Though all things differ

Pluralism as a basis
for cooperation
in forests

**Eva Wollenberg,
Jon Anderson and Citlalli López**

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Table of Contents

Boxes

Preface

Beginning in the mid 1990s, practitioners and theoreticians working in forestry and rural development around the world observed that conflicting interests and increasingly different and independent perspectives on forests required a fundamentally new approach to forest decision-making. Relying on recommendations and decisions made by centralized forest departments and experts was no longer sufficient for meet the diverse needs of society. Pluralism offered an alternative that more closely matched social realities. Pluralism could also provide checks and balances to help learning and control power imbalances. In 1997 a working group on pluralism, sustainable forestry and rural development therefore met at the Food and Agriculture Organization (FAO) in Rome to explore the possibilities for developing cooperation among different groups in the forest sector. One of the conclusions of the workshop was the need for "more research, including comparative analysis and detailed case studies" (1999:8).

To that end, the Center for International Forestry Research (CIFOR) and FAO commissioned case studies on the practice of pluralism in different regions of the world. The cases and a synthesis of their findings were published in a special issue on Accommodating Multiple Interests in Local Forest Management in the International Journal of Agricultural Resources, Governance and Ecology (Volume 1: 3/4) in 2001, with funding from the International Fund for Agricultural Development (IFAD). The cases looked at pluralism from the perspective of co-management, decentralization, the production of knowledge in extension work and multistakeholder processes. They showed the difficulty of defining people's interests, the nature of accommodation as an on-going process and not a single event, and the challenges of achieving social justice even where marginalized groups are directly involved in decision making.

The cases were, however, written for a scholarly audience. The authors wanted to make sure the lessons learned were also available to a wider audience. The 1997 workshop had recommended the production of an introductory "primer" on pluralism. Several authors

thus agreed to collaborate in writing a more popular version of the special journal issue. The authors met with donors, researchers and facilitators of multistakeholder processes in forestry to find out what they would like to see in such a volume. Their feedback helped the authors to know what to highlight from the journal issue and what additional information should be included. This guide is the result.

Introduction

Music, to create harmony, must investigate discord.
> Plutarch 46-120 AD

This guide is about how to meet the needs of different groups in forests, especially where they conflict. As the world's forests continue to decline in area and quality, clashes are rising. Loggers, miners, farmers, plantation managers, hunters, trekkers, conservationists, scientists, educators, indigenous people, mushroom collectors, water bottlers and global carbon traders all want their share of the forest. These different groups often have their own rules, agencies and authorities for making decisions, or bring different types of knowledge, perceptions and skills to how they use the forest.

Three challenges arise from these differences:
- How can people manage the resulting disagreements and conflicts?
- How can people co-ordinate among themselves to meet a coherent set of objectives for managing a forest and generate synergy?
- How can the views and institutions of the less powerful be taken into account in a just manner?

An exciting collection of approaches have been developed to meet the challenges—including legal pluralism, social learning, multistakeholder processes, co-management of forests, teamwork, and conflict management. The approaches examine people's culture, identity, law, livelihoods, institutions, values and interests to understand differences among groups and then build a basis for cooperation or linking groups. Knowing and respecting differences becomes a foundation for developing the networks, trust and mutual understanding necessary for people to act together, whether to manage a forest or generate a social movement. Some approaches are used in government policy, while others are facilitated outside of government. Each reflects to differing degrees the principle of *pluralism,* **to recognize different peoples' values, interests, identities, institutions or practices as legitimate and autonomous, while facilitating people to work together in a coherent, mutually beneficial way**.

1

Although a number of methods for improving pluralism in forest and resource management are emerging, people's understanding of pluralism as a political philosophy and approach to governance has been weak. Current forest practices do not go far enough in acknowledging the legitimacy of different people's values or providing a solid, strong basis for coordinating them. Interest in building consensus has predominated, with many inequities persisting. The role of pluralism in fostering cooperation has been especially poorly understood.

Yet, pluralism offers well-thought out and practical ways for bringing people's differences together. Taking a pluralistic approach to people's values, interests, identities, institutions and practices in forest management is perhaps the only way to assure that certain groups have their legitimacy and rights to forests recognized, especially customary groups or weaker local forest users. Pluralism can provide checks and balances against any one group pursuing their interests to the harm of others. Bringing together diverse groups also has the potential to enrich the knowledge and human resources supporting forest management.

The purpose of this guide is to deepen people's understanding of pluralism as a concept and principle of governance. The aim is to stimulate the reader to think critically about pluralism's implications for supporting cooperation in natural resource governance and present some approaches for achieving pluralism to excite the reader about its possibilities. After reading this guide, the reader should be able to see these methods in a new light based on a deeper understanding of the principles of pluralism. The guide should be useful in a range of contexts, from centralized and local political systems to different kinds of project and team environments, provided there is some space for individual initiative and voice.

Chapter 1 of the guide provides an introduction of the assumptions and concepts underpinning pluralism and its relevance to forests. Chapter 2 examines the forces underlying people's differences and the way people categorize themselves. Chapters 3 through 5 describe different ways people have put pluralism into practice. Three approaches are reviewed: legal pluralism and policies that support pluralism, multistakeholder processes, and diversity in work teams. Brief case studies are provided in each section to show how the principles translate into practice. Although the authors provide examples of practical steps that might be taken to increase pluralism, the guide is intended to catalyze interest, rather than provide comprehensive "how-to" instructions. The approaches differ in their scale, formality and appropriateness to different contexts. Each addresses specific opportunities and each has its own challenges. The conclusion offers a set of questions to help guide your own efforts in making room for people's different interests in forests.

The guide gives special attention to how powerful majority and less powerful minority groups can make decisions together in more socially just ways. It highlights possibilities for accommodating the interests of local forest users as groups who are most often marginalized by larger society. Although examples are drawn from forests, the concepts and principles presented here are broadly applicable to other types of natural resources.

By asking questions rather than outlining steps, the users of this guide should be able to adapt the concepts and methods to their own circumstances. The authors urge users to build on what exists already and be responsive to the needs of the changing situation. Users should encourage debate about assumptions and decisions and help people to develop independent perspectives. Pluralism comes with its own limits and opportunities, and each group will have to decide for itself which trade-offs to make. A list of additional reading and resources is provided for those interested in learning more.

Box 1. What is Pluralism?

Pluralism is a theory about the nature of the values whose realization would make lives good.
>
> John Kekes 1993

Websters New World Dictionary, 2nd ed, 1984:
1. Being plural, or existing in more than one part or form.
2. The existence within society of groups that differ ethnically, culturally etc.
3. The theory that reality is composed of a number of ultimate beings, principles or substances.

There is a plurality of values which men can and do seek…and these values differ. There is not an infinity of them: the number of human values…is finite…And the difference it makes is that if a man pursues one of these values, I, who do not, am able to understand why…
>
> Isaiah Berlin 1998

The doctrine that any substantial question admits of a variety of plausible, but mutually conflicting responses.
>
> Nicholas Rescher 1993

…the recognition that choice is valuable.
>
> Richard Wentzell 2003

[In pluralism] perspectives [are] co-ordered and not just coexisting…
>
> Audrey Thompson 1992

Chapter 1
Principles of Pluralism

Good is not a general term corresponding to a single idea.
        Aristotle, Nicomachean Ethics, 350 BCE

The organizing principle that places all the bits and pieces into an integrated whole is the overarching concern with enhancing individual freedoms and the social commitment to help bring that about. That unity is important, but at the same time we cannot lose sight of the fact that freedom is inherently a diverse concept…   Amartya Sen 1999

The more the merrier.
        Common English saying

The principles

Pluralism refers to **the co-existence of many values** or other human traits in a society with the purpose of enabling individuals to pursue happiness (Box 1). It views the co-existence of differences in values as real, unavoidable and potentially useful and good.

Although pluralism has its roots in a number of cultural and philosophical traditions around the world, it only emerged as a coherent and documented ethical doctrine in the 20th century (Box 2). According to this doctrine, no single set of values can make all people happy all the time. People are inherently different from each other, and even the same person can have different desires at different times and places. Having choices and being exposed to different values enriches people's lives. People should therefore help each other pursue happiness by making available the widest possible choice of values and organizing society to make those choices possible.

Box 2. The Origins of Pluralism

The origins of pluralism can be found historically among religious and political thinkers around the globe, particularly with the rise of organized religions and democratic states.

Many religious texts promote tolerance and social cohesion despite differences. The Qur'an, for example, states "Unto every one of you we have appointed a [different] law and way of life, and if Allah had so willed he could have surely made you all one community, but [he willed it otherwise] to test you. Vie then with one another to do good works!" (5:48) and "Oh mankind, surely we have created you from a male and female, and made you nations and tribes that you might know each other" (49:13). The Bhagavad-Gita promises that the person "who experiences the unity of life, sees his own self in all beings and all beings in his own self, and looks on everything with an impartial eye" (VI, 29). And the Bible directs people to "be tolerant with one another and forgiving" (Colossians 3:13).

Political philosophers trace the origins of the concept of pluralism to Aristotle in 350 BCE. In Nichomachean Ethics, Aristotle wrote that the ultimate aim of life is for individuals to find happiness in "living well and doing well." According to Aristotle, happiness depends on virtue (*arete*), and on how society makes choices that allow that happiness to occur. There are different ways of achieving virtue and organizing society to make that happiness possible.

But not all ways are equally good. Aristotle suggested that choices about how to achieve happiness should be consistent with practical wisdom (*phronesis*), maintaining the viability of the social group, allowing reflection and the search for knowledge, achieving that which is noble or beautiful, and doing the right thing at the right time in the right amount. Aristotle thus tried to define a medium ground where people could achieve a balance in their pursuit of individual happiness with the benefits they gained from cooperation in society.

Despite Aristotle's writings, before the 18th century (as in some societies today), the existence of a variety of opinions, religions or values was generally seen as a threat to the security of society. There was only one right way to do things.

Elements of pluralism grew popular in the 1700s with the development of political concepts by David Hume, John Stuart Mill, Charles Montesquieu and others. As global trade and concerns about war and religious fanaticism increased in Europe, people began to believe that a society where many opinions existed and where people tolerated each others' opinions was better than a society where everyone had to share a single belief. Variety was considered good for society. Voltaire wrote "If there are a dozen caterers, each of whom has a different recipe, must we on that account cut each other's throats instead of dining? On the contrary every man will eat well in his fashion with the cook who pleases him best." These views were widely held. El Hadj Oumar (1797-1864), a prominent Timbuktu scholar & leader, wrote "Tragedy is due to divergence and because of lack of tolerance. Glory to who creates greatness from difference and makes peace and reconciliation." The term pluralism was introduced during this period by the philosopher Christian Wolff (1679-1754).

During this period, Montesquieu advocated in Spirit of Laws (1748) that where government was more liberal and people were allowed to think independently, society would be less devoted to religious ritual and more devoted to morality. David Hume advocated against prejudice and wrote in 1741 that government needed to respect individual rights.

John Stuart Mill wrote in 1859 (On Liberty)

"That mankind are [*sic*] not infallible; that their truths, for the most part, are only half-truths; that unity of opinion, unless resulting from the fullest and freest comparison of opposite opinions, is not desirable, and diversity not an evil, but a good, until mankind are much more capable than at present of recognizing all sides of the truth, are principles applicable to men's modes of action not less than to their opinions. As it is useful that while mankind are imperfect there should be different opinions, so it is that there should be different experiments of living; that free scope should be given to the varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when anyone thinks fit to try them."

Democratic states emerged in response. In retrospect, these have been experiments in pluralism.

But pluralism had not yet developed as an explicit concept or practice. It was only in the 20th century that people tried to develop systematic theories of pluralism. Inspired by William James' pluralistic view of the universe, Sterling Lamprecht, a philosopher, wrote articles in 1920 and 1921 naming pluralism as an ethical doctrine.

At about the same time Max Weber (1918) wrote about conflicts among values, beliefs and ways of life. Subsequent writers developed pluralism as a doctrine and debated its elements, including Isaiah Berlin, John Rawls, Michael Waltzer, Martha Nussbaum, Annette Beier, Stuart Hampshire, John Kekes, William Galston, George Crowder, John Gray and Paul Hirst (see Additional Reading and Resources). Far-sighted individuals, including Mahatma Gandhi, Martin Luther King, the Dalai Lama and in his later years Nelson Mandela, made pluralism a central component of the social movements they led. Nelson Mandela wrote in 1994 that "A man who takes away another man's freedom is a prisoner of hatred; he is locked behind the bars of prejudice and narrow mindedness."

Despite its emphasis on providing choices, pluralism is not, however, a license for people to do anything they want. Pluralism restricts people's choices according to what allows them and other members of society to reasonably find happiness. All values are thus not equally right, good or true, as they would be in a relativistic world (Box 3). In pluralism there *is* a right or wrong. One of the key insights of pluralism is that there can be *many values* that are right. To determine whether values are right or wrong, pluralists ask "does this value harm anyone or reduce their choices for leading a good life?" Regardless of the limits they set though, pluralists try to avoid the extreme of creating only one set of values.

Box 3. Relativism

Relativism is the theory that no set of values is more right or true than another. Values do not have an objective justification. Each society or even individual is entitled to their own values.

Cultural relativists describe these differences as social facts, without judging them as right or wrong. Instead, they are interested in whether the differences are true or false. Moral relativists view what is considered right in any one society as right. They do not judge any one morality as superior to another.

The challenge for relativists is that what is wrong in one society, may be deemed right in another. Relativism offers no way to resolve such conflicts. Pluralism does. Pluralism does not mean we accept all views as right. Pluralism is not relativism. If pluralism is a means to the pursuit of individual happiness, then we need to evaluate different values to understand how they contribute to this goal.

One of the costs of more choices is an increased potential for disagreement and conflict. Disagreement and conflict are an inevitable consequence of pluralism. Differences among values are bound to happen, both for individuals and among members of a group. These differences and disagreements can be essential for innovation, adaptation and change. To avoid excluding people by imposing values about the substance of a decision, pluralists try to settle conflicts by focusing on the processes of decision-making. Pluralists differ among themselves about how best to do this, with some arguing that processes promoting either freedom, equity, human rights or justice should be the overriding criterion, and others arguing not to have any criteria at all.

Pluralists also believe that each disagreement or conflict has to be understood and managed in the context in which it occurs (since there is no single right way to always resolve a conflict). Is it right to evict people from a national park to protect biodiversity? Is it right to steal evidence if it means protecting the life of an innocent person? These can be difficult questions to answer in absolute terms. Understanding the history and conditions surrounding the disagreement or conflict is necessary. Where principles conflict, some suggest people have to weigh the risks of ignoring either principle and choose the lesser of two evils. Others suggest distinguishing values that affect basic human needs, like shelter and food, and giving those priority.

Does pluralism discourage cooperation by promoting diversity, and hence divisiveness? Some people think so. This need not be the case however. As the title of this guide suggests, pluralism can be a basis for cooperation. Practicing pluralism helps people appreciate differences, achieve tolerance and understanding, work together and actively seek synergy. Pluralism goes beyond prescriptions for diversity and inclusiveness by seeking to bridge differences among people (Box 4).

Although conflict is an unavoidable by-product of pluralism, understanding pluralism enables people to acknowledge conflict earlier and avoid its escalation. It also allows for the productive aspects of conflict to be harnessed for positive change. Pluralism helps us to be more realistic about the short-lived or partial nature of agreements, which informs us about how to better maintain them (see section on Pluralism and Agreement). Pluralism thus helps people to value social diversity that in fact exists, and to use it in a way that balances social and individual needs. Pluralism **enables individuals or groups to maintain their autonomy and still function as members of a larger society**. It is about trying to achieve cooperation where there are differences.

Box 4. Inclusiveness

Pluralism is related to, but not the same as inclusiveness, which refers to the number or diversity of people that can be classified as members of a social group. Pluralism does not only seek to include more people in a group, but also to find ways of enabling people to bridge their differences within a group.
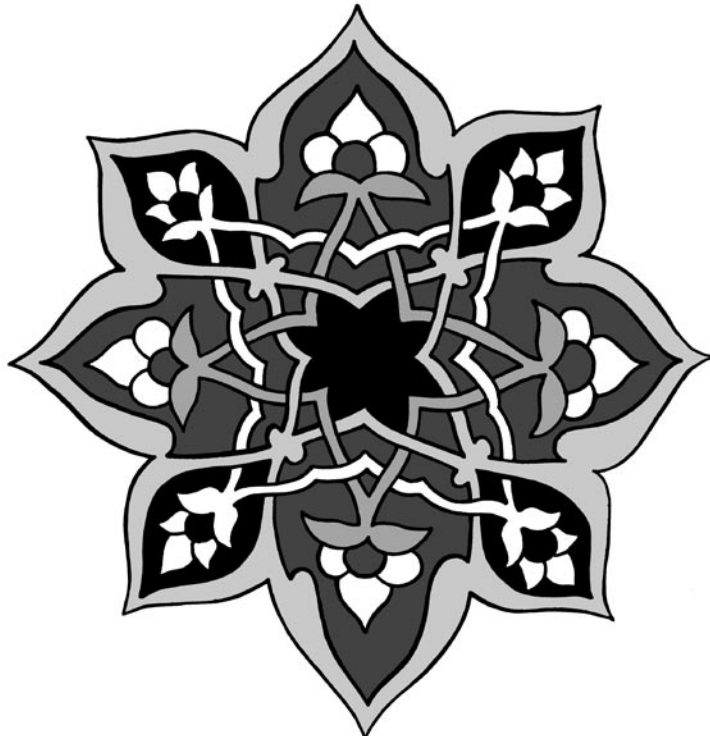
Without pluralism, there is a strong possibility that groups will turn inward, excluding others and becoming more narrow-minded about which values are "right." Strong communities are important, but communities also need to be able to cooperate with others, especially in forests where there are many established interests. Almost nowhere in the world do communities exist in isolation. Communities also differ internally and these differences are worthy of respect. Thus the question is how to build processes for different groups and their institutions to coordinate with one another in effective ways.

Nonetheless, pluralism may not lead to the outcomes that people hope for at all times in all places. Pluralism is necessarily subject to multiple interpretations, contexts and outcomes. Sometimes people practice aspects of pluralism without a complete understanding or application of its social principles, which can indeed fragment groups and make it difficult to build cooperation. Pluralism's relevance needs to be tested in real cases.

Pluralism provides a call to appreciate the multiple values that exist and to constructively coordinate them. It is based on a coherent set of ideas that provide a foundation making political decisions about different sets of values. Kekes' principles provide a summary of the basic elements of this doctrine. (See Box 5).

Box 5. A Theory of Pluralism According to John Kekes (1993)

Kekes proposes six elements of pluralism, which we present in simplified form here. They summarize the key aspects of pluralism.
1. Many values co-exist. Although values are not equal, no value is always important enough to override other values.
2. Given multiple values, conflict among them is inevitable. It is a reality of life that we cannot realize all our choices. Economic growth can conflict with poverty alleviation. Freedom can conflict with order. Judging the relative merit of values is difficult because many values cannot be compared or are incompatible with one another.
3. Conflicts can be settled by appealing to the larger shared interest to pursue individual happiness and identifying how to do this. Conflicts are unresolvable where people are unreasonable or they value else something more than the pursuit of happiness.
4. Achieving a good life means having a rich supply of choices, knowing and appreciating those choices and therefore having more freedom. It does not mean fulfilling all possibilities or that people have a common goal that they reach by different means.
5. Some limits on choices are necessary to achieve happiness. One set of limits protects deeper values about the minimum requirements for a good life such as food, shelter and self-esteem. A second set of limits depends on traditions of what is considered the good life. Preference under both types of limits depends on local contexts.

Moral progress occurs where social traditions encourage plural values and where individuals can pursue the widest possible range of values.

Relevance of pluralism to forests

Pluralism depends on stakeholders to accommodate one another in the management and utilization of forest resources. This will require capacity building for all key stakeholders in skills that promote sustainable forest development.
>   Davy Nkhata, Ministry of Environment and Natural Resources, Zambia 1999

Forest management may be seen as the outcome of political practices of different groups with varying interests and abilities to affect the disposition of forest resources.
>   Amita Baviskar, University of New Delhi, India 2001

We make decisions about our fields and the forest with other people in the village, because as individuals it would not be certain that we would have enough information to make a good decision.
>   Ba'un Uluk, villager, East Kalimantan, Indonesia 2004

From conflicts over forest land tenure in India to legal battles over forest management plans in Canada—there is ample evidence that the existence of many and irreconcilable values in forests is a fact of life. Yet forestry institutions are often ill-designed to handle multitudes of values. Centralized decision-making, large-scale planning and rigid bureaucracies make it difficult to encompass the complexity that such diversity creates. Collaborative approaches through participatory processes, community forestry and devolution schemes inadequately acknowledge or allow differences among their participants. Forest departments still expect local users to help manage forests for their timber and biodiversity, without recognizing the different values in the forest local people may hold, and indeed that these values may vary among them. Efforts to build consensus purposefully gloss over differences.

How can the principles of pluralism provide an alternative approach to forest decision-making that helps us reconcile or accept people's differences? Pluralism can be helpful in at least two practical ways: describing differences and determining principles for handling differences.

Descriptive use

Pluralism can be used as a powerful lens for acknowledging and legitimating differences in people's values about forests. Examples of how pluralism has been used in this way include identifying interest groups, acknowledging customary norms and laws as legitimate, studying the ways people co-opt or adapt policy to understand its implementation, and helping other people to understand the values a particular group may give to forest goods and services. Pluralism in this sense has a descriptive use. People can use it to describe, recognize and acknowledge differences among individuals or groups.

Principles for decision-making (normative use)

Pluralism also can guide people about how to make decisions about a forest. Pluralism provides clear principles and rules about how people can coordinate different values about how to use, manage or benefit from a forest in ways that allow each of them to pursue their own idea of a good life. Examples include to:

- Manage a forest by bringing together the complementary knowledge, skills and perceptions of different people.
- Coordinate laws, rules, norms and organizations or associations affecting people's rights, responsibilities and benefits to the forest, including coordinating with cultural groups or customary institutions often not recognized by the state.
- Encourage understanding of and tolerance for different group's views.
- Foster social justice in forest management by recognizing the validity of views of less powerful groups.
- Use multiple avenues for decision-making to support the development of checks and balances among different interest groups.
- Facilitate negotiations and conflict management by having clear processes and criteria for settling differences, encouraging attention to conflicts early on and providing a clear set of larger shared goals about society and individual's rights.
- Avoid processes that lead to superficial and premature agreements.
- Discourage elites from claiming consensus when none exists.

Most people though are unfamiliar with the descriptive and normative uses of pluralism. Governments and private entities that manage forests are familiar enough with tools such as interest group identification, public consultations, conflict management and multistakeholder forums, but they often use these tools without being aware of their deeper political justification and assumptions. People consequently use the tools inconsistently, half-heartedly or incorrectly. As a result, they cannot easily extend or extrapolate the methods to fit new situations. The tools alone cannot help people make the really tough choices about which values to support in forests. Forest decision-makers need governance principles such as those associated with pluralism to guide their political choices.

The remoteness of forests and the top-down, sometimes-militaristic nature of forestry agencies has allowed a surprising degree of autocratic decision-making in forestry. The result is that forest decision-makers have been able to ignore differences in values among different groups. Driven by a narrow range of powerful interests, decision-makers have often imposed a single technical solution on pluralistic social situations. This strategy is failing in more and more places, as more groups make claims on declining amounts of forests, and people living in forests have become better linked to the rest of the world.

Decision-makers can no longer leave forests to be managed by absolute technical criteria and tools that claim to be apolitical and are ungrounded in political principles. Political choices about how to balance different interests have become central to how forests are managed.

Agreements
Agreements are a basic element of cooperation in forests. In forests, agreements can range from informal verbal arrangements to more formal management plans and contracts of communities or companies to acquire formal access to state forests. They include the socially agreed upon rules and norms governing common property use of forests.

According to pluralists, deep agreement between even two people on issues of substance is impossible. People can only agree about trivial issues and even then they agree superficially. Real consensus is therefore impossible. Assuming that consensus exists only

12

makes it harder to notice the opinions that people may hold privately. It also denies that people are entitled to different views. Consensus creates further problems by leading people to think mistakenly they have made a good or true choice, simply because other people agree. Yet, there can be good and bad consensus—some agreements are made wisely, and others mindlessly. Leaders or elites often try to "build" (or manipulate) consensus among their constituents to legitimize a controversial decision.

Pluralists prefer to think of agreements as temporary commitments. Agreements under this assumption refer to the willingness of groups to respect and live by a decision, even if they do not fully agree with one another on all points. An agreement is a commitment where disagreement is minimized, rather than where consensus has been achieved. Agreements can be thought of as resting places in negotiations that are always unfinished.

Building agreements then requires people to appreciate their differences to understand each other's real motivations. Facilitators use social learning techniques and negotiation to engage these differences productively. The focus thus shifts from having to agree with each other, to building deeper stronger social relations and mutual understanding that can become the foundation for making decisions together. The goal is to create a process that is more truly respectful of and responsive to different groups' interests over time. Pluralists also value incremental progress on issues rather than the imposition of an illusionary final solution. People's interests and agreements need to be monitored regularly to anticipate the need for new agreements.

This approach helps forest decision-makers resist the temptation to rush or force agreements, especially where people's relationships to each other are otherwise weak and in conflict. Enabling differences to be expressed and appreciated is essential to groups that would not otherwise be heard, such as local communities and the marginalized groups within them, like women and the poor.

Box 6. Some Arguments Against Pluralism

Pluralism is not a panacea and should not be used without an understanding of the criticisms levelled against it (not all of which are valid) and trade-offs it may incur. Critics argue that pluralism:

- Divides people, rather than bringing them together. The lost sense of community and lack of collective action in many places requires that we need to create more commonality among people, not difference. Emphasizing differences counters efforts to build community and collective action.
- Creates moral confusion, because it is too relativistic. People "shop" for value systems that best meet their needs, using these as excuses for unacceptable behaviour and encouraging disintegration of core value systems.
- Is logically inconsistent because it requires limits based on non-plural criteria.
- Lessens the political power of people that would otherwise act in a united movement.
- Increases the complexity of decision-making, the amount of information required and the need for flexibility and responsiveness.
- Among institutions works better as a descriptive device than as something society can practice.

13

Pluralism as process, not event

Because agreements are temporary and superficial, meeting different interests in forests needs to be an on-going process. Practicing pluralism is not something people do once and can then forget. People facilitating cooperation based on principles of pluralism need to keep track of several fronts at once, including whom the current stakeholders are, their changing interests, the resulting issues, different ways of handling these issues and the implications of actions for different groups.

People involved in making agreements are more likely to be able to cooperate when they can adjust their strategies in response to learning about each other and changing forest policies and conditions. People are continuously moving in and out of different levels of agreement and disagreement. Cooperation involves iterative decision-making as these adjustments occur and new problems and opportunities unfold.

There is a current trend for forest policies that try to build cooperation among different groups to use bureaucratically administered, impersonal, formal contractual agreements and collaborative management plans. Pluralism principles, and evidence from the ground, suggests that more lasting and truly accommodating efforts will occur where groups can also work side-by-side to learn together, develop trust, acknowledge their power differences and work through their conflicts.

Box 7. Some Arguments in Support of Pluralism

Advocates argue that pluralism:
- Better reflects social realities that people have different values and interests that are irreconcilable and that agreements are partial and dynamic.
- Enhances people's happiness by giving them more choices.
- Provides a way for society to address differences to make decisions constructively together, rather than ignoring a conflict and letting it simmer beneath the surface.
- Is not relativistic because it requires judgments about which choices afford individuals the most freedom or happiness.
- Gives diverse people an opportunity to unify and act under a single umbrella.
- Enriches the mix of skills, knowledge and motivations people bring to a task and generates synergies and the potential for more innovation and adaptiveness.
- Is more likely to support the voices and interests of marginalized groups than consensus-oriented approaches where majority opinions are likely to dominate.
- Enables society to acknowledge and use conflict and minority opinions as a positive force for social change.

Chapter 2
Differences

Pluralism has to mean actively attending to others, appreciating
their different perspectives, not just letting them be different.
        Audrey Thompson 1992

Differences are the building blocks of pluralism. The first part of this chapter examines how people need social differences, but are also uncomfortable with them. It looks at why people choose to be different or similar from each other and the biases this creates. The discussion draws especially from the work of Kelly and Breinlinger (1996), Brewer (1991) and Snyder and Fromkin (1980).

In the second part of the chapter the kinds of differences that commonly occur among people in forest situations are discussed. These include differences in interests, group identity, institutions and practices. The merits of addressing pluralism in forests according to these different aspects are compared.

Wanting to be similar, but different

People have a basic need to perceive themselves both the same and different as others. Individuals deal with this tension every day in their choice of people with whom they associate, what they teach their children, and even with which words they use to communicate. Comparing ourselves with others is a reality of social life.

Psychological theory suggests most people are happiest being moderately similar to others. People act to prove their uniqueness if they feel very similar to others and act to prove their similarity if they feel too different. People's need for similarity and uniqueness naturally varies among individuals, societies and contexts, but generally, being too individualistic leaves people vulnerable to feeling isolated or socially marginalized. Being too conformist leaves people feeling a lack of self-definition. Interestingly, when making comparisons, most of us focus on only a few similarities, ignoring the many differences that usually exist.

Identifying with a group is a common way in which people meet the need for moderate similarity. Group identification allows people to feel similar to other members of the group, while feeling distinct because of the group's differences with other groups. People prefer to be associated with groups having characteristics they view as positive. Sometimes people define their uniqueness through membership across a number of groups.

The need for moderate similarity and group identification can lead to certain biases that affect how people interact with others. Experiments show that people are more likely to choose others similar to themselves in abilities or opinions for social comparisons. People are also less likely to voice a dissenting opinion in a group where everyone else agrees. The more uncertain someone is about an opinion, the greater their need to seek comparison with someone of similar opinions. People who are about to experience something unpleasant want to do so with someone of a similar personality. People's perceptions of similarity may themselves be biased. If someone perceives another person as similar in some ways, there is a tendency for them to assume they are similar in other ways as well.

Focusing on differences can therefore make some people uneasy or some situations uncomfortable, unless a person is trying to distance themselves from a negative image. In building relationships people tend to focus on what is similar, whether in a work team, multistakeholder negotiation, nation or friendship. It feels positive and reaffirming. Focusing on differences is often perceived as negative or disruptive. Yet differences inevitably emerge over time and can become crucial influences on cooperation in the course of a relationship or shared task, especially when contexts change. Exploring some differences early on and understanding them enables people to anticipate and understand the differences likely to emerge at other times.

The insights above can be used to make it easier to communicate about and work with differences. Practitioners should try to recognize and provide for people's need for similarities and group identification to protect people's sense of balance. Some suggestions include:
- Acknowledge the reality of our biological and social differences as individuals and people's psychological need to be unique.
- Discuss the different motivations people have to differentiate themselves, including to gain a reward, increase their freedom, distance themselves from negative associations or simply enhance their sense and definition of self.
- Explore how people's membership in different social settings allows them to feel both similar and different.
- Identify acceptable and unacceptable avenues for expressing differences, such as the creative arts, names, forms of property, wealth and social status, competitive performance in games or work, clothes and accessories, hobbies, or choice of mates.
- An important way people meet their need for uniqueness is to build beliefs about themselves that allow them to perceive themselves as different. Curiously, however, people often believe their attitudes are more different than they really are, and people are ignorant of the variation of attitudes that may exist among others. Acknowledge this self-perception and test it in a group as a healthy way of discovering that people's differences are not so different!

Understanding people's needs for both similarities and differences allows us understand why, despite differences, people do form larger groups or social movements and cooperate with one another. It also helps us to partly understand why groups split apart, or individuals leave.

Which differences matter?

If practitioners want to embrace and enable social differences, they need to know how people distinguish themselves from one another or how to recognize different groups. As with similarities, people only recognize a few differences at any one time. This requires people who facilitate pluralism to understand which differences matter and the implications of alternative ways of organizing people's differences.

What are the features that make one group or individual different from another? Which differences matter most depend on how people self-organize or perceive themselves and how external facilitators perceive them. In forests, differences that matter are often organized according to people's:
- Values, interests and positions,
- Needs,
- Norms, customary laws and practices,
- Rights,
- Institutions,
- Capabilities, knowledge, work styles, skills and perceptions,
- Language and style of communication,
- Identity (e.g., age, gender, race, ethnicity, religion).

Perhaps more than any other factor, people are likely to see and care about differences where they perceive a conflict. When people take different positions about whether to log a forest, restrict hunting, allow new forest users or change a boundary, conflicts among the groups involved can become intense. Group identity can become a source of conflict where disagreements or mistrust have persisted among families, tribes, villages or other entities. Gangs and leaders of violence or wars seem to take advantage of people supporting a conflict just because they identify with one group or another.

Other differences matter because they influence how people coordinate with one another—how well they communicate with each other and the rules they jointly use. People may want to cooperate with one another, but their different rules, languages, customary practices or organizations impede their good intentions. Pluralism under these circumstances may be as simple as using translators and bi-lingual publications, or as complicated as trying to coordinate conflicting laws across countries.

Still other differences count because they enrich shared efforts by bringing together new knowledge, networks, skills or ways of seeing. These differences reflect the positive attributes of diversity. They expand the choices available to people and enable personal growth. Timber certifiers know this when they use a team of silviculturalists, ecologists, social scientists and others to assess the sustainability of forest management. Managing

differences well can foster innovation, creativity and adaptive behaviour needed for successful management of complex adaptive systems like forests (see Diversity in Work Team chapter).

Defining groups is tricky. In real life, differences among people are complex, overlapping and fluid. Groups are rarely neatly defined. Even where groups have formal membership, some people may fall into multiple groups, participate only casually in a group, or not personally identify with the group. People may not be sure themselves about to which group they belong. Assigning people to a group can sometimes result in unfair stereotypes and power relationships. Think about peoples' right to self-definition. If the government decides that a forest community should be allowed to practice their customary laws, is this what the community itself wants? A person can never really speak for someone else's identity or know their interests fully.

In practical terms, someone is usually responsible for organizing groups, whether from inside the group or outside it. Where people volunteer to be members of groups, they still need to make a decision. These choices require some simplification of the real world. Such decisions can be made responsibly using critical reflection and discussion with others about the biases and implications of defining differences in different ways. No matter how differences are defined, people should be left with the option to exit or redefine their membership, especially as situations change.

Interests, identities, institutions and practices

Facilitators are often unclear about how to organize differences among groups. To help guide their decisions and better understand what these differences really mean, the implications of four ways that people commonly organize groups in forest decision-making are reviewed here: interests, identities, institutions and practices.

Interests

One often hears about interest groups, which we define here as sets of people who share similar concerns. An interest group could be, for example, people who share a desire to protect a rare hornbill, protest a dam, plant a eucalyptus forest, or convert forest for swidden agriculture. Forest managers often try to involve a range of interest groups to get input on a decision or build political support. Interest groups can also self-organize to lobby for their cause.

Similarly, in negotiations and conflict management, people talk about the interests of the people on different sides of an issue. Interests reflect the deeper beliefs someone has about an issue. Mediators focus on identifying people's common interests as a way of resolving disputes. People are assumed to be willing to shift positions on a decision if they can still meet their interests and maintain their values (Box 8).

> **Box 8.** Values, Interests and Positions
>
> We often distinguish among values, interests and positions of individuals and groups. Values are deeply held beliefs about what is considered harmful or beneficial. Values consequently produce interests, or wants and concerns. Interests in turn create positions or stated demands for a course of action. Values, interests and positions can be thus nested in a hierarchical relationship to each other.
>
> Values, interests and positions differ in their scope for enabling compromises. Values accumulate over a lifetime, are often learned through experience, rooted in larger social contexts and change slowly. Interests are more responsive to external contexts and therefore can change more quickly. People take positions however to fit a particular negotiation context and these can change with a single decision in minutes. Accommodation usually tries to get people to change positions by focusing on where basic interests overlap or are distinct so that the most important interests of each group are met.

The idea of interests is a useful concept for getting at an important cause of people's differences. It allows us to capture the multiple concerns individuals have, as well as the differences among individuals and groups. The multiplicity of interests that people are likely to have and their ability to change makes it easier to find agreements among some subset of interests.

Using interests as a way to organize pluralism has problems, however. In any forest situation, the number of interests that people have can be quite high. Working with interests can become complex and unmanageable very quickly. It is difficult, if not impossible, to know people's true interests. People hide or change their interests and positions in specific contexts and for strategic purposes. Co-management policies in India have been criticized as not really having local forest users' empowerment as an objective as they claim, but rather using local people to meet government's own needs for timber production and forest cover. Sometimes people are not aware of their own interests or are unable to express them well. In other cases, people may not know what is in their best interest because they lack information. Recalling the saying that "actions speak louder than words," the most practical way to know people's interests is to look at their actions. But even actions can be misleading where people act involuntarily or by mistake.

There can also be diverse interests within groups. In forests, members of a community may share a similar identity, but they rarely have homogenous interests. In Mali, for example, in the Monts Mandingues National Forest women are responsible for firewood and men are responsible for agriculture. Men consequently prefer that forests be cleared while women know that this would make firewood collection more difficult. Facilitators or members of the community often assume or promote the image of uniform interests in an identity group to simplify their work or for political purposes. For example, being able to make claims to being a member of a local community, especially a traditional or indigenous community, can provide advantages in negotiations with some organizations.

19

Defining values and interests at any one point in time gives only a static snapshot of what groups care about. It is also necessary to look at the broader power relations, institutions, rights, ideologies, identities, capacities and incentives affecting the social relationships among interest groups and the power relations that shape how certain interests prevail. Understanding the broader context that shapes people's interests gives us a better longer-term picture of why they occur and how they are likely to change. Vira's "Roles, Rights, Responsibilities, and Returns" framework (Box 9) is one approach for understanding this context.

Box 9. The 4 R's Approach

An adaptation of stakeholder analysis that tries to give more clarity to stakeholders' relative roles and capacities is the "4Rs" approach (Vira et al. 1998). This attempts to define stakeholders by their respective rights, responsibilities, returns from a given resource, and relationships.

The focus on rights is particularly significant, drawing attention to tenure issues as crucial in shaping people's differentiated concerns with and capacities to manage land and trees. Discussions around the approach have pointed out the diverse types of property and use right which frequently co-exist, legitimized by different institutions, and the fluid processes through which these may be negotiated and re-negotiated.

Responsibility is conceived as emerging from a combination of power, rights, necessary competence, and economic interest (Vira et al 1998: 39). Returns are both material and non-material. And Relationships among stakeholders comprise various facets: service, legal/contractual, market, information exchange and power.

Aside from providing a more systematic basis on which to characterize stakeholders and their relationships with each other and with the forest, this approach aims explicitly to identify imbalances between the four Rs: for instance certain women may have strong material interests in a forest resource but lack secure rights over it; or a community organization may see itself as having strong responsibility for forest management, yet be hindered in practice by unequal legal and power relationships with state agencies and officials. Potentially, the approach could be used as a tool to track the changes in the 4Rs and their imbalances in the context of a particular planning or management approach.

Adapted from Melissa Leach and James Fairhead 2001

Identity

Many people use identity to describe differences and sameness. **Identity** is the mix of our own constructed self-image and the social relationships that define who a person is. In the same way that people talk about the multiple "hats" individuals wear, people can have different identities that come into play at different times in their daily lives: one day a community member may represent a local fuelwood association; the next day she may attend a meeting as an farmer or forest user; in the evening she may attend to her sick children as a mother, but also as a knowledgeable healer with medicinal plants. People can also share identities as members of, for example, interest groups, families, associations, communities, social movements, workplaces or nations.

People frequently organize pluralism based on the identities of groups or individuals. They use identity as a way of assembling representatives of a cross-section of society, usually assuming that people sharing an identity will have similar interests. The examples are familiar: a multistakeholder forum seeks a balance of people from timber companies, universities, government and NGOs; community organizers try to involve a certain number of men, women and youths; a development project tries to work with users of different forest products; international meetings seek representatives from different regions of the world.

Used in this way, identities can be a substitute for dealing with more complex sets of interests that a group can have. For example, where the interests of settled farmers in a particular place may be generally distinct from, say the set of interests of hunters and gatherers in the same place. In many places, women and men's interests in forests differ in fairly predictable patterns. Using identity groups, one does not have to always identify all the interests of each individual. Identity can be an easy tool for quickly defining or predicting complex differences.

Nevertheless, it is essential to test your assumptions. The use of identities as a substitute for interest groups can be misleading and produce stereotypes. Remembering that people define identity groups on only a few features, pluralism reminds us that people do not necessarily share an identity in the group that is stable, unproblematic and harmonious. There is evidence that people even tend to stereotype themselves and over time align their own interests with that of an identity group.

Be aware that the involvement of any individual on behalf of a group is limited by the degree to which they represent that group. Sharing the same identity is only one aspect of representing a group. If people are expected to act on behalf of others, as opposed to just standing for them, they need to be accountable and responsive to a specific constituency. This means the membership of the constituency needs to be clear, and accountability measures such as consultations and reporting back need to be in place.

Simplistic use of identities may overlook that people construct, claim or negotiate identities to respond to different social settings and to meet their changing personal needs. People usually wish to choose their own identity, sometimes to meet specific political ends. Sometimes people have struggled bitterly to achieve their identity. The practitioner should take care to not impose identities that can be unwanted or unwarranted.

21

The political nature of identities has other implications as well related to prejudice. There is a well-documented tendency for people to favor their own group over another. Such ingroup bias leads members of an **ingroup** to perceive members of an **outgroup** as bad, less desirable or unimportant. An "us-versus-them" attitude develops. One result is that people view members of the outgroup as being all alike, and the members of their own group as more varied. People then make extreme judgments about the members of the outgroup based on observations of only a few individuals. Ingroup-outgroup biases are a major source of prejudice and need to be brought out into the open and questioned.
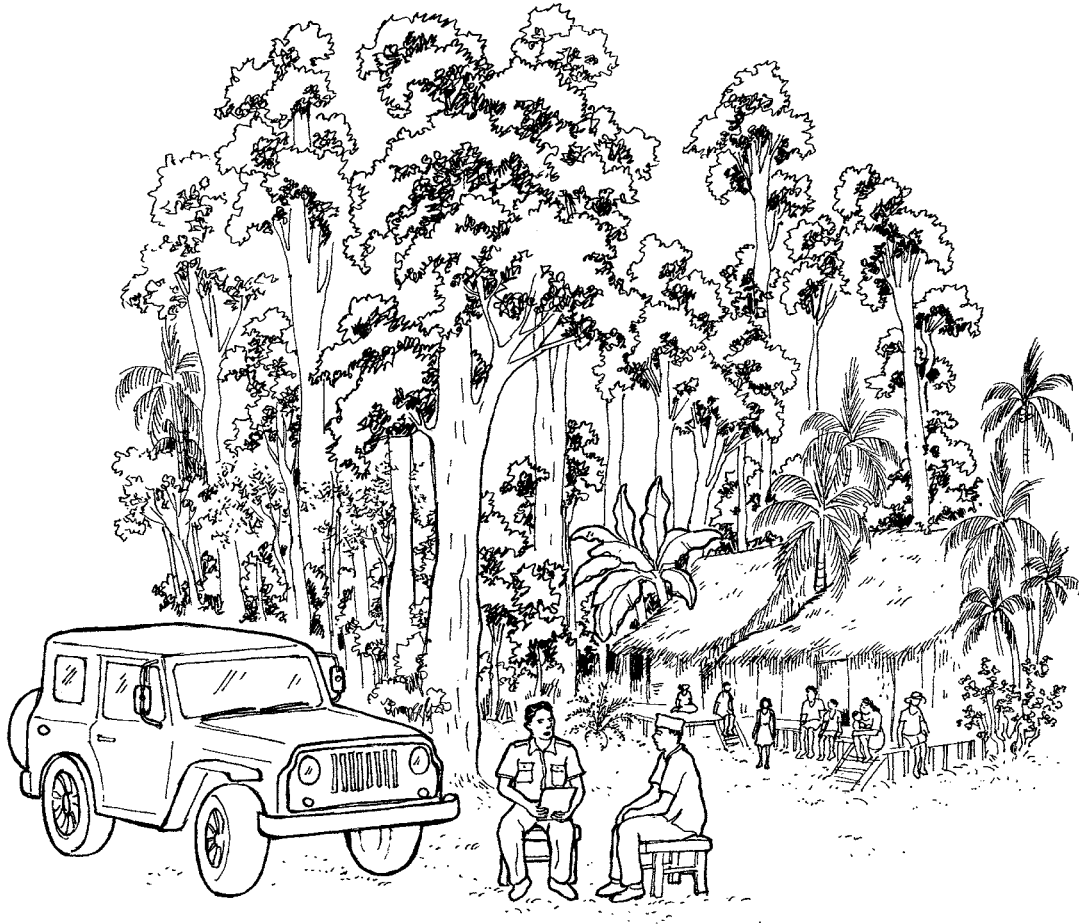
A common way that facilitators of pluralism lessen ingroup-outgroup bias is to try to create a new, single, shared group identity where there is only "us," and no "them." They may build a common vision, use team-building exercises that highlight people's similarities and interdependences, or facilitate relationship-building experiences such as field trips, which provide a safe environment for people to get to know each other in new ways. All take advantage of the fluidity of identities by changing the context so that people define themselves as part of the same group.

Other sources of prejudice can also drive people to discriminate against other individuals or groups based on their identity (Box 10) and need to be understood as forces that work against cooperation.

Box 10. Prejudice

A special type of attitude that has been highly researched is the attitude of prejudice. This attitude has been defined as a negative bias or disliking of people because they belong to a particular group one dislikes. The group is often an ethnic, racial or other social category (Forsyth 1995).

A related but different concept, discrimination, has also been widely studied. Discrimination refers to negative action toward individuals for whom we hold prejudiced attitudes. Thus, discrimination stems from prejudice beliefs. However, not all prejudice attitudes result in discriminatory actions. Like any attitude, prejudice can be looked at from the tri-component model. This would suggest that prejudice consists of an affective and cognitive component, while discrimination serves as the behavioral component.

Several theories provide insight as to why prejudice occurs. These sources are categorized into factors that are psychological, cognitive, interpersonal and intergroup in nature. Psychological contributions include the concept of ego-defense. This theory suggests that some people feel threatened and uncertain about their own worth. Because of this, they reject people unlike themselves (the outgroup).

Another psychological source of prejudice stems from the belief that people will blame frustration and setbacks on others. This "scapegoating" can be a way of venting frustrations.

Cognitive causes of prejudice stem from the tendency for people to categorize others into groups; particularly groups of "us" and "them." This categorization is then effected by several biases and errors.

Ingroup-Outgroup Bias (a.k.a. the ultimate attribution error) is the idea that we favor our own group, its members, and products and reject the outgroup, its members and its products.

Outgroup Homogeneity Bias is the assumption that all members of the outgroup possess similar characteristics and are therefore "all alike." Ingroup Differentiation Bias is the opposite assumption, namely that the ingroup is composed of members who possess unique and distinctive qualities.

Extremity Bias suggests that we make more extreme judgments about people in the outgroup. The Law of Small Numbers states that we base judgments about another group based on observations of a small number of individuals from that group (perhaps because we limit our exposure to that group).

Group Attribution Error asserts that we base judgments about individuals on the general characteristic of the group and often hold the group responsible (or at blame) for the behavior of the individuals. Finally, stereotypes (socially shared generalizations about people who are members of a particular group or social category) are developed as a result of these cognitive processes.

Additional causes of prejudice are speculated to involve the interpersonal processes of social learning and modeling of others behavior as well as the through the norms (shoulds and oughts) of society. Perhaps the oldest explanation of prejudice involves the Realistic Conflict Theory (Rabbie and Horwitz 1969). This theory claims that prejudice is a result of competition between groups for scarce resources such as territory, wealth, status, etc.

Most theorists agree that no one theory accounts for the prevalence of prejudice that exists in society and that a complex interaction of a number of causes results in this negative attitudinal state.

From "Prejudice" *http://sun.science.wayne.edu/~wpoff/cor/grp/prejudic.html*

Identity affects how groups influence each other too. **Majority** groups—who by definition are either high in number of members, the groups with more power, or the groups that sets social standards—try to influence **minority** groups—who are either low in number, or the groups with least power—to conform to the values of the majority. Alternatively, the majority can reject the minority group all together and try to exclude them to maintain the status quo.

Majorities often perceive minorities as a threat. They resist minority influence groups because of conflicting interests or a deeper fear that they will be associated with the negative identity of the weaker group. Instead, they develop negative stereotypes and dismiss minority positions as idiosyncratic, rigid or dogmatic. They blame the minority group for problems or mistakes. To guard against discrimination by majority groups, some nations and international agreements have tried to protect people on the basis of their minority identity (see Box 11). Such laws are examples of policies supporting pluralism.

Box 11. United Nations International Covenant on Civil and Political Rights

This article is the only statement of the right to a cultural identity of minority groups in modern human rights conventions intended for global use. (Hemmati 2002)

Article 27
In those states in which ethnic religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of the group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

The majorities' efforts to maintain the status quo can make it difficult for members of minority groups to have a positive social identity. When this happens, some minority groups try to fit in with the majority to gain a more positive identity. Some people have observed that conflict between minorities and majorities is more likely where minorities find it harder to assimilate or fit in with the majority.

Minorities can influence majority groups in important ways. Members of the majority respond because they do not want to tolerate the resulting social conflict or because they feel persuaded that the alternative offered by the minority is better. Majorities are more likely to question themselves and change where minority groups show confidence, commitment, and a consistent well-defined point of view, but use flexible negotiation styles. Minority influence is an important source of innovation in societies. It can expand majority groups' information and ideas, leading to multiple strategies for solving problems, creativity and more informed judgments. See Gabriel Mugny (1982), Henri Tajfel (1981), Serge Moscovici (1976) and Scott (1987) for classic works on minority influence.

Membership in a minority or low-status group is consequently a double-edged sword. On the one hand, having a low-status identity can make people feel even more weak and negative about themselves. On the other, being a member of a group can give its members a sense of empowerment. With members of similar status, people may feel more at ease to communicate their true thoughts and feelings. The group can be a safe haven from the pressures of more dominant groups. Membership can build solidarity and make it easier to mobilize people to act together.

Working with pluralistic processes requires sensitivity to these issues of identity and its associated politics. It can be useful to keep several principles in mind:

- Make it possible for people to freely to choose, negotiate or change their own identity.
- Test assumptions about whether the members of the same identity group share similar interests. Hold representatives accountable to their constituencies.
- Recognize that mobility in identity can be especially important for disadvantaged groups who wish to assimilate with the majority. Be sensitive to minority members' interests (if they exist) to collectively transform their status by creating counter-identities or negotiating a higher status for their identity.
- Create safe channels for minority groups to challenge majority groups.
- Help all members to express their own identity and interests.
- Creating new settings where existing power and in- or out-group status or majority and minority relationships are not recognized. Try holding activities where the minority group is present in large numbers, sets rules or chairs a session. Recognize that the composition and relative size of groups can affect their influence in negotiations.
- Acknowledge that identities have positive and negative associations, and work towards helping everyone to achieve a positive identity.

Institutions

Institutions is used here to mean the formal policies, rules and organizations of the state as well as informal norms and associations in society. Increasingly, many people are rejecting the notion that the state and its laws are the only relevant institutions for managing forests. There is a growing awareness that multiple institutions can be relevant, both within the state and society, as well as across national borders. People rely on combinations of different institutions to support their role in forest management or claims to goods or services. People also differ in which institutions they use in different situations. For example, some customary groups maintain their own rules exclusively, others use a blend of rules with the state, and others have fully integrated. Legal pluralism (see Chapter 3) has emerged as one approach to better understand these interactions and enable coordination among institutions.

Organizing pluralism according to differences among institutions is helpful for several reasons. First, institutions reflect existing principles and authorities of governance. Pluralism among these institutions can help create the larger governance umbrella that supports pluralism at more fundamental levels among interests or identity groups. It helps to make sure that pluralism occurs at influential levels of decision-making, and not just at the level of acknowledging differences or asking different groups for their inputs and opinions.

Second, pluralism among institutions takes the focus off needing to identify the ever-changing and fluid interests of individuals and organizations. Interests instead come to be seen as shaped and re-shaped by institutional contexts and processes. They become a snapshot of processes that are in reality ongoing and dynamic. Instead of seeking to involve the right interest groups in a decision, the focus becomes on how to best join the institutions of these interest groups.

Third, a focus on institutions allows society to acknowledge and engage complexity. Pluralism would help society to better understand the complex interactions among institutions, which are themselves subject to power relations and involve the interlocking of forest resource concerns with a range of other political, material and social priorities.

As with other ways of organizing pluralism, however, there are downsides. The authorities associated with different institutions often feel threatened by sharing power under pluralistic arrangements. Institutions also change slowly and often lag behind changes in people's values or interests. The very complexity that institutions help to capture can also be a burden, as it can be difficult to know which people to involve and which views of the institutions they hold. Some people have suggested that pluralism at the institutional level is more useful as a descriptive device than something to be used among institutions.

Social practices and related knowledge systems

Another way to analyze differences is to look at stakeholders as practitioners engaged in social practices, as described in the work by Engel, Hoeberichts and Umans (2001), which we summarize here. Different people engage in diverse *social practices,* such as transporting lumber, making charcoal, farming, making laws, facilitating meetings or trading forest products. Each of these roles requires a set of practices that are based on a given system of knowledge.

Competent performance exists when a practitioner achieves certain standards, and is seen by his or her peers and others as being a "good charcoal maker," a "good forester" or a "good facilitator." The knowledge and sets of rules practitioners use generally reflect the results of learning among colleagues involved in the same practice. A lot of interplay among practices takes place. Different social practices may be complementary, mutually reinforcing or compete for the same resources.

Problems occur in forests because stakeholders often have their own understanding of what they consider to be competent performance, and sometimes competent performances among different practitioners are incompatible. For example, new regulations prohibiting swidden farming are often at odds with what local people consider to be an appropriate use of forest resources. Such an event introduces mismatches, risks, and uncertainties that trigger demands for change. Practitioners then may need to redefine competent performance as they see it and adjust their practices.

The adjustment of practices usually requires a mix of learning among groups and shifts in the balance of power. Each group needs to learn how to re-interpret or adapt its rules in order to eliminate mismatches among practices. This process takes place partly within the group that defines competent performance for a particular practice. For local people to modify their practices they may refer to their own community, history, culture and kin. For government professionals to modify their practices, they may refer to their superiors and colleagues and current government policies. For technicians to redefine their understanding, they may refer to colleagues or research institutes.

Yet at the same time, to trigger such learning and direct it to resolving the problems at hand, different types of stakeholders need to effectively communicate with each other. They need to become aware of the perceptions of others and to contrast them with their own. This requires mutual respect, communication and transparency. In the case of the Yuracare indigenous group in Bolivia, government officials adapted technical norms after gaining profound insights in local forestry practices through participatory research (Box 12). If no space is allowed for such internal reconstruction of views, perspectives, rules and customs, or the changes required exceed the adaptive capabilities of certain practitioners, conflicts are certain.

Box 12. Bolivia's Forestry Reforms and Yuracare Indigenous People: Differences in Views of Competent Practice

Until about 1995, the Yuracare, an indigenous group in Bolivia, and the government acted relatively autonomously. With the passage of the new Forest Law in 1996, the government challenged competent performance as defined by the Yuracare, which was the caring for territory and forest as their living space. Instead, the Yuracare were expected to manage their fo rest according to external technical standards and organize timber extraction using a more company-based approach. Local people felt threatened and feared for the livelihoods of their families and kin. They disagreed with the relevance of the laws and the way they were designed and implemented by the government.

A local non-governmental organization, CERES, working with the Forest, Trees and People Program of the Food and Agriculture Organization, initiated efforts to overcome the problems triggered by the new forestry law. The team conducted a study on the Yuracare's dependence on the forest. It found that local people had very similar interests with those of the government agencies in caring for the forest, even though their current forestry practices were officially at odds with the law. They also found that Yuracare forest use was embedded in a wider set of needs related to claiming their territory, identity and culture.

Within the team the idea emerged that through forest management planning these claims could be strengthened. It had to be shown that the Yuracare not only used their forests, but managed them through an elaborate and articulate set of norms and values, institutions, knowledge-based rules, forms of organization and silvicultural practices. The understanding generated on the part of the "outsider" team members eventually enabled them to bridge the gap between what the Yuracare defined as competent performance and what the new Forestry Law implied it to be.

27

To accommodate competent performances of relevant stakeholders in forests, practitioners need to facilitate at least three different types of processes:

- Learning-in-practice: learning within each of the relevant groups of stakeholders, probing, reinterpreting and redesigning their own social and technical practices and with that, their own definition of competent performance.
- Learning-across-practices: effective communication, exposure, dialogue and structured debate among different types of stakeholders to identify risks, mismatches and opportunities for improvement.
- Resource use negotiation: negotiating resource allocations and building a commitment among relevant stakeholders to actively support each other in effectuating the necessary changes in the way natural resources are used.

Who gets involved?

Identifying where differences occur in society is one aspect of organizing pluralism. Determining who among them is involved or should be involved is another. Stakeholder analysis has become a widely used framework for doing this. **Stakeholder analysis** is a process for identifying which people have a concern about an issue and understanding their respective interests about that issue.

Stakeholders are the people who care about a particular activity, resource, place or institution, often because they are materially affected by, or can materially affect, the issue in question. Stakeholders can be individuals, communities, social groups or institutions of any size, including sections of government, business, and nongovernmental organizations. Stakeholders are closely related to the concept of interest groups.

In stakeholder analysis an inventory is done of the different actors relevant to an issue, then the actors are differentiated according to their interests, identity or other relationship to the issue. Stakeholder analysis is used in applications as diverse as designing organizational strategies and managing national parks, to determining whom to invite to meetings.

Stakeholders may be grouped according to any of the aspects described in the preceding sections. Common ways that people group stakeholders in forests include by gender, age, ethnic group, nationality, occupation or forest use, how close people live to the forest, the ways in which the forest or related decision influences their lives, how much their livelihood depends on the forest, their history of association with the forest, their orientation to protect or use the forest, or the political influence they have over forest decisions.

In determining the salience or importance of specific stakeholders and why they get involved in pluralistic processes, the power, urgency, legitimacy, and intensity of the need of different groups and of their ability to get noticed are important criteria (See Box 13). It is often necessary to distinguish who is a legitimate stakeholder and distinguish between primary, secondary or tertiary stakeholders to determine who should be involved in different types of activities. Only legitimate stakeholders should have a role in decision-making, although the definition of legitimacy may be disputed or manipulated to serve particular interests (Box 14).

Box 13. Stakeholder Salience

One way to identify which stakeholders are likely to be noticed and involved is to assess their power, urgency and legitimacy. In this context, power is defined as the capacity of one person to get another person to do something they would not have done otherwise. Legitimacy is the perception that actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions. Urgency is the extent to which a stakeholder's needs require immediate attention. The theory suggests that any stakeholder that has all three attributes will likely be involved in discussion or struggles about the issue. Those with only one of the three attributes are likely not to be involved, whereas those with two attributes may or may not be noticed.

Ricardo Ramírez 2001

Box 14. Determining Stakeholder Legitimacy in Forests

Who are the legitimate stakeholders to take part in discussions or decisions? Consider who:
- Has existing formal or informal rights to land or natural resources.
- Has some degree of economic and social reliance on such resources.
- might sustain potential or real losses, damage, or other negative impact from decisions about the resource.
- Is influenced—presently or potentially—from the activities on the resources base.
- Has relationship continuity with the resource (e.g., residents versus visitors and tourists).
- Has unique knowledge and skills for the management of the resources at stake.
- Has historical or cultural relations with the resources at stake.
- Has some degree of effort and interest in management.
- Has equity in the access to the resources and in the distribution of benefits from their use.
- Has compatibility of the interests and activities of the stakeholders with national conservation and development policies.

Adapted from Grazia Borrini-Feyerabend and Michael Brown 1997

Facilitators, conveners, mediators and donors need to be seen as stakeholders, despite a tendency for them and others to treat these parties as external to a system or problem. Their interests and relationships can have an enormous influence on the process, especially to the extent they control how decisions are made and who participates.

Just because a stakeholder is important, however, is no guarantee that the group will choose to communicate their views or that they can do so effectively if they participate. Marginalized or disenfranchised stakeholders may see more benefit in not participating or negotiating with other stakeholders when they have insufficient power, when they have certain rights that they feel cannot be given up, or when they do not trust the political system to implement agreements.

Although most people recognize the need for stakeholders to define themselves and defining stakeholders iteratively, in fact, these practices often become low priorities. Initial ways of categorizing people also set precedents and have a strong effect on how later processes play out. It is important for people to recognize these tendencies and work to counter them.

The authors suggest that stakeholder analysis is most useful as a way of describing who should be given attention at a given point in time. As a basis for organizing pluralism, however, alone it does little to explain why differences occur, why differences among people change or how differences can be coordinated (Box 15). Stakeholder analysis is an important and convenient entry point, but does not offer much more than that. To organize and coordinate differences among the members of society for the long-term, it is necessary to work more directly with the forces that shape social conflict and cooperation, such as interests, identities, institutions and the values and knowledge that affect how people define what "good" use of the forest is. It is helpful to understand:
- The fit between stakeholders' stated interests and actions, and why they are not the same.
- Stakeholders' capacities and access to information and resources.
- The institutions guiding stakeholders' actions.
- Power relations among stakeholders.
- Trust relations among stakeholders.
- How identity groups affect people's actions.
- Stakeholders' own efforts (or not) to become involved.
- Who actively participates and who does not.
- How changing contexts affect these factors.

The complexity of most stakeholder situations is such that it would be unrealistic for practitioners to engage in formal analysis of each of these aspects. Practitioners instead tend to use intuitive understanding and judgement or rules of thumb to better understand these situations. They also accept that stakeholder identification and analysis are messy and that our understanding will always be partial. The involvement of different stakeholders cannot be managed in a predictable way.

Box 15. A Critique of Stakeholder Analysis

A now widely used framework in natural resource management and project appraisal is stakeholder analysis, first developed by management scientists. As defined by Grimble and Chan (1995), this is "an approach and procedure for gaining an understanding of a system by means of identifying the key actors or stakeholders in the system, and assessing their respective interests in that system." Stakeholders are "groups of people with common objectives and sets of interests with regard to the resource in question and the environment" (Grimble and Chan 1995) who are either materially affected by, or can materially affect, developments designed to bring about a particular transformation; they can be individuals, communities, social groups or institutions of any size including sections of government, business and NGOs.

While providing a useful snapshot of the range of people and groups concerned with a given resource issue, the stakeholder approach is essentially a static one that assumes that "interests" are clear and pre-formed. It is mainly concerned with identifying "trade-offs" where these interests conflict, and does not attempt to address the social relationships amongst stakeholders, or the power relations which shape how certain perspectives come to prevail. Nor does it address the relative capacities of different stakeholders to be involved in management, as shaped by their social or institutional positions. Moreover, developed as a tool for the appraisal of punctual, externally-designed interventions, stakeholder analysis is relatively unconcerned with the longer-term dynamics of ecological and social systems.

Adapted from Melissa Leach and James Fairhead 2001

Because pluralism involves processes rather than single events, the level of involvement of different groups will wax and wane depending on the issue at hand and people's motivations and capacities to participate or get noticed. All relevant stakeholders do not necessarily participate in a given process effectively. Some stakeholders are more active than others. Weaker groups may need assistance to develop the knowledge and capacity to participate effectively. Understanding who the stakeholders are is an ongoing process.

Recognizing these limitations, it may be more accurate to think of working towards *discovering groups*, rather than identifying or defining them. Practitioners can think of working towards discovering interests and identities, rather than treating them as existing, fixed entities. To do this, it is important to give people opportunities to keep informed, update their expressed interests or identities and for groups to be able to challenge each other openly.

31

Policymakers prefer simplicity

One of the central messages of this chapter is that organizing pluralism can be complicated. Pluralism requires attention to local circumstances and their changes. Given the important role that governments play in forests in most countries, one of the main obstacles to implementing pluralism is that policy makers prefer to work with small numbers of groups and treat them as stable and homogeneous. As James Scott (1998) as eloquently argued, the hierarchical nature of communication and control in large bureaucracies requires states to simplify their environment. Bureaucracies do not cope well with complexity, uncertainty or change, preferring instead to issue blanket policies and assume that all people living in forests are the same, as indeed are all communities, companies and forests. Dealing with the complexities of difference does not fit well with organizational culture of bureaucracies or the realities of national policy making (see Box 16).

Box 16. Looking Beyond Similarities and Stability

Forestry laws often seem to assume that stable, relatively homogeneous "communities" interact with stable, "natural" forest environments. While the image of a distinct local "community" of forest users may suit policy makers wishing to establish representative committees to work with outside agencies, it is a badly flawed representation of social realities on the ground.

Communities are not, of course, bounded, homogeneous entities, but socially differentiated, dynamic and diverse. Gender, caste, wealth, age, origins, occupation, and other aspects of social and identity and contextual affiliation divide and cross-cut so-called "community" boundaries. The divide between community and external organization is also often ambiguous, with diverse actors and interrelationships cross-cutting any such divide. State projects and practices often play out in relation to local people's own projects and practices, and the relations of power in which they are structured.

Social differences within communities can be linked to differences in which resources are valued and why. In Sierra Leone, for example, conflicts used to frequently erupt between husbands and wives when men felled forest canopy trees, from which women had been collecting oilseeds, in order to regulate shade for their cocoa and coffee plantations. In other cases, forest resource uses may be complementary. In some West African humid savannas, farmers and herders have developed complementary relationships between starkly different land uses; intense cattle-grazing can, by suppressing fire and importing manure and seeds, pave the way for a transition to forest thicket which farmers then use for agricultural fallow, fuel and poles.

While sometimes people struggle overtly over conflicting resource priorities, in other situations prevailing social and power relations keep conflicts off the agenda. Work on gender has demonstrated how institutions—including those for natural resource management—that might appear to be acting for a collective good, actually shape and reproduce unequal power and authority relations, marginalizing the concerns, for instance, of groups of women or poorer people.

Adapted from Melissa Leach and James Fairhead 2001

This need for simplicity has made it difficult for forest bureaucracies to acknowledge existing norms and practices of local forest management. But this may be changing. A shift to more decentralized, devolved forest management in many countries is encouraging attention at lower scales. Local policy makers can address more complexity, because they deal with smaller chunks of reality. There is also increasing awareness in many governments of the value of involving different groups in the design and implementation of policy. As conflicts increasingly erupt in forest areas, governments are forced to acknowledge social differences. Although there is a clear bias among most governments to lump people into oversimplified groups, there are also signs that more governments are interested in facilitating a more pluralistic approach to forestry.

Chapter 3
Legal Pluralism and Policies Supporting Pluralism

Hear the other side.
> Roman law principle

Legal pluralism and policies that support pluralism are concerned primarily with regulation and focus on legal institutions as instruments for governance. Legal pluralism also provides a framework for understanding that people often deal with more than one system of rules at a time and the relationship among these legal institutions can help explain people's behavior.

The main challenge of legal pluralism is how people can make legitimate and enforceable decisions where they are faced with overlapping and conflicting laws and authorities. Where policies try to support pluralism, the main challenge is how they balance the interests of the state against society and be responsive to diverse and changing contexts.

What is legal pluralism?
Legal pluralism refers to a situation where two or more legal frameworks co-exist in a given social situation. Legal frameworks are sets of laws that include formal written policies, decisions, orders and rules as well as informal, unwritten customary rules, all of which in principle share sanctions if they are broken. This section draws especially on the work of Ruth Meinzen-Dick and Rajendra Pradhan (2002), John Griffiths (1986), Keebet and F. von Benda-Beckmann (1988, 1986), Boaventura de Sousa Santos (1995) and Sally Falk Moore (1973).

Most of us live everyday with multiple sets of laws, such as those of our country, school or workplace, religion, town or village, and family. In forestry, legal pluralism has most often involved the co-existence of customary and state laws about land claims or access to forest benefits. There are very few in any places in the world where legal pluralism does not exist.
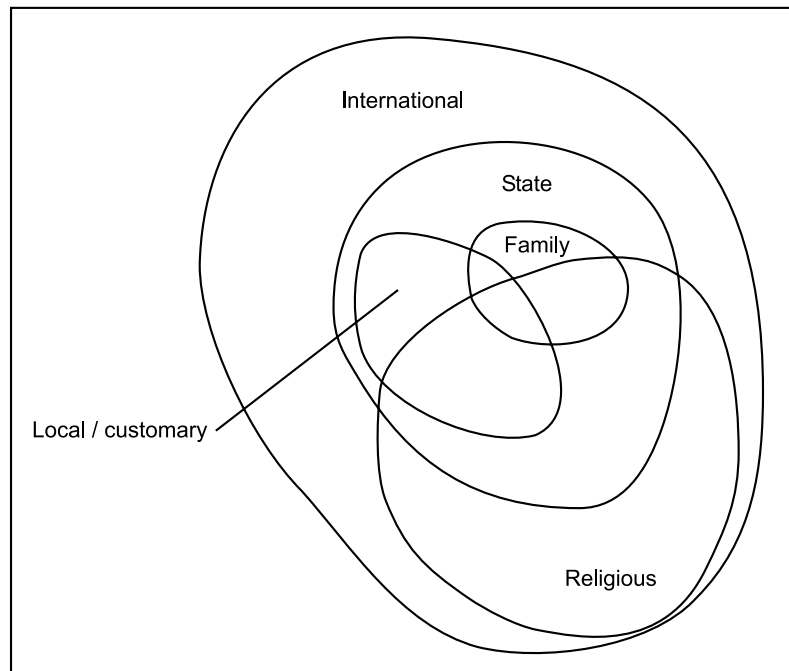
Figure 1. Overlapping legal systems (adapted from Meinzen-Dick and Pradhan 2002)

How do people coordinate among sets of laws?

If there are many sets of laws, how do people decide *which* laws to use? There has been some debate about whether there is a need to choose at all. Some people argue that legal pluralism is inherently not about deciding which law to use, but rather helping people to see laws in new ways, where no one law is dominant, or helping people develop an understanding of diverse laws in which all laws are judged to be equally valid. This position reflects a relativistic view of legal systems

Others argue that laws are not equal, because they reflect social relationships and have different effects on people's well-being. It is important to understand these relationships if society is to function or to explain people's behavior. This latter view is more consistent with the definition of pluralism that has been used throughout this guide. According to this view, for example, it is easier to understand how customary systems often act as semi-autonomous entities in relation to larger state law. It also makes it possible for people to say that customary systems (such as those that condone slavery, castes, or others constraints to individual freedoms) are not automatically desirable. It is easier to understand why people adapt or resist state laws, or why people accept some actions as legitimate. Policies can be designed to reflect these insights.

Accepting that all laws are not equal, there are at least three ways in which differences among laws are resolved:
- A set of laws takes precedence because of the *power* of the institution supporting it. States usually give priority to their own laws about commercial logging, but ignore customary laws about harvesting other forest products, especially those that have no market value.

36

- A set of laws takes precedence because of the *context.* Forest concession holders sometimes allow swidden cultivators to continue to hunt or clear fields in designated areas of forest as an acknowledgement of local custom, even though both practices are forbidden by most state laws.
- A set of laws can be legally linked to another set of laws, either hierarchically (to show which takes priority) or to co-exist with equal influence. Sometimes, people make use of several legal systems at the same time. In Madagascar, for example, contracts between local communities and the state under the GELOSE law, have both a legal component—communities must be legally declared—and a common law component—referring to ordinary agreements that regulate rights and responsibilities in society and the use of the local customary regulations known as *"dina,"* in the event of disputes. (See Box 17).

Legal pluralism thus operates in both formal and informal ways. The nature of the context and local power relations have a strong influence on which laws take precedence.

Within the legal framework of the state, legal pluralism policies fall along a spectrum. (see Figure 2). At one extreme of the spectrum, policies bring different groups' laws together under a hierarchical, nested scheme that aims to give each group legitimacy and scope to act. Providing certificates of ancestral or indigenous rights to land are an example. At the other end of the spectrum, policies aim to allow the institutions of different groups to co-exist as they practice their own laws. The latter emphasizes linking institutions, rather than integrating them into one entity. Autonomous regions are an example. Federations of organizations or states that have autonomy over some rules fall in the middle of the spectrum.

| Policy that nests legal institutions in hierarchical relationships | ←————————————→ | Policy that links legal institutions as autonomous units |
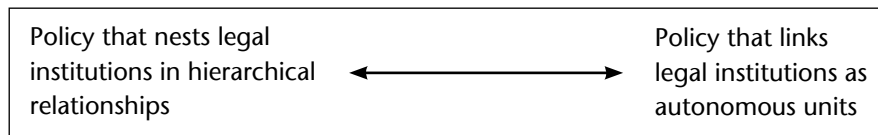
Figure 2. Spectrum between two policy approaches to supporting pluralism

Evidence suggests that unified legal schemes cause weaker and minority groups to lose out to the interests of the state or elite. Some people argue it is better to protect the autonomy of weaker groups and build legal relationships with their institutions than to integrate them. The history of land law in Indonesia supports this view (Box 18).

But national policies cannot easily address the diversity of local settings and their changes. Government policies quickly become outdated and are hard to change in a timely way. It may be more useful for local level decision-makers to develop working principles for recognizing and linking different legal systems. These principles should be transparent, legitimate according to relevant authorities, and shared with people in their constituency. The principles should be adapted to changing conditions at a reasonably long scale of time that does not make them too beholden to the whims of local elite.

Box 17. Recreating Community Ownership and Management: the Dina System, Madagascar

Prior to colonization by the French, the Dina system provided local people with rules about how to manage their forest and communities. Passed on orally from generation to generation, local people continued to use Dina even after the French created the Department of Water and Forests with its own rules and regulations. For most of the 20th century, rapid resource exploitation occurred and communication between villagers and government broke down.

In the mid 1990s, villagers sought assistance from the World Wildlife Fund (WWF). This led to the creation of the Association of Manambolo Natives or Fikambana'ny Terak'i Manambolo (FITEMA). WWF project personnel acted as intermediaries to re-open communication between village residents and Department of Water and Forests (DWF).

The ultimate goal was to establish a harmonious balance between human needs and the protection of natural resources in the region. The project began helping local residents re-establish and legalize the Dina to regain control of their resources through traditional management methods. This meant that decisions were made by the elders, after consulting their ancestors. This is important in Madagascar where ancestors are venerated and considered to be among the most important aspects of life. The Dina is transferable across communities within Madagascar.

Malagasy law provides a legal framework for the legal transfer of all renewable natural resources to communities who meet the requirements as set by the law. WWF worked with FITEMA and government agencies to make Dina legally binding. Approval was sought with relevant local authorities, finances were secured, social structures were created and the contract was approved by the state. Dina is now law in the region and government regulations are imposed only if the Dina is not capable of resolving conflicts. One thousand hectares of government forest land has been legally transferred to local residents to manage independently, by initiating and signing the GELOSE (Gestion Locale Securisee) conventions with the DWF.

Making the Dina law lends weight and power to the community to control resources effectively. The Dina assures sustainability by respecting key functions of land management including timing, quantity, frequency and rights of usage. It controls virtually all forest products, such as honey, wood, eels and crayfish. "Outsiders" can no longer use the resources, unless they are authorized by village elders and equitable sharing of resources within the valley has been re-established. As a result of the re-establishment of the Dina system, valley residents now have a common vision for the use of the forest. Instead of being simply viewed as a source of raw material to "use before the others," the forest is now regarded as a heritage to be managed for immediate and future sustainable use.

Adapted from "Law of the Springs," United Nations Development Program, Equator Initiative, *http://www.tve.org/ho/doc.cfm?aid=1323*

Box 18. United in Diversity, but Not Diverse in Unity

Under Dutch colonial law, Indonesians were mostly subject to local customary or adat laws, while Europeans were subject to legal codes from Holland. Upon independence in 1945, Indonesia maintained the dual system. But in 1960 Indonesian lawmakers argued the duel system worked against efforts to build unity in the country. They passed the Basic Agrarian Law of 1960, which unified rights under a Western-style system that acknowledged adat as a principle. Some four decades later, only about 10 percent of all rural land has been registered, and conflicts over land are rampant, especially in forestry areas. Critics suggest that Indonesia's land law needs to recognize adat authorities, not abstract adat principles, and work to link them with state law, not absorb them within a single unified system.

> Daniel Fitzpatrick 1997

Strengths and weaknesses of legal pluralism

Using legal pluralism in forests presents both advantages and disadvantages. To its advantage, legal pluralism

- Provides a more realistic acknowledgement of the multiple legal frameworks that people face in making decisions.
- Can promote more equity because people can make claims based on legal frameworks of even the least powerful, minority groups.
- Enhances people's flexibility to adapt to change and unexpected circumstances, as they can make use of alternative legal systems in different contexts.
- Fosters innovation as people borrow elements across legal systems and awareness of alternate legal systems stimulates new ideas.
- Provides a framework that better predicts how people are likely to behave, including, how they implement policies or change.
- People are more likely to pay attention to some authorities than others. Legal pluralism may thereby assist in law enforcement.

To its disadvantage, legal pluralism

- Can create confusion and overlapping claims that are hard to resolve.
- Requires broader legal expertise and information.
- May require more complex systems of legal administration.
- Can lead to conscious or unconscious forum shopping, where people use whichever legal system best fits their needs at the time to legitimate or justify their actions, and thereby escape from being accountable to any one system.

To practice legal pluralism in a way that helps people cooperate with one another, it is necessary to understand the relationships among different legal systems. It may not, however, be in the interest of disadvantaged groups to do this with unified national policies. Policies that link legal systems are more likely to ensure that disadvantaged groups laws are recognized. People can also practice legal pluralism in ways that are more responsive to local contexts by establishing working principles about the relationship among laws in their day-to-day decision-making.

Policies that support pluralism

Not to be confused with legal pluralism, but equally as important (and sometimes overlapping), are policies that support pluralism in other aspects than law. In forests, policy-makers have tried a number of different means to support different interests, including:

- Meeting the economic needs of both timber companies and local forest users.
- Finding a balance between conservation and economic development interests.
- Meeting the diverse needs of all stakeholders in a particular place.
- Recognizing indigenous people's rights to state forest land.
- Supporting the human rights of minority groups.
- Supporting democratic decision-making processes and accountability of decision-makers to diverse constituencies.

Policies have used benefit sharing, zoning, division of roles, quotas or access periods for different users to support multiple interests simultaneously.

Collaborative management policies ("co-management") such as Joint Forest Management in India, Community Forestry in Nepal and Social Forestry in the Philippines are well known examples. Those policies have tried to bridge forest departments' interests in forest cover and timber production with forest users' interests in livelihoods and donor's interests in empowerment, poverty alleviation and environment. They usually offered local people rights to some forest benefits in exchange for forest protection or rehabilitation. The policies presumably create win-win situations for everyone, although government interests commonly prevail on paper, if not in practice (Box 19 and Box 20).

Similarly, integrated conservation and development projects (ICDPs) have tried to create win-win situations where forest is protected and local people meet their livelihood needs. These approaches are usually based on the logic that poverty is a cause of resource degradation, resource degradation is a cause of poverty, or that conservation restricts local livelihoods. There is a lot of evidence showing, however, that the relationship between livelihoods and conservation is not simple or straightforward. The real justification for ICDPs is the need to meet the needs of different interest groups.

Co-management, social forestry and ICDPs improve pluralism in forests. However, these policies are often more pluralistic in concept than in practice. On the ground, power inequities and the dominance of the forest departments, donors or other drivers of the policies and projects present challenges to these policies to support truly pluralistic outcomes. More powerful groups usually drive the process according to their own perceptions and needs. Where there is weak state or project presence, local elites or strongmen dominate. Government makes arrangements that best meet their own needs at the expense of others by restricting local users' roles and benefits, and standardizing contracts, management requirements and structures of local organizations to simplify their huge administrative burden. It has been particularly difficult for governments to meet multiple interests in valuable forests used for timber, uses or biodiversity protection.

Over time and with more information, people also change their demands. State-level policies and large projects are rarely flexible enough to accommodate these changes. If win-win policies are tried, it is essential to monitor gains and losses for different stakeholders.

Strengths and Weaknesses of policies that support pluralism

The strengths of policies that support pluralism are that they:

- Acknowledge that different interests exist.
- Are backed by a clear authority responsible for their enforcement.
- Are legitimate in the eyes of the state.
- Are documented in public documents that are usually available for scrutiny and therefore transparent.
- Backed by the resources of the state.

The weaknesses of these policies are that they:

- Use a uniform approach to all sites and thereby may not fit well with local conditions.
- Are hard to change and quickly outdated.
- Minority groups' interests are likely to lose out to those of the state.
- Other authorities may not view the policies as legitimate.
- State's sometimes resort to police or military intimidation and force to achieve their ends.

Summary: Analyzing legal pluralism and policies that support legal pluralism

To understand legal pluralism in your own context, we offer the following points:

1. Identify formal written policies, decisions, orders and rules as well as informal, unwritten customary rules and norms.
2. Note the authorities and communities associated with the different systems.
   - Are there majority and minority groups associated with the different systems?
   - What was the degree of autonomy of local, customary legal systems from national or other state authorities? What enabled this autonomy to occur?
   - To what extent do majority laws recognize and incorporate other laws? Are legal systems integrated into one set of law or just linked to each other?
3. Document examples of how laws have been practiced. Draw examples from your observations or people's accounts of past events. Do not use hypothetical accounts.
   - Which laws did people choose?
   - How did people interpret the laws?

Box 19. Joint Forest Management in India

In the 1980s, the increasing prominence of concerns for the environment and the rights of indigenous forest dwelling communities led to major reversals in India's forest policies. In contrast to the earlier focus on maximizing revenue and promoting forest-based industry for the national interest, the new 1988 forest policy of India articulated the twin objectives of ecological stability and social justice.

To translate these objectives into practice the Central Ministry of Environment and Forests (MOEF) issued a circular on June 1, 1990 to all states and union territories providing guidelines for the "Involvement of Village Communities and Voluntary Agencies in the Regeneration of Degraded Forests." This led to adoption of what has come to be called Joint Forest Management (JFM) by several state forest departments. The policy has been widely adopted. As of 2002, 27 of 28 states had issued JFM orders specifying their respective terms for working in partnership with local villagers, and 14.25 million hectares of forest land (18% of total forest area) were already officially protected by roughly 62,890 village organizations under JFM.

In February 2000, MOEF issued revised guidelines for JFM. These permitted a cautious extension of JFM to well-stocked, instead of only degraded forests, specified women's representation in JFM groups (minimum 33% in executive committees and 50% in the general body), and clarified that "microplans" prepared with communities must conform to the silvicultural prescriptions in the forest departments' technical working plans.

JFM, however, assumes that the most appropriate use of these lands is forestry, irrespective of diverse existing uses by local communities. It also assumes that the forest department is the most competent manager for these lands. The new guidelines recommended that all local organizations formed for forest management should be called JFM Committees across the entire country, irrespective of their diverse histories, legal status and institutional structures. State JFM orders vary in terms of the legal status of the land to which JFM may be extended and the organizational structure, autonomy and entitlements of village institutions participating in JFM. The JFM orders of Rajasthan and Karnataka brought village grazing and other common lands under JFM's ambit. In Uttarakhand, JFM brought the only autonomously managed community forests with legal standing under joint management with the forest department.

Despite its shortcomings, JFM has created an opportunity for change that, if vigorously pursued, may yield more than the limited gains so far. The involvement of local communities in forest protection has raised a host of questions about the terms under which participation happens, especially the need for greater transparency and accountability in state functioning. JFM has also been welcomed as a move towards decentralizing natural resource management.

These concerns mesh well with the current thinking of multilateral and bilateral development agencies. At one level, JFM appears to accommodate the social development goals of these actors hence, for instance, the Ford Foundation's support in publicizing, analyzing and refining JFM. At another, JFM fits with the neo-liberal philosophy of down-sizing the state and reviving "civil society." Thus JFM is the cornerstone of at least five World Bank-funded State Forestry Projects.

It is unrealistic to expect that power inequalities can be erased simply by transferring control to the local community through JFM. Village politics may lead to local inequities, unless outsiders work to counter them. This is borne out by the dynamics of JFM in multi-caste, economically stratified settings. Although JFM confers uniform property rights on all households, JFM commonly actively engages only select elites. In Midnapur, West Bengal, JFM has emerged as a sal-eucalyptus plantation system that benefits mostly local elites. Weaker farmers lost access to the state forest land they had previously used. In Uttara Kannada district, Karnataka, rural elites who leased large private forests from the state participate in JFM "on equal terms" with landless laborers. The landowners have shifted their fuelwood demand to JFM lands and have started growing timber trees on their leased forest lands. Anticipating the likelihood of such outcomes and adopting pre-emptive measures would reduce inequalities to some extent. The support of NGOs, social activists and sensitive forest officials may help poorer members negotiate for management practices that suit their needs (e.g. the species mix, pruning and harvesting practices, etc.).

Adapted from Madhu Sarin 2003 and Amita Baviskar 2001

Box 20. Policies in Whose Best Interests?

Niger
In the late 1980s, Niger's decision-makers sought to increase the sustainable supply of fuelwood. They promoted the voluntary creation of rural fuelwood markets at village level, while also recognizing the abilities of rural populations to monitor and manage the forest resources of their areas through a contractual scheme of tax incentives and redistribution and local management structures. New roles were cast for each party involved in the production sector, including foresters, villages, local management structure, transporters, merchants and dealers, administrations and scientists. After several years, this effort resulted in more than 100 markets producing about one fifth of the requirements of major towns and cities. The project is at the root of the new forestry policy in Niger.

South Africa
In South Africa, the promulgation of the Communal Property Associations Act of 1996, a reform carried out by the Ministry of Land Affairs, introduced a new authority responsible for managing village communal land. This change in legislation forced the paper industry to consider partnerships with villages to secure the raw materials they needed. The aim of the reform was to wipe out racial discrimination related to land access. However, as a result, companies also no longer had easy access to the land. In South Africa, the long experience of trade unionism in the mining sector gave villagers the illusion that contractual set-ups between large paper companies and local communities would guarantee benefits for local people. In fact, partnership may well turn out to be a means of having the villagers pay a portion of the deficit from forestry activities.

Adapted from M. Antona and D. Babin 2001

- • Were sanctions applied if people broke the rules?
- • What was the setting?
4. Analyze how people made choices about which laws they used.
    - • Were people aware of different laws?
    - • Did they use any legal system more often than another? Why?
    - • What were the incentives to use a particular law over another?
    - • Did people consider some laws to be more legitimate than others? Why?
    - • What role did different authorities take to promote a law?
    - • What role did identity politics play? Were there positive or negative identities associated with different choices?
    - • What influenced the effectiveness of the authorities backing different laws? How did people resolve conflicts or ambiguities in laws?
    - • Did people apply laws consistently?
5. What role did external laws play in strengthening the influence of disadvantaged groups?
6. Has there been innovation in law or its implementation as a result of multiple laws being present? How did this come about? Why?
7. How have patterns of changed over time? Why?

To guide the development of policies that support pluralism in forests, we suggest asking:
1. What are the different interests policies are trying to serve?
    - • What is the legitimacy of these interests and the groups representing them?
    - • How do power and social relationships among entities affect whose interests are likely to be served? Consider the influence of local elite, strongmen or government officials.
2. To what extent are different interests compatible? How could changes in land tenure, zoning or benefit sharing affect compatibility?
3. What trade-offs are acceptable to the groups involved? How can the policies avoid limiting people's livelihood choices? What kinds of compensation measures or reciprocal arrangements (if any) are possible?
4. Do the policies take into account existing local knowledge, practices and circumstances and how these differ around the country?
5. Do the policies give minority groups channels to influence decision-making?
6. Are there built-in monitoring and learning processes to help adjust the policies?

Chapter 4
Multistakeholder Processes

Politics, of course, is partly about the art of achieving change, even when there is no consensus.
        Simon Maxwell 2003

…Pluralism is not only about the mechanics of regimes for collaborative management. It refers also to a multiplicity of ethical and ideological positions, which define the context for forest practice and provide criteria by which we can evaluate the performance of these management regimes.
        Bhaskar Vira 1999

Multistakeholder processes (MSPs) are courses of action where two or more interest groups provide their views, make a decision or coordinate an activity together. MSPs have become an important approach for supporting people's direct participation in decisions. They are a popular strategy for building collaboration and managing conflicts among competing interest groups. Like teams, MSPs can bring together diverse knowledge and talents that spawn innovation and adaptive management.

Many groups see the use of MSPs by civil society as more a flexible, efficient and responsive alternative to heavily politicized, bureaucratic government processes (see Box 21). Yet the legitimacy of MSPs and their accountability to a given constituency are not guaranteed

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Box 21. Why Not Government?

In the past, people looked to governments to coordinate and resolve conflicting demands. Many people now perceive government as acting too much in its own self-interest, especially forest departments. Governments also are often divided internally about how to manage forest resources and have limited authority in remote places. Customary leaders and laws can hold important influence apart from government and sometimes even compete with government. Similarly, frontier strongmen or traders can be powerful local entities. Many forest issues span across countries requiring international governance measures.

(and indeed may not be guaranteed by government). Using MSPs in ways that reflect broader principles of desired forest governance such as transparency, participation, and social justice is an area still requiring much attention. Similarly, the weak linkages of civil society MSPs with government processes suggest scope for further work.

Multistakeholder processes include:
- Consultative processes: groups communicate their views to each other or to a third-party decision-maker;
- Negotiations: groups bargain to meet their own interests about a shared decision;
- Conflict management: groups seek to identity their common interests to overcome differences in their positions;
- Collaboration: groups agree to coordinate an activity or share resources (often referred to as consensus-building elsewhere); and
- Social learning: groups learn together, usually about the outcomes of a decision, technology or policy they have tried, and mutually adjust their strategies in response to what they have learned. Includes activities to enhance communication, share knowledge or practices across groups and conduct monitoring.

These processes differ from legal pluralism and teamwork in that they concentrate on coordinating pluralism among interests and identity groups. The number of people affected can be large, so participants often act as representatives of larger groups. How well the participants represent their constituencies and are accountable to them is often a concern.

In forestry, MSPs have been explicitly in use for several decades. Their implications for pluralism differ according to where control over actual decisions lies—in a single entity or shared among interest groups. In consultative processes, for example, a single individual or organization retains control over decisions. The entity seeks input from stakeholders to increase the entity's own legitimacy, build trust or give stakeholders a sense of ownership over a decision, as people are more likely to implement a decision if they played a role in making it. In the 1990s, the Royal Forest Department in Thailand consulted with different groups around the country about a proposed community forestry law, but the Royal Forest Department alone retained control over the process and the outcomes. Similarly, the World Bank and other agencies often solicit views on proposed plans or draft products through multistakeholder meetings, while maintaining control over final decisions.

By contrast, in negotiations, conflict management or collaboration, interest groups collectively play a more direct role in decisions. These practices can be self-organized, or facilitated by outsiders. In forests, multistakeholder processes are commonly used for establishing collaborative management, preparing agreements or contracts (such as a community giving forest exploitation rights to a company), and setting forest boundaries. They have also occurred in response to conflicts, when one interest group perceives a need to change a situation such as oppose a plantation or logging operation. In practice, if a facilitator or any one group dominates or manipulates the process, as often happens, control over decisions is again limited to a single entity.

The challenges to pluralism differ very much between these two sets of practices. Where one entity controls decisions, the challenge is how the organization weighs its own interests

against those of the interest groups consulted, especially where trade-offs are required. There is always the likelihood that the organization prioritizes its own interests over those of the interest groups, as has happened in many state-driven community forestry programs. While this practice simplifies coordination, it does not guarantee respect for pluralistic interests. Private entities may be able to justify prioritizing their own interests, but public entities presumably seek to serve all legitimate interests in their constituencies. To guard against the possibility that public institutions prioritize their own interests, they need to be directly accountable to their constituency, have checks and balances on their decision-making via other powerful entities, and make decisions according to principles that interest groups consider consistent, transparent, socially just and legitimate.
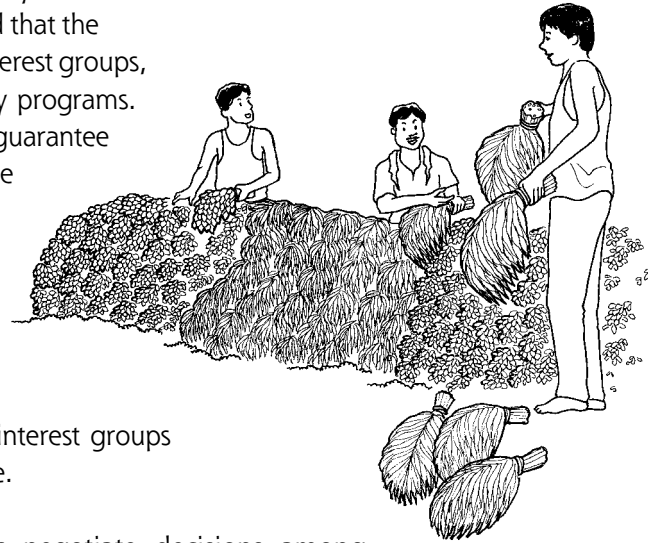
The challenge differs where multiple interest groups negotiate decisions among themselves, even with a facilitator. In these cases, each interest group tends to prioritize its own objectives, leaving any costs to be borne by the others. The challenge under these circumstances is how to justly share or assign the resulting gains and losses among interest groups and still achieve cooperation and mutually satisfying outcomes. Compensation measures may be needed for people forced to give up benefits. The transaction costs of the process can be high and require prolonged periods. Achieving "coordination" in these contexts does not necessarily ensure cooperation among the various interests, but it does make it more likely for cooperation to happen.

Common features of multistakeholder processes

There is a wealth of experience with MSPs, and dozens of recommendations about how to facilitate them (see Additional Reading and Resources). Rather than attempt to synthesize this vast body of information, we discuss the five features most relevant to understanding how people have used MSPs to coordinate interests.

1. Characteristics of the stakeholders, conveners and facilitators: How the stakeholders, conveners and facilitators were selected and to whom they are accountable; the interests, identities, influence and practices of each group; their legitimacy; their urgency and the stakes involved; the nature of influence and control over decision-making both in and outside of the MSP; participants' representation of a group; extent of trust, communication and collaboration among people.

2. Context that frames the process: The history of different groups' demands and conflicts; factors beyond the boundaries of the forest area concerned or beyond the control of the stakeholders; the forest and resources available for the process; involved institutions; other external support or pressures;.

3. Shared principles and strategy guiding decisions: The principles for making decisions in the MSP; shared vision or interests; agreements about roles; people's commitment

to the process; communications and information strategies; use of subgroups; use of selected institutions and authorities.

4. Cycles of conflict and cooperation: Processes of negotiation or bargaining to manage conflict and build cooperation and agreements;

5. Mutual adjustments: Processes are ever-changing and iterative; as conditions change in any of the first four features, convening organizations, facilitators or stakeholders adjust their tactics and activities. Participants also make adjustments as they learn from experience.

Characteristics of the stakeholders, conveners and facilitators

At the core of any multistakeholder process are the people who compose it and define it. The stakeholders, conveners and facilitators usually determine the boundaries of the problem and opportunities at hand. Knowing who those people are and why they are involved is essential to understanding a multistakeholder process and making it work.

We discussed the nature of stakeholders and stakeholder analysis in Chapter 3, showing that stakeholder analysis is a messy process that requires iterative efforts and an understanding of the deeper factors driving stakeholders' interests. Much has been written on stakeholder analysis by others (see, for example, Grimble et al 1995, Colfer 1999, Ramírez 1999).

Less attention has been given to the roles of conveners and facilitators. Facilitators, loosely defined, can include mediators, development agents, donors or researchers. They are, intentionally or not, potentially the most influential bodies in MSPs as they control resources, define the scope of the problem, decide who participates, provide information selectively, and make or interpret decisions on behalf of the group. The instructions to mediators in a widely-used handbook (Box 22), for example, show the scope of decisions that the handbook recommends they make. Donors, researchers and development workers also usually enter MSPs with pre-determined agendas and control the budget, the principles underlying the process and who participates.
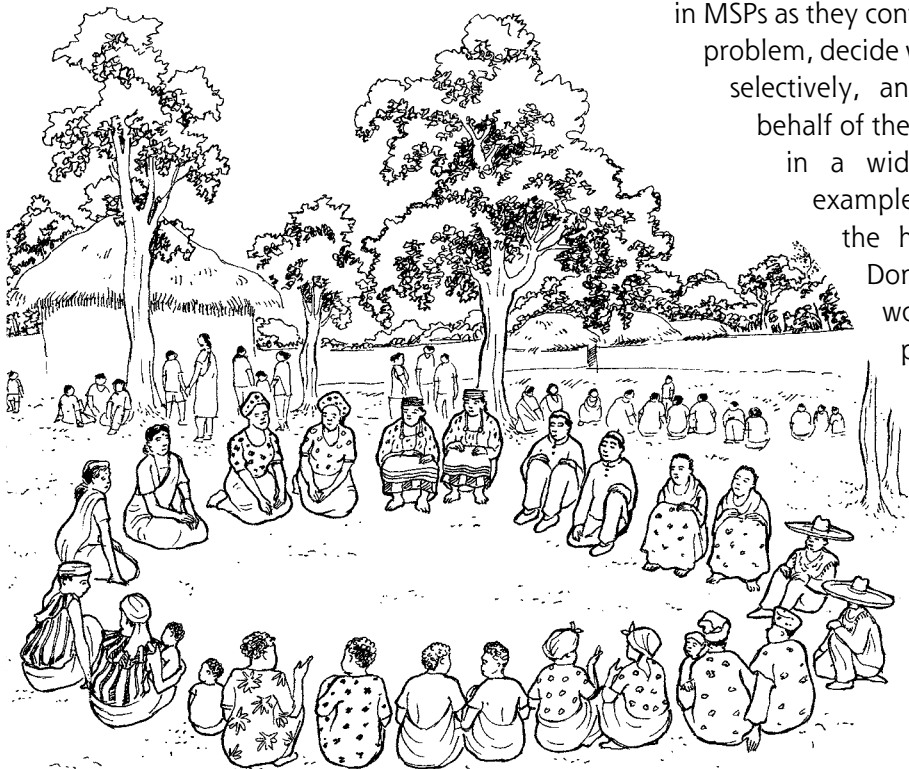
Contrary to ideal conceptions of MSPs, conveners have strong biases that affect who is involved and how they are treated. Administrative departments have often considered local people as destroyers of the forest or indigenous people as lesser citizens. Funding agencies and

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Box 22. The Mediator's Influence

In designing a mediation plan, mediators should consider:
1. Who should be involved in the mediation effort?
2. What is the best location for mediation?
3. What physical arrangements need to be made?
4. What procedures will be used?
5. What issues, interests, and settlement options are important to the parties?
6. What are the psychological conditions of the parties?
7. How will rules or behavioral guidelines be established?
8. What is the general plan for the first joint negotiations in the mediator's presence? How will specific agenda items be identified and ordered?
9. How will parties be educated about the process, and how will they arrive at agreement to proceed with negotiations?
10. What possible deadlocks could occur, and how will they be overcome?

    C. W. Moore 2003

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project managers are often overly inclusive and relativistic because of fears of political consequences. Empowerment NGOs have often given preference to weaker groups at the cost of excluding more powerful ones. Researchers have had obligations to donors and their own organizations to comply with. All have had schedules, deadlines and other commitments that affected how they organize the MSP process.

MSPs sometimes overlook relevant parties due to these biases. In South Africa, paper companies negotiated at village level with the Communal Property Association, whereas the real local authority was the chief of several villages. Facilitators sometimes consider emigrant, squatter or nomadic populations as not legitimate, unimportant or just logistically difficult with whom to coordinate and hence these groups are left uninvolved in MSPs. These groups are often also uninformed, uninterested or lack the confidence to participate, which suggests facilitators need to build mutual awareness, incentives or capacities if they want to encourage such groups' participation.

Conveners or facilitators do not always hold the upper hand of influence on participants. Governmental organizations that seek to convene stakeholders may find it awkward to keep them on board if their previous relationship with the rural groups was paternalistic or arrogant. Projects that impose a rush on others to spend funds to satisfy a donor, may find people uncooperative, because they do not share the same sense of urgency or view the project as legitimate.

Self-organized MSPs can avoid the biases of outside conveners or facilitators and pool their own resources to work against more powerful interests (Box 23). Problems that can arise in self-organized MSPs include a lack of effective leadership, in-fighting among factions, lack of funding and inertia or apathy among stakeholders. Outside facilitators can play important roles in helping people to see things in a new way and catalyzing new relationships. Where conflicts are intense, it may be impossible for groups to mediate among themselves effectively without the help of an outsider.

Box 23. Opportunities and Limitations of the Self-Evolved Network

The Bokhim Forest User Group (FUG) Network is a loose, self-evolved network of 17 forest user groups in the Bokhim Village Development Committee of Bhojpur District, Nepal. The network evolved in late 1996 in response to conflicts faced by forest user groups. Most of these conflicts were related to boundaries or land tenure issues; forest users were faced with difficulties in extracting forest products. In a training program organized and facilitated by the District Forest Officer (DFO), representatives from the forest user committees of the Bokhim Village Development Committee noted a need for a mechanism for resolving these conflicts among user groups. Representatives from the 17 user groups therefore formed a committee comprised of 11 people to resolve local conflict by coordinating and interacting with stakeholders and concerned parties. Network members worked on a voluntary basis.

The Bokhim FUG network worked to mediate conflicts between groups as well as between individuals and groups. The network sometimes worked as an advocate, putting pressure on parties in the conflict or by giving information to the courts and the land registration office and assisting government civil services to settle disputes. This advocacy role empowered less advantaged groups and prevented the local elite from dominating the mediation of land conflicts. One example of the network's labor was a district court case filed by an individual against the Athaise FUG. In this case the individual claimed that the forest land managed by the FUG was his personal property inherited from his family. With moral support and backstopping provided by the DFO, the Bokhim FUG network was able to provide evidence to the judge, who eventually ruled in favor of the FUG.

The network has also helped to resolve disputes outside of the formal judicial system. Its approaches included interacting with both parties separately, as well as hosting joint meetings of the parties with network members serving as mediators. When conflicts were related to boundaries and land tenure, in addition to dispute resolution, the network assisted the affected parties to fix their boundaries with the help of the District Land Survey Office, the Village Development Committee(s) and DFO staff members. Although the Bokhim FUG network was self-initiated, the collaboration with these other organizations was key to their effectiveness in resolving conflicts.

Aside from their conflict resolution work, the Bokhim FUG network assisted individual forest user groups to strengthen the institutional structure, accountability and responsiveness of their organizations. The network assisted groups in improving their methods for financial accounting, increasing participation in decision-making and institutionalizing interactions among users and committee members. It also coached committee members on how to facilitate meetings, raise issues for discussion in meetings and assemblies and shared learning with other network members. In one case, the network assisted a FUG in overcoming the problem of its executive committee misusing the group's funds by helping the FUG to institutionalize an auditing system. The network provided the pressure for transparency and change that made this development possible.

Another achievement of the Bokhim network was the creation of new platforms for stakeholders to interact and learn through the sharing of experiences, and to undertake coordinated and collaborative activities. The network, in collaboration with the Bokhim Village Development Committee, organized a three-day interactive workshop to raise the awareness of private and public organizations interested in community-based forest management. The network used the

workshop to share experiences among these groups and to gain their support in resolving outstanding issues related to community forestry. Through activities such as this the network gained recognition in the district.

Lessons learned
The opportunities created by such self-evolved FUG networks include the ability to control their own growth and to maintain ownership of the processes affecting their destiny. As self-evolved networks, they are well positioned to more democratically assess the legitimacy of management decisions and collaboration among network members.

Limitations for self-evolved FUG networks include a lack of incentives for leadership and membership due to a lack of resources. The amount of time a leader can afford to put into network activities depends on what incentives he or she receives for his or her efforts. Commitment to work counts, but where does this commitment come from? Is success sufficient to motivate members to work without other benefits? As the chairperson of the network says "It's hard to give sufficient time for the work as all of us have to look after our own farms and other household business. We are therefore thinking to register the network as a local nongovernmental organization with the intention that we could at least get some financial profit from our work." This raises a debate about whether such an organization would be able to provide free services to the groups. Even if they are willing to provide free services, social problems like gender, equity and participation may receive little consideration, unless the organization is challenged and or made aware of the gaps in its practices.

Backup facilitation and support were critical to the success of the network. As mentioned above, the Bhojpur DFO assisted the Bokhim FUG network to provide the district judge and land registration office with factual information on a land tenure case. Without this assistance, the Athaise FUG would have most likely lost its case and the community forest would have become private property. The capacity of such a network therefore needs to be assessed and developed as necessary.

Promoting and scaling-up local initiatives also demands well-established vertical and horizontal communication and information-flow systems that are appropriate for the local context. These are presently limited; areas where most forest users are illiterate, communication systems cannot be based on the ability to read. Likewise, because of inaccessibility in areas where many people have to walk several days to get to the road head, dissemination of information at the local levels is not easy.

Solutions for easing these limitations may include locating the resources for communication through, for example, cross-visits or policies supportive of new initiatives. But there is always the risk that the communities will lose control over the process by seeking external support. Donors and other organizations supporting community development may seek to use self-evolved networks as vehicles for their own development and collaboration aims. Local DFO staff members may seek to use self-evolved networks to reduce their workload. Organizations supporting the communities may be tempted to take credit for the processes under their control. Yet collaborative efforts with externally funded organizations may also be necessary to self-evolved networks for scaling-up of local initiatives. The challenge will be for self-evolved networks to acquire facilitation that does not take control of the local process.

Adapted from Ghanendra Kafle 2001

The context that frames the process

As we have discussed throughout this guide, how people practice pluralism depends heavily on the context in which it occurs. MSPs are no exception.

MSPs occur in a larger context of resource management, biophysical conditions, history, market forces, political trends and social relations. MSPs have to select physical and social boundaries to make their engagement with this real world manageable. They need to recognize that some important factors occur outside of the forestry sector (Box 24).

Box 24. Factors Beyond the Forest Sector

Many conflicts around forests have occurred precisely because of a failure to address the larger system within which forests exist. Changing land use is the result of complex processes such as industrialization, urbanization and the expansion of cultivation. Historically, there has been continuity between land-use for forestry and agriculture in several areas that are now legally designated as forests. In West Bengal, for instance, periodically cultivated uplands were taken over by the state for afforestation; local resistance to the move ensured that the plantations never succeeded. In Madhya Pradesh 1.6 million hectares were lost to "encroachments" between 1956 and 1989. The attempt to secure these areas for "forest protection" has directly hurt the interests of poor farmers whose first priority is agricultural land for growing food.

The need for cultivable land, which many believe to be the biggest threat to forests, is an unacknowledged but overriding factor that shapes poor people's practices around forests. It links back to the basic problems of poverty: a lack of access to productive resources and remunerative work. Unless these problems are addressed substantially, the conflict over forest lands will continue unresolved. Forests can accommodate these needs only to a certain extent; the larger political economy will determine whether India's growing population will meet its basic needs from lands that are more productive or from industry and services, and whether forests will survive. Land tenure is only one of the major factors shaping the fate of forests; international institutions and processes around trade, aid and environmental regulation, and national macro-economic and political practices of divestment, deregulation and decentralization, form the larger context that structures forest management.

Adapted from Amita Baviskar 2001

Technical and scientific information about the larger context is helpful to indicate conditions that would not otherwise be seen or communicated. Analyses of biological diversity or catchment surveys, national forestry master plans, chains of production, market trends and government regulations are all important sources of information that might not otherwise be available directly from stakeholders. Scientific inputs can be used to identify issues that stakeholders have not noticed or purposely "forgotten." Stakeholders may not know or be reluctant to talk about the quality of their forest resources, lucrative trade networks, additional sources of income, or conflicts with each other. Sharing such information may require sensitivity.

Be alert though that information about the context cannot alone resolve a conflict. Experience suggests that information is best used when stakeholders themselves request it. This can be done by asking stakeholders to generate scenarios, for which they need further information. Information must thus be regarded as a service and not as a tool for resolving conflicts or making independent judgments.

In addition to understanding the real-world context of a forest and its stakeholders, it is vital to understand the constructed world of the MSP. MSPs often operate outside of normal legal or work environments and facilitators create their own framework of rules particular to the needs of the participants. Facilitators purposely create intense shared experiences and prolonged interaction among stakeholders to construct a shared context, set of values, vision, interests or identity. They try to establish open communication, trust and accountability among participants. Good facilitators tackle prejudices, minority or outgroup problems and stereotypes. They reframe problems to identify new alternatives (Box 25). They help people cope with their emotions and the emotions of others. Through "team building" exercises, games and "energizers" they help people build relationships.
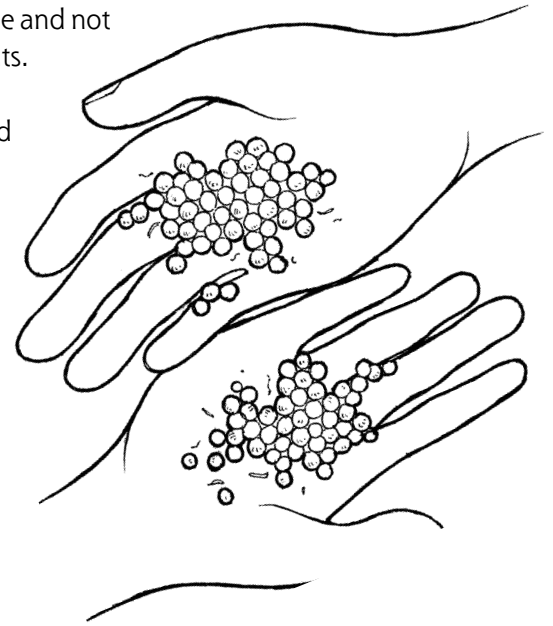
Box 25. Reframing Decisions

Reframing is a common technique used in conflict management. The size, age, and multiplicity of resources of many forests offer many opportunities for reframing decisions to satisfy several interests at once.

A problem that requires a yes-no answer can be reframed as a question about where a forest should be used or protected, who should control different products or services, what levels of harvesting quotas are appropriate, how rights and benefits should be shared, which products are services are relevant to the decisions, or the time horizon of the decision,

CIFOR used reframing to facilitate boundary decision-making among villages in Malinau District, East Kalimantan. The villages were deadlocked in a conflict about the location of their boundary and seemingly unable to find a mutually satisfying solution. By reframing the issue as one of rights to each other's territories rather than location of boundaries, villagers were able to reach agreement. Negotiated rights included whether or not they could make swidden fields, share compensation payments from coal or timber companies or hunt. The location of the boundary then became less important than which rights each village received. Villagers were more immediately concerned about not losing access to land for farming or potential income sources than they were about administrative boundaries of their territory.

53

The resulting constructed world of the MSP is partly artificial. The facilitator effectively creates a "virtual reality" in which everyone can make agreements and get along—temporarily. The constructed reality lasts only as long as the conveners and stakeholders want it to.

MSPs move back and forth between the real world context and the context that they create for themselves. A marginalized group that has no resource rights according to the laws of their country may be treated in an MSP environment as a legitimate claimant to the forest based on the standards of justice set by the stakeholders themselves. When the marginalized group tries to claim these rights in the national context, they find their efforts initially thwarted, but over time, if the MSP is effective in marshalling resources and alliances and continues to support the group, policies may change to acknowledge their rights.

The challenge for MSPs to have meaningful and long-lasting impacts is to make strong links between these two contexts—the real-world and the facilitated environment. If the institutions supporting the MSP are not committed to a long-term process, the real-world impacts will be that much less. Participants frequently discard the framework when the facilitator and external resources leave, thereby also raising questions about their sustainability.

Iterative processes where people go back and forth between "constructed" sessions and people's normal day-to-day lives can help make the links stronger. MSPs need to have good information sources about the real world context. Conveners should not "over-construct" the MSP settings. External resources should not stop abruptly with the end of the MSP. Stakeholders should be encouraged to bring elements of the MSP process into their day-to-day lives. Authorities can be asked to participate in and legitimate MSP decisions.

Shared principles and strategy

Participants in MSPs determine shared principles and strategies that help them make decisions later. The principles take the form of an agreement about the scope of the problem, who is a legitimate participant, a vision about what is to be accomplished together, and ground rules about how the MSP is organized and decisions made.

Conveners and facilitators usually play a major role in driving how the principles and strategies are selected. Facilitators may even pre-determine rules. It is all too common for participants to make decisions about principles and strategies in a rapid fashion in large meetings where there is little opportunity to reflect or deliberate about decisions. Ideally participants would consult with their constituencies about important decisions, yet resources and time do not always make this possible. Rules necessarily are set early in an MSP activity, yet this is also the stage when the participants' understanding of each other and of the process is most weak. Some principles may be tacit and never expressed.

Shared principles can describe:
- The characteristics of an acceptable facilitator to all groups;
- How members of the group are chosen;
- How communication should occur;
- How often and where people meet;
- How groups are represented and the obligations of the representative to the constituency;
- Who is eligible to participate and make decisions;
- What types of decisions require votes;
- How opinions will be delivered in a vote (e.g., raising of hands, secret ballots);
- How many people are needed to make a decision legitimate and what proportion indicates a majority (more than half or only the largest percentage? A "consensus"?);
- What constitutes an agreement;
- How to make trade-offs among the needs of different groups (e.g., giving livelihood security highest priority);
- How to compensate people who "lose" benefits or rights;
- Sanctions for rules that are broken (e.g., not being allowed to participate if they miss the first meeting or several meetings in a row);
- How to handle conflicts;
- How to deal with external stakeholders (e.g., donors, the media, government);
- Record-keeping issues such as minute-taking, document access; and
- Procedures for changing the rules.

There also may be norms, whether stated explicitly or not, about what constitutes respectful behavior. Pluralism's ethical foundations suggest that these principles and norms should be based on how to best enable individuals to pursue their own interests, while recognizing that they need to function as part of a group. Rules would therefore reflect values related to individual happiness and freedom, fair decision-making and equity.

In setting principles, it can be useful for participants to consider to what extent they want them to reflect and link to existing governance structures and processes. Do they want to model their rules on those of customary systems? On those of local government? On those of the national government? There may be strong arguments not to link to these entities where they are perceived as corrupt, inequitable or ineffective. On the other hand, where existing governance structures are seen as positive, consistency in rules may help to bridge systems of decision-making and assist the MSP to wield more influence.

A strategy is partly reflected in the choices participants make about principles. The strategy reflects what participants in the MSP feel is their most effective course of action and provides a reference point for evaluating options.

Pluralism suggests that the processes for determining rules and opportunities for participants to revise the rules are as important as the rules themselves. For example, in the Chihuahua Model Forest in the Sierra Madre Mountains of Mexico, communities gained representation on the board of the Model Forest after an initial five-year phase in which they had been formally unrepresented (Box 26). Fortunately, the Board recognized

the need to involve these stakeholders and worked to revise their principles about who should be involved. The Chihuahua case demonstrates that changes often require extensive groundwork with the interest groups to overcome historical misunderstandings and mistrust.

Box 26. Development of a Representative Board for the Chihuahua Model Forest, Mexico

The Chihuahua Model Forest area includes eight ejidos—diverse peasant communities, where forested lands are communal and management decisions are made by the community. More than 97% of the model forest land base is owned by the ejidos. However, owing to a falling-out among the original three partners at the time the proposal was being developed, the concept of community representation was lost, and ejidos were not represented on the Model Forest Board for the first four years of its operation; the Board consisted only of federal and state government representatives. The development of the second five-year phase specifically took up the challenge of engaging community leaders in the program, a slow and difficult task in order to overcome past misunderstandings and build trust. More than 20 workshops were organized, including workshops on specific topics such as ecotourism. One of the most important ways of overcoming mistrust was to support small projects that involved the community. These small projects were trying to solve some immediate basic needs like food and housing. The current six-member Board has two ejido representatives and two representatives of large private landowners. The role of the government agencies has diminished.

Gustavo Heredia, Chihuahua Model Forest cited in Ayling 2001

Pluralism also reminds us that each person brings his or her own multiplicity of principles and strategies to an MSP. People will occasionally confront dilemmas about which of their own systems of principles and strategies to follow. Should they follow the code of ethics from their own culture, from that of the convening organization or that created by the new multistakeholder group? Some people will raise these dilemmas publicly in the group, while others will confront them privately. Some people may act covertly to achieve their own agenda at the cost of the MSP's goals. Disagreement with the principles or strategy of the MSP, and changes in interests context may cause some parties to exit from the agreements. The case of the Tambopata-Candamo Reserved Area in Peru shows how very different interest groups came together to create a shared strategy, principles and proposals for action. The case also shows how the weak commitment of some groups to the MSP led to its ultimate demise (Box 27).

Cycles of conflict and cooperation

Every context is prone to move back and forth from a consensus phase to a conflictive one.

Ricardo Ramírez 2001

Cooperation and conflict are two sides of the same phenomenon. Both involve sorting out people's interests and helping them negotiate agreements. As pluralism indicates that cooperation is at best a temporary condition. To maintain it, people need to anticipate and work through conflicts. Cycles between conflict and cooperation are thus inevitable. The aim of an MSP is to keep conflicts from escalating and settle them according to agreed upon principles. Unfortunately, most guides to MSPs deal either with collaboration and building consensus or with conflict management. It would be more helpful to understand these as linked processes.

Conflict and cooperation are the engines of MSPs. They compel people to negotiate the decisions necessary to coordinate among themselves. There is usually a beginning situation in which groups are content and coordination is not questioned. This is followed by a transition situation in which some people feel threatened and groups work to meet their own needs without any coordination. In this stage one or a few groups either seek accommodation or else flee the situation. If all groups begin to feel threatened and uneasy, a conflict situation then occurs and people work harder to communicate and make decisions together.

The negotiations may be about the substance of the MSP, such as how much compensation should be paid to one party, what rights farmers should have to wildlife, or where to set the use zone of a park. Or they may be about the procedures of the MSP itself. Who should be the convener? What are the obligations of participants in the process? What are the overriding principles for making trade-offs among one group's interests over another's?

Where conflicts need to be resolved, people have a number of options, including (1) making decisions jointly with each other through, direct negotiation, facilitated consensus building or mediation, (2) use of a third party, including adjudication by a judge in court of law, arbitration through a hearing in which a decision is made by a mutually agreed upon resource person and all parties agree to adhere by the decision, and autocratic decision-making or (3) acting independently, including retreat, struggle, and tacit co-ordination. Stakeholders should be encouraged to recognize that they have these choices, including the choice to exit the process. To illustrate, if a local forest user group is trying to make a decision together with a timber company about the management of the forest (joint decision-making), and the company decides to employ heavy-handed tactics, the community group may withdraw from the negotiations and explore legal action (third-party decision-making) or act independently (ranging from withdrawing from the area or sabotaging the loggers' equipment). These decisions are made on an ongoing basis, depending on the perceived odds of furthering one's interests.

Box 27. The Rise and Fall of Cooperation Between Government and Communities in the Tambopata-Candamo Reserved Area, Peru

Because of its rich variety of species of flora and fauna, in 1994 the Peruvian government recognized the Department of Madre de Díos in the southeastern Peruvian Amazon region as the "Capital of Biodiversity of Peru." The Tambopata Reserved Area (5,500 hectares) had already been established in 1977 for research and tourist development. This led to no apparent feelings of unease among the local populations. However, with the creation of the much larger Tambopata-Candamo Reserved Area (1,478,942 hectares) in 1990, the local communities started to perceive threats to their traditional use of natural resources and to their livelihoods.

Almost half the population in the Department of Madre de Díos migrated from the Andean Highlands, starting in the 1960s, while the other half is indigenous Amazon groups consisting mainly of Ese Eja and Pukirieri. According to the 1995 census, around 700 men and women held land titles totaling of 22,905 hectares. The Ese Eja cultivate rice, cassava and banana in swidden fields, but also migrate according to seasons for hunting, fishing and the recollection of forest products. They have solicited an enlargement of their communal territories to include areas where they harvest castaña (brazil nut). Both indigenous groups are involved in the commercialization of wood, gold and handicrafts. Both are represented by the FENAMAD (Federation of Indigenous Communities).

Agriculture, livestock, wood extraction, castaña, and other forestry resources—gold mining and tourism—are the most important commercial practices in the area. Most of the farmers unions, associations and committees are represented in the FADEMAD (Federation of Settlers' Organizations).

The impact of government conservation policies
In 1990, by Ministerial Resolution 032, the Tambopata-Candamo Area was declared to protect flora and fauna, conserve scientifically and culturally important landscapes and protect the river catchments. The reserve was created, however, without consultation with the local population. This brought about an immediate rejection on the part of the local communities. The local population rightfully perceived a severe economic impact upon their income generating activities, as the prohibition of hunting, fishing and recollecting forest products for commercial purposes was not accompanied by suitable economical alternatives to compensate for the loss of income. In addition, unclear demarcation arbitrarily split up 15 farmer communities. The state also reserved rights for itself on areas that had previously been titled to the indigenous communities.

Article 2 of the Ministerial Resolution 032 prohibited the extraction for commercial purposes of any forest products other than wood. It implied that existing contracts for the extraction of castaña could not be renewed, seriously affecting the castañeros who worked in the area. At the same time, many sources agreed that in fact the practices of the castañeros left the natural renewal of the species intact, and therefore contributed to sustainable development and should be promoted. The resolution also limited the extraction of trees, resulting in a more intensive exploitation of areas adjacent to the reserved area, as well as illegal harvesting in the reserve.

Resolution 032 was not clear on the appropriation of lands. While it limited the access of local communities, it permitted the appropriation of lands by three large cattle farmers in an area claimed by the indigenous people as part of their traditional territory. A final problem arose in 1996 as the Ministry of Energy and Mines authorized geological studies within the Tambopata-Candamo Reserved Area on request of the Mobil Oil Company.

Initially, no participatory approach to planning and decision-making was intended. From 1990 to the beginning of 1991 the coordination of the Reserved Area was in the hands of only one person, assigned by the National Institute of Natural Resources (INRENA). During this stage, the decision-making process unilaterally reflected the interests of INRENA. Only after a period of growing tension and popular pressure did the government decide the situation now warranted a different approach. Hence, local nongovernmental and international organizations were invited to assist. Only after these insisted on dialogue and direct participation of the grassroots organization was such an approach adopted.

Participation evolved in several forms. First, in 1991 an Advisory Committee was created for the Tambopata-Candamo Reserved Area. FADEMAD and FENAMAD were invited. Several local NGOs participated actively. Later, a number of officials representing government institutions were incorporated. The objective of the committee was to define the vision for the Tambopata-Candamo Reserved Area through a joint effort by the local NGOs, Conservation International (an international NGO), the regional Inka government and the local communities.

The First Forum for the Tambopata-Candamo Reserved Area was organized in April 1991. Its participants helped define the problems in more precise and more manageable terms. It became clear to all actors that without the active participation of the local organizations and institutions, the future of the Tambopata-Candamo Reserved Area would be held at bay—not by insurmountable conflicts—but, by local peoples' marginalization and lack of information. The stakeholders agreed upon the participatory strategy to be implemented. This in turn helped clear the way for a "social agreement" between the government and the federations of local organizations. The agreement stipulated that the local communities accept the existence of a national park in exchange for security in land tenure and access to the use of its natural resources through viable economic activities. Hence, the conditions for reaching an understanding were clearly defined.

The first forum helped forge specific principles, strategies and proposals for change of practices, both on the side of government and on that of the local communities. Article 2 of the Ministerial Resolution 032 was modified, granting the local communities the right to extract forest products other than wood, and taking important steps towards the settlement of property rights. The local farmers and indigenous communities had put this as a condition for accepting the proposed planning process. The farmers' unions also demanded compensation in terms of support for reducing their impact in new, non-protected forestry areas, including technical assistance, economic incentives, classification of the lands and mechanization. The two grassroots federations, FADEMAD and FENAMAD, joined hands and organized a march to the departmental capital. As a result, government funds were allocated to support grassroots organizations and agricultural development in Madre de Díos.

Box 27. *Continued*

While the coordinators were able to create and maintain an information and communication flow among communities, government institutions, farmers' unions and nongovernmental organizations, these concrete achievements generated confidence among the local communities that the planning process was useful. During 1990-1993, FADEMAD and FENAMAD were able to coordinate their negotiations with the Ministry of Agriculture and to jointly generate and make their demands known to regional and local authorities, mutually supporting each other's claims. Together, the two organizations assumed the organization of a second forum in 1993. It was recognised publicly that for any development and conservation program in the Reserved Area to be implemented, the planning process was to attend to the two main demands of the local population: settlement of property rights and territorial planning.

Unfortunately, after the second forum, the participatory process suffered several setbacks. Communication among stakeholders deteriorated. The planning process became more confused. Meetings to sort out the problems were held in far away Lima, which inhibited the participation of local leaders. The Advisory Committee ceased to be operational. Apparently, after having achieved the agreement of the local population, the authorities did not see the need for further stimulating the participatory process. New personnel in key positions in government agencies did not seem to value participation to the same extent as their predecessors had. As a result, the outcomes of the participatory planning process were not absorbed integrally in the declaration of the Bahuaja Sonene National Park. One of the key local leaders, Victor Zambrano, President of FADEMAD, publicly expressed the dissatisfaction of the local population, who felt the authorities were not embracing the proposals.

The situation became even more confused when the local population became aware that an ecologically sensitive area was not included in the National Park, but was subsumed into the area conceded to Mobil Oil for exploration. In August 1996, the Municipality of Puerto Maldonado, departmental capital of Madre de Dios, organized a forum with 330 representatives of rural communities and organizations who decided to implement a local monitoring system to follow the operations of Mobil Oil in the area. In practical terms, this signalled the end of the joint strategy with the National Government. At present, the participatory process has stagnated and accommodation processes have come to a halt. Macroeconomic policies and the presence of the Mobil Oil Company may soon put new pressure for more pluralistic governance in the area.

Adapted from P.G.H. Engel A. Hoeberichts and L. Umans 2001

In negotiations, some people may choose to give in or acquiesce, which is common where people feel the need to maintain a positive relationship or are highly interdependent on one another. Acquiescence is a condition where only some groups change to overcome a conflict. People may also give in where they feel they lack the power to pursue alternatives. Compromise is a condition where all groups change their position to overcome a conflict.

It is now recognized that the outcomes of negotiations are not just a matter of who is "right" or the technical skills of the facilitators and negotiating participants, but also power relations, levels of trust, personal histories, poor communication and prejudices. The relationships underlying negotiations can be as important as the substance of the conflict (see Box 28).

Box 28. Remembering Relationships in Negotiations

To facilitate relationships sensitively in negotiations Moore (2003) suggests asking:
- Is the conflict a single-encounter dispute, or is it occurring in the context of an ongoing relationship?
- What type of relationship is desired at the end of the dispute?
- How will the use of various approaches and arenas affect the ongoing relationship?
- Do any of the proposed approaches and arenas seem unfair or in conflict with relationship or community norms?
- What effect will selection of an approach or arena have on the public image of the party or parties? Do the various options enhance or detract from public credibility?
- Will selection of a particular approach or arena affect future conflicts of this type?

Susskind et al. (2000) add that the following practices can help maintain relationships in negotiations:
- Don't jeopardize long-term relationships by pushing too hard for short-term gain.
- Effective "cross-cultural" negotiation depends upon making sure you are being understood.
- Remember the rewards of modest risk-taking can be substantial.
- There will always be tension between the advantages of cooperation and the need to "compete."

Deborah Kolb and Judith Williams refer to building good relations with the people involved in a negotiation as the "shadow negotiation" underlying the technical negotiation (2000). They note that women or minorities may not fully be aware of their disadvantage in negotiations and tend to not give enough attention to building good relationships with the majority group to support their negotiations.

Negotiations can have a variety of outcomes, including the decision to continue negotiations later or change participants (Box 29). Participants are likely to negotiate more effectively if they are aware of the range of possible outcomes. To accept outcomes as legitimate, all the groups participating in negotiations need to be well-informed and agree that the conditions of the process are fair. Agreements vary in their strength depending on the extent to which stakeholders support them and authorities have approved them.

The importance of relationships among negotiating groups and the different types of outcomes possible from conflict are illustrated well in the case of the Kilum-Ijim Forest, in Cameroon (see Box 30).

Box 29. Spectrum of Possible Negotiated Outcomes to a Conflict

1. The 100 percent solution. Parties have all substantive, procedural, and psychological interests satisfied.
2. The acceptable-settlement package. Parties trade satisfaction of interests of different strengths and the total package is mutually acceptable.
3. Compromise. Parties share gains and losses in order to reach agreement. Compromise can occur on specific issues or in the negotiations as a whole.
4. Experimental or trial decisions. Parties are unable to reach a permanent decision and agree on a temporary settlement that will be tested and evaluated at a later date.
5. Creation of spheres of influence. Parties have defined arenas or issues about which each party has exclusive decision-making authority.
6. Alternate satisfaction. Parties agree to alternate when they have their interests met so that they can have a high level of satisfaction, but not at the same time.
7. Splitting the difference. Parties mechanically share equally the gains and losses to reach settlement. This strategy generally occurs when the distance between the parties' positions is slight.
8. Procedural solutions to substantive problems. Parties devise a process by which they can obtain an answer to a substantive issue in dispute. The process mechanically results in an answer to the problem.
9. Mechanical means of deciding. Parties use mechanical and arbitrary means, such as drawing straws or flipping coins, to reach a decision.
10. Deferred decisions. Parties decide, either unilaterally or jointly, to delay decision-making until a more auspicious time, when either additional facts, a more favorable external environment, more power, wider constituent support, and so forth, are available.
11. Partial settlement. Parties agree on many issues, but continue to disagree on others.
12. Agreement to disagree. Parties mutually agree to disagree. The contested issue is not dropped, but is no longer pursued at this time.
13. Mutual dropping of issues. Parties implicitly or explicitly agree to drop an issue in dispute.
14. Nonbinding decision. Parties make a nonbinding request of each other for cooperation, but compliance is not promised or guaranteed.
15. Issue avoidance. One or more parties refuse to join others in negotiating a solution to an issue.
16. Development of multiple choices that are referred to a third-party decision-maker. Parties turn to a judge or arbiter for a decision between two or more settlement options that they have generated.
17. Development of a list of interests or objective criteria that are referred to third-party decisions maker. Parties refer contested interests to a judge or arbiter who is asked to use parties' individual or joint interests or criteria to formulate a decision.
18. Decisions referred to a third-party decision-maker. Parties cannot decide, and they defer the decision to a third party for a binding or nonbinding decision.
19. Impasse or stalemate. Parties cannot decide, and negotiations stall or break down. Neither party has the power to force the issue in his or her favor or to develop a mutually acceptable solution.
20. Continued negotiations. Parties cannot agree, so they do agree to continue negotiating.
21. Shift to another approach of conflict resolution. The parties are unable to reach an acceptable negotiated settlement and move to another approach—voting, nonviolent action, violence, and so on—to resolve their differences.

C.W. Moore 2003

Built-in tensions for change, learning and adjusting

Multistakeholder processes are complex situations where differences among participants and cycles of conflict and cooperation create forces for change. Adjustments ideally need to be made regularly to accommodate these forces. The different components of a multistakeholder process need to be able to mutually adjust to one another in ways that do not compromise the autonomy of groups, or the capacity of the stakeholders to coordinate among themselves in socially just ways. Conveners and stakeholders may feel they are constantly juggling the different elements of the MSP.

Facilitating a learning process can spur adaptation. Learning allows parties to jointly develop new perspectives, ideas, and ways of doing things. A learning culture enables people to treat error as a positive thing and not let errors block possibilities for cooperation. The resulting creativity and flexibility can provide a sense of freshness and optimism that motivates participants. New patterns of interaction among people can result.

As demonstrated by an adaptive management project in Palawan, Philippines, the outcomes from learning among different interests can go far beyond technical improvements in planning processes or activities. Joint learning can positively influence stakeholder relationships and the empowerment of weaker groups (Box 31).

To help the learning process, participants in MSPs should have regular chances to reflect together, exchange lessons learned and generate new joint plans. Good communication is essential. Participants need to monitor their contexts, the impacts of their decisions and the multistakeholder process itself.

The learning process itself should be a subject of reflection to make sure that it is effective in situations that may be changing and reflects different people's needs and values. A CIFOR team in Malinau, Indonesia used several different approaches to learning (Box 32). Their experience over six years was that patterns of learning among stakeholders grew stale over time and needed to be refreshed periodically.

Power, marginalization and social justice

This chapter concludes with some observations about power and social justice in MSPs. MSPs are inherently a political process where some people exercise more control than others. Weaker groups' interests are routinely ignored, excluded, represented ineffectively, over-ridden, co-opted or negotiated away.

Power is exercised in MSPs through (1) who assumes the convener and facilitation roles (or controls them), (2) who is represented in the process, (3) majority-minority relations among participants, (4) alliances of participants with externally powerful groups, and (5) differing capacities for communication and negotiation among participants. The geographic scale at which MSPs occur influences these points of action.

Box 30. Conflict and Collaboration in the Kilum-Ijim Forest, Cameroon

The Kilum-Ijim Mountain Forest in Cameroon represents one of the first places in Cameroon where attempts were made to achieve conservation and community use through collaborative forest management. Initiated in 1987, BirdLife International facilitated community participation in forest conservation through consultative meetings, informal dialogues and action research. In early 1994 the project also started to develop community forest management. The key elements of the approach were:

1) A three-way partnership among the traditional authorities (represented by the Fon, a traditional ruler of an ethnic group or a fondom; Kwifon, the Fon's council of elders; and village heads), the local communities (represented by user groups at Kilum and management committees at Ijim), and the Ministry of the Environment and Forestry (MINEF), with the project acting as a catalyst for collaboration among these groups; and

2) Enabling policy through the new forestry law that allowed for devolution of management authority from central government to local communities.

At Kilum-Ijim, conflict was expected, and resolutions were sought along the way. With experience it became clear that conflict identification and resolution were not side activities to the main process of developing community forest management. Rather they were central to the process itself. The process moved forward most significantly at points where diverse interests met and differences were resolved. Resolving conflicts opened the way to action driven by convergence of interests. The resolution of conflicts often had implications for broader community development.

The lessons learned from our approach to multiple stakeholder management are summarized below.

Facilitating stakeholders
The Kilum-Ijim Forest Project did not undertake formal stakeholder analysis, but it identified stakeholders through experience in the field. Stakeholders were the local communities, the government, traditional authorities and the international community. The project supported contacts and discussions among the stakeholders, but not by bringing all stakeholders together in one forum to take management decisions. Such a forum was considered risky; bringing so many stakeholders together would lead to power struggles and head-to-head confrontations, with little chance of properly resolving the issues. Such polarization would spoil, rather than help the process. Another risk was the lack of effective representation of all sectors.

Rather, the project took iterative action, by facilitating discussions, and joint action in a decentralized way. Project staff met stakeholders separately and initiated actions. From time-to-time different combinations of the actors were brought together. Project staff worked with subgroups to initiate discussions and action and then convened larger groups in different combinations as appropriate. Attention was paid to getting everyone's opinion. In so doing, shared meanings arose among stakeholders. Facilitation

helped partners find an acceptable middle ground between the tension that inevitably exists between international conservation and local sustainable use objectives.

Building trust
Key to collaboration among the stakeholders was the trust that existed among them. The project recognized that it needed to facilitate trust-building among partners. When community forest management first started at the Ijim site, the traditional authorities were hesitant to deal with the Ministry of Environment and Forests. The mistrust between traditional and government authorities had less to do with how the forest was to be managed and more with the long history between the two groups and the current political environment. As the forestry law required the involvement of MINEF in the creation of community forests, this mistrust clearly had to be overcome.

The Kwifon first proposed a ceremony at which the traditional authorities, MINEF and the project would all sign a document stating their intention to work towards a system of community forest management. This ceremony was duly held at the Fon's palace and in this instance the public declaration of intent was sufficient to encourage the traditional authorities to start working with MINEF. Later, the Fon of Kom gave the Divisional MINEF delegate the honorary traditional title "Bo-Akuh" (Keeper of the Forest) and made him a member of the Kwifon. The two now work together on a range of matters, some related to the forest and others not. The process of community forest management was thus one of community development in the broad sense and not just about conserving a forest.

Clear communication
In this complex environment, not everyone supported community forest management. There was evidence that some people tried to cause confusion in the communities by generating rumors or misinterpreting messages. After several instances in which statements were changed as they were passed on, staff learned the need to state things very clearly and in different forums to reduce possibilities for misinterpretation. One needs to be honest and straightforward and deal with people in a transparent way, especially when the process is highly political.

For example, when the community forest management process began in Kilum in 1994, project staff decided that the interests of graziers who kept livestock in the forest illegally should be taken into account when negotiating a forest management plan, but the graziers themselves should not be included among the decision-makers. Later it was accepted that the exclusion of an interest group, albeit one acting illegally, was not appropriate. Furthermore, the project staff agreed to investigate the possibility of allowing limited legal access for livestock into the grassland areas within the forest. Unfortunately, both these reconsiderations reached the community in a rather confused form and led graziers to take more livestock into the forest. They thought, or wanted to think, that they were being invited to graze in the forest, whereas they were actually being invited to participate in decision-making. One lesson here is that it is essential to anticipate that people can misinterpret messages, and may actually choose to do so, especially if it suits their interests.

Box 30. *Continued*

Facilitating joint action
The illegal exploitation of Prunus africana bark posed a serious threat to the health of the Kilum-Ijim Forest. On the Kilum side, the communities felt powerless to oppose the corrupt practices of some administrative officials and their confidence in the collaborative management process was almost completely eroded. To foster confidence, the Divisional MINEF Delegate for Bui joined forces with the communities to counter the corrupt action of these administrative authorities. He authorized the communities to seize illegally harvested Prunus bark and keep it under their custody. He also worked closely with traditional authorities. The communities gained more confidence in MINEF and the three parties worked more closely together.

Finding mutually acceptable solutions
The relations among woodcarvers, beekeepers and the MINEF provide a good example of conflict among interest groups and its management. Woodcarvers are a significant interest group in all the user groups in Oku. They produce masks, statues and furniture, which they sell both within and outside Oku. Their most preferred tree species, Polyscias fulva, has been overharvested, so many have resorted to cutting down other trees, especially Schefflera abyssinica, which is most preferred by the beekeepers. The nectar from this tree gives the special white honey that is popular throughout the country and that beekeepers of the area are particularly proud of. The beekeepers complained to the project and MINEF about the carvers' activities. MINEF staff viewed the carvers as posing a threat to the forest and punished the carvers by seizing their carvings. This resulted in the carvers' suspicion and fear of MINEF and even of the project.

It became difficult to call meetings with the carvers. They were never present in the user group and community meetings. Attempts by the project to call meetings with the carvers failed. The carvers feared that if they showed up for a meeting they would be arrested. The project then embarked on working with MINEF to allay their fears. Invitations were sent to all the carvers throughout Oku and the MINEF Delegate sent word to the villages assuring the carvers that they were only being called to a meeting to discuss their problems and seek solutions. A successful meeting was convened with the carvers and fruitful discussions were held. Repeated meetings were held and methods of responsible resource management were discussed. They agreed to a moratorium on cutting Polyscias from the forest and decided instead to purchase trees from private owners outside the forest. They have now joined the user groups and their interests are discussed along with other issues. Many of them have set up tree nurseries and are requesting assistance from the project. While the problem of indiscriminate felling of trees in the forest for carving has not totally disappeared, it has been drastically reduced.

This example provides a clear illustration of the integral aspects of resolving conflict, building trust and involving stakeholders in the collaborative forest management process. It is never sufficient to wave aside one stakeholder group after a single attempt to involve it. Putting more time and effort into building trust (especially where there has been long-term mistrust) often results in eventual success in bringing stakeholders together.

Managing conflicts beyond the control of the project
In another example, tribal boundary disputes were long standing in the area. As these conflicts were beyond the control of a conservation project or a single government department, the project tried to work around them, rather than to try to resolve them. The project stressed the benefits of putting aside differences and working for the health of the forest. MINEF made its position clear to the communities that it was working with the communities to set forest management boundaries, not tribal boundaries. Through project facilitation, different fondoms thereby agreed on forest boundaries that they considered had nothing to do with tribal boundaries. Conflict management occurred, even if conflict resolution did not. While it is essential to identify and resolve conflicts, it must also be recognized that not all conflicts can be resolved before the process moves forward. A project should be able to facilitate cooperation between conflicting partners without necessarily resolving a long-standing conflict between them.

Limits: Dealing with "illegal" activities by stakeholders
Some conflicts went beyond the point of being managed or negotiated. As discussed, graziers in the Kilum Forest did not cooperate with the project. Even when allowed limited legal access to the forest, they did not restrict themselves to those areas. They were responsible for many fires and clearing patches of forest to expand grassland. Should the graziers have been given access to the forest? Their case demonstrates the difficulties of determining the legitimacy of different claims or behaviors, particularly of minority groups.

The project decided not to support the short-term self interest of the powerful graziers at the cost of long-term conservation goals that clearly overlapped with community use interests. The project facilitated meetings among the graziers, government and traditional authorities to convey the illegality of the graziers' activities and give them opportunities them to relocate their animals in alternative grazing lands outside the forest. The project's livestock program and local officials of the livestock ministry promised to help the graziers set up and manage their activities outside the forest. But the forest was the easiest place to allow their livestock to range, and they refused to try alternatives. The only option left was litigation, so the graziers were brought to court.

These lessons indicate directions for new governance and management procedures that may be useful elsewhere. Accommodating international objectives for biodiversity conservation and local objectives for sustainable use of forest resources is possible if appropriate steps are taken. In Cameroon there is a growing acceptance of the necessity for collaborative approaches rooted in an adaptive social learning process for achieving forest management and biodiversity conservation.

Adapted from Christian Asanga 2001

Box 31. Adaptive Collaborative Management that Strengthened Forest Management in the Philippines: Outcomes after 2 1/2 Years

1. Increased self-confidence and self-reliance of the People's Organization (PO) in their own skills and resources, and to start initiatives within their own capacity rather than waiting for external assistance.
2. More democratic decision-making and planning processes that engaged more PO members, different community groups, and other key stakeholders.
3. Increased joint action by PO members (in establishing nursery, herbal gardens, newsletters production, proposal making) and across different stakeholders (controlling illegal activities, resolving a boundary dispute, developing a local monitoring system).
4. Increased communication and feedback provided by the PO to policy makers, identifying policies that hinder effective community-based forest management implementation, and recommending alternatives.
5. Increased level of trust between the PO and key government institutions, leading to increased transparency and increased resource sharing.
6. Increased participation and support from various government institutions to the PO in implementing community-based management.
7. More active PO and community members, and more functional committees participating in forest resource management.
8. Conflicts managed, rather than avoided, through various conflict resolution mechanisms. Boundary dispute between the PO and the neighboring Batak community, was resolved and even led to a better collaboration in commercialization of almaciga resins.
9. More structured and conscious reflections among PO members on their actions and experience for learning and improvement.
10. Improved skills of several PO members in proper documentation, expression and communication of their views and opinions, effectively using different mechanisms for information sharing (billboards, bulletin boards, newsletters, different forums), networking, proposal writing, and managing small enterprises.
11. Increased income generated by the PO from a wider range of forest resources (from lumber to non-timber forest products). Increased income of several women who engaged in handicraft making.
12. The PO members monitored their livelihood activities and the impact on environment.

Herlina Hartanto *et al.* 2005

Box 32. Learning about Learning

A CIFOR team used a learning approach to facilitate cooperation between 27 forest communities and local government in Malinau, East Kalimantan, Indonesia, from 2000 to 2005.

In the beginning, the team was very focused on creating structures that allowed reflection. Over time, the team developed its own organizational culture and rhythm in which reflection and seeking feedback become automatic. We had sessions on a daily basis during events such as the inter-community workshops and at about three-month intervals for planning meetings. Villagers sometimes participated directly in the sessions, and we often tried to get feedback from external observers or villagers to inform our reflections. Our usual planning horizon was three to six months. The initiation of a new cycle of activity emerged naturally during the planning sessions in which we reviewed the effectiveness of previous plans based on the results from the monitoring and other activities. We built in risky or uncertain activities into our plans with the understanding that we would learn by doing and be flexible enough to adjust activities in mid-course.

Ironically, as the process became more automatic however, there was a tendency to allow less structured opportunities to happen. There was also a tendency for the learning process to become a low priority in the rush of events. We suggest it is necessary to maintain a structured, explicit approach to learning even after it becomes well accepted to ensure that it is not forgotten. The challenge, however, is to find fresh approaches to reflection in order to avoid making the learning process too time-consuming, tedious or boring.

Adapted from E. Wollenberg *et al.* 2003.

Pluralistic approaches can ensure the participation of more groups in decision-making, including disadvantaged groups, but existing power structures will maintain control, unless checks and balances and accountability measures are put in place. Empowerment of weaker groups is necessary through alliances, sharing information or capacity building, not to promote the partisan interests of a disadvantaged group, but to promote a high quality MSP. Pluralism without these measures is likely to lead to agreements that are unfair to weaker groups.

Measures for ensuring accountability include elections, the possibility of legal appeals to existing decisions, separation and balance of decision-making power across several authorities, third party monitoring, public meetings and reporting, encouraging participatory processes, enabling civic education and social movements, facilitating proximity of leaders to their constituencies, and fostering a shared ideology related to civic dedication and the interdependence of government and civil society.

To avoid the predominance of the convener or facilitator's own interests impinging on the fairness of MSPs, the individuals or organizations concerned need to make their own interests, biases and relationship with the stakeholders explicit. Stakeholders alternatively
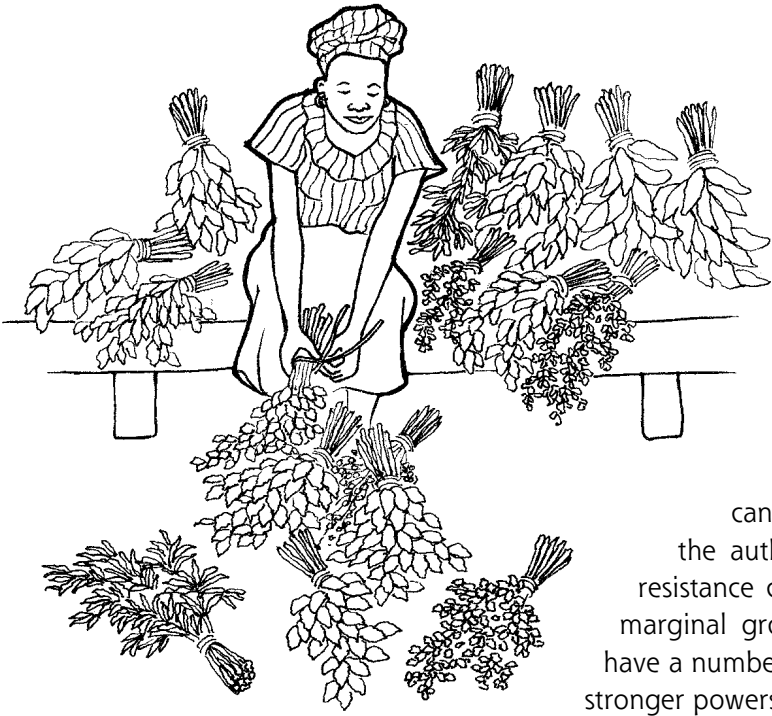
can form their own working group to facilitate themselves, as in the example of the forest users' group network in Nepal (see Box 23 in earlier section).

Where representation of different interest groups is uneven, measures can be taken to enhance the power, urgency or legitimacy of certain stakeholders to increase the likelihood of their being noticed and involved in the MSP. Excluded groups can create "parallel" meetings or other channels for making their interests known, question the legitimacy of unfair MSPs or try to block decisions. They can choose to appeal to one authority to challenge the authority of another. Threats of social unrest and resistance can make state authorities more accountable to marginal groups. As these examples suggest, local people have a number of strategies available to them for dealing with stronger powers.

Even where these measures are in place, group decisions will sometimes result in trade-offs for some groups. Some people's interests will likely prevail over others, resulting in some people feeling like winners and others like losers. Pluralism encourages people to be more transparent about what these losses are. Compensation mechanisms should be in place to assist parties who have endured losses. Agreements of reciprocity can be arranged wherein the parties that benefit now promise to compromise in the future to the parties that benefited least. Without compensation or an understanding of reciprocity, losers are unlikely to support agreements for very long.

Pursuing socially just MPSs requires constant vigilance to empower weaker groups and create checks on more powerful ones. Careful crafting and implementation of the principles of MSPs can help (see Box 33). Over the long-term, improving social justice also requires attention to institutional reforms, changes in professional practice, and changes in the larger social context if marginalized groups are to get a fair chance.

Common indicators for assessing whether an MSP is influencing social justice include a low frequency and intensity of conflict, a sustained forest, and non-questioning of rules over time. These conditions, however, may also hide deep-seated power differences. There is thus a need to use indicators that reflect the legitimacy and endorsement of decision-making institutions and outcomes across a wide swath of interest groups. Indicators should therefore also include the independence of local decision-making, high levels of participation and awareness and respect among people of the perceptions of others, as supported by mechanisms for learning, communication and transparency.

Box 33. Dealing Constructively with Diversity in Nepal

In the Nepali sites, the issue of diversity—more specifically inequality—was raised by community members and colleagues within the forestry bureaucracy as a challenge. There was widespread recognition of the domination of elite community members in the FUG and FUG committee (hence the running jokes about FUG standing for "Committee Forestry"). The desire of many FUG members for greater equity emerged in informal discussions and in the local workshops we used to initiate participatory action research.

In the workshops, participants developed criteria and indicators related to forest sustainability and social well-being. Enhanced equity in decision-making and in sharing benefits was identified as important and in need of improvement in almost all the groups. The groups developed their FUG plans based on the priorities identified in this process and began to implement them.

The changes the FUGs made in their decision-making evolved over the course of the action research. One pattern that we observed in all the sites was a shift of much of the decision-making related to formal management from the centralized Forest User Group Committee (FUGC) to the hamlet (tole) level. The hamlet groups were smaller and generally more homogeneous in terms of caste and ethnicity. It appeared that men and women felt freer to express their views in these smaller and more like-minded groups. The issues raised at the hamlet level were then fed to the FUG committee for further discussion and ratification.

A second pattern emerged when new elections were held and positions filled. Most of the FUGs encouraged a wider representation of caste, ethnicity, and gender, in leadership positions, including in the newly created hamlet committees and in the FUGs.

While all sites tracked changes to equity-related indicators, in two sites the FUGs implemented a mechanism that specifically tracked participation and equity. The FUGs categorized households into the equivalent of high, medium, or low privilege groups, and then tracked who was participating in FUG events and who was benefiting based on those categories. This was important in helping the FUGs to move away from the prior "lip service commitment" to providing benefits and opportunities to marginalized users, while actually providing benefits to those who most needed them. Another important mechanism created by the FUGs to enhance equity in benefits was the establishment of working groups to assess in an interactive way at the hamlet level the need for various FUG benefits and to draft plans for benefit-sharing (rather than leaving it to the committee).

In all the participatory action research sites, the research team and other stakeholders supported FUG members in organizing on-going capacity development activities, including those targeted to marginalized users. This included capacities that would support more equitable decision-making processes such as facilitation skills.

> Cynthia McDougall *et al.* 2005

Strengths and weaknesses

A multistakeholder process has a number of strengths and weaknesses:

Strengths
- Provides a channel for direct participation by different stakeholders.
- Provides an alternative to state-driven processes for input, conflict and collaboration.
- Brings people together who might otherwise not have collaborated or provided input.
- Creates opportunities for different groups to learn about each other, communicate, build relationships and trust.
- Can create a more level playing field for disadvantaged groups.
- Can shift power to local groups.
- Does not assume win-win outcomes and is more explicit about winners and losers
- More realistic about time required to bring people together around an agreement.
- Brings together diverse viewpoints, skills and styles that produce synergies and enhance capacities to innovate and cope with complex environments.

Weaknesses
- Difficult to know people's interests.
- Much depends on the nature of the convener and facilitator.
- Rarely has a sustainable institutional base.
- Creates an artificial context that may not persist after the MSP ends.
- Representatives of interest groups may not be accountable to a constituency.
- Not necessarily legitimate or accepted by authorities.
- Lacks the checks and balances and accountability measures of public decision-making processes.
- Has many aspects that cannot all be handled at once.
- Not all relevant stakeholders usually participate.
- Transaction costs can be high.
- Where large numbers participate, in-depth discussion and debate of complex ideas may be difficult. Quality of responses often reflects the "lowest common denominator."
- Can give the impression ideas are only legitimate when approved by all stakeholders.

Summary: Facilitating or participating in multistakeholder processes

To guide you in facilitating an MSP or participating in one, we provide some principles here. This section draws on material from Ramírez (unpublished) and McKinney and Harmon (2004).

1. Weigh the pro's and con's of working with different convenors or facilitator or using a self-organized MSP.

2. Always treat stakeholder identification and the definition of the scope of the problem as an approximation. These will only become more accurate as issues are further defined and roles of participants (including conveners and facilitators) are better understood.

3. Fairness of the procedure and its acceptance among relevant groups is essential to successful negotiations and just outcomes. Enable participants to design the process and allocate sufficient time for groups to determine their ground rules. Allow time for them to consult with the groups they represent about the process and rules, and create opportunities for revising the rules periodically as conditions change. Seek to empower weaker groups. Create checks, balances and accountability measures. Consider whether and how to link the process to existing good government practices and authorities. Have a conflict management system in place before conflict begins. Acknowledge that there may be winners and losers and create means for compensating losers.
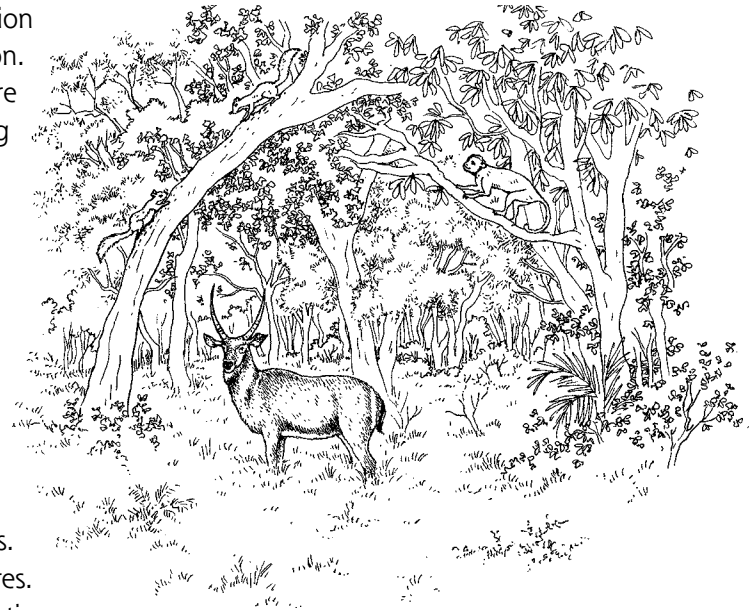
4. Good representation and participation of relevant groups is essential to successful stakeholder negotiations. Recognizing stakeholders' multiple hats and degree of accountability to constituencies may help participants to better understand how well a stakeholder legitimately represents a given group. Representatives should educate their constituencies and report back to them. Groups should have options to not participate or exit from the process.

5. Participants should be well informed about the issues at hand, their options, the other stakeholders and the multistakeholder process itself, including the nature of the donors, conveners and facilitators. They should have good avenues for sharing information and learning together over time. They need to be politically sensitive and strategic about how much information they should share and what they should keep to themselves.

6. Give as much attention to the development of relationships as to the substance of negotiations. Foster respect, positive communication and constructive conflict. Allow time and resources to develop trust and understanding among groups. Recognize efforts of majority groups to distance themselves from minority groups. Recognize that minority groups will sometimes need to exercise the right to exit the process.

7. Accept the complexity that multiple stakeholders and dynamic contexts bring to any negotiation process. Create a learning process to iteratively develop more appropriate approaches and outcomes. Allow for a range of outcomes and types of agreements from negotiations.

Remember that even if agreements are in place, the need to facilitate the process should not be forgotten. On-going facilitation can be intermittent as needs arise.

Chapter 5
Working in Teams

Poeple have been known to achieve more as a result of working with others than against them.
    Allan Framme

In the 1990s, some people began promoting pluralism in organizations as a means for improving the organization's performance. They argued that organizations with diverse staff competencies were better at solving problems, more innovative, and responded more flexibly to changes. Diversity was often organized in task-oriented teams. This chapter summarizes the principles about diversity and teams to show another very different way in which an aspect of pluralism can be a basis for cooperation. The discussion draws from materials of the Training Resources Group, Inc., and the work of David Thomas and Robin Ely (1996), and Jon Katzenbach and Douglas Smith (1993).

Be aware that the research supporting these principles remains limited. There can be unintended consequences from pursuing diversity in teams such as higher costs, conflict and marginalization of certain members. Yet demographic trends suggest the pressures for diversity will only increase in most organizations. The points below should help the reader understand how to use diversity effectively.

What are teams?

A team is a small group of people committed to a common purpose and approach to which they hold themselves accountable. Team members bring differences in capacities, experiences and identities. Effective teams are composed of members with complementary skills, where no one member can meet the team goal without the cooperation of the others. Differences among team members affect how they work together and how the team performs.

75

In forest settings, village committees, working groups and project staff are common examples of teams. Any task-oriented groups requiring cooperation among its members can be considered a team. Self-organized, local groups managing forests can also be considered teams. Teams in forest management, however, often are not organized to make the best use of their diversity.

Why pluralism in teams?

People use pluralism in teams to coordinate a multiplicity of capabilities, ideas and workstyles. They focus on differences within in a group. Members of the group are tolerant of and actively interested in each other's differences. They work with their differences and use the resulting synergy and innovation to meet their shared purpose. Performance-oriented pluralism in teams differs from legal pluralism and multistakeholder groups in its concern with behavior within a group rather than among groups.

The main challenge for making the best of diversity in a team is how to develop mutual accountability and interdependence towards a common purpose. People do not necessarily have to like each other, but they have to be able to work together. Because individuals inevitably bring different interpretations, interests and levels of commitment to the team's common purpose, the team needs to work especially hard to develop shared objectives, facilitate members' interdependence and reach mutually satisfying outcomes.

According to David Thomas and Robin Ely, organizations that value staff diversity only because it is more fair or legitimate to represent members of different identity groups in society are likely to assume equal competencies among people. They are more likely to overlook differences in people's capacities and work styles, with the result that they do not make the best use of them. Instead, organizations can achieve better cooperation and performance if they value diversity for its contribution to the task at hand.

Differences that count in teams

Bringing together diverse capabilities, competencies or work styles is thus a key requirement of well-functioning teams. The team needs a mix of technical expertise, problem solving, decision-making styles and interpersonal skills. No one individual can possibly have all the skills required (Box Some Important Ways in which People Differ in Work Teams).

Organizations need to think about how to recruit diverse people to create the best mix for the purpose of the work. This may require fundamental shifts in organizational culture that need to be supported by managers and the organization's leader (Box 34). The organization should try to overcome the tendency to define diversity in recruitment according to easily observed identities (age, gender, race, ethnicity), rather than according to the candidates' capacities and work-style. Team leaders should think beyond the defined role of the position for which the candidate is applying, and identify the mix

Box 34. Accommodating Staff from Plural Backgrounds at Seva Mandir, India

Seva Mandir is a voluntary organization working in rural development, including community forestry, in Rajasthan, India. One of the missions of the organization is to provide a platform for people from plural backgrounds to work together towards improving the conditions of the disadvantaged. This commitment has necessitated the organization to look at changes not just at the community level, but also at modifications within the organization triggered by those external changes. The multitude of backgrounds of the staff brings a diversity of skills to the organization. The management's belief is that this abundance of expertise in different areas must not be lost by emphasizing any one over any other. The organization's experience speaks for itself in demonstrating the benefits of appropriate utilization of skills, recognition of work and building of motivation.

One of the drastic changes initiated within the organization in the late 1980s was in the personnel structure. The organization then—and largely now—was comprised of people from the local towns and villages. In the late 1980s, the organization's field experience in trying to assist people in villages to gain entitlements pointed to the need to challenge the monopoly of the state in development work. One of the responses to this insight was the decision to enhance the organization's capacity to deliver development. To rise up to this need, Seva Mandir recruited people with professional degrees in rural management, engineering, social work and the like. Most of the new recruits were from renowned professional institutions in the country and were, by and large, products of privilege and opportunity. They had chosen to work in an organization like Seva Mandir and could at any point exercise the option to work elsewhere. Due to the need to keep up with the market rates in terms of remuneration, the organization decided to pay a higher salary to these young professionals than what many of the existing practitioners were earning.

These changes triggered a wave of redistribution of power and authority centers in the organization. The transition was not all smooth. The older people, some of whom had been with the organization for nearly two decades, felt threatened by the introduction of a plurality of initiatives and authority centers. The senior management took these signals very seriously. It recognized the need to build the confidence of the staff who were expected to, in turn, empower people at the village level. The enthusiasm of the local staff, especially the field staff, seemed to wane when there was a threat of encroachment upon their realm of authority. This was manifested in their unwillingness to cooperate with professional staff. Not all members of the staff could come to terms with the fact of having to share power with those who, until then, were strangers to the rural context.

With a view to assuage such friction, the senior management organized extensive and continual deliberations with the staff. The benefits of the new employees gradually became apparent and gained credibility with all in the organization. The managers, in turn, gave credit to performance and integrity wherever it was due. Promotion norms were devised such that many people who had started from the level of community mobilizers and field supervisors, moved up over the years and today occupy senior management positions in the organization. Though some people in the staff still fondly look back to the time when there was less pluralism in the personnel composition, it is an accepted fact that this arrangement is supportive of furthering the agenda of empowering the local community.

Adapted from Rukmini Datta 2001

of qualities that the team as a whole needs. In a community forestry program, a team would require skills to liaise with communities, government and donors, as well as write, make oral presentations, facilitate meetings and manage equipment or logistics. A mix of communication and decision-making styles gives the team more choices and can foster new approaches.

A team member's qualities are often not immediately apparent, even to the member themselves. It is useful for members to identify their own capabilities and styles, as well as to communicate about their perceptions of each other. Knowing these qualities helps ensure that people take on roles in the team that are appropriate to their capabilities. Team leaders can better manage differences and members can better understand each other's needs. Knowing gaps in the team helps members understand where more training or risk taking may be required (Box 35).

Identifying members' work qualities can be as simple as encouraging feedback from colleagues, to using focus group discussions among team members to discuss their individual strengths and weaknesses, to annual performance appraisals, and the Myers-Briggs' personality tests (See Additional Reading and Resources).

Be aware that people can feel sensitive about revealing themselves to others. Teams need to build and maintain trust among themselves if they are to conduct honest and in-depth assessments and if members are to share these with each other. Assessments or evaluations should be treated as confidential and at the discretion of the individual concerned to share. No one should be forced to share information.

As no single process can reveal the complex differences among people, iterative identification of capabilities and styles is useful. Constructive communication and feedback among team members are a necessary foundation for members to understand and deal with differences. Try to keep discussions of differences fresh by using different techniques.

Do opposites always attract?

Members will not necessarily view all differences in a team as positive. One person may not like another person's work style or personality. Members with training in one discipline may not respect the training of members in another discipline.

Teams need to decide whether the differences in question contribute to the shared interests of the team. Where they do contribute, the team should work towards enabling the people in question to coordinate without necessarily having to like each other.

Box 35. Complementary Roles in Teams—and Sustainability

In the Mgori Forest, an international donor agency and its expatriate advisors helped significantly to bring stakeholders together and discuss how to reduce or manage conflict among villagers and between villagers and the government. The first task was to visit all the five villages that shared boundaries with the intended government forest reserve, namely Pohama, Ngimu, Unyampanda, Mughunga and Nduamghanga. The aim was to discuss whether the villages were willing and able to take on the responsibility of looking after the forest. All the villages agreed. The process was good for the villagers as it was the first time they had ever been consulted. All the meetings were well attended by the required stakeholders—villagers, the District/Divisional Forest Officer and the expert technical advisor.

At first, only the expatriate advisors could do this work because the villagers did not trust the government foresters. The history of tension between villagers and government, and the poor management of the forest prior to the start of the project, meant that an outside third party—in this case, the expatriate advisors—was needed. The process also was costly. Several meetings with each village were required for villagers to understand the concept. This involved very high travel and communication expenses. The donor covered all these costs. The presence of the Divisional Forest Officer was also important as he was the only forester living close to the community and was able to show that the government was serious about the consultation underway. He also acted as a watchdog when things went wrong from the villagers' side.

To resolve the institutional issues it was necessary to involve villagers in discussions with other stakeholders, to have transparent processes so that villagers could build confidence in their advisors and their plans, and to have access to and support from higher levels of government. Funding was essential to support these activities. Government foresters played an important role in keeping an eye on how the plans were working in practice.

Now that he has experience, the Divisional Forest Officer should be able to continue his work after the donor and advisors leave. The villagers have also gained experience in forest management and can solve many technical and institutional problems themselves. The question remains: how will the remaining roles of the donor and expatriate advisors be filled? Who will guide the process; who will solve the more complex technical and institutional problems with which villagers are unfamiliar; who will be able to pressure government to support the Mgori Forest program with new services and policies; and how will management tasks be funded? At this point, the forester and the villagers are not ready to take on these tasks. External funders and advisors provided crucial resources, including transportation and communication assistance, influence in convincing higher levels of government to lend support, and third party facilitation to help foresters gain the trust of villagers. To achieve the sustainability of collaborative management efforts, there will need to be more capacity building for Tanzanian foresters and local villagers, better technical and policy support from all levels of government, and a system to fund local institutions by sharing benefits from forest and wildlife management.

   Adapted from Edward Massawe 2001

Managing differences among team members requires members to focus on understanding the importance of getting along with each other. It requires managing minority and majority influence within the group so that everyone feels valued and willing to speak out or act. Members should learn to challenge their own and other people's assumptions and prejudices. They should look for positive explanations in addition to any negative ones that they assign to other members' actions or motivations. Members should keep in check their immediate emotional responses to people they do not like and consult with other people about how to approach an interpersonal conflict or difficult personality.

Where the differences detract from the team's purpose, the team should not tolerate them. For example, a member may not want to participate in group activities; he or she may be untrustworthy or talk negatively about someone behind their back ("back-stabbing"), be competitive to the point of making others in the team do poorly, not want to share credit, seek out unconstructive conflict or arguments, or not be willing to listen to others. These qualities do not contribute to teamwork. Teams need to identify constructive ways of dealing with these situations.

Where agreements are needed

To be effective, members of a work team must be committed to a common purpose, goals and approach. Members should all feel that the team's purpose is meaningful and that the goals the team sets to achieve it are specific and achievable. Having clear goals understood by everyone makes it easier to communicate the team's direction. One function of team leaders is to help members clarify the team's direction and jointly commit to it.
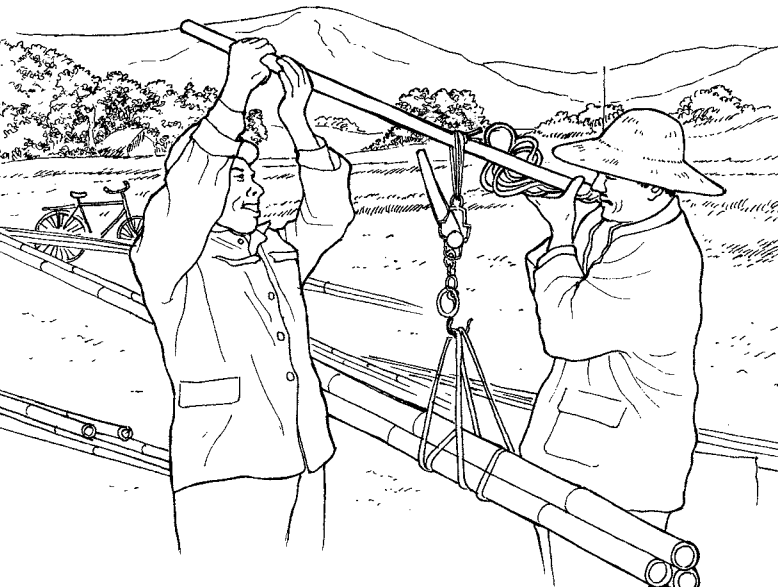
The members of a team also need to agree about how they coordinate with one another. They should agree about who takes which roles, schedules, the nature of the team's products and how individual's outputs contribute to these, how the team will make decisions, and how new members will be added. While individuals may work independently in their designated roles, they need to communicate regularly with other team members to make the best of potential synergies and adapt to unforeseen opportunities or problems.

Recognizing that agreements about team goals, role or approaches are temporary and partial, team leaders should be ready to manage multiple interpretations about these agreements, different styles or codes of behavior affecting how people adhere to these agreements, and the likelihood of changing conditions causing people to question the purpose or approach. Extra time and resources may be needed. Leaders need to balance the need for flexibility with the need for certain outputs and shared commitment.

80

Box 36. Some Important Ways in which People Differ in Work Teams

Technical skills: How do members differ in skills and experience in relevant languages, knowledge of places, plants, animals, people, livelihood, cultures or countries? How different are their facilitation skills? Logistics skills for equipment or meetings? How do members complement each other in their technical competencies beyond that of their defined roles?

Style of decision-making: How do members differ in terms of keeping the big picture in mind? Being methodical and paying attention to details? Producing new ideas? Being goal- or process-oriented? Making decisions quickly? Need for independence or collaboration? Comfort with conflict and chaos, spontaneity and flexibility? Preference for plans, discipline, structure and firm decisions? Making things more complicated? Simpler? Thinking outside the box? Making decisions in a cerebral or grounded and pragmatic way? Intuitive or logical? Humanistic approach to decisions?

Style of action: Which members "do first and think later," or "think first and then do"? Who is proactive? Sees opportunities? Takes risks or prefers established ways of doing things? Delegates work to others? What is the energy level and urgency that members bring to tasks?

Interpersonal skills: Do members motivate or inspire others? Do they pay attention to the emotions of those around them? How do members deal with their own emotions? Do they handle sensitive situations diplomatically and discreetly? Are they an introvert, who replenishes their inner energy best by being alone, or an extrovert, who replenishes by being in the company of other people? Do they like to discuss their families and nonwork life or prefer to keep such information private?

Networks: What social networks do members have access to? With which networks do they have trust, influence, cooperation and reciprocity? Where might there be conflicts of interest?

Style of learning: How do members differ in the way they learn best? Do they prefer to learn by themselves or in groups? By talking? Seeing? Experiencing? Reflecting?

Time management: How do members treat deadlines? Do they prefer punctual meetings? Who is reliable in finishing tasks on time?

Style of communication: How do members differ in their openness to give or receive criticism and feedback? What is their preferred style of communication with colleagues? Can they express themselves without irritating others? How is the clarity of their communication? Density of content? Succinctness? Willingness to speak out? Acceptance to be interrupted? Willingness to interrupt others or jump into quick-flowing discussions? Listening skills? Skills in oral presentations, producing graphics, facilitating groups, or writing newspaper articles or brochures?

Standard of quality expected and types of trade-offs people are willing to make: Where do team members fit on the scale between finishing work quickly at the cost of quality and perfecting the work at the cost of never getting it done? Is their work accurate?

Strengths and weaknesses

Working in a team has a number of strengths and weaknesses.

Strengths
- Recognizes and makes use of a broader range of staff capabilities.
- Rewards staff for being different and offering different ideas.
- High interdependence requires more frequent communication among members, better shared understanding.
- Higher potential for synergies.
- Can increase motivation and morale for individuals who enjoy group activities.
- The role of the team leader is important, but because the group shares accountability, the leader has less direct pressure on them individually to perform.
- Focuses on competencies rather than identities that might be socially marginal.

Weaknesses
- Higher transactions costs of communication and meetings among members.
- Can get mired in process-oriented rather than task-oriented activities and lose focus.
- High interdependence can result in poor outcomes if one or more members do not perform or leave the team.
- Can decrease motivation for any one person to excel.
- May not suitable for individuals accustomed to working independently.
- Some members may act as "free-riders," letting other members carry more of the work burden.
- Team members may be reluctant to let go a member who is under-performing but to whom they have become socially attached.

Summary: Building and maintaining team diversity

Adapted from Training Resources Group, Inc. (1997) and J. Katzenbach and D. Smith (1993), the questions below can guide you in using the principles of team diversity in your own work. Use them first to assess the extent to which your group works as a team. Then use the elements as guides to show where you might want to make improvements. Do not accept these as definitive standards. See what works best in your own setting.

1. Are you small enough in number?
- Can you convene easily and frequently?
- Can you communicate with all members easily and frequently?
- Are your discussions open and interactive for all members?
- Does each member understand the other's roles and skills?
- Do you need more people to achieve your ends?
- Are subteams possible or necessary?

2. Do you have an adequate level and mix of technical skills, problem solving and decision-making skills and interpersonal skills?
- Are all three categories of skills represented?
- Are any skills critical to team performance missing?
- Have you avoided skewing skills such that only one team member is able to do certain tasks and gets frozen into a certain role? If one person is frozen into a role, how does this affect their motivation? How do other members value the role?
- Are members willing to help themselves and others learn?
- Can you introduce new skills as needed?

3. Do members deal well with differences among themselves?
- Do members acknowledge the need to get along with team members who are different?
- Do members respect and value each other?
- Can members identify how they are similar to each other?
- Can members empathize with other?
- Are majority members open to contributions from minority members and vice versa?
- Do members handle their emotions well in dealing with interpersonal differences?
- Do members explore possible positive motivations or unintended consequences of other member's behavior that they perceive as negative?
- Does the team have appropriate ways of coping with difficult people, such as the person who never stops talking, "backstabbers," people who under-perform, people who reject the team or feel they need to be the best.
- Do members understand how differences in identity or interest affect work?

4. Do you have a meaningful purpose to which all members aspire?
- Does the purpose belong to the team, as opposed to the organization or only one person such as the leader?
- Do all members understand the purpose and can express it easily and clearly to people outside the team?
- Do members feel the purpose is important and exciting?
- Do members frequently refer to the purpose in their work?
- Do members explore the implications of the purpose?
- Does the team leader regularly repeat the team's shared vision with team members?

5. Do you have a specific set of performance goals to which all members agree?
- Do the goals really belong to the team, as opposed to those of the organization only one person such as the leader?
- Are the goals clear, simple and measurable with a clear set of team products? How can you determine whether or not they have been achieved?
- Are they realistic as well as ambitious? Do they allow small achievements along the way to build motivation and commitment?
- Are their relative importance clear to all members?
- Do all members express goals in the same way?

6. Is the working approach clearly understood and agreed upon by all?
- Is the approach clear, concrete and really understood by everyone?
- Will it result in the agreed upon goals and purpose?
- Will it make the best use of the skills of all members?
- Are roles clearly defined so that members know who is supposed to do what? Are individual responsibilities clear so that tasks rarely "fall between the cracks?"
- Does the approach require members to contribute reasonably equal amounts of real work?
- Does the approach provide for open interaction, fact-based problem solving and results-based evaluation?
- Do all members express the approach in the same way?
- Does it allow for adjustment and improvement over time?
- Are fresh inputs systematically sought, for example through new information and analysis, new members and senior sponsors?

7. Do you hold yourselves individually and mutually accountable for the group's results?
- Are you individually and jointly accountable to the team's purpose, goals, approach and products?
- Can you measure progress against specific goals?
- Do all members feel responsible for all measures?
- How well do members keep their promises to each other in terms of doing what they say they will do?
- Is there a sense that only the team can fail as opposed to individual members?

8. Does the larger organization support diversity in the team?
- Does top management value diversity? Does it demonstrate effective use of diversity itself?
- Is there a history of organizational support for diversity? Are there models or examples of team diversity in the organization that other teams can draw upon?
- Are their organizational mechanisms for handling conflict and communication that support diversity?
- Does the human resources unit recruit for diversity effectively and manage transitions in staff to achieve diversity?

Conclusion

The person who says it cannot be done should not
interrupt the person doing it.
        Chinese Proverb

If we want to maintain forest resources into the future, more pluralism is required. The inherent complexity of forests ecosystems as well as the increasing numbers of people, demands and multiple legal authorities interested in them, require new approaches to solve problems based on more diverse mix of skills, experiences, social networks and knowledge

This guide has shown why pluralism is relevant to how people cooperate to use and conserve forests together. Pluralism is an ethical foundation for a fundamentally new approach to forest decision-making that is as much about recognizing differences as it is about finding agreements. Pluralism acknowledges individuals' rights to pursue their interests and promotes people to tolerate each other's differences. It also requires society to resolve differences where they conflict. Pluralism tries to harness the positive aspects that differences can bring to problem-solving.

Pluralism, as interpreted in this guide:
- Does not treat all values as equally right.
- Promotes individual freedom and happiness as the ultimate values as long as they do not infringe on other peoples' freedom and happiness.
- Emphasizes processes, not just outcomes.
- Is strongly affected by underlying relationships among individuals and groups, not just the substance of the decision at hand.
- Should be used in a way that is sensitive to different local contexts and changes over time.
- Means that agreements are temporary and part of a cycle of conflict and cooperation.

85

- Acknowledges the diverse and sometimes unstable ways in which people define social differences, including interests, identities, institutions and practices.
- Allows people to self-define their own differences and similarities.
- Seeks positive synergies from people's differences that contribute to the groups' goals.
- Supports people's capacity to adapt to complex environments

The different ways in which people perceive and organize social differences affect how pluralism is practiced. People's need to be both similar and different from each other influences how groups form. Groups also frequently form by interests, identities, institutions or practices, with different implications associated with each.

We can learn from examples of how pluralism is being practiced in forest situations, including the practice of legal pluralism, multistakeholder processes and teamwork. Although these three ways of practicing pluralism differ substantially (Table 1), common to all is the need to coordinate differences by recognizing where they can co-exist, where conflicts occur and how to make the best of synergies. The costs of coordinating differences can be higher using these approaches, but are worthwhile for outcomes they provide. The case studies in each section illustrate how applying the principles of pluralism is itself a learning process and it is hard—if not impossible—to get all the parts of the process completely "right."

Table 1. Summary of the three approaches to pluralism

Approach	Focus	Challenges
Legal pluralism and policies that support pluralism	Laws, regulations, norms	Coordinating authorities and laws; helping policies fit diverse and changing conditions.
Multistakeholder processes	Interests	How convener weighs own interests against those of other stakeholders; cooperation among members towards a common purpose; reaching mutually satisfying outcomes, including, distributing gains and costs among stakeholders and developing appropriate compensation measures where necessary.
Team work	Capabilities	Maintaining mutual accountability and interdependence towards a common purpose.

Together the principles and practices presented in this guide should give you a better understanding of what to expect from pluralism. With this understanding, you should have a better sense of pluralism's potential and limits. You should be able to observe, judge and debate the merits of pluralistic processes. You should be better equipped to help set standards of "good governance" that are not hegemonic and externally defined,

but rather reflect the needs and priorities of the people involved. And you should be able to make your politicians, team leaders and facilitators accountable to the standards that you set. This guide is only a start, however.

While the guide has tried to introduce clarity into the discussion of pluralism, it should have also prepared you for the muddled, fluid nature of pluralism in practice. In this guide we have emphasized the inescapable nature of politics in pluralism and the need to vigilantly give attention to social justice issues to counteract these tendencies. We have also emphasized throughout that the practice of pluralism requires attention to local situations. Absolute standards for social justice exist, but only become meaningful in their interpretation in specific contexts that can result in a plurality of outcomes.

To help you assess the extent to which pluralism is practiced in a particular setting and to indicate guides for furthering pluralism, we have provided questions or principles at the end of each of the previous chapters about ways of practicing pluralism. We also conclude here with a set of questions to bring together the main points presented in this guide.

Guiding questions to work towards pluralism

1. What differences do people perceive as important among themselves for making forest decisions? Why are these differences important? What would be gained if the differences were maintained? What would be lost if they were overlooked?

2. Who is best positioned to convene, facilitate, or lead a pluralistic process? Who has the interest, legitimacy and resources to do so? Who actually does it? What biases do they bring? How do they affect the process and its outcomes?

3. How do stakeholders or the facilitator define roles, groups or legal systems? Why are people or institutions grouped in this way? What is the purpose of the larger group and subgroups? Are the groups well-organized for meeting these purposes? Should people organize themselves differently? What was the role of the facilitator or other stakeholders in establishing the groups and what biases might this create? Are there people who need to retain their autonomy in a larger group situation? Are current groups still relevant? How can group composition be made flexible to adjust to people's needs?

4. Do people feel they are participating voluntarily and directly? Is there any evidence of manipulated, reluctant or forced participation?

5. What are the overriding values that the group(s) want to use as criteria to settle differences and make trade-offs among themselves. What criteria and procedures make people feel that coordination about forest matters and decision-making gives everyone the widest range of choices and is fair? Are decision processes too relativistic or overly judgmental? Do people feel they influenced decisions? Do people feel satisfied with how actual decisions are made? Which groups are most satisfied and which ones least?

6. Are conflicts handled openly and fairly? Do people feel comfortable expressing disagreement? Are conflicts addressed before they escalate?

7. Are people happy with the outcomes of decisions? Do decisions satisfy the most important issues? Does the agreement produce just benefits? Are the people willing and able to implement the decision? Which groups are most satisfied and which ones least? Are compensatory mechanisms ready and acceptable?

8. How do in-group and out-group or minority-majority biases affect people's capacity and motivation to communicate (willingness to express themselves, listen to others) or be influenced by others? How do people's identity, interests, institutional affiliations, practices, political relationships or other differences affect these biases?

9. What checks and balances, measures of accountability or other safeguards for assisting disadvantaged groups exist? What additional ones could be put in place?

10. Are there adequate means for communication and learning that help groups know how things are working for the forest and people involved? Are those means adjustable and adaptable? Are the methods and decisions sensitive to different contexts? With pluralistic practices, does communication between the parties increase and the working relationships improve?
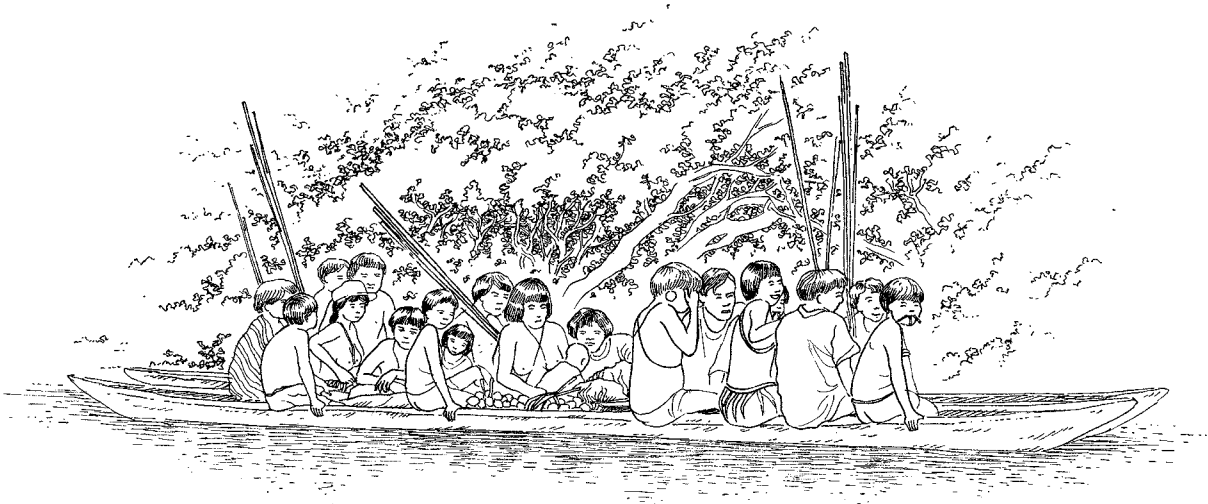
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Pluralism

is a political belief that acknowledges individuals' rights to pursue their interests, but requires society to resolve differences where they infringe upon each other. This guide shows how pluralism helps people to value social differences and provides clear principles and rules about how to coordinate those differences. The guide reviews pluralism's origins, key elements and strengths and weaknesses. It examines how people think about differences, including the psychological obstacles that cause us to exclude or ignore others. Practices are examined with examples drawn from forest-related contexts: legal pluralism, multistakeholder processes and diversity in work teams. Questions are provided to help the reader assess and practice pluralism in their own settings. The guide concludes that understanding the political assumptions and principles of pluralism can enrich our understanding of current practices to develop fundamentally new approaches to forest decision-making.

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