecological sustainability*] and because good international standing has to be pursued [principle: g*ood international standing, commitment to international environmental agreements*].

Table 3.8: Revised framework of principles of legitimacy. A-dimension: "supreme principles of the sovereign liberal democratic constitutional state"

A.	
Supreme principles of the sovereign liberal democratic constitutional state	*democracy* – as a general principle or an ideal that refers to many other principles above
	popular sovereignty – all power resides in the citizens
	equality – citizens are treated equally
	freedom and other human rights – individual and political rights are guaranteed
	property rights – rights related to ownership are guaranteed
	legality – domestic and international legal rules are respected
	independence of judiciary – political forces are not allowed to influence decision-making of courts
	contribution to public good – political results serve the population as a whole
	stability – enhancement of political stability
	identity – political results reflect or enhance the political community's sense of identity
	good international standing – enhancement of a polity's status in the international sphere

Table 3.9: Revised framework of principles of legitimacy. B-dimension: input legitimacy v. democratic and extra-democratic legitimacy

B.1	DEMOCRATIC	EXTRA-DEMOCRATIC
INPUT characteristics of political processes (who decides?)	*accountability* – rulers can be controlled and removed	*charismatic leadership* – strong personal leadership
	participation – citizens can actively contribute to decisions	*expertocratic leadership* – leadership by experts
	transparency – political processes are public and accessible	*religious authority* – political processes follow religious principles
	democratic empowerment – material and cognitive conditions of meaningful participation are guaranteed	*fanaticism / extremism*
	no preconditions in agenda – setting	*market-based or market-centered governance and globalisation*
		corporatism

Table 3.10: Revised framework of principles of legitimacy. B-dimension: through-put legitimacy v. democratic and extra-democratic legitimacy

B.2	DEMOCRATIC	EXTRA-DEMOCRATIC
THROUGHPUT characteristics of political processes (how decisions are made?)	*deliberation* – political processes are based on a rational exchange of arguments	*moderation* – political style is conciliatory and non-aggressive
	credibility political processes conform to stated objectives, no hidden agenda	*tradition* political processes follow traditional rules and customs

Table 3.11: Revised framework of principles of legitimacy. B-dimension: output legitimacy v. democratic and extra-democratic legitimacy

B.3			DEMOCRATIC	EXTRA-DEMOCRATIC
OUTPUT	characteristics of	political results	*consensus and compromise*: agreement on fairness of outcome	*effectiveness* – solution to common problems
			cooperation: improved cooperation	*efficiency* – political results are cost-effective, not wasteful
			commitment: collectively binding decisions	*distributive justice* – equal distribution of resources and burdens
			trust: participants trust government officials and each other	*reversibility* – political results are not irrevocable (and sustainability)

Table 3.12: Revised framework of principles of legitimacy. C-dimension: evaluations concerning the performance of actual institutions in practice.

C.	
OUTPUT	– Satisfaction with and support for performance of political system in practice: the overall evaluation and evaluation of different institutions
	– Public discussion, rational deliberation
	– Redefinitions and revisions of principles above as part of political system and as individuals
	– Evaluation based on observations
	– Always perceived by some actor or group: socially construed interpretatio
	– Strategic interpretations

4 Partnerships for Sustainable Development: Shifts in Discourses of Environment and Democracy (extended abstract)

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Partnerships for sustainable development are the Type II outcomes of the World Summit on Sustainable Development (WSSD), which was held in 2002 in Johannesburg. They were called Type II outcomes, as opposed to the international agreements (that in retro became Type I outcomes) which the summit failed to produce. These Type II outcomes were announced at the Summit, and the United Nations (UN) invited them to register with the secretariat of the Commission for Sustainable Development (CSD), a sub-committee of the UN Economic and Social Council. Five years after the WSSD there are 331 partnerships registered to the CSD, including partnerships that were launched at the Summit (which might or might not have been actualised or finalised) as well as those that have been established afterwards, and have applied for CSD registry (Bäckstrand & Lövbrand, 2006).

In order to critically analyse partnerships as institutions of environmental politics, this paper focuses on the prevailing discourses surrounding partnerships, without dismissing the political narratives employed in Johannesburg negotiations. The methods employed include ethnographic and qualitative elements, as well as text analyses. Semi-structured interviews (held with national delegates to the WSSD Process, UN representatives, partnering organisations and representatives of major groups), as well as observations and field notes are used as data. The texts that are analysed are UN documents resulting directly

or indirectly from the three environmental summits in Stockholm, Rio de Janeiro, and Johannesburg.

This paper is a study of the discourses that have constructed the concept of Type II partnerships, in their historical, political and institutional context. However, it does not account for institutions "as referring to trans-historical and objective laws of historical development, or […] as unified subjects or agents endowed with intrinsic interests and capacities", but as "discourses which, as a result of political and social practices, have become relatively practical and durable" (Howarth, 1995, pg. 132). If we think inversely, a successful discourse will almost always solidify into an institution, a process that has been called discourse institutionalisation (Hajer, 1993, pg. 46). Moreover, the more hegemonic a discourse becomes, the more it will dominate the way the world is conceptualised, the phenomena is understood, and the problems are defined, a process that has been called discourse structuration (Hajer, 1993, pg. 8-46). With this conceptualisation of institutions as 'sedimented discourses', I aim to reveal the larger frames of reference and the meta-narratives that might explain why and how institutions like partnerships for sustainable development have emerged (or sedimented) and how they have been legitimised (how the existing discourse of partnerships became hegemonic). Simultaneously, by means of referring to the problems and limitations of these meta-narratives, it may be possible to point to the restrictions and drawbacks that partnerships reflect in the area of international environmental politics.

To trace the dominance of discourses a post-structuralist analyses of political discourses is employed. Discourse theoretical concepts of Ernesto Laclau (Laclau & Mouffe, 2001; Laclau, 1996, 2004) and Chantal Mouffe (Mouffe, 1985, 2000, 2005) are generally applied to populist movements particularly in national contexts. Through stretching some of these concepts to the realm of international relations, where the polarising, antagonistic situation is rarely immediate and articulated it may be possible to reveal the extent to which struggles over meaning are as critical, and the dominance of one meaning (or demand) over the others are as prevalent. The notion of the *empty signifier*[1] is operationalised so as to establish the connection between language,

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[1]An empty is a signifier without a signified, but still retains its signifying function through giving systematicity to the whole, because it gives other elements their meaning by creating a chain of equivalence of meanings.

power, hegemony, institutions and discourses. Subsequently, if we follow Maarten Hajer's (Hajer, 2005, pg. 303) perception of discourses, the measure of how dominant a discourse is, would be based on the extent to which discourse structuration and discourse institutionalisation takes place. In other words, we can assess the extent to which a discourse is dominant, by searching an answer for two questions:

1. Through different actor's employment of the political strategies mentioned above does the discourse in question become a way of conceptualising the world?

2. Does it solidify into institutions and organisational practices?

Analysing the texts and speeches about CSD partnerships throughout their formalisation will therefore allow us to figure what sedimented and what was left out through which power struggles and to what level of dominance.

The official definition of partnerships by the UN fixes and delimits the nature and the sphere of partnerships. Regarding the nature of partnerships it is emphasised that:

1. They are voluntary agreements (as opposed to regulatory mechanisms)

2. They involve multi-stakeholder initiatives (as opposed to initiatives by state actors) Regarding the sphere of partnerships, it is stated that

3. They aim at implementation of intergovernmental commitments (as opposed to participation in the political processes where decision-making takes place on commitments)

4. They work on issues of sustainable development (as opposed to other issues that might be immediately relevant to the well-being of the environment, for instance war and peace, or human rights, etc.)

5. They act to implement intergovernmentally agreed sustainable development goals (as opposed to sustainable development goals that governments have not/not yet agreed on, or suggesting new goals e.g. closing down nuclear power plants)

Following from (2), (3) and (5), three starting points are selected for three specific analyses. The first one is the blurring of the public/private divide: Partnerships allow private (non-state, or non-public) actors to implement sustainable development goals, but decision-making power ultimately remains with the governments. Paradoxically, if the decision-making power is to remain with the nation states, the most conventional mechanism in international relations to reach the 'sustainable development goals' would be negotiating internationally binding agreements that rest on state regulation and enforcement. And yet, the voluntary nature of partnerships is highlighted in (1), instead of such binding regulations.

The standard UN explanation to both of these issues I regard as paradoxical, is the statement that sustainable development goals cannot be achieved without the involvement of all of the stakeholders (e. g. Report of the UNCED 1992: par.23.1).

Why would have, then, governments agreed to targets that they can neither reach on their own (through binding regulations enforced upon all stakeholders) nor include all stakeholders to the decision-making of (which indicates that there are conflicting interests of different stakeholders and little or no consensus among them)? This question would pose the third paradox this paper will address: It is the very idea of sustainable development that requires these apparent contradictions, which the post-1987 UN documents mention as 'universally agreed'. Sustainable development acts as an empty signifier that articulates a diversity of political demands, and around which actors with different and apparently conflicting interests can come together and cooperate. It is emptied of meaning so that each actor can interpret it according to their own perceived interests and requirements.

Bibliography

Bäckstrand, K., & Lövbrand, E. 2006. Planting trees to mitigate climate change. Contested discourses of ecological modernsiation, green governmentality and civic environmentalism. *Global Environmental Politics*, **6**(6), 50–75.

Hajer, M.A. 1993. Discourse Coalitions and the Institutionalization of Practice: The Case of Acid Rain. *In:* Fischer, F., & Forester,

J. (eds), *The Argumentative Turn in Policy Analysis and Planning*. Durham/London: Duke University Press.

Hajer, M.A. 2005. Coalitions, Practices, and Meaning in Environmental Politics: From Acid Rain to BSE. *In:* Howarth, D., & Torfing, J. (eds), *Discourse Theory in European Politics: Identity, Policy and Governance*. Basingstoke: Palgrave.

Howarth, D. 1995. Discourse theory. *In:* Marsh, & Stoker (eds), *Theory and Methods in Political Science*. Basingstoke: Macmillan.

Laclau, E. 1996. *Emancipation(s)*. London: Verso.

Laclau, E. 2004. *Ethics, Politics and Radical Democracy – Response to Simon Critchley*. Digital Source: http://culturemachine.tees.ac.uk/Cmach/Backissues/j004/Articles/laclau.htm Access Date: 17 July 2007.

Laclau, E., & Mouffe, C. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso.

Mouffe, C. 1985. *The democratic paradox*. London: Verso.

Mouffe, C. 2000. *Deliberative Democracy or Agonistic Pluralism*. December 2000, Reihe Politikwissenschaft, Political Science Series Institute for Advanced Studies (IHS).

Mouffe, C. 2005. *On the Political*. London: Routledge.

5 Symbolic Violence and Deliberation: Understanding Community Based Forest Management Programs in Nepal (extended abstract)

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Environmental governance in the third world countries is a complex phenomenon. In particular, policies and programs designed to facilitate participatory forest management have often overlooked this complexity and uncertainty (Colfer, 2005; McDougal *et al.*, 2007). As a result, they often fail to deliver the desired development outcomes like creating sustainable livelihood opportunities for the poor people living in the forested regions (Springate-Baginski & Blaikie, 2007). More recently, there is an increasing recognition that subtle relations of power and economy of cultural practices underlie the success or failure of a forest governance reform program (Ojha, 2006). Likewise, there is increasing recognition that deliberative processes are crucial for effective planning and implementation of participatory forest management programs. In this context, this paper develops a framework to understand political interaction among forest governance actors, and explore the possibility of democratic and equitable governance through deliberative processes. It advances theoretical understanding on the possibility of deliberative processes in environmental governance by forging a dialogue between the Habermasian concept of 'deliberative politics' (Habermas, 1996) and Bourdieu's concept of 'symbolic violence' (Bourdieu, 1991).

The framework is applied to understand and explain conflicts and synergy between Nepal's two leading community based forest management programs – Community Forestry (CF) and Leasehold Forestry (LF). The two programs, although led by the same government institution (Department of Forest of Government of Nepal), experience a significant degree of competition and conflicts, leading to duplication or resources and reduced programme effectiveness (Ojha *et al.*, 2007). This study seeks to provide an explanation of the current patterns of interaction among the participants of the two programs, and assesses the possibility for better collaboration to achieve greater effectiveness in achieving the goals of poverty reduction and forest sustainability.

We trace various sources of 'symbolic violence' – subtle relations of power enacted by social actors in day to day practices – that constrain deliberation between the participants of the two programs We also identify conditions that favour open and inclusive deliberation in policy processes, program planning and implementation. In particular, we analyse (i) how a forest governance program is enacted as a complex economy of practices by a wide array of participants, and how dominant groups become able to control and access resources available in the programme field; (ii) how program participants create and defend boundary to ensure smooth access to valued capitals; (iii) how certain groups of program participants commanding greater amount of symbolic capitals influence the functioning of the program activities without deliberative and discursive interactions with other participants; and (iv) how processes in the wider program field influence and shape local level forest management practices. Through this analysis, we draw critical policy and practical insights into how these programs can be more effective in supporting the livelihoods of the poor and marginalised groups living in and around the forest areas.

In the Nepal's forestry sector, we trace four key doxas – techno-bureaucratic, developmentalist, fatalistic and feudalistic – that determine the nature and extent of deliberation in forest governance. First, there is a large group of forest officials, foresters, rangers, and forest guards who work in government, administrative and technical services organisations and who share and enact the techno-bureaucratic doxa. A commonly-manifested doxic disposition of this group is a greater emphasis on technical aspects of forest management than on creating ac-

countable and deliberative institutions of resource control and benefit sharing.

Second, development NGOs and donor projects exert significant influence in forest governance. They enact the *developmentalist doxa*, as they emphasise the social engineering model of change – programmed and projected methods of social interaction, ordering people in formal groups and emphasising planned activities. There is a limited sense of the need to explore how more deliberative processes of restructuring and transformation can take place.

Third, the local forest-dependent people, who share a common *fatalistic doxa* characterised by lack of belief that even as members of civil society they do not have the capacity to challenge or contribute to forest management planning proactively, nor to demand better deliberative spaces. In the wider field of civil society, this doxa also means that forest, like other natural resources, is the preserve of government and officials, and that civil society has to accept whatever is given by the government.

Finally, *feudalistic doxa* forms a key basis of the construction of different governance units and practices. Leaders of organisations and groups (both in and outside government) exercise tremendous power and privileges when they work for their constituencies, and the people who elect leaders hardly question the non-deliberative exercise of power. They are guided by *feudalistic doxa*, which does not appreciate the need for politicians to look for active opportunities to deliberate with the groups of affected people while defining an agenda for change and making political decisions.

A key conclusion from this analysis is that all practices of both CF and LHF at local level are entrenched in the complex economy of production and exchange of different types of capitals – from community to nation state to international sphere of development. While many hold that CF and LHF are a government program to promote production and distribution of forest and environmental goods for the benefit of local communities, what is ignored or is not recognised is that in the course of generating such environmental goods at local level, a whole array of opportunities for production and circulation of other types of goods or capitals also exist, for which a wide range of actors engage in competition, collaboration or even conflicts. The actual volume of capitals which are traded at local level in the form of forest products timber, fuelwood and fodder – the most visible economic capital – is indeed only

a fraction of the total volume of all types of capital actually traded outside of the communities but still in the name of CF – such as project grants, consultancies, research services, jobs, scholarships, and government taxes. And because of the exercise of symbolic violence by the dominant actors, many of these bigger transactions are hidden from the view of the local people who depend on forests. Because of such hidden economy, the two community based programs often compete and fail to interact synergistically, as the participants seek to defend their boundary and ensure continued access to valued resources available in the respective fields.

The two programs occupy overlapping social space, and yet fail to forge synergistic interactions. There is overlap in terms of resource targeted, beneficiaries to be served, agency to deliver services, and to some extent, objectives to be achieved. Yet there is little collaboration and efforts to develop partnership. This is partly because the participants of the two programs have co-evolved with the program, and have achieved some level of recognition, identity and political access in the respective programs. As a result, it is difficult for them to transcend the boundary of the program.

Opportunities for deliberative practices within and between groups of participants in the two programs may be sought through uncovering the structurally embedded doxic patterns, and the external social conditions affecting the exercise of agency in practice. Social interactions may become more deliberative, and less technocratic, if (i) conditions favour equitable redistributions of symbolic, cultural and economic resources in the social fields, and (ii) cognitive dissonance is experienced between the doxa and the field of practice. As Bourdieu argues, the position of the dominant is equally rooted in the doxa of the ordinary people who take for granted the dominant positions of the participants who command higher levels of symbolic resources[1]. The recent years have witnessed emergent crisis in forest governance, triggering the discourse of democratic restructuring governance. But even the new discourse is being structured within the pre-existing symbolic structure.

Opportunities for more fundamental democratic reform may lie in (i) enhancing political space of the forest-dependent poor to challenge existing relations of power and inequality surrounding the processes of re-

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[1]This is evident in the excessive reliance of local people on experts and their scientific knowledge (such as in choosing species of grasses and demarcating forest boundaries).

source access and benefit sharing, and (ii) promoting genuinely participatory and inclusive approaches to policy and program development and implementation. This depends on how and to what extent the participants engage in collaborative action and learning processes.

Bibliography

Bourdieu, P. 1991. *Language and Symbolic Power.* Cambridge and Oxford: Polity.

Colfer, C.J.P. 2005. *The Complex Forest - Communities, Uncertainty and Adptive Collaborative Management.* Washington and Bogor: RFF and CIFOR.

Habermas, J. 1996. *Between Facts and Norms - Contributions to a Discourse Theory of Law and Democracy.* Masachusetts: MIT Press.

McDougal, C., Ojha, H., Pandey, R. K., Banjade, M. R., & Pandit, B. H. 2007. Enhancing Adaptiveness and Collaboration in Community Forestry in Nepal: Reflections from Participatory Action Research. *In:* Fisher, R. J. (ed), *ACM in Asia, CIFOR and RFF. Adaptive Collaborative Management of Forests: Experineces from Asia.* Washington and Bogor: CIFOR and RFF.

Ojha, H. 2006. Techno-Bureuacratic Doxa and the Challenges of Deleibrative Governance - The Case of Community Forestry Policy and Practice in Nepal. *Policy and Society*, **25**(2), 131–175.

Ojha, H., Timsina, N., Kumar, C., Belcher, B., & Banjade, M. 2007. Community Based Forest Management Programmes in Nepal - An Overview of Issues and Lessons. *Journal of Forest and Livelihood*, **6**(2), 1–7.

Springate-Baginski, O., & Blaikie, P. 2007. *Forests, People and Power: The Political Ecology of Reform in South Asia.* London and Sterling: Earth-Scan Forestry Library.

6 The power of discourses: hard lessons for traditional forest communities in the Amazon (extended abstract)

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In the Amazon frontier, discourses have evolved as a new way for stakeholders to effectively enforce their interests, in particular with regards to the immense stock of valuable timber and the global importance of environmental services provided by the forests. Since the Rio summit in the year 1992, sustainable forest management has been advocated to use the economic potential while at the same time avoiding deforestation. In this context, also community forestry emerged as a pathway to sustainable development. Since then, in particular two actors began to systematically adopt discourses to serve their objectives: timber companies, seeking to satisfy their requirement on tropical timber, and development organisations, often including internationally funded NGOs and government agencies engaged in forest conservation. As Amazonian communities hold significant areas of tropical forests, they experienced a proliferation of discourses on how they should manage their forests as a basis for sustainable development. This situation, on the one hand restricted Amazonian communitie's options for use of their forests, but on the other hand, opened up the possibility of communities to harness discourses as a mechanism to put forward their own claims and objectives. In the framework of an EU financed research project on community forestry in the Amazon (ForLive)[1], these two effects of proliferation of discourses on traditional communities

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[1]http://www.waldbau.uni-freiburg.de/forlive/Project.html

have been studied in four study areas located in typical frontier areas in Bolivia, Brazil and Peru, characterised by the construction of roads, dynamic migration processes and rapidly increasing timber markets. In each study area, a sample of two communities was selected as case studies: one a community negotiating with loggers and the other involved in community forestry projects directly supported by development organisations.

A theoretical framework have been developed conceptualising the links between discourses as a way to exercise of power. Foucault's (Foucault, 1978) work was used for indicating the proliferation of discourses as a mean of power exercise. According to Foucault, proliferated discourses did not emerge "apart from or against power, but in the very space and as the means of its exercise" (ibid, pg. 32), because "power is tolerable only on the condition that it masks a substantial part of itself" (ibid, pg. 86). The Phillips et al.'s (2004) 'discursive model of institutionalisation' has been used for outlining the process of how discourses lead to institutions. Finally Clegg's 'circuits of power' were used as a dynamic framework, in which discourses play an important role in the actor's abilities to influence and determine socially constructed power relations (Clegg, 1989).

The analysis enabled a detailed description of the discourses of loggers and development organisations. Loggers in the four study regions emphasised that Amazonian communities have neither the technical nor the financial capacity necessary for commercial forest management, and should therefore negotiate their timber rights with competent and professional logging companies. They argue that they, in contrast to the local communities, have sufficient technical capacities to ensure sustainable forest management. They also stress that they provide the local communities with the rare opportunity to receive a cash income from their forests. Finally, and given the general absence of state authorities, they contend that their investments in roads and transport are the only way for traditional communities to gain access to public services such as health care, schools and transport. Development organisations, in contrast, argue that the emerging markets for forest products in the frontier areas prompt communities to overexploit their forests without adequate recompense. As a consequence, the communities remain poor, or are in fact even worse off than before because the resource has been degraded. In this context, development organisations stress the impor-

tance of training communities to adequately manage their forests and receive fair prices for the forest produce generated. They claim that community forestry guarantees a constant source of income and employment. Development organisations present themselves as having the capacities necessary to support communities in the implementation of management practices complying with sustainability criteria and legal norms.

The analysis of the influence of these discourses on forest management by Amazonian communities revealed that the discourses of both, the loggers and the development organisations, champion timber harvesting in accordance with the guidelines for Reduced Impact Logging (RIL) developed by scientists and experts. Although the local people in all cases had initial ideas about how to design partnerships to loggers and development organisations, and, with growing experience, developed even more detailed ideas on how to adopt the externally defined management schemes in accordance with their aspirations, in none of the case studies did either the loggers or the development organisations accept the local suggestions or valued their often profound knowledge on forest management. Obviously, these 'partnerships' leave little room for local people to develop ideas of their own, or models for the use of their forests.

Nevertheless, the field research also revealed that local communities have been able to use these discourses strategically for their own ends. The fact that traditional populations, since the early 1990s, have been promoted as the repository of the practical knowledge required for sustainable forest management, served often as a starting point in the search for new forest use options. In an attempt to make use of these new favourable perceptions of local people, many communities began to establish alliances with environmental organisations. In all of the study regions, these alliances have resulted in significant achievements with regard to the communitie's securing of rights to land and natural resources. The community 'partners', however, partly managed to transform the initial claims made by communities according more to their objectives than to the priorities of the communities.

The study highlights the need for development organisations and logging companies to assess carefully whether the rights and interests of their local partners are acknowledged sufficiently, or whether the communities are simply used for to meet other's ends. Social movements

should continue to explore existing possibilities for alliances as a pro-bate means to gain access to the political arena, but should also be care-ful in ensuring they do not lose control and the support of their base. And, finally, society as a whole should pay more attention to the under-lying motives of seemingly alluring discourses, including those with a scientific background.

Bibliography

Clegg, S. 1989. *Frameworks of Power.* London: Sage Publications.

Foucault, M. 1978. *The History of Sexuality: an Introduction.* New York: Vintage Books.

Phillips, N., Lawrence, T., & Hardy, C. 2004. Discourse and Institutions. *The Academy of Management Review,* **29**(4), 635–652.

The role of expertise

7 Hermeneutics of science-policy interface in two different governance processes

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Abstract The paper analyses the appropriateness of a hermeneutic, empirical-based approach to describe the science-policy interface in two different political processes. The agency and structure perspectives are considered. The first one emphasises the role of the individuals (scientists, decision makers) to characterise the science-policy interface. The second one focuses on the structure and the different modes of interaction among the institutions.

The process to fight corruption and in the process of implementing Natura 2000 EU Directives in Romania were analysed with the aim to investigate whether agency or structure perspective is more appropriate to explain the role of expertise in the policy process. In the processes considered, the place and use of the expertise are truly different in shapes and importance.

The analysis shows that a clear dividing line between the agency and structure perspective can not be drawn. The individual can play different roles in the political process, either as stakeholder, expert, consultant or researcher. Individual's expertise and knowledge give them control abilities over the governance process. However their abilities are limited by basic process patterns and social structures.

1. Introduction

In the latest years there is a growing political and research interest on how to strengthen the science-policy interface. The international community recognised the importance of the scientific knowledge to address sustainability challenge (World-Summit-Johannesburg, 2002) and to achieve the sustainable forest management (UNFF-4, n.d., Resolution 4/1). In the forestry field, evolution towards more science-

based decision was marked in 2003 in Vienna Declaration of the MCPFE: "Signatory States committed themselves to take forest-related decisions based on science into consideration and to take measures that support and strengthen research" (MCPFE-Viena-Declaration, 2003). As indicated also by the activities of the International Union of Forest Research Organization (e.g., Lewis & Koch, 1999; Guldin, 2003), there is a distinct need to strengthen the science-policy interface, and to make sure that research needs and outcomes are properly communicated between scientists and policy makers.

Consensus exists that more effort should be put in the integration of scientific knowledge in the decision-making process. Dietz *et al.* (2003) sustain that 'analytical deliberation' with scientists and stakeholders is required for adaptive governance of commons. Robertson & Hull (2003) argue for a new concept of 'public ecology' that requires collaboration with a wide variety of stakeholders in order to construct a body of knowledge reflecting the pluralist and pragmatic context of science use (decision context), while continuing to maintain the rigor and accountability of scientific knowledge. In Cortner's opinion (Cortner, 2000), to make science more relevant it matters to rethink how both citizens and scientists interact in the policy world.

Scientists are required therefore to conceptualise in a first time, and to instrumentalise in a second time the science-policy interface. The challenge of such enterprise is twofold. In one hand, an epistemological issue arises: what the analyst presumes to be (scientific) knowledge? What the analyst presumes to be policy process? How the knowledge production and the policy decision-making are conceptualised? Scientists use, explicitly or implicitly, social sciences and political sciences models that explain what the knowledge is and how the knowledge is integrated in decision-making process. For instance, the dominant position opposes science to policy, facts to values, objectivity to interest, neutral to advocating, truth to power. Yet, neither the scientist nor the politicians believe that science can provide the absolute, objective truth (Rykiel, 2001; Oreskes, 2004).

The second challenge resides in the analyst's position over the object of the study. Studying the hermeneutic aspects of scientific discovery, Kuhn (1970) provided the primary argument that science is not neutral, but a methodology that is by definition beset by normative assumptions and paradigmatic bias. Subjective value interpretations are made by

scientists all the time. It was argued that scientists have epistemological affinities and chauvinisms, based on education and training, personal affiliations and loyalties, and their philosophies of science. These preferences and prejudices affect how scientists weigh evidence, with a tendency to give greater weight to evidence that is near to hand, with 'nearness' being experienced physically, socially, and epistemologically (Oreskes, 2004). Particularly in the economic policies, theoretical assumptions underlining the scientific advice may lead to complete different policy options, as revealed by the vast experiment of the transition to the market economy, initially inspired only from the neo-classical standard models (Stiglitz, 1999; Pejovich, 2001).

In a positive hermeneutic perspective, objectivity and neutrality are reconsidered: recognising the impossibility of objective and neutral knowledge of the world is an opportunity to put side to side the view 'about things' and the view 'from inside things' (Mabilon-Bonfils & Saadoun, 2003). These are the reasons why hermeneutics rather than naturalism were used in the present study to analyse the science-policy interface in the governance process.

The concept of forest governance, rooted in that of national forest programmes, supplied room for open discussion on the role of expertise and experts in the political process. Governance, opposed to the notion of the government, implies a larger repartition of the power in the society and reposes on the cooperation of the public and private actors (Jobert, 1998; Rangeon, 1998). Soft conceptualisation of governance and of expertise allowed production of rich empirical material as done in the research projects, e.g. GoFOR, or initiatives to strengthen the science-policy interface coming from both policy and science side (e.g. the Work Programme of the MCPFE). The accumulated knowledge and data would need now re-interpretation in a more restrictive conceptual frame. This is one of the targets of the present study, aiming at using two different ontological perspectives, the structuralism and the agency, for interpreting data from two national governance processes studied within GoFOR project. The process to fight corruption and the process of implementing Natura 2000 EU Directives in Romania were used to investigate whether agency or structure perspective is more appropriate to explain the role of discourse and expertise in the policy processes and which conclusions and policy recommendations can be formulated within the one or other of the approaches.

2. Theoretical framework

The science-policy interface is a broad cognitive category used mostly in a normative context, e.g., in a knowledge-based economy, better governance and better decision-making processes, participatory mechanisms for better informed decision, accountancy and transparency of expertise in policy making process, etc. Cash & Clark (2001) describe the interface between science and policy as a fuzzy, dynamically shifting boundary that is ultimately constructed by scientists and policy makers in the process of balancing three tensions: (1) maintaining scientific credibility, (2) assuring practical saliency and (3) legitimising the process to multiple participants.

Different contending perspectives on causation, consequences and solutions for science-policy interface improving mechanisms can be the results of different positions on: what is presumed to be knowledge (epistemological issue); what is presumed that is able to giving rise to consequences (ontological issue); how it is presumed that decisions are made (rationality issue); and what it is presumed that motivates human actors (nomological issue) (Dixon & Dogan, 2003). There are two broad epistemological approaches (Hollis, 1994): naturalism, embracing, inter alia, empiricism, logical positivism, falsificationism, and verificationism; and hermeneutics, embracing, inter alia, epistemological hermeneutics, existentialism, and transcendental phenomenology (Table 1).

For Sundquist *et al.* (2002) the study of the relationship between science and policy in environmental regimes can be divided in two different approaches: essentialism and constructivism. In the essentialism approach it is considered that natural scientists, by observations and experiments, are able to capture the essence of nature, and that there is a linear development from science to public policy. In the constructivism approach, science and policy respectively, as well as the bridges between them, should be analysed as the results of boundary work, with a focus on how different players act strategically by drawing boundaries which suit their own interests (Sundquist *et al.*, 2002). Essentialism and constructivism in the Sundquist *et al.*'s description are closed to the categories of naturalism and hermeneutics described by Hollis (1994) and applied by Dixon & Dogan (2003) for the case of global governances failures. In the hermeneutic structuralism, policy analysts would presume

Table 7.1: Taxonomy of philosophical methodologies (Dixon & Dogan, 2003)

		EPISTEMOLOGICAL PERSPECTIVE	
		NATURALISM	HERMENEUTICS
ONTOLOGIC PERSPECTIVE	STRUCTURALISM	*Naturalist Structuralism*:	*Hermeneutic Structuralism*:
		- objective social world, knowable by the application of scientific methods	- subjective social world, knowable only as it is socially constructed
		- social structures exercise power over agency, which makes human behaviour predictable	- people's action are determined, and made predictable, by their collective interpretation of the reality
	AGENCY	*Naturalist Agency*:	*Hermeneutic Agency*:
		- objective social world, knowable by the application of scientific methods	- subjective social reality, which is only contestably knowable as what people believe it to be
		- people are agents of their actions, with their behaviour made predictable by their unconstrained self-interest	- agency is constrained by people's subjective perceptions of social reality, which makes human behaviour unpredictable.

that the social world is knowable only as 'subjective truth' by application of the interpretative method, within an ontological framework that assumes social structures impose themselves and exercise power upon agency. Policy analysts would be predisposed to the constructivist world perspective and then "they would offer remedial strategies that involve building a consensus among the stakeholders, following discourses on contestable values and standards that enable the construction of mu-

tual understandings that form the basis for reasoning" (Dixon & Dogan, 2003). In the hermeneutic agency, policy analysts claim that all knowledge is based on personal experience and interpretations of social reality. Agency is defined by each individual's subjective perceptions of social reality. In designing corrective action, policy analysts using hermeneutic agency would presume that all the human actors behave in a way that is ultimately unpredictable. Because the limits of human cognition make validity, truth, and efficiency irrelevant considerations, remedial solutions proposed would be of coercive nature in order to achieve the necessary level of compliance (Dixon & Dogan, 2003).

Dixon & Dogan (2003) evocates also middle-way approaches, such the poststructuration ontological synthesis that attempts to adjudicate the ontological tensions between structure and agency. In contention is whether agency and social structure are interdependent, in a duality relationship as asserted by a classical postulate in the sociology of collective action (Crozier & Friedberg, 1977; Friedberg, 1993; Crozier, 1987). The actors dispose of certain autonomy, based on their capacity to find out resources in the rules, regulations, formal structures, technical objects: the activities of the actors are constrained by the structure (institutional routines, rules, procedures), but they succeed to partially appropriate these constraints (Musselin, 2005). Close relative with the advocacy coalition framework (Sabatier & Schlager, 2000) the cognitive approach offers the possibility to explain development between public and private actors in a certain field (Surel, 2000) and to analyse how structures, actors and cognitive frames interact. Cognitive and normative frames, which as a general expression bring together paradigms (Hall), belief systems (Sabatier) and référentiels (Jobert and Muller), are intended to refer to coherent systems of normative and cognitive elements which define, in a given field, 'world views', mechanisms of identity formation, principles of action, as well as methodological prescriptions and practices for actors subscribing to the same frame (Surel, 2000).

The paper's idea is to interpret the role of the expertise in governance processes using the concepts of structure, agency and cognitive frames. The study relays on an empirical-based approach that is the process of choosing the hypothesis or theory that best explains available data (Wendt, 1993). The analysis attempts to check which of the below propositions apply for the case studies:

No. (1) Social structures impose themselves and exercise power upon agency (structuralism). Social structures are regarded as constraining in that they mould people's actions and thoughts, and in that it is difficult, if not impossible, for one person to transform these structures (Baert, 1998 quoted by Dixon & Dogan, 2003). The study focuses on the relationship between the public administrations (as soliciting the expertise) and the institutions supplying the expertise. It is assumed that the greater is the extent to which this relationship is institutionalised and the clearer are the rules of expert's selection, the greater are the chances that structures exercise power over agency;

No. (2) Individuals have some control over their actions and can be agents of their actions (voluntarism), enabled by their psychological and social psychological makeup (Dixon & Dogan, 2003). In agency perspective, knowledge of social structures, and thus the way people construct their world is explained by reference to a person's actual, ordinary activities or undifferentiated experiences (Dixon & Dogan, 2003). The study focuses on the role of leadership in explaining the expertise in the policy processes: the greater is the place of leadership, the greater are the chances that agency leads the processes, and not the social structures. Again, more unclear are the rules of expert's selection, greater are the power of agency and the risk of rent-seeking behaviour inside the process;

No. (3) The agency dominates the structure, but it does not deny it (Musselin, 2005). The change in the public policies are the result of a tension between the structural dimension, that gives the long term weight of the institutions, and an action dimension, that translates the possibility of the actors to use the available resources for implementing specific strategies (Muller, 2005).

Definition of experts in this study includes those participants to the governance process who are not in direct relationship with the formulation of policies: researchers, specialists from universities or from any lobbing or consulting organisation (Muller, 2005). The experts provide causality schemes of existing phenomena and produce the intellectual (cognitive and normative) tools of new policies. They can be classified in mediators, public elites and professionals (Muller, 2000). Amongst the three forums described by Jobert (1998), namely the forum of scientific communities, the forum of policy communication, and the forum of public policies communities, the experts will act in the process mostly

in the forum of the scientific communities, and will participate in deliberations in the second forum – the forum of public policies communities, where the way to act and solutions of problems are examined.

The study assumes that experts dispose of a bounded and multimodal rationality. The experts have good reasons to act, but these reasons are contextual, and do not correspond to the maximisation of the personal utilities. The rationality is multimodal, in the sense that it can be instrumental (pushed by the actor's interests), axiological (motivated by the values), cognitive (based on knowledge and perceptions) or institutional (constrained by the weight of institutions). But these modalities are often embedded one in other, and a clear rationality of acting is difficult to identify (Musselin, 2005).

3. Two political processes: Natura 2000 and anticorruption policies

3.1 The role of expertise in the anticorruption policies in Romania

The main policy issue addressed by the governance process is how to cope with corruption phenomenon in the Romanian society. A comprehensive legal framework has been established in the latest years. Measures implemented deal with the reform of the justice and of the judiciary system; the elaboration of the sector-based plans to fight corruption; the obligation of certain categories of public servants to provide declaration of fortune and interests; the implementation of transparency in the decision making process and public access to the information. The modification of the legislation was undertaken constantly since 2000, to include the *acquis communautaires* and the 'good practices' at the European level. The Romanian accession to EU was a strong reason for tight monitoring of implementation policies by European officials.

3.1.1 Rhetoric of expertise and expertise available

The Program of Government for 2005-2008 establishes that the future measures on anticorruption policy should be based on a "better knowledge about the sources generating corruption". The Government's program says also that the anticorruption strategy should be based on insti-

tutional evaluation "to avoid the chaotically introduction of new norms, under external pressure", and that more efforts should be put at the present time on monitoring and evaluation than in norms elaboration. Although the policy statements do not call for involvement of science or scientists in the process, there is a demand of analysis about the corruption causality relationship and of evaluation of policies undertaken till now, including evaluation of public perception about corruption level (barometer of corruption).

Due to the strong interest in the issue, one can expect to find quantities of recent or ongoing research programmes/projects on corruption-related issues. Surprisingly, the science contribution to the topic is negligible. There are sporadic scientific papers dealing with corruption in Romania, and nothing dealing with corruption in forest sector. However, the corruption subject is covered by investigation-oriented articles in mass-media, audit-oriented studies (Freedom House), international donors studies (World Bank), international NGOs studies (WWF, Transparency International) and annual EU monitoring reports (e.g. European Commission Comprehensive Monitoring Report, October, 2005, and Reports of the peer-review missions from 2005 and 2006). Different types of surveys undertaken by a variety of organisations evaluate the impact of anticorruption policies. An example is the 'The Foreign Investors Barometer' carried out by The Gallup Organization Romania, at the request of the Romanian Agency for Governmental Strategies. The project aimed to get an assessment of the Romanian business environment from the perspective of foreign companies. On the other hand, the Anticorruption Alliance, a three-based NGO convention, is ruling a programme which target is to create a network of diagnose and intervention on long term through the cooperation of journalists and NGOs. The ability of actors to contribute in the debate was progressively developed and it was supported by some international donors. The actors know at this moment very well which is their place and role in the debate. Some of them entered institutionalised partnership with governmental actors to fight corruption, others became specialised in raising public awareness and monitoring perception of corruption or policies.

3.1.2 Who are the experts?

The high level of priority of anticorruption policies and the need for international transparency of the political will to fight corruption lead logically to search expertise from well-known international institutions. The documents resulted from the audit procedures are public, and the methodology of evaluation is transparent.

Expert advice in form of audit was ordered by the Romanian Government and attributed, through the system of public acquisitions to Freedom House (2004), or, in the past, to the World Bank (2001). Other NGOs, The Gallup International, provided an assessment of the perception of corruption by the business milieu, asked by the Agency for Governmental Strategies. The Ministry of Justice presents on its Internet site the Indices of perception of corruption released yearly by Transparency International, and the results of research undertaken by the Institute of Criminology. Also, the Ministry of Justice pays attention to the annual reports of Transparency International, and to the EU reports (e.g. European Commission Comprehensive Monitoring Report, October, 2005, and Reports of the peer-review missions from 2005 and 2006). Finally, investigation journalism has an important role to enhance public awareness about cases of corruption and eventually to trigger an investigation from the National Department Anticorruption in the issue. Professionals from justice system, namely magistrates and prosecutors, consider however that Ministry of Justice does not involve them enough in elaborating normative acts they are concerned with (SoJust, 2006).

A specific institution to carry research on the field is the National Institute for Criminology created in 2002 within the Ministry of Justice for "providing scientific basis in preventing and fighting the criminality". The staff of the Institute is composed by juridical counsellors, specialists in sociology, in psychology, and in statistics. The main topics of the research made by the Institute of Criminology on corruption are: analysis of the corruption phenomenon in Romania; the public perception of the corruption; the evolution, structure and trends of corruption from criminology perspective; evaluation of the integrity and resistance to corruption of the judiciary system. However, the activity of the staff was criticised as being inefficient, and the present debate is about reforming or dissolving it.

3.1.3 Use of the expertise

In the governance process, the expertise is required in the policy documents and in practice at the stage of the problem definition – the policy decision makers are interested to know which is the causality relationship leading to corruption, and at the stage of policy evaluation – the policy decision makers are interested to know how widespread is the corruption in a certain sector and how does the public perception of the corruption vary. The 'addressee' of expert advice is usually the Government or the Ministry of Justice, in few cases the studies intend only to inform the private sector and foreign investors.

The use of experts in the anti-corruption policies is at the border between participation and expertise. Expertise of Transparency International has an instrumental role because the NGO is in a close partnership with the Ministry of Justice in decision-making process. The Ministry of Justice signed an accord with Transparency International in 2004. Based on this accord, Transparency International offered its technical assistance in drafting law projects; created the Centre for Anticorruption Assistance for Citizens; established the Guide of Anticorruption for citizens that was put on the Internet page of the Ministry of Justice; participated in 2005 in drafting the project of the Penal Code to include new regulation for corruption; participated in the legislative process for amending the present law on corruption. Despite of this active involvement in the policy process, there are no signs that Transparency International loosed legitimacy or credibility following the closes partnership with the Ministry of Justice.

Moreover, Transparency International does not hesitate to be very critical against the Ministry of Justice, like it happened in the 2006 year's evaluation report. In this report, Transparency International criticised, inter alia, the under-utilisation of the expertise by the National Anticorruption Department, which "does not use the qualitative research for the professional building logical corruption profile, process analysis and the approach of the most important issues in the investigation of persons charged with corruption offences".

3.2 The role of expertise in the implementation of the Natura 2000 EU Directives

The Romanian nature protection policies between 1928 and 2000 were limited to merely declaration of protected areas in the absence of any specific administration or control system for these areas. The Romania's accession to the European Union brought another perspective towards nature protection. The first stage of the process required changes in the national legislation and organisational structures to ensure a framework for nature protection in line with the European acquis communautaire. In the first years following the law adoption not much has been done at the national level to establish Natura 2000 network. Along the process the Ministry of Environment and Water Management gradually changed its attitude towards the participation of the NGOs in the governance process from exclusion to the effective involvement. The second stage of the process was the protected sites designation that happened at the end of the year 2006.

3.2.1 Rhetoric of expertise and expertise available

The Sectoral Report on Governance from 2005 states that: "by strengthening the partnership with the NGOs in the process of elaborating and applying the public policies in the field it is expected to ensure an adequate implementation of Natura 2000 network." The legal acts adopted for Natura 2000 implementation explicitly recognise the importance of the scientific information in the designation of Natura 2000 sites. Article 11 from the Ordinance 236/2000 states that: "documentation required to establish a natural protected area must comprise: the scientific argumentation, the topographic map and the approval of the Romanian Academy." The scientific documentation needs the approval of the Romanian Academy.

Therefore, the 'scientific documentation' and the Romanian Academy play a significant role in the site designation phase of the implementation process. Within the Romanian Academy, the Committee for the Protection of the Natural Monument approves the management plans and approves the members of the scientific committee of the natural parks. As quoted during the interviews: "The Romanian Academy, through the Commission for Nature Monuments cooperated with the Ministry of Environmental Protection and Sustainable Development in

the elaboration of almost all legislative acts related to protected areas, site designation, for the elaboration of the habitats and species lists that needed the scientific approval of the Commission. The cooperation between the Romanian Academy and the Ministry of Environmental Protection and Sustainable Development is very intense."

The scientific information is concretised and disseminated via a specific online database (informational system for Natura 2000) available for all interested entities. Main aspects in the data bases refer to the characteristics of the fauna and flora to be protected. The informational system allows for an open process of data collection from multiple users, exchange of views trough comments and different individual records, data analysis, verification, validation, public consultation and sites selection in the same time. By that the on line data basis is similar to a 'wiki' system, financed by the state budget.

3.2.2 Who are the experts?

Previously of any designation of Natura 2000 sites, the Coalition Natura 2000 lobbied intensively next to the Ministry to convince them about the necessity of putting protected areas on the political agenda. Coalition Natura 2000 was created in May, 2000, at the initiative of WWF and Partnership Foundation, yet already in March-April 2000 specialists were trained for specific activities regarding the implementation of the two directives. On the Internet site of Natura 2000 Coalition maps were proposed from very beginning with candidate areas for protection. The group proposed also several modifications of the Law on the designation of the protected areas. By that, the Natura 2000 Coalition was one of the first holders and organisers of the expertise in the field.

In a second place, a PHARE project has been initiated in 2006 for assisting the implementation of Natura 2000 in Romania. Also, at present, there are nine twinning projects on 'Implementation and Enforcement of the Environmental Acquis Focused on Nature Protection', one at the national level, next to the National Agency for the Environmental Protection and the others corresponding to the eight Romanian regions. A representative from the Ministry of Environmental Protection and Sustainable Development described the twinning system as "the help from a Member State to strengthen the institutional framework of a candidate state. It is not an input. The idea is that they know better the acquis

communautaire, they passed through the same experience, and therefore they provide help in the implementation."

Operational expertise, e.g. expertise needed that the process keep going, is provided by the Scientific Group inside the Group for the Coordination of Natura 2000 Network, constituted in June 2006. The members of the Scientific Group are the institutions sub-contracted by the National Institute for Research Danube Delta. Together, the members of the Scientific Group and the National Institute for Research Danube Delta elaborate at the national level the criteria for designating the site of protected areas in Natura 2000 network. The institutions members of the Scientific Group (in number of 11, mostly public financed) contracted by the National Institute for Research Danube Delta for the online database have the obligation to provide the necessary data for site designation. The list of experts is however open on contractual basis to the participation of any individuals from the research institutes, museums, NGOs, local and regional agencies, all other interested and skilled people. The designation of sites and identification of species from fauna and flora in the protected areas is highly demanding on human resources therefore the governance process is confronted with a shortage in individual experts. A list of individual experts is not available, yet there are specific needs that should be addressed, e.g. identify and estimate the presence on the site of particular specie requiring protection.

3.2.3 Utilisation of the expertise

In the governance process, expertise is use mostly to design the specific protected area. Therefore, the expertise does not touch of core political beliefs and norms, e.g. conceiving compensatory schemes for tacking of the property due to nature protection policies. Use of the expertise is localised to the very *in situ* implementation, and to the validation, at the central level, of scientific documentation established for the creation of a new protected area.

However, monitoring and evaluation of policies in the field started to be a concern of the NGOs. In September 2005, a team composed by specialists of the NGO 'Natura 2000 Coalition', the main actor on Natura 2000 network, completed a study of eleven representative protected areas. Their intention was to know and to present in a unitary form the

treats that these areas are confronted with. The specialists classified the destructive actions and problems into several categories, among which: illegal constructions, deforestation, pollution, administrative problems. The study constitutes the basis for the further actions of the group on the Natura 2000 issue. Thus, the WWF launched a petition 'Save the national parks in Romania' on 23 October 2006. The numerous illegal activities and lack of political and financial support within the protected areas in Romania determined this action, supported also by a campaign in the audio-visual media. The expressed aim is to put the topic of nature conservation back on the Romanian political agenda.

Therefore, at the level of the NGOs, there is a shift from the exclusive use of the expertise in the implementation of the Natura 2000 network towards the evaluation, monitoring and derivate lobbying activities.

4. Striking characteristics of the processes explaining the different roles of the expertise

In the anticorruption policies, expertise is a means of informing decision and pushing forward iterativity and adaptation. In the Natura 2000 network, scientific expertise is a prerequisite of implementation in the field. Experts' presence in the site and the scientific documentation are conditions sine qua non of the creation of the protected areas. By their different positioning on the political cycle sequences, the contribution of the expertise to the definition of the cognitive frame of the public action will be completely different in the considered processes. In the anticorruption policies, the evaluation and monitoring reports available lead to adaptation of the public action referential (Muller, 2000). There are strong incentives that the structure in charge (Ministry of Justice) does so: improving anticorruption policies performances was and it is still a matter of concern in the context of the Romanian integration in the European Union.

The accountability of the expertise is very different in a process compared to the other. In the anticorruption policies, the use of the experts is guaranteeing the democratic qualities of the process. The experts are groups of public interest famous for their activities in the field of democracy or human rights, often representing strong international NGOs; the documents are prepared in purpose of informing policies and the large

public, they are publicly available, and easy to understand, even out of profession. Ministry's comments on the evaluations ordered to the auditors are published on web site also. Including experts' recommendations in the policy process is then a form of legitimating the process. On the other hand, the expertise has also an instrumental role, as argued by Transparency International Romania: a simply publicly available annual report is already a good step to fight corruption.

Regarding the expertise in the Natura 2000 governance process, it was pointed many times during the interviews the need of clear criteria upon the selection of institutes and scientists to be involved or to participate in the process: "there is a certain discrepancy between official research institutes, like ICAS or National Institute for Research Danube Delta and the scientists, at least professionals, working in public authorities. I see the point that in the local and regional environmental agencies there are scientific experts for everything. There is of course some experience and background, but this is often overestimated" (quotation from interviews). Even the choice of the Institute empowered by the Ministry to lead the expertise in the Scientific Group is contested. The need for experts in the field, the absence of a list of available individual experts, the fragmentation of needed expertise in specific locations around the country, and perhaps also the amount of money that the state planned to spend in implementing Natura 2000 network, constitute as many opportunities for rent-seeking behaviour at the level of individuals and organisations.

A third point opposing the processes is the importance of bargaining, the trade off between different social values involved in the process. In official terms, the anticorruption governance process does not involve 'losers' and 'winners', copping with corruption in the country being a pay off strategy even in short term. Opposed positions (defending illegalities and corrupted people) can not be possible, and can not be used to attract votes, although opposition may exists on concrete implementing measures. In the Natura 2000 network, expertise is involved in very specific and particular implementation in the field. Difficult land use conflict may arise from every square meter of land when delimiting the protected area border. Scientific expertise will usually keep away from the values involved in the conflict, pretending to an objectivity based on site characteristics, animals' and plants' ecology, etc.

Finally, the place where expertise is involved is different. Anticorrup-

tion policies are formed and formulated at the central level, so does the activities of the NGOs, focusing at the central policy level. A relatively few number of national acting NGOs have authority in the field. Instead, the majority of the NGOs involved in the Coalition are focused on the local or regional level, as mentioned in the interviews: "they do not have the capacity to involve in lobby or advocacy at the national level, but are very active at the local level. There are only some, like SOR, Pro Natura, Milvus, WWF, which have the capacity to undertake actions and to involve themselves at the national level as well" (quotation from the interviews).

It is worthwhile to mention also the different visibility of the issues (anticorruption and, respectively, the implementation of Natura 2000 network) in the political process. Corruption always has been a matter of concern for the civil society, European Union and the public policies, yet the process started to be substantive only after the election of the President Basescu in late 2004 and nomination of Minister Monica Macovei as Minister of Justice. To compare, as quoted in the interviews, the civil society started to think and provide data about protected areas since late spring 2000, while Ministry started to be interested in effective measures only during the year 2006, and continuous efforts still have to be put to maintain Natura 2000 network implementation in the political agenda.

5. Conclusions: agency or/and structure perspective?

In a structuralism-driven approach, the borders are socially established, and therefore, studies of the relationship between science and policy should investigate how different actors try to define and demarcate the two fields (Gieryn, 1999). The object of investigation is constructed in reference of the front line of two distinctive domains, the science, and the policy. The policy side is represented in both processes by central administration (Ministry of Justice, and Ministry of Environmental Protection). The science side is represented by the experts involved in the process, individuals or organisations.

In anti-corruption policies the presence of the experts coming from the civil society in the political cycle was institutionalised through the civil society membership in the Central Group for Analysing and Coordination of Preventing Corruption Actions (within the Ministry of Jus-

tice), and in Strategic Committee for evaluation and control of anticorruption activities (within the Ministry of Internal Affairs). In the latter, the three NGO represented are designated by a NGO coalition (Forumul de Consiliere pentru Transparenţă), and not selected by the Ministry. The competences are clearly defined, by law and also by the partnership conventions that Ministry of Justice signed with different partners (Transparency International, League for Human Rights) or event contracts (audit contract with Transparency International). The domain of the expertise is defined by the policies, which design in detail the cognitive field (Muller, 2005) and expect from experts mostly input for the adaptation of the policies.

In Natura 2000 implementation, a significant part of the expertise is supplied at the margin of the policy process (e.g. the information come from Natura 2000 Coalition, expertise in the field by different specialists on herbal or animal life). Institutionalised cooperation, via payment, is established with the Danube Delta Institute, the main, official provider, of data basis on protected areas. Despite of strong leadership of some of the main ecologist groups acting in the field, the weak point of the implementation process is considered to be the lack of coordination. The participants to the process deplored the absence of a central nucleon within the Ministry of Environment, where a few number of people would have been nominated to think the process and to lead it. Not only this team did not exist, but also frequent changes in the Ministry staff occur, which lead to uncertainty of relationship and agreements between the actors. In this situation, the agency could easier to manifest at the level of the selection of the experts, particularly in the presence of paid services. Other argument pointing out that agency can easier manifest in the second process is the role of the Romanian Academy as validator of scientific advice. The role of Romanian Academy in Environmental and in Forestry field is a particular one. The Romanian Academy is considered the highest authority regarding the scientific knowledge. However, the fact that a central commission in Bucharest assumes the role of approving the management plans, scientific documentation and the constitution of the management team of parks over-burdens the process with a bureaucratic charge. Actually, one of the expertise providers, the Natura 2000 coalition, is supplying a Shadow list of species requiring protection measures. For elaboration of the Shadow List, the NGOs cooperated with many organisations "from which there were selected the

most actively involved persons. It was formed a nucleon of 10 people, those willing to do something. The approval of the Commission for Nature Monuments is not needed for the site proposed in the Shadow List" (quotation from interviews).

The processes differ under other point – in the anticorruption policies responsibilities are defined in clear terms and on iterativity basis, in the other process, there is no perception about the role of the expertise after the designation of the protection areas (in the middle term). This is a direct consequence of the fact that the expertise, in the first case, are more central to the process, and by that, more able to modify the cognitive frame of the policies, including the view about the role of the expertise in the future.

In a high extent, the degree of institutionalisation of the expertise supply/demand shows a dominance of the structure over agency, stronger in the case of anticorruption policies than in the case of the Natura 2000 implementation. At the present situation, the expertise would be considered by the Ministry if it is coming from agreed institutions and partners. Borders between science and policies are defined therefore by a clear formulation of policy needs and expectations upon expertise, and a commitment of several, strong partners (including association of smaller organisations, like Natura 2000 Coalition which groups 44 smaller NGOs).

When come to the investigation of agency to explain the role of expertise in the process, Sabatier (1998) and Jobert & Muller (1987) argue the existence of the privileged role of certain actors in public policy-making, both in producing and diffusing cognitive and normative frames. In Sabatier's work (Sabatier, 1998) a category of actors named policy-brokers have the capacity to make the link between one subsystem and another, and to facilitate the integration of subsystems of public policy in the global public sphere. For Jobert and Jobert & Muller (1987), these mediators: "hold a strategic decision-making position insofar as they construct the intellectual context in which negotiations and conflicts take place, and alliances are created, which lead to the taking of decisions." The study of the two processes brought only few examples of such policy-brokers, with a strategic position in decision-making. Thus, as example, clear leadership is attributed to the Ministry of Justice, Monica Macovei, yet she was on the administration side; and to some leaders of the NGOs involved in the Natura 2000 which performed mediator role

between the two ministry involved in the process (forests and environmental protection) on the issue of sites designation, and the agency for payments on the issue of compensation for restrictions in land use due to the nature conservation policies. Therefore, there are not empirical evidences to support the hypothesis that agency dominates in the governance processes studied.

Besides that, a great part of the expertise was furnished in the context of Romanian EU integration, via the recommendations, monitoring and assistance supplied on the frame of evaluation report, monitoring report, periodical assessments, PHARE or twinning projects. This is the reason why one of the interviewed people remarked that "the existing institutional framework is the result of the recommendations of the EU experts." Both processes are dealing with the implementation of the *acquis communautaire*, which suggests that the expertise contribution was limited to certain guidance in the choice of the policies (anti-corruption governance process) or to the real implementation in the field (Natura 2000). Due to the fact the normative frame is already fully specified when implementing European Directives or transposing international treaties, one may ask whether there is a real place for agency to significantly influence the cognitive frame of policies; does the strengthening of multi-level governance modified the relationship between structure and agency at the national level? Can be so that the multi-level governance processes means smaller room for agency manifestation is left at the lower levels? While the expertise is provided to address the specific needs of adaptation of policies, as in the case of anti-corruption policies, deliberative mechanisms in place will probably work in favour of the structures, understood as interest group. The results of the study are questioning the efficiency of number of policies aiming at strengthening forest science-policy interface, when they are based on the linear model of knowledge production and transfer. Further research is needed to describe the dynamic of structure and agency relationship in building up the referential of public policies.

Bibliography

Cash, D., & Clark, W. 2001. *From science to policy: Assessing the assessment process.* Faculty Research Working Paper 01-045, Cambridge,

MA, Kennedy School of Government, Harvard University, http://ksgnotes1.harvard.edu/Research/wpaper.nsf/RWP/RWP01-045.

Cortner, H. 2000. Making science relevant to environmental policy. *Environmental Science & Policy*, **7**, 369–383.

Crozier, M. 1987. *Etat modeste, Etat moderne. Stratégies pour un autre changement.* Fayard.

Crozier, M., & Friedberg, E. 1977. *L'acteur et le système: les contraintes de l'action collective.* Paris: Ed. du Seuil.

Dietz, T., Elinor, O., & Stern, P.C. 2003. The Struggle to Govern the Commons; Tragedy of the commons? *Science*, **302**, 1907–1912.

Dixon, J., & Dogan, R. 2003. Analyzing Global Governance Failure: A Philosophical Framework. *Journal of Comparative Policy Analysis*, **5**, 209–226.

Friedberg, E. 1993. *Le pouvoir et la règle. Dynamique de l'action organisèe.* Paris: Ed. du Seuil.

Gieryn, T.F. 1999. *Cultural Boundaries of Science: Credibility on the Line.* Chicago: The University of Chicago Press.

Guldin, R.W. 2003. Communication across the forest science/policy interface. *Forest Policy and Economics*, **5**(4), 329–460.

Hollis, M. 1994. *The philosophy of social science: an introduction.* Cambridge: Cambridge University Press.

Jobert, B. 1998. *Les trois dimensions de la régulation politique.* In Auvergnon et al. coord., L'Etat à l'épreuve du social, Ed. Syllepse, coll. Le présent avenir', Paris, pp.23-39.

Jobert, B., & Muller, P. 1987. *L'Etat en action. Politiques publiques et corporatismes.* Presses Universitaires de France, coll. "Recherches politiques".

Kuhn, T.S. 1970. *The structure of scientific revolutions.* 2 edn. Chicago: The University of Chicago Press.

Lewis, R., & Koch, N.E. 1999. *Forest Science-Policy Interface.* ience-Policy Interface.

Mabilon-Bonfils, & Saadoun. 2003. *La connaissance de la connaissance en science politique : du rapport Sujet /Objet à une méta-connaissance complexe du Politique.* La revue plurielle de politique. http://www.la-science-politique.com/revue/revue0/connaissance.htm.

MCPFE-Viena-Declaration. 2003. www.mcpfe.org.

Muller, P. 2000. L'analyse cognitive des politiques publiques: vers une sociologie politique de l'action publique. *Journal of European Public Policy*, **50**(2), 187–207.

Muller, P. 2005. Esquisse d'une théorie du changement dans l'action publique. Structures, acteurs et cadres cognitifs. Approches, concepts et mèthodes : l'analyse politique de l'action publique. *Presses de Sciences numéro spécial*, **55**(1).

Musselin, C. 2005. Sociologie de l'action organisée et analyse des politiques publiques : deux approches pour un même objet ? Approches, concepts et méthodes : l'analyse politique de l'action publique. *Revue Française de Science politique*, **55**(1).

Oreskes, N. 2004. Science and public policy: what's proof got to do with it? *Environmental Science & Policy*, **7**, 369–383.

Pejovich, S. 2001. After socialism: where hope for individual liberty lies? *Journal des Economistes et des Etudes Humaines*, **11**(1), 9–30.

Rangeon, F. 1998. *Crise économique et modernisation de l'Etat.* Bruylant.

Robertson, D.P., & Hull, R.B. 2003. Public ecology: an environmental science and policy for global society. *Environmental Science & Policy*, **6**(5), 399–410.

Rykiel, E.J. 2001. Scientific objectivity, value systems, and policymaking. *BioScience*, **51**(6), 433–436.

Sabatier, P.A. 1998. The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy*, **5**(1), 98–130.

Sabatier, P.A., & Schlager, E. 2000. Les approches cognitives des politiques publiques : perspectives américaines. *Revue Française de Science politique*, **50**(2), 209–234.

SoJust. 2006. http://www.sojust.ro/publicatii/sistemul-juridic-din-romania-raport-independent-2006.html.

Stiglitz, J. 1999. *Whither Reform ? Then Years of the Transition.* Keynote Address, World Bank ABC-DE, 28-30 Avril 1999. Available on Internet: www.worldbank.org/abced.

Sundquist, G., Letell, M., & Lidskog, R. 2002. Science and policy in air pollution abatement strategies. *Environmental Science & Policy*, **5**, 147–156.

Surel, Y. 2000. L'intègration europèenne vue par l'approche cognitive et normative des politiques publiques. *Revue Française de Science politique*, **50**(2), 235–254.

UNFF-4. *Forest-related scientific knowledge. The United Nations Forum on Forests.* http://daccessdds.un.org/doc/UNDOC/GEN/N04/383/ 10/PDF/N0438310.pdf?OpenElement.

Wendt, A.E. 1993. *Social Theory of International Politics.* Cambridge: Cambridge University.

World-Summit-Johannesburg. 2002. http://www.un.org/esa/sustdev/ documents/WSSD_POI_PD/English/POI_PD.htm.

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8 Forestry in transition: identity and expertise in post-socialist Europe (extended abstract)

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The expertise of foresters has until recently been relatively uncontested in central and eastern European forest management, but dramatic changes in institutions and political process are now challenging that, and create an important context for understanding the relationship between expertise and public knowledge.

Emphasising both the characteristics that CEE countries have in common, and their historical, political, cultural and ecological diversity, the paper outlines broad changes in forestry policy and practice in the region. Historically, the CEE countries shared strong cultural and educational links with western Europe, and many were part of empires ruled by the countries initiating scientific forestry. There are therefore strong similarities: a medieval feudal history of forest protection for hunting, followed by an increasingly commercial history of both timber trade and forest clearance for export grain production. In each country early forest decrees and ordinances encoded use rights and punishments for infringements, while later laws asserted state control and required 'scientific forest management' based on the normal forest. Nevertheless it is important to note differences within forestry in the region, for example between those close to centres of population and seats of power, which came under 'scientific management' earlier than the remoter fringes of empire. Furthermore, many countries in post-socialist Europe share a socialist legacy of strong technical forestry, long rotations, large forest reserves but low public priority attached to environmental protection, and low incomes.

The paper focuses on constructions of foresters' identity, role and legitimacy, and the influence of context on their role in emerging arrangements for forest governance. it takes a grounded approach to understanding the relations between forestry science, expertise, culture and practice. The picture that emerges is one that combines both a socially-constructed and context-specific notion of expertise, with personal negotiation or reinvention of the role. Over centuries, foresters have built power structures and established confidence in their knowledge; that power and knowledge is now being challenged both from outside and from within the forestry profession. The result is further divergence between national forestries, and individual negotiation of new knowledge in socially challenging contexts. While expertise can still be claimed, it is a diverse and more personal expertise in the Romanian context.

These negotiations at the boundaries of science and culture provide many points for reflection, and in the context of this conference I focus on five to stimulate discussion at the conference.

Culture and power

At first sight Romanian and Polish foresters have much in common. The Polish forestry department has a hierarchical, army-like image similar to that of the Romanian NFA, but has held on to its power much more unequivocally than the Romanian. Furthermore, the public voted strongly against forest restitution, an outcome that would be unthinkable in Romania. In Poland, a very high proportion of the population moved or was moved from its birthplace during or after WW2. Many lack the connections with the land that in Romania is provided by generations of ancestors farming and accessing the same forest. Furthermore Poland under the socialist regime was more industrialised, and since 1989 has been less poor and less rural-based, than Romania, so the population is in general less dependent on the forest.

Historical geographies of forestry

Echoing Bell and Sheail (2005) and Rajan (2006) in their work on ecology and conservation, the study indicates the richness of historical geographies of forestry as a mine of experience for those wanting to under-

stand the relations between humans and nature, mediated by power, culture and the desire for human meaning. In these case studies we can see both the common origins and continuities of scientific forestry highlighted by McManus (1999) and the local diversifications indicated by Vandergeest & Peluso (2006). These traits have not been examined before in post-socialist forestry and are clearly a fertile field for much more research.

Forestry as expertise

The study contributes to debates about expertise as socially constructed, and as participating in an undesirable duality. Here we can see that foresters acquire expertise, both as it is conferred upon them, and through their own authority. The familiar notion of scientific forestry as the agent of state power does appear here, at least in the origins of state forestry. But two important modifications to this notion are indicated through these encounters with foresters. First, there is the human aspect. Most of these foresters love the forest. Under the circumstances, it is difficult to defend the polarised model of science vs. lay knowledge. Furthermore, foresters in Romania demonstrate that their ability to hold their position, their legitimacy, lies not only in his or her technical knowledge and membership of a professional culture, but also in his / her knowledge of (and ability to work with) the social and political context. So foresters acquire expertise through technical knowledge, knowledge of the context, and experience, and through commitment to the forest, inspired by the sense of profound connection to the forest.

There is a second emergent point from this study of foresters' realities. Forestry has often been, formally, the agent of the state. But forestry has acquired its own strong identity in both the countries studied here, and more widely (Rajan, 2006; Vandergeest & Peluso, 2006). Rajan points to the separation of science and the state bureaucracy, and this is evident in CEE forestries too. We see the continuity of forestry, the links back to the origins of scientific forestry, and the common thread running through the profession amongst different countries. This common thread has diversified, and that diversification too merits further research; as does the implication of the common thread for tensions between nature (and nature's advocates) and the state.

Forestry as power

Does this deconstruction of expertise threaten the role of forestry experts? Not entirely. Forestry in Romania, Poland and many other countries is supported by the paraphernalia of power, but without it we would have fewer forests. In the contexts of sudden political, economic and social change, a neoliberal democracy is not necessarily the best friend of the forests. In a country where long and weary experience of centralised decision-making causes people to perceive forest regulation as a 'communist law', there is something to be said for the authority carried by forestry. The roots of forestry are deeper than the turmoil of the twentieth century, and to some extent that too conveys legitimacy.

Forestry in Romania and Poland has survived the political changes of 1945 and 1989, changes described by ethnographers of transition as two modernising revolutions, each using the concept of rationality to support opposite ideologies (Brandtstadter, 2007). In part, forestry, itself a rationalising project, fitted the agendas of both; but we must consider the possibility that the cultural strengths of forestry, and an underlying connection to nature, have attributed legitimacy and continuity as well. Forestry, or its core principles, has not survived everywhere in post-socialist Europe. In Estonia harvesting has increased to such an extent that AAC that comes close to exceeding MAI (Muiste *et al.*, 2006). Forest administration law has changed even more frequently than in Romania, and private forest owners are no longer required to have a management plan nor a logging licence (Ahas *et al.*, 2006). These connections between culture, science and politics merit further research in these diverse contexts.

Bibliography

Ahas, R., Hain, H., & Mardiste, P. 2006. Forest Certification in Estonia. *Pages 171–202 of:* Cashore, B. (ed), *Confronting Sustainability: Forest Certification in Developing and Transitioning Countries.* Yale school of Forestry and Environmental studies.

Brandtstadter, S. 2007. Transitional spaces: Postsocialism as a cultural process: Introduction. *Critique of Anthropology*, **27**, 131–145.

Brukas, V., & Hjortso, C. N. 2004. A power analysis of international assis-

tance to Lithuanian forestry. *Scandinavian Journal of Forest Research*, **19**, 166–176.

Carlsson, L., & Lazdinis, M. 2004. Institutional frameworks for sustainability? A comparative analysis of the forest sectors of Russia and the Baltic States. *Ambio*, **33**, 366–370.

Ciancio, O., & Nocentini, S. 1997. The forest and man: the evolution of forestry thought from modern humanism to the culture of complexity. Systemic silviculture and management on natural bases. *Pages 21–114 of:* Ciancio, O. (ed), *The forest and man.* Florence: Accademia Italiana di Scienze Forestali.

Meidinger, E., V. Brukas, G. Bouttoud, Tysiachniouk, M., Ahas, R., Actins, A., Hain, H., Paschalis-Jakubowicz, P., Kore, M., & Mardiste, P. 2006. Forest certification in Eastern Europe and Russia. *In: Confronting Sustainability: Forest Certification in Developing and Transitioning Countries.* Yale school of Forestry and Environmental studies.

Muiste, P., Kurvits, V., Mitt, R., Teder, M., & Kakko, T. 2006. Forest harvesting in Estonia during the transition period. *Forestry Studies*, **46**, 164–171.

Rajan, S. R. 2006. *Modernizing nature: forestry and imperial eco-development 1800-1950.* Oxford: Oxford University Press.

Vandergeest, P., & Peluso, N. L. 2006. Empires of forestry: Professional forestry and state power in Southeast Asia, part 2. *Environment and History*, **12**, 359–393.

9 The production and use of knowledge in Regulatory Impact Assessment – An empirical analysis (extended abstract)

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There are few institutional venues in which knowledge, politics, and policy-making are more closely interlinked than in Regulatory Impact Assessment (RIA). RIA is commonly understood as the formal appraisal activities initiated or coordinated by government administrations when they develop specific policy instruments. What makes RIA a fascinating case for the analysis of the role of knowledge in policy-making is the fact that it has quasi-scientific ambitions, but also takes place at the heart of government where political decisions are transformed into laws, regulations and other policy instruments. This paper analyses both the production and the use of knowledge in the context of RIA. It aims to shed more light on the different functions knowledge can play in policy processes, on the relationship between values and 'facts' in the assessment and on the role of competing frames. The work is based on an empirical research project analysing RIA procedures across the European Union[1]. The research draws on a desk-based review of

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relevant policy documents and evaluations as well as interviews with government officials and stakeholders.

As a theoretical lense for the analysis of RIA processes, the paper uses two contrasting conceptualisations of the role of knowledge: the rationalist model, traditionally the dominant approach, which is based on a clear distinction between 'values' and 'facts', draws heavily on economic methodology and aims to support decisions about the most efficient way of reaching a given objective by providing information that is as accurate, precise and complete as possible. This is contrasted with a post-positivist critique of the rational model which regards the fact/value distinction as invalid, emphasises the role of language and discourse, highlights the risk that scientific method is used to mask (potentially controversial) value judgements and propagates the use of more reflexive and participatory methods. The paper recognises that many policy analysts will use ideas and elements form both orientations, but it argues that this distinction of two epistemological orientations remains analytically fruitful.

In a first empirical part, the paper explores how RIA is theoretically conceived in policy documents, particularly with regard to how knowledge is supposed to be produced and used in the policy process. It draws on an extensive review of RIA procedures in the 27 EU Member States and at EU level. We observe that the large majority of countries have one or several formal RIA procedures in place (see Radaelli, 2005), although they vary with regard to their institutional arrangements, specific orientations and implementation. The aims of RIAs are described in different terms, but a common objective is to improve decision making processes by systematically collecting information about the likely impacts of a planned policy and thereby providing the basis deciding on the 'best' policy. In many countries, RIA is strongly related to a 'better regulation' agenda that aims to improve the quality of regulation, reduce administrative burden and make a positive contribution to economic competitiveness. Although there are a few notable exceptions, RIA is typically conceived mainly as an expert based, neutral fact-finding process that is separate from political decision making. It is performed by the administrative unit, in most countries without formal requirements to include other actors or political institutions. Implicitly, parliament and cabinet are perceived as the main target audience for the RIA, assuming a unitary decision maker that has to be informed by means of a scien-

tific assessment. The missing attention to process issues may partly be attributed to a general lack of effort in designing effective assessment procedures, but also reflects that the relationship between knowledge and policy is seen as straightforward. With a few exceptions, the conception of RIA draws heavily on a positivist epistemology. RIA procedures still follow a model of 'speaking truth to power' (although those who are supposed to make decisions more rational by providing factual information on policy options and designs are administrators rather than scientists). They – at least in the way they are set out on paper – appear to be almost completely unaffected by the "postpositivist turn in policy analysis" (Hoppe, 1999).

A second empirical part is devoted to the practice of RIA. While the analysis of RIA procedures draws on a largely desk-based study, the exploration of RIA practice required a more in-depth approach. Five jurisdictions (Denmark, EU, Netherlands, Poland, UK) were selected on the basis that they all have fairly extensive RIA systems in place, but represent different types of political and administrative systems. In each of the jurisdictions, a range of individual policy cases where selected. Here, the cases were selected to represent different policy areas and instruments, but include policy initiatives of a certain political and economic significance. To make effective use of resources, a larger number of cases was conducted in jurisdictions where access to documents and officials was easier (EU: 8 cases, UK: 7, Netherlands: 4, Denmark: 3, Poland: 2). The case studies demonstrate that RIA as it operates in practice shows little resemblance to the linear process of gathering facts for better policies. Conformity of RIA practice with – or even resemblance to – the process described by jurisdictional guidance documents is the exception rather than the norm. A detailed analysis of RIA practice challenges at least five key assumptions of the instrumental-rational RIA model:

– While guidance documents tend to describe RIA in terms of a rational problem solving process, the reality observed in practice often corresponds to a process that resembles more the 'garbage can model' of policy-making.

– The expectation RIA can provide a reliable, objective and comprehensive picture of potential impacts of a planned policy is clearly not realistic. Almost all cases showed that analysis of potential future im-

pacts is necessarily uncertain, incomplete, simplified and potentially contested.

– The idea of a unitary decision-maker who chooses the most efficient policy option based on the RIA – which seems implicit in many RIA-related policy documents – is largely unrealistic.

– In theory, RIA is supposed to guide decisions by providing a reliable picture of positive and negative impacts of the policy, i.e. it aims to help 'close down' (Stirling, 2005) decision processes. In practice, however, this was only achieved in relation to technical, narrow RIAs carried out on very specific options.

– In most jurisdictions, RIA is conceived as a largely internal process based on the expertise of public administration. While it was evident that specialised government officials normally have great knowledge of a policy area, the experience in jurisdictions that give stakeholders a more prominent role in RIA shows that the knowledge of practitioners is also very important.

One might argue that these observations do not in themselves discredit the instrumental-rational model as an aspiration, nor does it provide an alternative to it. Therefore, the first question is whether the positivist orientation of RIA procedures is a barrier to their functioning as an effective and democratic aid to policy-making. The insights generated by the case studies indicate that the requirements and expectations associated with RIA function indeed as a major constraint to their implementation. For example, the assumption of linearity leads to very rigid formats in the prescribed process and reporting formats. As a consequence, there tends to be a strong tension between the formal requirements and actual practice. The unrealistic expectations towards quantification and precision tend to narrow down the scope of the assessment as it carries with it a dominance of economic approaches and costs. Qualitative judgements tend to be undervalued and few attempts are made to capture uncertainties. The lack of effort to involve different types of expertise – particularly those by target groups, stakeholders, and implementing bodies – is a missed opportunity to design robust and workable policies.

The question of an alternative orientation of RIA is more difficult to answer. We argue that instrumental learning has a role to play in RIA and

that conventional methods of policy analysis should not be completely replaced. Put in theoretical terms, we hold the view that political reality involves complexities that necessitate the application of simplified templates and models. Policy analysis may provide such templates and models, even though they are reductionist and their relevance can only be provisional. The strong points of post-positivist critiques, however, lie in making us aware of even those provisional qualities and that we have to be on the lookout for non-reflective use of scientific knowledge in the policy domain. RIA procedures should make a more conscious effort to reflect the limitations of scientific knowledge. Practical steps in this direction would be to avoid a dominance of narrow quantitative methodologies, to provide a more flexible process structure, to more actively involve stakeholders, to give attention to sensitivities and uncertainties, to reflect more on problem framings, and to be more transparent about the assumptions underlying the analysis.

Bibliography

Hoppe, R. 1999. Policy analysis, science, and politics: from "speaking truth to power" to "making sense together. *Science and Public Policy*, **26**(3), 201–210.

Radaelli, C. 2005. Diffusion without convergence: How political context shapes the adoption of Regulatory Impact Assessment. *Journal of European Public Policy*, **12**.

Stirling, A. 2005. Opening Up or Closing Down: analysis, participation and power in the social appraisal of technology. *In:* Faure, A., Pollet, G., & P. Warin; M. Leach, I. Scoones, B. Wynne (eds), *Science, Citizenship and Globalisation.* London: Zed.

10 Global Forest Governance – What Role for Forestry Science? (extended abstract)

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Forestry science[1] operates in a changing socio-political environment: forests are of growing concern on the international and the global political level. Despite the failure of achieving a legally binding instrument on forests and since the Rio-Conference (UNCED), 'forests' form important aspects of international conventions, so that there exists a multitude of forest relevant processes on the international level. The range of identifiable processes reaches from legally binding international conventions as the Convention on Biological Diversity or the United Nations Convention on Climate Change with the Kyoto Protocol, to non-binding intergovernmental negotiation contexts like the United Nations Forum on Forest up to purely private governance that can be found in the FSC and PEFC. The paper deals with the implications of these processes for forestry science as non-state actor that aims for inserting its expertise into political processes. Since global environmental problems are complex and decision makers increasingly depend on scientific advice for their resolution, one should expect growing influence for forestry scientists in the policy field. Paradoxically, forestry science does not seem to profit form this development but rather appears to become marginalised.

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[1]For the purpose of this paper 'forestry science' will be referred to as a natural-scientific discipline. The author is aware that this conceptualisation does not comprise existing (sub-)disciplines such as forest politics.

This case study[2] is conducted before the background of two theoretical models of international forest politics that are used as heuristic frameworks to (re-)arrange the globalised forest policy field. Each of them is associated with a particular mode of governance and draws upon a specific framing of the policy field. The first conceptualisation understands international forest politics in terms of an inter-state co-operation problem. States, i.e. unitary governments, pursue what they perceive of as their national interest in a clearly bounded and assignable policy field. In this regard, the purpose of scientific advice would be to help governments to become clear about their own utility functions in international negotiations. The conceptualisation of international forest politics that epitomises this first understanding will be labeled the 'core forest process' and focuses on the UNCEDs 'Forest Principles' with its ensuing intergovernmental negotiations in the IPF, IFF, and the UNFF.

The second, alternative approach to international forest politics can be conceived of in terms of 'global governance'. It supersedes the state-centric perspective of rational unitary governments being the only actors in world politics but instead stresses a mutual constitution of prevailing problem definitions and state- and non-state actors within the policy field. It turns its scope from (non-)co-operation between self-interested states towards coordinated attempts to produce "global public goods" (Cf. Ruggie, 2004; Young, 1994) and comprises "the broad range of political, economic, and social structures and processes that shape and constrain actor's behaviour towards the environment" (Levi & Newell, 2005).

The paper argues that the interest-based model is no longer adequate to grasp the complex and fragmented realm of international forest policy. The 'traditionally bounded' policy field (the 'core forest process') relies on a conception of forests as local resources that should be managed in a sustainable way. This problem framing led to the core forest process' stalemate and, ultimately, to its political insignificance.

On the other hand, the forest governance model with its broader conception of international forest politics is better suited to grasp the inter-

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[2]This study is conducted within the 'ENFORCHANGE' project (www.enforchange.de) which is funded by the German Federal Ministry of Education and Research (BMBF) within the programme 'Research for Sustainability' and hereby within the promotion focus 'Sustainable Forestry'. Its main objective is the search for future-compliant, wholesome land-use concepts in the light of changing environmental conditions.

nationalised policy field. According to this model, the internationalised policy field consist of a conglomerate of diverse and more or less distinct transnational and intergovernmental processes that deal with different aspects of 'forests' and comprise a multitude of governmental and non-governmental actors. Within these processes, norms and principles in the policy field such as the boundaries of the policy field, the constellation of legitimate actors, their access points to the political realm, and, finally, what is considered appropriate knowledge are redefined.

With the internationalisation of forest politics, new non-state actors, such as industry lobbyists, non-governmental organisations, or private norm-setters, but also governmental actors such as environmental administrations, and have emerged on the scene. The formerly homogeneous and mainly locally organised circle of 'traditional forestry actors' with its unitary problem definitions and preferences is complemented by non-silvicultural, governmental and non-governmental actors on the national and an international level. These 'new' actors carry own expectations and knowledge demands what challenges the appropriateness of 'traditional silvicultural' knowledge forms and, ultimately, forestry science's claim as provider of relevant knowledge within the policy field.

The case study reveals a problem of scale within forest politics, i.e. discontinuities concerning relevant actors, problem definitions, and conceptualisations on the different levels of forest governance: neither are previously existing domestic actor constellations reproduced on the international level, nor are the demands that derive from international processes well understood on the local level of implementation. The paper argues that forestry science has to recognise its *de facto* politisation and the 'global-environmental shift' that has occurred within the forest policy field. The growing international concern for forests seems to benefit global conceptualisations and knowledge forms and thus confronts the traditional silvicultural conception of forests and forestry with its inherent local orientation.

In order to stay acknowledged in this re-shaped policy field, forestry science must present its research findings in a manner that can be connected to the prevailing discourses and problem definitions, i.e. to re-align its research agenda to 'new' participation norms and to recognise emerging societal demands from outside the forestry sector. Forestry science builds upon an exhaustive expertise on local forest management and holds close linkages forest owners and forest administration.

An understanding of politics in 'governance-terms' that also includes the stage of implementation offers new possibilities for forestry science. The discipline still retains its monopolist position as provider of scientific, local silvicultural knowledge and disposes of high legitimacy and credibility vis-à-vis crucial implementation actors. This strategic position of forestry science for effective forest governance needs to be better communicated towards the new governmental and nongovernmental actors within the policy field. The inconsistency of existing forest governance processes constitutes a further promising starting point for forestry science. Contradictory objectives and demands that derive from the fragmented structure of forest governance are potential sources of inefficiency of global environmental processes. From this perspective, forest science faces the task of reconciling diverging global demands and local necessities. Forestry science's adequate position would be found as 'broker' between the spheres of global, politically and environmentally shaped forest governance and the local, silvicultural realm of implementation, for example through deriving concepts for local silvicultural action that combine the demands and necessities that derive from either spheres.

Bibliography

Levi, D.L., & Newell, P.J. 2005. Introduction: The Business of Global Environmental Governance. *In:* Levi, D.L., & Newell, P.J. (eds), *The Business of Global Environmental Governance.* MIT Press.

Ruggie, J.G. 2004. What Makes the World Hang Together? Neoutilitarianism and the Social Constructivist Challenge. *International Organization,* **52**(4), 855–885.

Young, O.R. 1994. *International Governance: Protecting the Environment in a Stateless Society.* Ithaca and London: Cornell University Press.

11 Accountability of Experts in the Danish National Park Process (extended abstract)

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In 2002 the Danish Minister of Environment initiated a process to investigate the possibilities of establishing national parks in Denmark by means of seven pilot projects. This paper deals with two of the pilot projects: 'Vadehavet' and 'Kgs. Nordsjælland'. For each area in question a locally anchored steering committee should manage the process and to coordinate efforts a national advisory group was established. The purpose of the pilot projects was to establish as thorough and coordinated a knowledge basis as possible for deciding whether or not there should be national parks in Denmark. Moreover it was of fundamental importance that the process took place in close dialogue and cooperation between the local population, local interest organisations, local authorities and relevant State authorities with the aim to integrate environmental, social and cultural, commercial and recreational interests in a joint solution. For this purpose experts were mobilised to investigate the status and potentials of the areas in question; hence science and politics were intertwined.

Weingart (1999) uses the concepts: 'scientification of politics' and 'politicisation of science' to describe the problems arising from science and politics being intertwined. Indications of the first phenomenon are that science contributes to put issues on the political agenda rather than merely responding to societal problems defined by politics, hereby exchanging the role of policy advisor to policy-maker gaining undue influ-

ence on politics. Politicisation of science relates to experts who advocate political interest disguised as objective science and policy-makers selecting scientific results to further their own interests. Scientification of politics creates a technocratic rule which decouples both the right and ability of affected citizens to influence policy; politicisation of science reduces credibility of scientific results and threatens the legitimacy of experts in policy-making.

Accountability of the experts is important to circumvent the problems associated with politicisation of science and scientification of politics. It can do so by being a democratic means to monitor and control the conduct of the experts and the policy-makers using the knowledge. Accountability can be defined to encompass (i) a relationship between the expert and a forum, (ii) in which the expert has an obligation to explain and justify conduct. (iii) The forum can ask questions and pass judgement and (iv) the expert may face consequences. This definition is adapted from Bovens (2007).

This paper examines the accountability relations that experts were a part of in the national park process. These relations are examined at three levels defined by whether account is rendered towards the employer of the expert, towards the buyer of expertise or towards the general public. At each of the three different levels for accountability, we address the following questions: were the relationship between the experts and the fora accountability relationships at all? What types of accountability were in play? What was the nature of the obligation, the possible judgements and the severity of consequences? Knowing this enables us to discuss if the accountability of experts was sufficient to circumvent the problems associated with politicisation of science and scientification of politics in the specific case of the national park process which is the purpose of the analysis.

Data were contrived through 30 semi-structured qualitative interviews and document analysis of the written material available from the process (project reports, meeting minutes and agendas, scientific reports, previous research). Respondents were selected by means of the lists of participants and through snowball sampling.

Nature conservation is a complex matter and declining biodiversity is a problem. Therefore science must contribute to a solution, but large, protected areas can not be designated and expected to have an effect without considering the interests and concerns of the people affected.

Creating pilot projects with rich opportunities for deliberation was a reasonable approach to integrate all the different concerns and create national parks that could potentially fulfil the multiple goals of protecting nature, ensuring nature experiences to the recreationists and contribute to rural development.

The analysis of the accountability relations in the case shows that the relationship between the public and the experts can not be considered an accountability relationship in the narrow sense. In particular the process of expert inclusion was subject to insufficient public accountability as the procedures of expert inclusion were not entirely transparent to the public. To truly integrate the multiple aims of a national park the citizens should be involved in the selection of experts and in defining their tasks. This was not the case as it was the public authorities who asked experts to do more or less predefined investigations for each their subject and no apparent efforts were made to coordinate the contributions or establish collaboration among experts. From a deliberative idea of democracy an informed participation by the public is essential, and that prescribes a dialogue among citizens and experts and that knowledge is debated and discussed among citizens. Unfortunately the expert contributions in the two pilot projects under study were initiated too late to be included in the citizen deliberations practically hindering integration of the different forms of expertise needed for a joint solution. Considering the potential consequences of establishing a national park to the (local) citizens, experts should be directly accountable towards the public. Furthermore, accountability towards the public is a necessity to truly circumvent problems related to scientification of politics.

Experts were formally accountable to the buyers of knowledge, the steering committees and the national advisory group, which to some extent represents the public, but this relationship took on a rather symbolic character that mainly related to the results and not to procedure. The main accountability-holder was the National Forest and Nature Agency, which played a significant part in the selection of the experts and also shaped the content of investigations by means of guidelines.

Bibliography

Bovens, M. 2007. Analysing and Assessing Public Accountability. A Conceptual Framework. *European Law Journal*, **13**(4), 447–468.

Weingart, P. 1999. Scientific expertise and political accountability: paradoxes of science in politics. *Science and Public Policy*, **26**(3), 151–161.

12 The Effect of Expertise on the Quality of Forest Standards Implementation: The Case of FSC Forest Certification as a Form of Forest Governance in Russia (extended abstract)

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The goal of our contribution is to examine the role of local experts in translating global environmental standards into real tangible practices at the most immediate local level. A growing body of literature has explored the process of international standard-setting in various fields, including but not limited to technical standards, accounting, safety, labor conditions and environmental standards. In our work we rather focus on the implementation of global voluntary social and environmental standards and emphasise that their implementation is equally crucial in governance processes based on voluntary social and environmental standards as in the more traditional modes of governance. We specifically seek to provide a theoretical framework for examining the role of experts that so far has been neglected.

Specifically, in our paper we address the role that local experts play in translating global voluntary standards of forest management into specific practices in the Russian forestry sector. We look at the Forest Stewardship Council (FSC) certification of forest management, the only for-

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est certification program active in Russia. We examine how various groups of actors claiming special expertise in forestry and forest certification shape the ways Russian forest companies change their practices to comply with global standards of sustainable forest management that the Forest Stewardship Council, global network organisation, developed. We show that differences in expert's knowledge and orientations are crucial for understanding differences in standard implementation at the local level. We draw our data from two in-depth case-studies of two certified forest companies, Karelia and Pomorie, which log in the Republic of Karelia and Arkhangelskaya oblast, two regions in the North-West of Russia. Working in similar conditions and having a similar organisational structure, they show striking differences in forest certification standard implementation, both environmental and social. We seek to highlight the role of experts in the process of certification and understand their impact on the patterns of change enacted by certification.

The paper is based on interviews with FSC experts, auditors, and logging company managers and employees conducted in 2006-2007 (the total number of interviews is 42). Interviews conducted in previous years (2002-2005) were used for the background information. We also used materials that we collected in two field studies in forest settlements located on the forest area rented by two companies that we focus on. In addition we draw data from participant observation during FSC forest management audits, meetings of certification bodies and meetings of FSC national initiative in 2005-2007.

We demonstrate that expertise and experts are not neutral. Expertise and knowledge is delicately intertwined with actor's interests and identities. These differences in perceptions of the world coupled with diverse interests and identities of actors shape the ways experts use their knowledge in both standard-setting and implementation. Global standards are differently adjusted to the similar local contexts by different certification bodies and auditors use the standards with emphasis on their certification body policy. This results that on the stage of implementation, as we demonstrate in our case-studies, similar firms in a similar environment follow different paths towards compliance with the standards.

We show that several actors are essential in implementation of the standards on the local level: a) as we explained above the auditors are the most influential, b) the NGO and state experts involved in prepara-

tion can result in different outcomes, c) the logging company itself and its previous experience with NGO community can influence the selection of the experts d) finally the stakeholders including local communities and indigenous people organisations can use their rights to participate differently depending on their capacity. We show that FSC standards are rules that require additional interpretation and experts may interpret standards in different ways depending on their interests, identities and the features of expertise.

As actors interact they struggle with each other about the right ways to interpret the world around them and in particular their new rights that FSC standards provide. This was apparent in both cases, but the experts in Karelia case recognised the importance of local citizen expertise, while experts of Pomorie did not. We show in our study that expertise is a key element in this process and it shapes the specific ways the social and environmental change is brought about at the local level.

Our study shows that, auditors are have a certain freedom to interpret criteria and indicators in the way they deem to be most favorable for themselves, certified companies and society at large the way they understand it, and these understandings differ. Formally, as long as certification body and its auditors do not require thorough community consultations and respecting indigenous people rights a company is not obligated to do so. It is no doubt that certification bodies cannot demand too much but in what they can require, their decision often depends on their vision of the world and their knowledge that may be quite restrictive as in Pomorie case. Their experience in governmental agencies and research institutions has a restraining effect on their demands and when this effect is coupled with company's reluctance to accept the demands of nongovernmental organisations as not legitimate or authoritative the outcome may be the formalistic or poor implementation of standards.

We explain in our paper why two similar forest companies in the North-West of Russia differ substantially in how they pursued certification. Although both companies opted for forest certification for pragmatic reasons, they display qualitative differences in both how they pursued certification and how they have maintained it. As it was described Karelia went in certain ways slightly beyond certification requirements in improving its forest management and has consciously tried to avoid formalistic approach to forest certification. It has developed genuinely inclusive relationships with local population, scientific community and

environmental activists with an explicit goal of facilitating social change at the local level. Pomorie, on the contrary, adopted a formalistic style in certification and is reluctant to developing any dialogue with stakeholders and to doing more than certification's formal criteria require. These different styles have been backed up by certification bodies, auditors and experts involved in certification. Their interaction has not been easy and straight-forward. It has involved conflicts, tensions and disagreements that stem from differences in individual expertise, identities and interests and organisational dynamics.

Overarching contributions

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13 Empowering community or the State: Policy discourses and experts in the community self management of forest in Meghalaya, a state of India

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Introduction

The paper examines the fate of community management of forest in the real world context of pressure through the State in Meghalaya, a small province inhabited by indigenous people who though are legally in control of forests, but the state/expert are trying to "develop and manage forests scientifically", which in the process are being taken away from the communities whose lives and livelihood they have supported for centuries.

Following Dryzek's typology of discourse analysis and Hajer's discourse coalition, the study identifies several discourses mainly inside but also outside policy arena, which impact on the community resource management to show how certain discourses and practices opposed to community management have come to dominate others.

It also articulates the fundamental contradiction inherent in the Policy/expert discourses which while claiming to promote indigeneity, at the same time blame indigenous practices for the demise of the environment. In the process the study tries to unpack the discourses on development and participation surrounding wide-ranging state interventions like Joint forest management, Park management, 'Controlling' the primitive practice of shifting cultivation, and the recent, Post-Kyoto,

epistemic community led initiative on carbon trading which are not only de-legitimising community but are also creating new and hitherto unknown subjectivities for them.

The paper demonstrates that the hidden normative position in such interventions is appropriation of community forest to bring it under the state control, for which a variety of technical positions for "better, scientific and productive" management of forest have been assumed, in opposition to indigeneity.

Community control of Forest and its limitations

Till recently the accepted public policy was to manage the forest through the government. The basic premise of this policy was that conservation required the protection of forests and since the members of local communities needed the forest for fuel-wood and fodder, they over exploited it leading to degradation.

However, the inadequacy of this top down, exclusionist approach leading to continuous degradation, led policy makers, practitioners and donors to turn to communities to improve the management of 'their' natural resources (Agrawal, 2005).

A plethora of literature has consequently emerged that celebrates communities. But the sustainability of community management within the political economy and policies of modern States, has mostly been neglected in such studies.

They also overlook the fact that even the effects of participatory measures proposed by the community advocates to roll back State power and strengthen community, have the capacity to further strengthen the State's territorialisation project and provide various other opportunities (e.g. through bureaucratic expansion, donor funding, international legitimating) for the intensification of the rule as such state interventions are legitimised by powerful discourses of 'rational' use of forest. The State, for instance may appear to be supporting community management explicitly, but in practice community forestry may bear many of the hallmarks of scientific forestry wherein technical and productivity aspects rather than social considerations are emphasised. This element is related to what is called political technology. First introduced by Foucault (1980), it refers to the fact that political problems may often be removed from the realm of political discourse and recast in the neutral

language of science. Through this depoliticisation process, the problem can be reformulated and presented as neutral. By depoliticising, community forestry as a technical, neutral management issue, the State policy design may offer straight forward technical solutions that do not require engagement with often uncomfortable issues of power and equity.

Against this background the paper will look at the community management of forest in Meghalaya, a North eastern state of India where people have historically been in control of forests, but the discourses attempting at 'rational' management of forests are delegitimising communities.

Community control of forest in Meghalaya: Past and Present

Meghalaya is a small, mountainous, state in the North eastern India, having a population of about two million, with 85% population belonging to indigenous[1] matrilineal tribes-Khais, Jaintia and Garo.

The Forest Survey of India (FSI) has estimated about 70% of the geographical area in Meghalaya – 16,839 sq. km out of a total 22,429 sq. km – as the actual forest cover in 2003 (FSI, 2003). Out of the total forest cover only 1027 sq. km (6%) is under the control of state forest department and the rest of it (94%) with the community (Ibid. 2003).

Forest management in Meghalaya has long been described as exceptional because the Indian Constitution provides for control over almost all forests in the region to the indigenous people, unlike the rest of India where the central forest department owns most of the forest and manages it through state forest departments.

Before the British conquest in the first half of nineteenth century, in Meghalaya, then a part of Assam, traditional institutions looked after the affairs of the community. These traditional institutions had a complex system of regulation of natural resources, which granted rights not only over land/forest use to the community but also defined rights to trees, fruits and right to collect fuel wood. Religious sanctions were also used to conserve forests.

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[1]The terms 'Indigenous' and 'Tribe' have been used interchangeably in this paper.

Though the traditional heads were gradually made subordinate to the British rule and were to pay tribute to the British , inaccessible and inhospitable terrain compelled the Raj to follow administrative practices based on non-interference and exclusion, resulting in continuation of communal forms of forest management. On the eve of India's independence from British rule in 1947, the North east witnessed considerable unrest, as the indigenous people were apprehensive that an 'integrationist' policy may adversely impact their way of life. Accordingly framers of the Indian Constitution provided for the establishment of the Autonomous District Council (ADC), an elected body of the indigenous people, based on adult suffrage in early 1950s which were also entrusted with the power to manage forests.

Thus forest management in Meghalaya continued to be exceptional because of community control but paradoxically Meghalaya is often cited as a 'failed' case of community forest management as it has estimated to have lost a large part of its forests in the last few decades (GoM, 2006a). Also, there is a drastic fall in the quality of cover as dense forests are reducing and open forest increasing (Ray & Alam, 2002), forcing the Apex court of the country to ban logging in Meghalaya in 1996, along with other parts of India (Nongbri, 2001).

The indigenous community has predictably been blamed for the state of affairs in most of the policy documents, providing support for the discourse which reframes the issue of deforestation by endorsing more, State intervention, questioning the discourses that celebrate community. This is evident in the subordination of the discourse on indigeniety by the modernist, metropolitan policy discourse.

Post-independence Meghalya: the two contrasting discourses of indigeneity and state development through modernity

Two contrasting discourses can be located in Meghalaya. First, the discourse on indigeneity which emphasises collective rights in land and natural resources, favoring traditional community land management systems as an alternative to private and State ownership regimes and the second, discourse on modernity, which shares the vision of the metropolitan-secular view of nature and its economistic and material

uses for the nation, based on extraction of natural resources and expansion of modern nation State to the community space. I will demonstrate how in Meghalaya the metropolitan-secular discourse has established domination over the indigeneity discourse.

As we saw earlier, the creation of ADCs were continuation of policy that originated in the colonial period wherein the tribal areas were treated as protected enclaves. ADCs backed by the central government envisaged an arrangement wherein tribal people could supposedly pursue customary practices including kinship and clan based rules of land allocation emphasising indigeneity. The discourse on indigeneity remained powerful in the 1950s and was re-enforced by India's first Prime Minister Jawaharlal Nehru through his policy of 'Panchsheel' or five principles of tribal autonomy which stressed that tribal rights in land and forest should be protected.

But as Meghalaya was still a part of Assam and indigenous people resented the fact that the politics, administration, trade and commerce had predominance of the plainsman from Assam, ultimately the indigenous state of Meghalaya was created in 1972.

However, immediately after independence and along with the indigeneity discourse, a multifaceted development narrative on the North east had also emerged. The use of the rich natural resources was seen as a response to the needs of the growing national economy, which could be achieved by integration with the rest of the country. The emerging pan – Indian discourse which drew a blue print of development saw the exclusiveness, isolation and inaccessibility of North east as a major problem in need of conventional development trajectory – planning and allocation of funds to departments such as road construction and industries and inflow of capital from the entrepreneurs of industrialised regions (Barua, 2005). Once the presence of industry was defined as progress its absence by definition became a mark of backwardness and a vision of the future which incorporated more industries and the displacement of the local resource use regime by national and global resource use regimes was taken for granted (Ibid.). Thus an infrastructure of State institutions was thought to be necessary to reinforce among the people of the region the sense that they were part of Pan-India national community (Ibid.).

In the circumstances the only hope for the indigeneity discourse was Meghalaya's own development discourse after the creation of an inde-

pendent state. But if it was expected that an indigenous state would defend community control it was to be belied as Meghalaya continued to follow the conventional, Pan-Indian path of development, albeit more speedily.

Thus in his inaugural speech to celebrate Meghalaya's statehood in 1972, its first Governor B.K. Nehru charted a road map for the future development, which demonstrates how the project of modernisation was being shaped. He focused on pedagogy of development, followed in rest of India that underlined that people of Meghalaya were lagging "behind their brethren in other parts of the country" and highlighted the need for conventional development strategy.

Clearly the local people were seen as backward and in need of general integration into modern mainstream development, for which settled agriculture, infrastructure, developed means of communication, extraction of natural resources and industries were seen as solution. It also indicated a new representation of forest from subsistence to commercial (GoM, 1972).

Thus Meghalaya's official policy documents continue to see its hilly terrain, 'unfavorable' climate condition, geographical isolation, lack of infrastructure and smallness as major problems and industrialisation and 'infrastructure' as solution. However they add two more 'hurdles' to development – sparse population and ethnic identity. (GoM, 2005).

The Pan-India yardstick of development-road network is still assigned a major place in the official documents. A recent government document laments that total road length in the state is 7886 km. with a road density of 36 km per 100 sq. km. as on March 31st 2005, which is lower than the national average. It proposes to add more kilometers of road construction (GoM, 2006a).

Another official document GoM (2005) expresses satisfaction that the state has seen a record increase in the number of registered vehicles from 3,831 to 73,382 – a ratio of one vehicle for every 32 persons in 2002 as against 1:264 in 1972 – a sign of 'development'.

Therefore a standard development meta-narrative has made inroads in Meghalaya. The overwhelming dependence on central government for funds and centralisation of decision-making process in bringing about planned development are conventionally held responsible for the development path chosen by Meghalaya (Banerjee & Kar, 1999). But the fact that the prime mover of these projects are elected representatives

of Meghalya or its middle class shows that discourse on development has assumed hegemonic proportion at least among policy makers and politicians.

This is strikingly different from the indigenous discourse reflected in Meghalya Indigenous People's Forum's assertion that "state should not adopt industrialisation for sake of industrialisation, as land to the tribal is more precious than coal and lime stones […] we should develop our state according to our own genius" (The-Shillong-Times, 2006).

To conclude, while both the central and regional planning authorities have acknowledged the specificity of the North east, they have failed to adopt a suitable alternative strategy, which could develop the region without disturbing its ecological balance and the identity of the people, overlooking indigenous discourse. Instead the conventional development strategy has been followed. It is only natural that with the opening of the Indian economy, the Meghalaya government is projecting itself as an investor friendly place, where the abundant natural resources are made the major selling point. For instance a document of the Department of Industries, Meghalaya states "with its rich and vast minerals, water and forest resources, Meghalaya offers tremendous opportunities for investment" (Karlsson, 2003). Development in this vision is to be achieved through further extraction of the 'untapped resources' including forest with active support of the state. Such policies are damaging indigenous institutions, weakening community control over natural resources.

District Councils: indigenous institutions or entry points for State formation in community space?

As mentioned earlier, elected body of autonomous district council was created to represent indigenous people. Commenting on the formation of ADCs, Barua (2005) rightly observes that an explicit policy of marginalising the tribal people in their own habitats, dismantling the institutions of tribal autonomy established in colonial times would have been politically unwise at a time of discontent among North eastern people. "Therefore it was necessary to find a middle ground that would enable the penetration of Pan-Indian institutions and at the same time allay the fears of the people of this sparsely populated area. District

councils were a good way to ensure both the penetration of the State and the creation of local stakeholders in the Pan-Indian dispensation" (Ibid. 2005). It is not surprising therefore that modern, elected institution of ADCs were given authority over the traditional institutions based on hereditary and local customs. In fact in this new arrangement traditional chiefs were made subordinate officials of the ADCs, liable to be dismissed on charges like insubordination (Gassah, 1997).

The 'compliance' of ADCs to the territorialisation project was achieved in two ways. The first was their financial dependence on state and central government because they lacked resources to run their huge establishment. Their 'obedience' was further ensured by way of the supremacy of state legislation which could over ride district council.

While these 'disciplinary procedures' were important to align ADCs to Pan-Indian development discourse, the role of hegemonic development discourse in the shaping of the ADCs should not be overlooked. It is interesting to see how the ADCs became governmentalised localities that carried the state version of development and opened new territorial and administrative spaces in which new regulatory communities were to function. Thus it is natural that ADCs share the all-India discourse of modernity that equates development with industrialisation, infrastructure and exploitation of natural resources of the region for the 'progress'. They spend a major portion of budget on road and construction.The national and state political parties participate actively in the elections to the District Councils and fierce political battles are waged to capture power. (Phira, 1991). The management of Forest under District Council is equally statist.

Thus legislation for management and control of forest by district council passed in 1958 recognises various categories of forests based on customary usages and practices but at the same time vests all powers of management and control of these forests in the district council. Despite various amendments overtime, it mentions nothing about the community management and its elaborate regulatory provisions are limited to the registration of forests, removal of forest produce, felling of trees and controlling transportation of timber. It also provides for an elaborate classification and schedule of rates of royalty for different kinds of timber and minor forest produce (GoM, 1958).

The indigenous community forest is an important source of livelihood which not only provide food, fodder, fuel but also timber, fruit

and medicine in Meghalaya but the deployment of forest for the Pan-Indian industrial development opened the door to non-tribal business-men who have leased forest on contract basis from clan landowners and sold or transported the timber outside the state. Those who are rich have also set up their own saw mills thus bringing the industry into the village with assistance from state owned Meghalaya Industrial Develop-ment Corporation (MIDC). While the logging ban in 1996 has checked felling of trees temporarily, deforestation has continued due to increas-ing extraction of charcoal from timber, of late.

The 'King' Charcoal Charcoal was an important domestic fuel consumed during the usually cold winter of Shillong (Zimba, 1978) but with the onset of industrialisation its demand increased many fold and char-coal burning itself became an important industry. Charcoal was initially linked to progress as it was seen as a must for industrialisation of the state. As a result a number of Ferro alloyed units have been established in the state, which need charcoal on a very large scale. An environmental discourse has emerged in the last few years in the state, blaming char-coal for deforestation and pollution, mainly popularised by the media, which has led to a change in the meaning of charcoal from a substance of progress to regress, compelling government to regulate its trade. But attempts to do so are facing opposition from industrialists, indigenous charcoal dealers and forest owners on the ground that their livelihood depends on charcoal. The state level politicians share this perception also. For instance the Co-Chairman of the Meghalaya State Planning Board thought that the ban might affect the people of the state badly and could even lead to starvation deaths in the state (The-Shillong-Times, 2004)).

This shows how actors having different interest have formed a strong coalition to support charcoal, which earns the epithet 'King' for it. It is also an indication that while discourse on industrialisation has strength-ened, environmental discourse, which could have checked deforesta-tion has not been able to garner any support from the civil society, not even from those, like Khasi Students' Union, who represent an indige-nous discourse opposing export of natural resources to other parts of the country.

Privatisation of community land   The most visible process of privatisation is the conversion of village community land (Ri Raid) to clan/private land (Ri Kyntis) by devious means as pressure on land under changed economic circumstances is mounting. The process was facilitated by the customary law that so long as an area of land was under cultivation and not allowed to lay fallow, it continued in the possession of the family, which reclaimed it from the common land. With the ascendancy of market economy the people quickly realised that, "as long as they plant enough shoot to keep the forest growing, the land will remain in their possession" (Chattopadhyaya, 1984).

Also, due to the non-existence of any law putting a ceiling, land is being concentrated in the hands of a few rich tribal (Dasgupta, 1999). No where in these areas customary practices would have permitted such a concentration of land, but new linkages have brought with them hitherto unknown phenomena like absentee land-lord, realisation of land rent, sharecropping, land mortgage, landlessness and so on (Karna *et al.*, 1998).

It is obvious that the egalitarian system of community ownership is being replaced by private ownership in the region (Tiwari & Singh, 1995). The twin forces of modernity reflected in privatisation and extension of State control in community spaces are also changing gender relations both within and out side households, weakening the indigenous forms of natural resource management.

Privatisation and state formation in gender spaces   Khasi society is a matrilineal society where descent and inheritance is through the mother. In matrilineal systems women have have rights over ancestral property but community-owned forest is being registered, as private lands which is not construed as ancestral property but 'self-acquired property' a new classification in the wake of modernity, wherein the men have the right to inheritance (Kelkar & Nathan, 2003).

Further the emergence of timber industry has enabled men as husbands to take control of the family's economy. Women's ownership of land is so longer an important feature of the Khasi property system, but has been reduced to a vestigial right (Kelkar & Nathan, 2003). Besides privatisation, the State intervention too has contributed to marginalisation of women and indigenous forms of management, as it has led to the formalisation of external relations and an increase in dealing with

the bureaucracy, to the disadvantage of women. As Nongbri points out in the context of the India's Apex Court's order on logging, "The concept of the working plan mooted by the Supreme Court, according to which forests can be used only in accordance with centrally approved plans ignores women's role in resource generation and also intensifies men's control over them" (Nongbri, 2001).

Recently introduction of formalised village management of the economy, the setting aside of earlier fallow as village reserve forests, and the associated flow of funds into the village through projects, like the IFAD-funded North east India Natural resources Management Project, has also led to increased men's control over the domestic economy (Kelkar & Nathan, 2003).

To sum up, the relationship of subjects to the environment needs to be examined in their emergence not simply as a part of larger politics by pre-existing interests but more so how the practices in relation to the environment transform actors and interests. The success of ADCs and community control project depended on the production of people who saw the need for community self-management, followed by a practice close to it. But the pursuits of development, industry, infrastructure and market have changed the stake of the people in the forest. As a consequence the discourse on indigeneity has considerably weakened.

Unpacking policy discourse on community self-management of forest in Meghalaya

In the last section we saw the interaction of two contrasting discourses, one based on metropolitan secular extraction of natural resources and the other on indigeneity; how has former established domination over latter and its consequences in practice. In this section we enter a specific but complex domain – locating the predominant policy discourse on forest in Meghalaya and its meaning – not only explicit but also and more importantly implicit and what its entails for community resource management. For instance the stated forest policy may be to restore forest plantation, restricting shifting cultivation as it is seen threatening forest or watersheds. Yet the policy may stand for politically more controversial action like middle class concern for the loss of forest or the government desire to get control over the land or the need to sup-

ply wood from forest plantation to the industries. Similarly notions of stability and fragility may sometimes be used to legitimise policies such as resettling villages or forbidding some agricultural practices that are thought to be detrimental such as shifting cultivation (Jasanoff & Martello, 2004).

In the context of Meghalaya, I will try to show how wide-ranging and seemingly unconnected forest related State interventions – schemes to check shifting cultivation, joint forest management, wild life management and carbon trading purportedly for the sake of conservation and efficient and scientific management of forest, have actually been prompted by the State's desire to get control of the community land and use it according to its modernist vision of development.

The State of Environment-Report 2005 of Meghalaya which was finalised after wide ranging consultations not only with many departments of the government such as environment and forest, agriculture, industry, planning, but also academicians, and NGOs, say that "the communities in general, the land owning clans/communities […] and the management systems in place for the management of these forests are to be blamed for such a decline in quality and quality of the forests of the state, as the government do not have any interference in the management of community forests" (GoM, 2005).

The 'degrading' shifting cultivation   A similar disdain for community management practices is evident in the policy perception of sifting cultivation. Shifting cultivation is a traditional subsistence farming system that has been practiced on the steep lands of the tropical forest zones of the world for centuries. It relies on clearing forest, burning, cultivation of subsistence crops for one or two years and then abandoning the plots, moving on to another plot and allowing the forest to regenerate. The cycle of cultivation to 'fallow' forest is traditionally more than 10 years.

It is still widely practiced on the hills in Meghalaya, covering about 20% of forest. Though area under shifting cultivation is said to have declined, still approximately 46600 households are involved in it.

The practice of shifting cultivation was described as 'a rude system of culture' and 'wasteful and barbarous' in the colonial discourse, as the shifting cultivators kept moving from one place to another, and could not be subjected to either revenue assessment or control (Guha & Gadgil, 1995). In post independent period old epithets like 'destruc-

tive', 'degrading', 'uneconomic', and 'primitive' were frequently used in the policy document. Once the urge to control it, driven by modernity discourse to appropriate community land to use it 'rationally', gained momentum, it was referred to in more apocalyptic terms like 'suicidal' (Malik, 2003).

In official reports lands under shifting cultivation is still termed as 'waste lands' and 'unproductive areas' (Malik, 2003) The result of such discourse is a plethora of government run schemes to take control of such land or ensure its use which suits the State's vision of development, starting from Food and Agriculture Organization (FAO) induced so-called rational land use strategies, resettlement of scattered villages in 1960s and 70s, and then a multitude of horticulture, plantation and afforestation schemes which simply employed shifting cultivators as laborers or compelled them to shift from one clan land to another, which was against the ethos of community (Malik, 2003).

Though many studies in India and abroad have shown that traditional methods of shifting cultivation cause the lowest amount of soil erosion and have also revealed that many popularly established notions of environmental degradation such as deforestation and desertification may not simply be blamed on local land use or increasing population, as commonly suggested (Tiwari, 2005; Leach & Robin, 1996) these have been overlooked by the modernist state discourses and in fact a new 'crisis narrative' has emerged in Meghalaya to further de-legitimise shifting cultivation and use the land 'productively'. Thus a recent document to develop watershed management in shifting-cultivation areas talks about the global energy crisis due to depletion of fossil fuel resources and proposes a massive scheme of Jatropha (a source of biodiesel) plantation on these "enormous areas of unproductive, waste lands" to help the Industrial sector in achieving self-reliance for their energy needs (GoM, 2006b).

The state discourse on shifting cultivation portrayed through a series of crisis narratives is clearly driven out of its desire to get control of the community land and use it for the purposes that suit its modernist agenda, overlooking that it is inseparably linked with the socio-economic and cultural aspects of the life and community ownership of the indigenous people.

Such negative projection of communal modes of resource management, justifying state control practice is not limited to shifting cultiva-

tion, but has resulted in a variety of state practices, both coercive and persuasive that impinge on community space and extend state management and control on natural resources, which we will see.

Joint Forest Management (JFM): demise of the community management?   The JFM approach provides communities with a share of timber and non-timber forest products from public lands in return for forest protection and it has been extended to most of the states in India. Though JFM has allowed communities to gain some rights and responsibilities for state forest, it has little relevance for the North east, where communities have historically controlled their forest resources. Entering into sharing agreements with the state forest departments decreases their authority and resources, rather than enlarge them (Poffenberger *et al.*, 2006) and thus it weakens indigenous forms of resource management. Nevertheless the state of Meghalaya adopted the JFM in September 2003. This is applicable across the entire state and especially to areas under clan and village ownership. Work has started which includes the 'entry point activities' like, creation of nurseries as well as advance work for the creation of plantation (GoM, 2006a).

The document on JFM in Meghalaya starts with a typical crisis narrative of degradation of forest and eco-systems due to unsustainable biotic pressure. While its stated objectives are to ensure participation of local communities in afforestation and conservation, it has several features that clash with the indigeneity and its subsistence based management practices.

For instance in formulating the JFM approach, the forest department in Meghalaya tried to give some credence to the villagers own forest use practices and thus one of the objectives of JFM is "to ensure proper synergy between the technical expertise and infrastructure of the forest and environment department and traditional knowledge and untapped human resource of local tribal communities to ensure conservation" (GoM, 2003). Nevertheless the acknowledgement of traditional knowledge does not undermine the need for the project and procedures, educate villagers and monitor their activities so that to introduce 'scientific' management.

Joint Forest Management Committees (JFMCs) have been burdened with lengthy procedures and thick dossiers which are difficult to comprehend. One can argue that the forest department has a vested in-

terest in creating more and more paper work and even more complex procedures as these bloat department's importance rendering them indispensable in the functioning of JFMCs, while leaving the community powerless.

In practice also JFM seems to threaten tribal social fabric. The focus of JFMC in many of the villages is on timber plantation, which mostly involves the rich, a common finding in studies on JFM in other parts of the country (Jeffery & Sundar, 1999).

The practice of JFM weakening community forestry and facilitating privatisation is also evident in the selection of plots for plantation, which were mostly private rather than communal. The private land owners however prefer JFM, not out of any concern for conservation, but to assert their individual claim on land, as the local custom entails that, if the land remains fallow for certain period, it reverts back to village common.

Thus despite its avowed claim to promote participation and conservation, in effect JFM seems not only to extend State control to community space but also promote privatisation.

Wildlife management sans community participation   In India a select group of naturalists have been in the forefront of wilderness conservation by making these areas out of bound for the human population and they share a common ground with the forest department, looking to extend State control. This resulted in the Wildlife Protection Act, 1972 creating a massive network of parks and sanctuaries, extinguishing all community rights such as collecting of minor forest produce in the parks while severely restricting them in sanctuaries. The Act is operative in Meghalaya also.

Thus despite the powers given to the ADCs, they have not been given the power to make laws with regard to the protection of wildlife. As such they cannot set up any protected areas such as National Parks and Sanctuaries for the protection of wildlife, which remains the prerogative of central government (Dutta, 2001). Accordingly two national parks and three sanctuaries have been set up under the control of forest department.

Meghalaya has a sizeable number of elephant populations. These are not contained within the protected area network under direct control of the state government. In fact a significant population resides out side

the protected area net work which move from one forest block to other, enhancing elephant-human conflict (GoM, 2006c). Both the state and conservationists assert that the main hurdle for wildlife management in Meghalaya is that most of the forest is under community management. They allude to the study conducted by the Bombay Natural History Society (BNHS), an organisation of wilderness conservationists in 1980s, which pointed out that the single most important cause for the man-animal conflict is that most of the forest in Meghalaya is under the control of the District Council and not under forest department.

Thus the increasing man-animal conflict in Meghalaya has become an apologia for extending control over community forest, wherein the forest department has found a useful ally in conservationists. This shows that though wilderness is a concept that by definition runs contrary to modernity and politics, it is in reality a product of both (Peet & Watts, 1996), which can be used for coercive conservation.

Local community or global carbon workers? India ratified the global convention on climate change – Kyoto Protocol – in 2002, which envisages a market-based regime where India will trade its carbon emission with the developed countries, in lieu of 'clean' technologies. The World Bank is one of the facilitators of carbon-trading regime.

In March 2006 the South Asia Environment and Social Development Unit of The World Bank prepared a paper for further discussion entitled 'Carbon Finance and the Forest Sector in North east India' (Meijer & Damania, 2006). It looks at the potential for carbon trading in northeast region based on its forest resources and concludes that conversion of marginal farms to forest via carbon trading provides the greatest potential to increase rural incomes and generate simultaneous environmental benefit. It makes elaborate calculation as to how permanent pastures, grazing lands, culturable waste land, fallow lands, all of which have 'low returns' should be converted to forest. But there is no mention about indigenous people and the negotiated use of landscape by the community and their spiritual and social dependence on the natural resources. Thus it treats afforestation basically as constructing empty spaces, which are to be harnessed to fight climate change.

The role of forest in carbon sequestration, impact and trade and its potential for Meghalaya is now widely discussed and has found place in official documents of the state (GoM, 2006a).

Thus emission trading in Meghalaya, as and when it becomes operational will convert the forests into carbon sinks and further weaken community control, where in 'local' will be transformed into social anonymity or at best, in this case, into an idealised 'global carbon worker' (Jasanoff & Martello, 2004).

Conclusion: Wither community control?

In this paper I have tried to show that just after India's independence indigeneity was the most significant frame in Meghalaya and it found expression both in discourse and practice of various actors-central government, civil society groups and indigenous people of the state. However as the new policy discourses and experts entered, the significance of issue within the frame of modernity gained momentum, both nationally and locally. Indeed the example of Meghalaya indicates that among politicians, civil servants and the middle class at large the modernity has not only gained currency but hegemonised the discourse, by displacing issues in the frame of idigeneity and community self-management of forest.

I have also demonstrated that the presumption of the superiority of modern discourse and of community as poor land managers have provided the basis for the construction of a set of crisis and 'degradation narratives', which while deriding community control have rationalised state intervention for 'progress' and 'development'.

Yet the claim that the forest administration can protect the forest can also be contested. There is evidence for instance of degradation of reserved forest under the state control due to unregulated logging like the illegal felling in two reserved forests in southern Garo Hills in the 1990s where an independent Commission found that about 45,000 trees had been illegally cut inside the reserves. The Commission further points to a 'systemic collapse' of the forest administration as the main factor behind the illegal felling (Karlsson, 2003).

However, as evident in my paper, metropolitan-secular discourses and their practice, have led to constriction of community space. It has happened at two levels: first the process of privatisation whereby land and resources are being transferred from communal ownership to private ownership, reminding us of enclosures in England from 15th to 19th century and second State appropriation and territorialisation of com-

munity spaces. In 18th century Western Europe social conflicts rose because of private appropriation of forest while in the colonial ecological history of India, the communal management of woodland had to resist the State. In Meghalaya the community management is threatened by both, private as well as by State appropriation, though both have their root in modernity. Thus the varied and seemingly unconnected activities like privatisation of land, creation of wildlife sanctuary, JFM afforestation programmes or state plantations to control *jhum* are a product of dual appropriation, but single process of modernity project.

At the same time it is also evident that the hegemony of the discourse on modernity is still challenged by the indigenous discourse in community domain. While alternative for industrialisation advocated by Meghalya Indigenous People's Forum is one such example, there are few more manifestations of indigeneity. In the East Khasi Hills of Meghalaya, the villagers of Maphlang are building on four hundred year old sacred forest traditions, by ordaining new forests in eighteen villages (Poffenberger *et al.*, 2006).

Expressions of indigeneity can also be seen in assertions like giving indigenous names to important places, changed by the colonial administration, a struggle over geographic names through which indigeneity is expressed. The powerful Khasi Students' Union, which has been a carrier of indigeneity discourse is demanding that the name of the world famous site, Cherrapunjee, which experiences the highest rainfall in the world and known 'Wettest place on planet Earth' should be restored to Sohra, its original name as "Sohra was forcibly erased (during colonial rule) ignoring very sentiments of the local people […] which was an insult towards the forefathers of ours who have sacrificed and fought for setting up and building this very important, now world famous Sohra" they argue (Memorandum, 2006).

But while such articulations are focused on the loss of unique tribal identity, their material counter part – a critique of conventional development strategy or opposition to diminishing community control has not emerged.

Recently, environmental debates have suggested that social movements perform a crucial role in communicating local environmental knowledge to policy process. Escobar (in Jasanoff & Martello, 2004) remarked: "We need new narratives of life and cultures […]. They will arise from the meditations that local culture are able to effect […]. This

is a collective task that perhaps only social movements are in a position to advance". Such social movements have not emerged in Meghalaya. In their absence the prospect of survival of community control along side the discourses on modernity does not appear to be too bright. On the other hand modernity discourses and practice have not only extended state the community space, but have also weakened indigeneity, displacing some cases.

Bibliography

Agrawal, A. 2005. *Environmentality: Technologies of government and making of the subjects.* New Delhi: Oxford University Press.

Banerjee, A., & Kar, B. 1999. *Economic Planning and Development of North Eastern States.* New Delhi: Kahishka Publishers.

Barua, P.C. 2005. *Development Planning of North East India.* New Delhi: Mittal Publications.

Dasgupta, M. 1999. *Impact of Land reforms in North East India.* Guwahati: Omsons Publications.

Dutta, R. 2001. *Community Managed Forests, Law, Problems and Alternatives.* available at http://dlc.dlib.indiana.edu/archive/00000815/00/duttar020402.pdf (Last accessed on 10 October 2006).

Foucault, M. 1980. *Power/knowledge, Selected interviews and other writings.* New York: Pantheon.

FSI, Goverment of India, Ministry of Environment and Forests. 2003. *Forest Survey of India (FSI).* The State of Forest Report (1999-2003).

Gassah, L.S. 1997. *Autonomous District Councils.* New Delhi: Omsons Publications.

GoM, Government-of-Meghalaya. 1958. *The Garo Hills District (Forest) Act.*

GoM, Government-of-Meghalaya. 1972. *Governor's speech.* Http://megassembly.gov.in/proceedings/1970/14-04-1970.htm (Last accessed on 03-05-2006).

GoM, Government-of-Meghalaya. 2005. *State of the Environment report.* Prepared by North Eastern Hill University and Department of Environment and Forests.

GoM, Government-of-Meghalaya. 2006a. *Draft State Development Report Meghalaya.*

GoM, Government-of-Meghalaya; Department of Soil and Water Conservation. 2006b. *Watershed development project in shifting cultivation areas.*

GoM, Government-of-Meghalaya; Forest and Environment Department. 2003. *JFM.* Notification dated 9th Sept' 2003.

GoM, Government-of-Meghalaya; Website of Forest and Environment Department. 2006c. available at http://megforest.gov.in/megfor_extent_forest.htm (Last accessed on 10 October 2006).

Guha, R., & Gadgil, M. 1995. *Ecology and Equity: The use and abuse of nature in contemporary India.* London: Penguin Books.

Jasanoff, S., & Martello, M.L. (eds). 2004. *Earthly Politics – Local and Global in Environmental Governance.* Cambridge, Massachusetts: The MIT Press.

Jeffery, R., & Sundar, N. (eds). 1999. *A New moral economy for India's forest? Discourses on community and participation.* New Delhi: Sage.

Karlsson, B.G. 2003. *The Politics of Deforestation: The case of Meghalaya.* Paper presented for Centre for North East India, South Asia and Southeast Asia Studies at the OKD Institute in Guwahati.

Karna, M.N., Gassah, L.S., & Thomas, C.J. 1998. *Power to People in Meghalaya (Sixth Schedule and the 73rd Amendment).* New Delhi: Regency Publications.

Kelkar, G., & Nathan, D. 2003. *Patriarchy at Odds: Gender relations in Forest Societies in Asia.* Available at http://www.gendermainstreamingasia.org/img/b1. PDF (Accessed on 10-09-2006).

Leach, M., & Robin, M. (eds). 1996. *The lie of the land: challenging received wisdom on the African environment.* Portsmouth: James Currey.

Malik, B. 2003. *The 'Problem' of Shifting Cultivation in the Garo Hills of North–East India, 1860-1970.* London: Sage Publications.

Meijer, S., & Damania, R. 2006. *Draft for discussion – Background Paper No.11. Carbon Finance and the Forest Sector in North East India, South Asia Environment and Social Development Unit.* Washington DC: The World Bank.

Memorandum. 2006. Memorandum of Khasi Students' Union to the Government of Meghalaya ,17th September.

Nongbri, T. 2001. *Timber ban in North-East India, effects on livelihood and gender.* Economic and Political Weekly.

Peet, R., & Watts, M. (eds). 1996. *Liberation Ecology-Development, sustainability, and environment in an age of market triumphalism.* Routledge.

Phira, J.M. 1991. *Working of the District council in Meghalaya.* Shillong: Techno Quip.

Poffenberger, M., Barik, S.K., Chouddhory, D., Darlong, V., Gupta, V., Palit, S., Roy, I., Singh, I., Tiwari, B.K., & Upadhyay, S. 2006. *Forest Sector Review of Northeast India.* Santa Barbara: Community Forestry International.

Ray, B.D., & Alam, K. 2002. *Forest Resources in North East India.* New Delhi: Omsons Publications.

The-Shillong-Times. 2004. www.theshillongtimes.com 22. September 2004.

The-Shillong-Times. 2006. www.theshillongtimes.com 05. November 2006.

Tiwari, B.K. 2005. *Shifting agriculture in North east India: some insights in spatio-temporal patterns and processes.* Paper presented at the workshop on shifting agriculture, environmental conservation and sustainable livelihood of marginal, mountainous societies, 6–10 October,2005.

Tiwari, B.K., & Singh, S. 1995. *Ecorestoration of Degraded Hills.* Shillong: Kaushal Publications.

Zimba, D.T. 1978. *Geography of Meghalaya.* Guwahati: Standard Printing Press.

14 Forest Governance, Cultural Traits and the Forest Policy Development Process in Brazil

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Abstract In this paper the forest policy development process in Brazil was investigated in the light of national cultural traits, especially the influence of formalism as a coercive mechanism of institutional change. As a theoretical background, the predominance of rules and legal sanctions to normative constructions based in values and social practices was considered; this is called formalism. This phenomenon, strongly rooted in Brazilian society, is characterised by the discrepancy between the formal and the effective, the concrete rules and the actual practices of the government and society. On this basis, the forest policy development process in Brazil was researched, considering three dimensions of the formalism phenomenon: (i) as a modernisation mechanism, associated with the idea that laws and formal rules are primary instruments for promoting institutional change; (ii) as a buffer structure regarding the accommodation of the different interests of social groups; (iii) as a strategy of relationship with the world, which treats formalism as a way towards legitimate national practices (or at least, in its definition in formal prescriptive rules) by the international community. The legal framework and the international arena related to forests were analysed, as well as the historical institutionalisation process of the forest policy and its formalistic elements, under the scope of their implications on the institutional process of change carried out. Our findings demonstrate that the logic has became less exclusive, in a way that exploration logic was, progressively, substituted by a mixture of development-oriented and conservationist-based logic. As a formalistic system, we conclude by suggesting that even with a modern environmental legislation and the efforts to acquire legitimacy in inter-

national arena, the Brazilian forest policy is oriented by command and control instruments, decoupled of social practices. What is legally prescribed does not represent the actual practices in forest field. This implies that rules and regulative instruments are not intrinsically functional, but rather are constructs subject to specific circumstances and social contexts. For the studies of forest governance in Brazil, the regulation process should not be treated as a final support to the dynamics of institutional construction, but as a primary element of order imposition and social transformation, simultaneously acting under this process and being interactively redefined throught the stakeholders interaction.

Introduction

T he forest sector in Brazil has undergone changes in the past forty years that defined the setting for its present organisation. During this time, the predominant logic in the sector has ceased to be almost exclusively exploratory and has become concerned with conservation and economic development, and new social actors emerged in the institutional. Several legal instruments have become part of the legal environment which regulates forest activities in the country. Pressures from the international community and changes in the interpretation of the forest question on the part of public opinion have played an important role in this process. Nevertheless, the deforestation indices have grown. In this context, expressions like "the law that won't take" are common in Brazil, where it is not rare to become a spectator waiting for the precepts of the law or its resulting sanctions to be enforced.

In this paper, an effort has been made to analyse the development of the Brazilian forest policy in the light of *formalism*, a cultural trait of Brazilian society and characterised, essentially by the discrepancy between the formal and the effective between concrete regulations and what the government and society actually put into practice, but which can also be considered an important instrument of legitimisation and institutional change. In these bases the development process of Brazilian forest policy was researched, culminating in the creation of the National Forest Program (PNF). To this end, the history of the structuration of the forest policy was analysed, with special emphasis being given to the research of the legal framework and the context pertaining to forests in both the domestic and international setting. Therefore, it is not the aim of this article to understand the institutionalisation process of the

field of forests in Brazil in all its complexity, nor is it the aim to evaluate the effectiveness of public policies for the forest sector. What we have set out to discuss is the participation of formalism in this process as a special mechanism in the structuration of the Brazilian forest policy. For the purposes of this study, the history of Brazilian forest policy has been divided into four periods. Each of them has a temporal scope of the Federal Constitution (and its changes over time), of the evolution of forest legislation concerning the rights of ownership, and the formal institutional framework which has been constituted over the years.

For this reason, this paper has been organised into four sections in addition to this introduction. First of all, we discuss formalism as a trait of Brazilian culture, pointing out its central characteristics and its strong presence throughout the institutional construction of the country. Second, the situation under study is described, highlighting the analytical categories utilised and the definition of the periods of analysis as delimited by relevant regulatory frameworks. These periods are dealt with in greater detail in the following section, in which we sought to expose the main legal frameworks in the development of the forest policy, also highlighting the subjacent principles of the organisation in addition to the participating actors in this process. Having presented these elements, we move to the discussion on the formalistic aspects of this process of construction and institutional change, attributing emphasis to those ones concerning the relationship of formalism with modernisation, accommodation of interests and articulation with the world. Finally, in the last section, the implications of this process on the structure of forest governance are discussed.

Formalism and the institutional environment

Formalism is frequently given as one of the strongest traits of Brazilian national culture (Ramos, 1966; Vieira *et al.*, 1982; Oliveira & Machado-Da-Silva, 2001). Following the approach discussed by Ramos (1966), Machado-Da-Silva *et al.* (2003) argue that, owing to the historical presence of this cultural characteristic, it is important to observe closely the regulative aspects in processes of institutional change in Brazilian society, as will be the case discussed here concerning the forest sector. According to these authors, "formalism legitimises the coercive institu-

tional mechanism as an instrument of maintaining order and, paradox-
ically, social change".

The frequent use of coercive mechanisms results from the patrimoni-
alist tradition in conjunction with long authoritarian periods that char-
acterise the socio-cultural formation process of Brazilian society. Fur-
thermore, the generous space given over to coercion is related to the
power structures in force, the system of political representation, the
level of education, the low entrepreneurial capacity of most of the pop-
ulation, the precarious nature of the concept of citizenship and other
related factors (Machado-Da-Silva & Gonçalves, 1999). Under these cir-
cumstances, the logic of rules and legal sanctions is predominant, cru-
cial elements in order to understand the phenomenon of formalism.

According to Riggs (1964), formalism, which is typical in prismatic so-
cieties "corresponds to the degree of discrepancy between the prescrip-
tive and the descriptive, between formal power and effective power, be-
tween the impression that is given to us by the constitution, laws, reg-
ulations, organograms and statistics, and the real facts and practices of
the government and society. The greater the discrepancy between the
formal and the effective, the more formalistic the system".

This incongruence between effective behaviour and the rules is min-
imal in concentrated and diffracted societies, but not exempt from for-
malism. In these societies, the overlap of functions is ideally non-
existent between different social units, in the case of the concentrated
societies, or functionally diffuse, in the case of the diffracted societies.
Prismatic societies, therefore, lie in between and as a result are more
heterogeneous. From the coexistence between the old and the new,
between the urban and rural or between sophisticated and traditional
lifestyles, there results, in individual behaviour, the expression of in-
congruence and disparities when it comes to assessment criteria for the
conduct and effective action. Practices and systems in force are there-
fore incoherent to a certain degree (at least when compared to other
ideal types of society), and objective knowledge of a prismatic society
can never been obtained from an exclusive examination of its norma-
tive and legal structures (Ramos, 1966).

Although Rigg's analysis is relevant in several aspects, it is restricted
to the description of formalism and does not attempt to explain it in
prismatic societies, as Ramos (1966) points out. To this author, na-
tions like Brazil, understood from their history since colonisation, their

sovereignty as a nation state until today reveals elements of the duality found in prismatic societies. A historical analysis of their socio-cultural formation allows us, however, to understand formalism as an instrument for change in social reality. Under this light, "formalism is not a bizarre characteristic, a trait of social pathology in prismatic societies, but rather it is something normal and regular, which reflects the global strategy of these societies in that they overcome the phase in which they currently find themselves. [...] formalism in prismatic societies is a strategy of social change imposed by the dual character of their historical formation and, particularly, how they deal with the rest of the world" Ramos (1966).

According to this reasoning for the Brazilian case, its dealings and integration with the world are historically variable, since throughout its formation it has found itself on an inferior historical level, backward in relation to its institutional structure in comparison with those nations at the forefront of social and historical development. In this situation, Ramos (1966) points out, internal conditions end up being unattached from the external relations of the country to such an extent that formalism would result "from incoercible existential duality of emerging nations and nations in transition" (pg. 413). This duality, he goes on to explain, is not accidental, but rather "an objective demand of the historical way through by the country deals with the rest of the world, while, internally, there is no economically and socially equivalent content to the dominant content from outside" (pg. 414). Generally, therefore, formalism is linked to the absence of form when it comes to internal structure, but also to the circumstances in which the country was historically positioned concerning external relations.

Structurally, but also as a national construction strategy, things did not progress from custom to theory, from real life to the formal, but from the theoretical to the customary law, from the formal to the reality. In this sense, reforms precede customs, laws anticipate collective practices, and learning them becomes slow and painstaking. Furthermore, it often happens that, while not understood in a satisfactory way by the population, there are plans to review them or substitute them again (Ramos, 1966). Thus, in Brazilian society, the presence of formalism as a cultural product is reflected in a cycle: laws are not based on concrete customs, they are imposed from the outside, creating a gap between law and social practice (Barbosa, 1992). This dynamic can lead

to non-compliance with these laws, resulting to an ostensive creation of new rules in order to strengthen the first. Almost magical powers are given to laws and decrees, as if a simple piece of legislation, without any connection to social reality could change this reality that it ignored (Vieira *et al.*, 1982).

Furthermore, it is important to make one last observation concerning institutional change of a coercive nature based on regulative processes. These processes are based on the creation of legal mechanisms that define rules in order to conform to social behaviour, applying sanctions if necessary (Scott, 2001). For this reason, regulative processes have the potential to create institutional structure of a coercive and legitimate nature based on a broader legal system. Nevertheless, these aspects do not always receive due attention in analyses of institutional change processes, and it is not rare for them to be dealt with in a complementary or residual way (Machado-Da-Silva *et al.*, 2003).

Normally, it is admitted that the construction of rules results from institutionalised and socially legitimate behaviours, beliefs and values. Rules, in this case, would be an explicit form of representing the needs created in society during interaction. Obedience, in its turn, becomes a natural result because the rule expresses that which is socially desirable. We can infer that, in this perspective, a counterpoint is allowed between social practice and the broader norms and values of society. However, by treating the regulation process exclusively as a finalist strengthening of the dynamic of social construction of reality, although it provides an analysis which is often trustworthy and valid, in some circumstances or social contexts it can minimise its active role as an element of imposition of order and social transformation. As discussed above, the convergence of the formal and social practice is not typical of prismatic societies like Brazil, where due to the influence of foreign models and patterns "it is easier to adopt by decree or by law a formal structure of organisation, with a manifest administrative function than to institutionalise the corresponding social behaviour" (Riggs, 1968).

For this reason, it is possible to assert that, in the Brazilian case, the State preceded the rise of society; decades after the discovery of the country the most advanced structures of the time were in place here (Ramos, 1966). Primarily through the imposition of the metropolis, then as a natural attribute of the country compulsorily receptive in the central-peripheral relationships, formalism was incorporated as a na-

tional cultural trait. Currently, it is quite common to hear discussed not the elaboration or improvement of the national legislative structure but rather its applicability. In formal terms, notable qualities are attributed to certain legal devices, equal to the best in the world, although the same does not always occur when discussing their extension on routine practice. This is the case with traffic legislation, the penal code and, and the environmental legislation as well the forest code.

The situation under study

The institutional environment for forestry involves several stakeholders that influence not only the management of related resources but also the process of governance of the sector. The main organisations inserted in this context are the government, private sector, Non-Governmental Organisations (NGOs) and organised civilian society.

Commonly, the State is treated as the great manager and commander of forest activities. Its functions in the forest area would involve i) macro planning of the protection and use of forest resources; ii) the management of public forest areas; iii) provision of technical assistance to forest clientele; iv) increasing forest activity; v) forest research and vi) monitoring, control and inspection of the forest coverage of private owners (Silva, 2001). However, in recent decades, other stakeholders have emerged, the private sector through self-organisation, NGOs and organised civilian society, among others, all of them dealing with a new and complex network of interests and objectives.

All these different actors are introduced as agents capable of influencing forests in favor of their own interests, but as they are in recurrent interaction, they themselves are influenced by the relationships that are going on within the field. Thus, the structuration of Brazilian forest policy – and its institutional properties – is considered from the process viewpoint, according to which practices, beliefs, values and governance structures are recursively created and recreated at the same time as they supply parameters that are considered valid for the actions of the different social actors (Giddens, 2003). In this sense, institutions and actions are mutually constituted in a dynamic of ongoing permanent transformation, according to which forest governance structures, embedded in the socio-cultural Brazilian environment, have been altered throughout history.

These transformations were interpreted in this paper from secondary literature, which provided the analysis of cultural influence, especially formalism, on the delineation of Brazilian forest policy. To this end, following the orientations of Scott (2001) and Hoffman (1999)), we sought to evaluate institutional change longitudinally, seeking to expose alterations in the predominant logic of the sector and the participation of different social actors in this process and in its governance structure.

Logic is understood as the main organisers of a given social sector, represented, to some extent, in symbolic constructions such as legal institutions, norms and values, and in the practices of the social actors (Friedland & Alford, 1991; Scott & Pollack, 2000). Governance structures, in their turn, are formal and informal arrangements that regulate the activity of the social actors, expressing power structures and operational models of a given social sector (Scott, 2001). They are characterised by the interdependence between social actors, in the form of a self-organised network, in which they interact and negotiate continually and which, therefore, is prone to significant changes over time (Scott & Pollack, 2000; Rhodes, 2007).

The analysis was divided into four significant periods using the regulatory frameworks considered relevant in the institutional transformation of the forests: the first period is the years prior to the creation of the first Brazilian forest code in 1934, marking the beginning of the second phase studied, which lasted up to 1964. The new forest code of 1965 marked the beginning of the third period. In 1988, the creation of the Our Nature Program (*Programa Nossa Natureza*) marked the beginning of the fourth and last period to be studied, that has lasted until today.

We thus sought to highlight the milestones in the political, economic and especially legal field, which could be important in understanding the context of the changes that took place in the Brazilian forest sector in the light of formalism. We began with the assumption that "social interpretation of an event often becomes more important than the event itself. […] Because of these events, new social actors become part of the organisational field, bringing new demands and perceptions of the impacts caused by forest activities, which lead to changes in the institutional environment" (Nardelli & Griffith, 2003).

It is important to mention that in processes of institutional change, aspects concerning interpretive schemes of reality, regulative rules, normative obligations, and social expectations, interact and mutually influ-

ence one another (Scott, 2001). In this study, emphasis will be given, as already stated, to the coercive element, rooted in laws and sanctions of a legal order, which allow us to approach the formalistic element of the forest sector.

Development of the Forest Policy in Brazil

Research of the literature on Brazilian forest policy allowed us to separate Brazilian forest policy into four different historical periods, each of which had its own characteristics related to the organisation of the sector and the different bases for understanding that seem to guide the actors in the carrying out of their activities. These periods are succinctly presented below, seeking to highlight their predominant logic (not always exclusive), expressed by the regulatory frameworks whose impact made them relevant to this process.

Occupation and exploitation of natural resources: up to 1933   The exploitation of natural resources for the benefit of the Portuguese Crown was a long period in the history of Brazil. Efforts to regulate the sector were based on the primary concern over guaranteeing a Portuguese monopoly on species of higher economic value and secondly to promote the development of the fledgling forest industry through the co-ordinated exploitation of forest resources. In both context, exploitation logic was predominant, the values of which were concerned with economic return and territorial occupation (especially through agriculture and cattle ranching).

This was evident when, in 1797, because of the advance of exploration to the interior due to the scarcity of valuable wood along the sea coast, the Crown restrained the exploration of Brazilian forests to guarantee their supply of wood. At the time, detailed rules were imposed, and the breaking of which meant strict punishment. Besides a high monetary fine, those who broke the rules were expelled from the county for two years (Swioklo (1990) *apud* Kengen (2001)). The Carta Régia[1] of 1800 brought confusing and conflicting rules that were considered impossible to obey. The rules determined the conservation of those species of

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[1]Letter from a monarch to an authority.

economic interest, at the same time guaranteeing their monopoly on the exploitation of Brazilwood.

During this first period, secondary movements were evident and resulted, years later, in changes in forest management strategy. This was because, with the colonisation policy and farmers forming political parties, conflicts of interest became more evident when it came to the tendency to restrict the use of the forests vis-à-vis the desire to expand agriculture and cattle ranching (Volpato (1986) *apud* Kengen (2001)). Any actions which sought to impose restrictions on deforestation gradually became considered as against agricultural development and, therefore, against the rising political classes; even though there were rules and laws to regulate the exploitation, nobody dared to obey them. When the Republic was proclaimed, in 1889, the dominant forces decided on free use of the land.

With the consolidation of the Republic, the first Constitution of 1891 was liberal, guaranteeing to the State total autonomy and unlimited power over their property to the landowners. Nevertheless, certain sectors of society showed concern over the advancing deforestation, possibly motivating the presidential messages of 1907, 1913, 1919 and 1920 which dealt with the need to protect and restore the forests and the use of repressive methods to contain deforestation. More importantly, these messages showed the need to build up the economy of forest resources, its coordination, and development to support certain kinds of industries, such as building, paper and cellulose, furniture and high quality wood. Thus, in 1926 the Brazilian Forest Service came into being at the Botanic Gardens in Rio de Janeiro, due to the fragmentation of the *Horto Florestal*, and in 1933 the Reforestation Section of the Ministry of Agriculture (Kengen, 2001).

Organisation of forest activity: 1934-1964   The second period was characterised by the initial efforts, especially by the federal government, to structure the forest sector as a productive economic activity in the sense of ordering exploration and guaranteeing the supply of forest raw materials for the development of the country.

Legally, with the new Federal Constitution and the Forest Code, both published in 1934, the government began legislation of the forests, with the individual states allowed to make supplementary legislation under the requirements of federal law. The first protected areas, called Pro-

tection Forests, were created and the rights to property were still fully guaranteed although there could be a suppression of rights for reasons of collective or social interest, or through disappropriation, would have to be financially compensated (Silva, 2006).

Within the Ministry of Industry and Commerce the National Mate Institute was set up in 1938 and the National Pine Institute in 1941. Both were structured as economic organisations, the purpose of which was to coordinate the production and commercialisation of these forest products (*Ilex paraguariensis* St. Hil. and *Araucaria angustifoli*a (Bert.) O. Kuntze), since the wider-ranging public forest policies remained under the responsibility of the Forest Service, transformed into Department of Renewable Natural Resources in 1962, under the Ministry of Agriculture (FAO, 2002).

Outside of the government sphere, other actors became part of the political organisation of the sector, such as the Brazilian Society of Silviculture (SBS) in 1955, a body that brought together private associations involved in forest activity, including farmers, transformers and consumers of forest raw materials. With a different purpose, the Brazilian Foundation for the Conservation of Nature (FBCN), a pioneer of Brazilian NGOs destined to debate forest problems, was set up in 1958. Focusing on conservation and contradictory to the ventures in the economic sphere, it had a marginal role in the governance of the sector, but voiced the embryonic concept of current environmentalist movements, showing growing concern on the part of society over the ecological importance of the forests.

The drastic increase in deforestation of the Atlantic Forest was highly evident during this period, which seems to be linked to the growing industrialisation of the Brazilian economy, especially during the government of President Kubitschek, and with the shift towards the interior of Brazil by moving the capital from Rio de Janeiro to Brasilia in 1960. In Paraná State, for instance, vegetable coverage shrank to 24% in 1965 from a level of 83% in 1930 (IAP, 2007).

Centralising developmentism and emerging environmentalism: 1965-1987　In a general way, the third period studied was one of upheaval, both in national policy and international pressure concerning the growing force of the environmentalist movements. In terms of domestic politics, Brazil during this period underwent profound changes owing to the military

coup, resulting in the establishment of a military dictatorship. Later, with the return of democracy, a context of opportunity developed for organised civilian society to participate more actively to complement the actions of the State in forest governance by following international patterns to preserve the environment. Nevertheless, this aspect was consolidated just in the last period analysed. For now, it is enough to point out is that these events defined an institutional environment in which there was contradiction between the centralising developmentist logic of the authoritarian State associated with the expansion of the productive forest sector and emerging conservationism coherent with the growing environmentalist movements in the world.

The changes caused by the military regime can already be seen in the Forest Code of 1965, in which we note an interventionist tendency; in defense of the collective good, the principle established in the former code of 1934 in which property rights were practically unlimited was changed (Kengen, 2001). In the Constitution of 1967, the principle of complementarity established by the Federal Constitution of 1934, and maintained in the Constitutions of 1937 and 1946, was radically changed: the right to legislate on forests, flora, fauna and fishing was given exclusively to the Federal Government with the states not even having any more supplementary powers. Thus, under this constitutional edict, the country became almost a 'Unitary Republic', especially in the case of the public administration of forests (FAO, 2002).

In the case of the developmentism inherent to the forest policy of this time, in 1966 tax incentives for reforestation were created, with the aim of ensuring the supply of forest raw materials for the industrial expansion of the country. For the Amazon, the government efforts was directed to improve transportation infrastructure and the use of a number of incentives to encourage the colonisation and development of intense economic activities during the years of the military dictatorship (Carvalho *et al.* (2002) *apud* Kirby *et al.* (2006)).

In 1967, the Brazilian Institute for Forest Development (IBDF) was set up within the Ministry of Agriculture in order to formulate national forest policy and guide, coordinate, carry out or guarantee the necessary measures for the rational use, protection and conservation of renewable natural resources and the development of the forests in the country. IBDF was important to the technical and managerial development of the forest sector. However, with the passing of the years, they have not

managed to maintain this administrative capacity, progressively moving away from the goals of modernising and the growing influence of the environmentalist movement. The importance conferred to tax incentives for forestation or reforestation and the number of resources involved have hindered the Institute's technical and political actions, making it practically an agency for managing public resources (FAO, 2002). Under these circumstances, the Brazilian forest policy ended up being restricted to a policy of reforestation for economic purposes instead of an integrated policy for managing the sector that would include conservation and sustainable use of the forests. During this period, important industrial sectors were improved, such as paper and cellulose and panels and plating.

Appeals for the conservation of the tropical forest in Brazil were first heard in the 1970s, with the publication of the first estimate for the extension of deforestation, which was believed to be 100,000km^2 up to that time (Fearnside, 2005)). At the time, this movement was gaining strength, showing that it was capable of altering the distribution of forces among the political, economic and social agents that influenced decision making within and outside of the sector (FAO, 2002).

We note, however, that within the legal framework in force at the time, it was possible to find elements supportive of the conservationist perspective. For example, in the aforementioned Forest Code of 1965, a new category was established, called the Legal Reserve, according to which 50% of the area of properties in the Amazon and 20% in the rest of the country should be conserved for the "sustainable use of natural resources, the conservation and rehabilitation of ecological processes, the conservation of biodiversity and the sheltering and protection of native fauna and flora" (Brasil, 1965).

Later, the Special Secretariat for the Environment (SEMA) was set up in 1973 and, afterwards came the National Policy for the Environment, becoming the main instrument for environmental management in the country, defining the role of public power and conferring new responsibilities to the private sector for protecting the environment (FAO, 2002). During this time, the first Forest Engineering course was established in Brazil in 1965 and Embrapa Forests, a part of the Brazilian Agricultural Research Corporation (Embrapa) in 1978, the main goal of which was the development of forest research in Brazil.

Sustainable development: 1988 to the present   The central element of the fourth and last period analysed is the breaking away from the developmentist tendency for the economic perspective of the forest sector in order to begin a drive towards sustainable development. To this end, different regulatory devices, guided by command and control mechanisms (i.e., formal patterns and sanctions), came into force in the context of the sector, marking this final stage of the development of the Brazilian forest policy. The conservationist initiatives planted in the previous period, along with transformations in the international environment concerning forest matters, greater interdependence of the world economy and other factors, contributed towards an encouraging scenario for the insertion of new actors and the transformation of the logic of the forest sector.

The redemocratisation of Brazil at the end of the military regime and the changes resulting from the new legal order established by the Constitution of 1988 were relevant factors in the transformation that took place during this period. Furthermore, burning in the Amazon, indigenous matters and rates of deforestation, along with international pressures, contributed towards the creation of the Our Nature Program in the same year.

With a strong conservationist tendency, the program converged with what was spreading internationally, with the decisive influence of organisations and leaderships from outside the sector, especially the environmentalist movement. It is worth pointing out that the program deeply affected forest administration and official credits for implanting farming and livestock projects in areas of the native Amazon forest.

Also noteworthy was the creation of the Brazilian Institute for Environment and Renewable Natural Resources (IBAMA) in 1989, the purpose of which was to provide a political and administrative response to pressures from Brazilian society, especially those who had been born in the heart of the environmentalist movement in comparison with the lack of mobility and operations of the government structure that preceded it (FAO, 2002).

The nineties started off with an attempt at greater insertion of the country in environmental matters at the international level. Held in Brazil, in 1992, the United Nations Conference on the Environment and Development (called Eco 92) was a part of this process. It not only exposed the country to international debate but also projected environ-

mentalism in the media and domestically, and heated up the debate surrounding sustainable development. Internationally, there was a boycott of Brazilian tropical wood, which spurred the entry of forest certification into the country. Despite being of a voluntary nature, the certification gained normative relevance in the technical and political environment connected to the forest sector. Currently, under the seal of the Forest Stewardship Council (FSC) around five million hectares are certified, including both native forests and forest plantations. Furthermore, in Brazil, a second certifying body was created, Cerflor.

Also established in that same year was the Ministry of the Environment which is the current government body in charge of conducting the forest policy in Brazil, along with its executive wing, IBAMA. The fallout of Eco 92 lead to new international discussions, especially Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF), launched in 1995 and 1997 respectively, under the edict of the Economic and Social Council of the UN Commission for Sustainable Development, whose purposes, discussed at the United Nations Forum on Forests (UNFF) were a guideline for a political commitment for its implementation. In the Brazilian case, a concrete step in this direction was the adoption of the National Forest Program (PNF).

The PNF, according to a document presented by the Brazilian government during an international workshop in 2002, is a response to the international commitment that Brazil pledged to adhere to at the IFF and the old demands of the productive sector and civilian society (Romero & Savenije, 2002). The PNF, created in 2000 and recreated in 2004, was conceived of as the main instrument of Brazilian forest policy, including projects and activities identified by public demand (BMZ, 2004). It is based on the principle of sustainable development, which assumes the guarantee of forest integrity, the identification of alternatives for farmers and respect for traditional and indigenous populations, seeking to generate income and share benefits among the different social and economic agents involved in the productive chain.

To implement the PNF, it was decided that it would be by participating and integrating with the federal, state, district and municipal governments and organised civilian society. Thus, in 2003, its Coordinating Committee (Conaflor) was established, a consultation body whose aim would be to help the process of elaboration and discussion of the PNF

through the participation of different stakeholders of the forest sector, including other government sectors.

Also as a consequence of the debates in the international community, in 1993 the Pilot Program for Protection of Brazilian Rainforests (PPG-7) between the G-7 countries and the Brazilian government was launched, with resources to finance initiative such as the delimiting of indigenous territories and extractivist reserves, the strengthening of environmental institutions and local governments and NGOs demonstration projects (Brasil, 2003).

Finally, it was also during this latest period that, in 1998, the legal instrument considered the most powerful in terms of legal and punitive sanctions was approved for activities that are harmful to the environment. This Environmental Crimes Law (ECL) is a system of command and control to make sure that the goals of the environmental conservation or preservation policy for ecosystems are respected, along with the recuperation of degraded areas and other related aspects (Castillo, 2004). More recently, the Brazilian Forest Service was established within the scope of the passing of the Law on the Management of Public Forests, through which the government attempts to establish a system of forest concession in public areas of the Amazon. For the management of the conservation units, a function no longer under the jurisdiction of IBAMA, the Chico Mendes Institute was created in 2007. Currently, although around one-third of the Legal Amazon is classified as a protected area or indigenous land, which in theory should guarantee its protection against deforestation, studies have shown that these areas have been the center of legal and illegal logging in the region (Ferreira *et al.* (1999) *apud* Kirby *et al.* (2006)).

Formalistic elements in the development of the Brazilian forest policy

The retrospective of the main events that have taken place in the Brazilian forest sector was necessary in order to see the changes, especially concerning the legal framework, its subjacent logic and the participation of different actors throughout this transformation process (see Table 2, 3, 4). It was noted, for instance, the insertion of the federal government through regulating bodies during the second period and the

greater participation of civilian society and the international community later on. The predominant developmentism of the intermediate periods was gradually influenced by environmentalist logic, leading to changes in the legal structure of the sector. The rhetoric of promoting forest activity was substituted by the 'paradigm' of sustainable development.

It appears that the subjacent logic of the development of the Brazilian forest policy became less exclusive (Scott & Pollack, 2000). Initially centered on exploratory logic, contradictory elements entered, later revealed in systems of values related to the economic representation of the sector as a productive activity (connected to industrialisation movements) coexisting with conservationist interests, more or less linked to ideologies of environmental preservation or political interests that the country should be inserted into the international scene. Now we have to understand the participation of aspects linked to formalism in this process.

The analysis of formalistic aspects in Brazilian forest policy allows for at least three perspectives: (i) as a modernisation mechanism, resulted from the importation of administrative structures and associated with the idea that change is triggered by law; (ii) as a buffer structure regarding the accommodation of the different interests of social groups; (iii) as a strategy for dealing with the world. All of these aspects can be seen in the development of the Brazilian policy, contributing positively to the insertion of Brazil in the international political scene for the forest sector and the modernisation of legal devices therein. However, on the negative side, formalism may have contributed to the historical worsening of environmental problems, with the conservationist side being more active in formal rules than in practical actions.

As a modernisation strategy associated with the development of sustainable practices, it is possible register several coercive mechanisms aimed to promote institutional change by regulatory frameworks. Examples of this are the legal instruments used by the Crown to regulate the use of 'legal wood', the Federal Constitution of 1988 and the Forest Code of 1965, the insertion of the subject of forests in the National Environment Policy and the Our Nature Program, the Environmental Crimes Law (ECL) and the National System of Conservation Units Law (SNUC). The same tendency is seen through the increased concern of the Brazilian government with its image in the international community. One of

the reflections of this is the attention given to the Amazon after 1985 with the publication of a number of legal devices (Ferreira *et al.* (1999) *apud* Kirby *et al.* (2006)).

Some events may be highlighted as formalistic efforts for legitimising within the international community, such as the establishment of the Special Secretariat for the Environment (SEMA) in 1973. SEMA was created within the former Ministry of the Interior as a result of the United Nations Conference on the Environment in Stockholm in 1972. According to the UN Food and Agriculture Organization (FAO, 2002), the establishment of this Secretariat was aimed at adopting the federal public administration of an institutional space given over to the management of environmental resources, putting Brazil ahead of several other countries in environmental matters. Although it was created to guide the conservation of the environment and the rational use of natural resources, its organisation was established in an isolated way, out of a broader context of the reformulation of the public administration of environmental resources. Therefore, as the Secretariat became active, SEMA came to have more power than other bodies in the sector, including the IBDF, which was not in line with the Decree that created it. This was the first dichotomy of forest management, mainly in the field of the conservation of nature.

Facts like these show traces of formalism as an instrument of legitimising when dealing with the external community, but also the fondness for regulatory instruments as primary promoters of institutional change, 'jurisdictionism'. Changes by law, therefore, have occurred throughout the history of Brazilian forest policy. On the one hand, this reflects the historical origins of the Brazilian State, whose legal-political structures precede its customs (Ramos, 1966). On the other hand, it highlights the distortions between external relationships and the country's internal conditions. Furthermore, it seems to reveal a vicious circle that is typical of a formalistic system: laws that do not match social behaviour are constantly reviewed and replaced by new laws, whose effectiveness is questioned by social actors, either by ignoring possible sanctions or by adopting a posture of spectator waiting for the law to 'catch on'. Figure 1 helps to illustrate this.

The annual rates of deforestation show the pace of the evolution of the forest areas by a different use of the soil. In ten years, from 1978 to 1988, the total forest area of the Amazon rose from 170,000 to around

377,700 sq. kilometers. In 2006, accumulated deforestation in the Legal Amazon region was 707,766 sq. kilometers. Reasons associated with this issue are many (Laurance *et al.*, 2004), but land speculation along new highways and planned highway routes (Brasil, 2004), the dramatic growth of Amazonian cattle ranching (Kaimowitz *et al.*, 2004), and the industrial soybean farming (Fearnside, 2001, 2002) are often attributed to be especially important for this increase.

What is interesting in this process is that, even with the destruction of the Amazon and Atlantic Forest being a crime under the penal code of the 1988 Constitution, little can be said about the restraining of these actions by repressive instruments such as inspections, patrols, confiscation and fines. In reality, they follow the pace of economic activity, following the pattern of slumps and times of better economic activity (Fearnside, 2005).

We may take 1995 as an example. The deforestation in that year was probably the reflex of the economic reforms begun in 1994 at the time of the Real Plan, which resulted in increased farming credits and the fall of inflation rates. The high deforestation indices of 1995, in another sense, decisively influenced the presidential decree of 1996 which increased the legal Amazon reserve from 50% to 80% (LRA 80%). However, the lack of effective actions to consolidate the protected areas and the slow pace of their implementation led once more to increased deforestation – most of it done without authorisation, as seen in 1999 and 2000, when only 14% and 9%, respectively, of deforestation was actually authorised (Castillo, 2004).

Differently, the decrease observed in 2005, although celebrated is controversial, considering that could be resultant of economic factors, as the downturn of agriculture activity, the fall of international soybeans prices and the depreciated exchange rate in this period (WWF, 2005). It is noteworthy that, according some analysts, soybean farming promotes some direct deforestation, but has a much greater impact by consuming cleared land, savanna, and ecotonal forests. Therefore, it pushes ranchers and slash-and-bum farmers ever deeper into the forest. Moreover, soybean farming promotes economic and political impetus for infrastructure projects which, in their turn, accelerate deforestation by other actors (Fearnside, 2001, 2002). Another important aspect that we have seen during the periods studied was the recurrence between formalism as a mechanism of change and as an instrument for communicat-
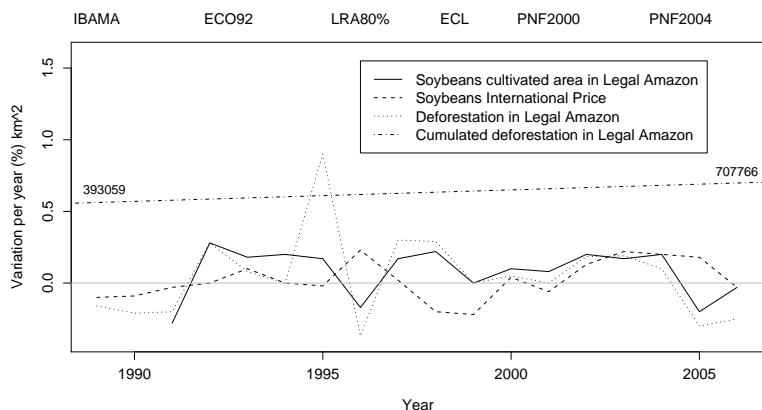
Figure 14.1: Deforestation annual rates in Legal Amazon in relation to soybeans cultivated area and regulative marks during 1989 to 2006.(Sources: Deforestation: INPE (2007); Soybeans International Price: IPEA (2007); Soybeans Cultivated Area in Legal Amazon: IBGE (2007).)

ing with the outside world. The expansion of deforestation in the late nineties resulted once again in the use of new regulative instruments in what seemed to be an effort towards legitimacy due to social pressures from both Brazilian society and the international community. International agreements and treaties on forests are an important effort to legitimise in the eyes of the international community without resulting in legally binding mechanisms. The international forest policy movement has stayed within conservationist logic, having influenced domestic policy, especially in terms of soft law. The National Program on Forests is a result of this process.

Another example of this, but in a different sense, is the adoption of forest certification in Brazil. On the one hand, it is a normative element linked to the legitimacy associated with expectations of appropriate conduct in the handling of forest resources by the organisations of the sector. Technically, however, the different criteria and norms in the certification process are an additional effort to establish the regulation of activities linked to the sector so that the formalistic aspect of current

laws is substituted by meeting the normative expectations of certification.

The presence of formalism in the forest sector can also be illustrated through the overlapping roles of different government bodies, which often lead to inefficiency and disobedience of the typical functions of the State established by the Constitution. As pointed out by the Castillo (2004), there are many historical contradictions in the policies of the forest sector, which have had a profound effect on the current situation: the construction of entries without the right environmental planning, the conflict between environmental legislation and the legislation for use and ownership of land, the productive policies that are not very favorable to the sustainable use of the land. All of these added to a weak institutional structure still in its consolidation phase, lack of information, and low level of efficiency in terms of State actions are aspects that illustrate the lack of articulation between formulation and application of the rule of law. Formalism, in this sense, is as described by Faoro (1979), which "despite its artificialism, it meets the needs of modernisation and the development of the country. Social life will be anticipated by legislative reforms that are aesthetically seductive, […] from the paper to reality".

The lack of compatible structures to meet the defined goals (or even resources for their correct working), and the non-compliance with legal statements by the State and civilian society in a formalistic system, ceases to be systematically punished (Vieira *et al.*, 1982). The accommodation of these interests becomes a guideline of actions and interpretations of the regulative elements. Non-compliance with the established precepts of the Constitution or current legislation is often attributed to adverse factors such as the lack of financial or even administrative resources for carrying out policy.

As the Castillo explains (2004, pg. 17), reasoning for the Amazon but which could also reflect the whole country: "the legal structure applied in the Region [based on instruments of command and control], may be considered sufficiently wide-ranging to guide the use of natural resources and limit the main impacting activities […]". However, it goes on to explain that "deficiencies in the institutional structure for the operationalisation of the regulation process by governments, the contradiction between laws and government incentives, the high costs of complying with the law and the lack of political will, mainly in local areas,

to enforce the laws rigorously" are some of the factors that account for the intensified destructive exploitation of natural resources and the resulting increase in poverty, illustrating the difference between the legal framework and internal conditions, related to the perspectives of the formalism pointted out.

Final considerations: governance relations and formalistic aspects

Throughout this study we have sought to understand the participation of a specific element of Brazilian culture, formalism, in the development of the Brazilian forest policy. The study of the four periods of its history revealed that this influence was present in order to promote the country's modernisation in the forest sector by using different legal devices (changes by law), which dynamically boosted the country into the international debates, even without generalised evidence of a counterpoint in the practices of the sector. In this sense, formalism may be seen as a coercive mechanism of institutional change in the Brazilian forest sector.

The implications of this transformation process can also be seen in the light of governance structures in the sector, which underwent changes throughout the four periods studied. First of all, we noted the changes in the legal system. The legal framework remained strongly linked to the regulative logic of operating the sector at every moment we discussed. Nevertheless, especially after 1965, normative control systems seem to have gained relevance due to the more effective performance of other actors such as NGOs and civilian society. Data from the Brazilian Forum of NGOs and Social Movements for the Environment and Development show us that there are currently 547 members, a number that shows the growing importance of this category of actors in the organisation of the forest sectors in the country (FBOMS, 2007). The participation of these new actors in the policy arena changed the sector's logic and incorporated new elements in the forest policy .

During the four periods we also noted that, as it is a formalistic system, governance structures tended to conform less dynamically than predominant logic inherent to forest regulation, revealing a certain lack of coherence between them. This seems to be due to the co-existence of

'traditional' interests, especially represented, for example, by oligarchies representing the farming sector and acting in government sphere, and 'modern' interests concerned with the defense of natural heritage by State bodies (such as Ibama) and other NGOs. In this sense, exogenous factors connected to the international community also played a role in the distribution of forces in forest governance. Agreements, treaties, normative pressures of a social or even economic character were found in most of the periods analysed, having been the sources for the diffusion of concerns and values directing forest activity, which gradually became more incorporated into the operation logic of the sector. Latently, they also seem to have had an influence on the constant creation or substitution of environmental management bodies, reflecting the consequences of formalism as a strategy for dealing with the world. Negatively assessed, these bodies show a tendency for discrepancy between their manifest functions as stated by law and their absence or inefficiency in practice. Positively, however, the formalistic component of attention in the relationship with the outside may be an advance in dealing with forest matters in Brazil, by promoting initiative such as Conaflor, a space for the development of participation in the decision making process. Its effectiveness, however, requires more time for further evaluation.

Despite the regulative framework being extensive and considered modern, in itself it was not (and certainly is not) capable of managing the use of forest resources in a sustainable way. This means that the understanding of administrative models or structures needs to be put into perspective without inadvertently rejecting their historical construction and socio-cultural embeddedness. Norms, rules and other formal administrative elements are not intrinsically functional, but are institutionalised constructions. The consideration of cultural elements in the analysis of institutional change processes must not be understood as a justification for their deficiencies in public policies for the forest sector. On the contrary, what we set out to do was show that aspects of the particular nature of Brazilian society deserve to be considered in this type of analysis.

Formalism, in this sense, collaborates with the study of forest governance when considering elements concerning social circumstances or contexts in which the regulation process is not treated as a finalist effort in the dynamic of institutional construction but as an element for imposing order and social changes simultaneously acting under this pro-

cess and being interactively redefined. This may mean, for instance, that the diffusion of concepts linked to the idea of sustainability, representative of a vector of recent change in the logic employed in the sector, may be rooted in (and, in part, this is what indeed seems to be taking place) formalistic strategies which, at first, incorporate regulative systems based on coercive instruments which in time become institutionalised in practices. One of the the challenges is how to face the formalism in the forest sector and how the stakeholders involved with forest issues would work more effectively on common goals.

Bibliography

Barbosa, L. 1992. *O Jeitinho Brasileiro.* Rio de Janeiro: Campus.

BMZ, Federal Ministry of Economic Cooperation and Development. 2004. *National Forests Programmes: instruments for improving sector governance? Experiences of German Development Cooperation.* BMZ Cooperation Materials No. 57, Bonn.

Brasil. 1965. Lei No. 4.771, de 15 de setembro de 1965. Dispõe sobre a instituição do novo código florestal.

Brasil. 2003. Decreto Federal No. 4.864, de 24 de outubro de 2003. Acresce e revoga dispositivos do Decreto no 3.420, de 20 de abril de 2000, que dispõe sobre a criação do Programa Nacional de Florestas (PNF).

Brasil. 2004. Grupo Permanente de Trabalho Interministerial para a Redução dos Índices de Desmatamento da Amazônia Legal, Plano de Ação para a Prevenção e Controle do Desmatamento da Amazônia Legal. Presidência da República, Casa Civil, Brasília, Brasil.

Carvalho, G.O., McGrath, D. Nepstadand D., Diaz, M., del Carmen, V., Santilli, M., & Barros, A.C. 2002. Frontier expansion in the Amazon. *Environment*, **44**(3), 34–45.

Castillo, C.E.A. 2004. *Analisis de los procesos actuales de los PFN en los países de la Cuenca Amazônica, Caso Brasil.* in Diálogo sobre Bosques No. 3, Proyecto Conservación del Bosque Tropical de la Amazônia. Cooperación Técnica Alemana para el Desarrollo, GTZ, São Paulo.

FAO, Food and Agriculture Organization. 2002. *Estado de la información florestal en Brasil.* FAO, Santiago, Chile.

Faoro, R. 1979. *Os Donos do Poder.* Porto Alegre: Globo.

FBOMS, Fórum Brasileiro de ONG's e Movimentos Sociais para o Meio Ambiente e Desenvolvimento. 2007. Retrieved July 3, 2007, from www.fboms.org.br.

Fearnside, P.M. 2001. Soybean cultivation as a threat to the environment in Brazil. *Environmental Conservation*, **28**(1), 23–38.

Fearnside, P.M. 2002. Avança Brasil: environmental and social consequences of Brazil's planned infrastructure in Amazonia. *Environmental Management*, **30**(6), 735–747.

Fearnside, P.M. 2005. Deforestation in Brazilian Amazonia: history, rates and consequences. *Conservation Biology*, **19**, 680–688.

Ferreira, L.V., Sá, R.L., Buschbacher, R., Batmanian, G., Bensusan, N.R., & Costa, K.L. 1999. *Áreas protegidas ou espaÃ§os ameaçados.* in Ferreira, L.V., Sá, R.L., Buschbacher, R., Batmanian, G., Bensusan, N.R., Costa, K.L., (Eds.), Informe sobre o grau de implementação e vulnerabilidade das unidades de conservação brasileiras. World Wide Fund for Nature, Brasilia, Brasil.

Friedland, R., & Alford, R.R. 1991. *Bringing society back in: symbols, practices, and institutional contradictions.* in The new institutionalism in organizational analysis; Powell, W.W., DiMaggio, P.J., (Eds.).

Giddens, A. (ed). 2003. *A Constituição da Sociedade.* 2 edn. São Paulo: Martins Fontes.

Hoffman, A.J. 1999. Institutional evolution and change: environmentalism and the U.S. chemical industry. *Academy of Management Review*, **42**(4), 351–371.

IAP, Instituto Ambiental do Paraná. 2007. *Evolução da cobertura florestal no estado do Paraná.* Retrieved July 1, 2007, from www.pr.gov.br/iap.

IBGE, Instituto Brasileiro de Geografia e Estatística. 2007. *Sidra: Sistema IBGE de Recuperação Automática.* Retrieved August 8, 2007, from www.sidra.ibge.gov.br.

INPE, Instituto Nacional de Pesquisas Espaciais. 2007. *Projeto PRODES: Monitoramento da Floresta Amazônica por satélite*. Retrieved July 2, 2007, from www.inpe.br.

IPEA, Instituto de Pesquisa Econmica Aplicada. 2007. *IPEAData*. Retrieved August 8, 2007, from www.ipeadata.gov.br.

Kaimowitz, D., Mertens, B., Wunder, S., & Pacheco, P. 2004. *Hamburger Connection Fuels Amazon Destruction*. Technical Report. Center for International Forest Research, Bogor, Indonesia. Retrieved July 2, 2007, from www.cifor.cgiar.org/publications/pdf_files/media/Amazon.pdf.

Kengen, S. 2001. *A política florestal brasileira: uma perspectiva histórica*. Seria Técnica IPEF 34, 18-34.

Kirby, K.R., Laurance, W.F., Albernaz, A.K., Schroth, G., Fearnside, P.M., Bergen, S., Venticinque, E.M., & Costa, C. 2006. The future of deforestation in the Brazilian Amazon. *Futures*, **38**, 432–453.

Laurance, W.F., Albernaz, A.K.M., Fearnside, P.M., Vasconcelos, H.L., & Ferreira, L.V. 2004. Deforestation in Amazonia. *Science*, **304**, 1109.

Machado-Da-Silva, C.L., & Gonçalves, S. 1999. *Nota técnica: A Teoria Institucional*. in Handbook de estudos organizacionais, v. 1. Atlas; Clegg, S.R., Hardy, C., Nord, W.R, Caldas, M., Fachin, R., Fischer, T., (Eds.). São Paulo.

Machado-Da-Silva, C.L., Filho, E.R. Guarido, Nascimento, M.R., & Oliveira, P.T. 2003. *Institucionalizaçã da mudança na sociedade brasileira: o papel do formalismo*. in Organizações, instituições e poder no Brasil; Vieira, M.M.F., Carvalho, C.A., (Eds.), Rio de Janeiro.

Nardelli, A.M.B., & Griffith, J.J. 2003. Modelo teórico para compreensão do ambientalismo empresarial do setor florestal brasileiro. *Revista Árvore*, **27**(6), 855–869.

Oliveira, P.T., & Machado-Da-Silva, C.L. 2001. Características culturais nacionais em organizações industriais do setor alimentício paranaense. *Organizações & Sociedade*, **8**, 27–48.

Ramos, A.G. (ed). 1966. *Administração e Estratégia do Desenvolvimento*. Rio de Janeiro: Editora FGV.

Rhodes, R.A.W. 2007. Understanding governance: ten years on. *Organization Studies*, **28**(8), 1234–1264.

Riggs, F. (ed). 1964. *A Ecologia da Administração Pública*. Rio de Janeiro: USAID.

Riggs, F. (ed). 1968. *Administração nos Países em Desenvolvimento*. Rio de Janeiro: Editora FGV.

Romero, J.C., & Savenije, H. 2002. *Memorias do Taller Internacional "La implementación de acuerdosinternacionales relativos al bosque por medio de programas forestales nacionales en América Latina"*. Puembo, Ecuador.

Scott, W.R. 2001. *Institutions and Organizations*. 2 edn. Thousand Oaks: Sage.

Scott, W.R., & Pollack, P. Mendeland S. 2000. *Environments and fields: studying the evolution of a field of medical care organizations*. in II KNEXUS Research Symposium: On institutionalization of knowledge. Stanford; Retrieved August 23, 2002, from www.iis.stanford.edu/docs/knexus/RichardScott.pdf.

Silva, A.J. 2006. *Bases da política florestal*. Curso de Política e Gestão Florestal do PPGCAF, UFRRJ, Seropédica.

Silva, J.A. 2001. As funções de Estado na área florestal. *Floresta e Ambiente*, **8**(1), 223–226.

Swioklo, M.T. 1990. *Legislação florestal: evolução e avaliação*. in Anais do VI Congresso Florestal Brasileiro. Vol. 1 (Trabalho convidado).

Vieira, C.A., Costa, F.L., & Barbosa, L.O. 1982. O "jeitinho" brasileiro como um recurso de poder. *Revista de Administração Pública*, **16**(2), 5–31.

Volpato, E. 1986. *Análise da Administração Florestal Brasileira. Versão preliminar*. Ph.D. thesis, Universidade de Freiburg, Alemanha.

WWF, BRASIL. 2005. *Desaquecimento na agricultura explica queda do desmatamento na Amazônia*. Retrieved July 20, 2007, from www.wwf.org.br/informacoes/sala_de_imprensa/index.cfm?uNewsID=2583.

Annex B (*see next page*)

Table 14.1: Development process of the Brazilian forest policy: main regulations, actors and institutional logic (a)

Elements/Periods	Up to 1933	1934-1964	1965-1987	1988 onwards
REGULATORY FRAMEWORKS				
	-*Carta Régia*;	-Federal Constitution of 1934, 1937 & 1946;	-Federal Constitution of 1967;	-Federal Constitution of 1988;
	-Federal Constitution of 1841 and 1891	-1934 Forest Code.	-1965 Forest Code;	-Our Nature Program;
			-Tax Incentives Law;	-Environmental Crimes Law (ECL);
			-National Policy for the Environment.	-Voluntary international agreements and treaties (Agenda 21, IPF, IFF, UNFF, etc.);
				-(Voluntary) forest certification.
				-National System of Conservation Units Law;
				-National Forest Program (PNF);
				-Public Forest Management Law.

Table 14.2: Development process of the Brazilian forest policy: main regulations, actors and institutional logic (b)

Elements/Periods	Up to 1933	1934-1964	1965-1987	1988 onwards
ACTORS	-Rio Botanic Garden -Brazilian Forest Service; -Reforestation Section of the Agriculture Ministry.	-National Mate Institute; -National Pine Institute; -Department of Renewable Natural Resources of the Environmental Ministry; -Organised civilian society.	-IBDF; -Embrapa Florestas; -SEMA; -Universities; -Organised civilian society; -Multilateral organisms.	-IBAMA; -MMA; -NGOs; -Multilateral organisms; -Organised civilian society; -Brazilian Forest Service -Embrapa Florestas; -Universities; -Chico Mendes Institute.

Table 14.3: Development process of the Brazilian forest policy: main regulations, actors and institutional logic (c)

Elements/Periods	Up to 1933	1934-1964	1965-1987	1988 onwards
SUBJACENT LOGIC				
Main guidelines	-Consolidation of the Republic, with marginal interest in the forest sector. Predominantly exploratory logic.	-Developmentist logic oriented to development of the forest sector as a productive economic activity.	-Predominantly developmentist logic but with greater federal centralisation and contradiction with emerging environmentalist logic.	-Conservationist logic based on the concept of sustainable development and command and control mechanisms in opposition to developmentism.
Ownership rights	-Basically unrestricted right of ownership with great deal of autonomy.	-Ownership rights unrestricted with right to financial compensation.	-Ownership rights guaranteed. -Ownership also has a social and environmental function.	-Ownership rights guaranteed. -Ownership also has a social and environmental function.

This edited volume comprises contributions to the international conference on the "Scientific Framework of Environmental and Forest Governance – The role of discourses and expertise" which was organised by the Chair of Forest and Nature Conservation Policy of the Georg–August–University in Göttingen/Germany in August 2007. It accounts for the increasing attention of the governance concept in environmental and forest policy research. The volume in detail addresses the role of discourses and expertise within the overall conceptual framework of governance, both from a theoretical and empirical point of view in environmental and forest related policies. It concludes that new modes of governance seem to represent a fruitful environment in which discourses and expertise – and their interactions – can be seen as important aspects for the analysis of policy processes.

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