



Increasing the benefits to disadvantaged groups in multistakeholder forestry negotiations

Key points

Multistakeholder negotiations will most benefit disadvantaged groups when they:

- ❏ adopt a strategic approach to which groups should participate and how each group should be treated.
- ❏ avoid assuming all groups can be given equal opportunities.
- ❏ allow the members of a group to choose their own representatives and make sure they are accountable to the group.
- ❏ acknowledge that each group may not fully support the agreement.
- ❏ allow disadvantaged groups to identify non-negotiable topics.
- ❏ make explicit how power differences affect the negotiation.
- ❏ view negotiations as one strategy among several that disadvantaged groups may pursue simultaneously.

Negotiations that include all the groups or stakeholders concerned should increase democratic decision-making and compromise. However, most negotiations in forestry involve groups with widely different levels of power and influence. Those groups with limited power to influence decisions because of their low social status, lack of representation in public forums or poor negotiating skills are especially disadvantaged.

Experience has shown that the benefits that disadvantaged groups receive from multistakeholder negotiations depend on how the negotiations are done. Many mask abuses of power, exaggerate the level of agreement reached and expose disadvantaged groups to manipulation and control by more powerful stakeholders. We describe here some of the pitfalls of multistakeholder negotiations and propose ways for disadvantaged groups to avoid them.

Neutrality

Facilitators often seek to create equitable conditions by using a neutral place, neutral processes of communication, impartial facilitation, shared criteria and indicators for decisions and clearly understood rules of interactions among the stakeholders. But the dominant groups usually set the terms of the negotiations and meetings are scheduled and located for their convenience. Facilitators use unspoken rules of behaviour to which disadvantaged people are not accustomed and technical terms unknown to disadvantaged groups. These groups are often unfamiliar with scientific methods and feel their experience and knowledge is ignored. Because of these dangers, facilitators must be aware of the difficulty of ever creating truly neutral conditions, and the likelihood that there will always be some group that is disadvantaged.

Bringing everyone to the table

Many conveners of negotiations assume all stakeholders affected by a potential decision should be included in the negotiation process. However, the conveners' biases can directly influence the selection of stakeholder groups, the people who represent each group and how the meeting is managed. The focus on involving all stakeholders in a process, especially one trying to reach an agreement, also encourages us to regard all those who refuse to participate as having relinquished their moral authority to speak on the issues. However, disadvantaged groups must be free to refuse to participate or withdraw from unfair processes. The system tends to demand participation and withdrawal is a powerful form of protest against, for example, an assigned place in an inequitable political system. We favour a strategic approach to the questions of who should participate in negotiations and how each group should be treated.

Protecting groups from manipulation

In a meeting of villagers, NGOs and government officials to discuss claims to traditional forest areas in Kayan Mentarang National Park, Indonesia, the World Wide Fund for Nature chose not to invite timber companies for fear they would dominate decisions. They did, however, invite about 40 villagers to negotiate with an equal number of government officials. Initial proposals were worked out in separate sessions and then negotiated with a facilitator. This process is promising because relations among stakeholders were considered in advance. This strategic approach decreases the risk of wasting precious resources and promises substantial benefits for disadvantaged groups while protecting them from manipulation and control by more powerful groups.

Representing everyone's interests

It is difficult to represent all the interests of the members of a group of stakeholders. Even a carefully planned effort to represent a constituency with frequent consultations and mechanisms of accountability may founder on the enormous number of interests involved. Nevertheless, it is essential that representatives of a group are drawn from within the group and chosen by the members of that group. Representatives will be less accountable to their constituencies when the representatives of a group are designated by outsiders or report to them, as is often the case in multistakeholder negotiations.

Achieving democratic representation

Democratic, internally directed processes of group representation can be difficult to achieve. In Uganda, attempts by a local tenants' organization to represent members in a land dispute were complicated by a complex array of tenant identities and interests. Land-poor families for whom there was little chance of finding new land in the area and for whom wage labour was not attractive feared eviction. Those who had lands outside the disputed area were less fearful. Widows with little strength for farming and youths anxious to move to town saw an opportunity in the compensation and potential wage labour associated with the eviction. Membership in any of these interest groups was fluid, as new opportunities arose for individuals based on personal networks and shifting public alliances. Some local opponents of the land transfer changed sides when offered managerial positions in a new commercial agriculture plantation.



Understanding the stakeholders

Understanding the reasons why stakeholders engage in negotiations helps put in perspective the negotiations and the importance that each group places on them. In negotiations about forests, it is common for stakeholders to have different levels of education, speak different languages, differ in access to formal politics and hold different beliefs about how society functions or how negotiations operate. Groups may be labeled biased or ideological for not accepting the rationality of a negotiation process. This is particularly true when facilitators of negotiations have invested heavily in the neutrality of the process and their credibility is at stake. Dissident groups are then forced to remain outside that process and miss the possible benefits of engagement with other stakeholders, or dampen their criticism of the persistent politics within the process. If they choose the latter course, they may give up a powerful tool for mobilizing their supporters.

Even where disadvantaged groups attend meeting, they may not participate fully or be accountable to a constituency, South Africa (Photo by B.M. Campbell)

In identifying stakeholder groups and their needs there is a risk that conveners and facilitators construct misleading images that hurt disadvantaged people. Many groups employ a romanticized notion of disadvantaged people that serves their own professional and personal ends. Disadvantaged groups may have a limited capacity to challenge these dominant images of themselves. For example, advocates for Indians in Brazil constructed an image of the romanticized ideologically pure and self-sacrificing Indian. This 'hyperreal' Indian provided a more compelling image for negotiations and fund raising. The voices

and interests of disadvantaged groups themselves are quickly lost when debates focus on the needs of such imagined groups.

Non-negotiable issues

Community forestry agreements in the Philippines appear to make the rights of uplanders to a home and a livelihood contingent upon meeting government-defined environmental standards for land use. Yet according to some, basic human rights should not be included in negotiations over the management of forests. Requiring all subjects to be open to rational debate may work against disadvantaged groups.

Rejecting consensus in the search for agreement

Consensus has been explicitly rejected by many practitioners as a goal for multistakeholder negotiations. Negotiations can achieve an agreement among a set of stakeholders, but their solidarity is always partial, provisional and unstable, especially when it involves groups with very different levels of power. Yet it remains common for governments, donors, NGOs and others to expect negotiations to generate agreements that bind stakeholders to a particular course of action.

The agreement reached through negotiation is never a single thing to all stakeholders, but a more or less workable conglomeration of meanings. In a project for tree planting in the Gambia, expatriate advisors understood the project to promote conservation, while local people interpreted the project as a way to increase their income. Social forestry programmes in India have been undermined by different interpretations of what it means to plant a tree in a garden. It may be a source of income for wealthy male residents or a source of subsistence products for poorer villagers. Nor are agreements the same for a single stakeholder in all contexts. In Krui, Sumatra, local farmers declined to participate in a model agreement on use rights to agroforestry gardens that they themselves helped to create. They wanted ownership rights instead, explaining that the previous agreement was the best option available to them in earlier negotiations.

There is a tendency to overestimate both the degree and durability of agreements reached

through the negotiation processes. Moreover, a focus on agreement can encourage participants in negotiations to gloss over dissenting views, whether of the weak or the powerful. The effective life of an agreement can be very short, and is often subject to external events beyond the control of the stakeholders.

Transparency of information

Many facilitators seek full and transparent sharing of information among all the stakeholders. This assumption overlooks the strategic value of stakeholders' control over information in the bargaining process. Many groups in a negotiation are understandably reluctant to share information and so give away their advantage. Disadvantaged groups are particularly at risk. Any valuable information they possess may be a significant resource in the negotiations. Facilitators should be careful that information is shared strategically and that disadvantaged groups do not naively give away valuable information. Such information might have real benefits for powerful stakeholders, even if the negotiations fail. There are a number of well-documented cases where governments, state departments and local elites have acquired information about forests and people's use of them, then used that information against the weaker groups.

Disadvantaged groups may have intensely private information

In Kakadu National Park in Australia, traditional land owners negotiating to collaborate in managing the park refused to identify sacred burial sites. The Aboriginal elders remained silent even when the park managers offered to allow the group to retain full control over sacred sites in exchange for information about their location.

Negotiating while pursuing other strategies

Groups involved in an issue may take part in negotiations while they are involved in other activities for pressing their interests. Negotiations may provide political cover for more aggressive government tactics, such as media campaigns, legal challenges or even violence. Disadvantaged groups may participate in negotiations more to

increase their visibility than to reach agreement. For example, residents of a village in Uganda seized every opportunity to meet staff of the Kibale Forest Park so that the government would recognize them as legitimate actors in local politics even if the park's projects had little local relevance.

Disadvantaged groups might well need to pursue other strategies such as lobbying capacity building, networking and protesting to expand their influence over decisions. In forested areas of India, for example, people's organizations became frustrated with their inability to negotiate effectively with the Indian Forest Department on a range of issues, such as gender equity, benefit sharing and regulation of marketing of non-timber forest products. As a result, many of these organizations formed apex bodies and federations to put more political pressure on the Forest Department. These lobbying efforts were not meant to replace negotiations, but to balance power within the negotiations.

Conclusions

Multistakeholder negotiations can be useful under many circumstances but disadvantaged groups risk control by more powerful groups. Negotiations will achieve more just and equitable outcomes for disadvantaged groups if they are approached strategically. This is a more effective approach than trying to create neutral platforms where all stakeholders can discuss all issues with the goal of reaching rational, mutually intelligible and universally recognized agreements.



Communities that have been traditionally more isolated need to be careful about sharing their knowledge freely for the sake of promoting an "open" process, Venezuela (Photo by Manuel Ruiz Perez)

Disadvantaged groups will achieve better outcomes where there is an open discussion of the politics at work in negotiations and actors and actions are situated in their political contexts. This allows a deeper analysis and critique of the relations of power without demanding full disclosure on the part of disadvantaged groups of their particular strategies. The problems associated with visibility, vulnerability and representation are not eliminated in this approach. They are, however, put at the centre of the analysis. This, it seems to us, is the best way to assure that disadvantaged groups achieve benefits from negotiations without exposing themselves to significant risks. We suggest that such treatment needs to become standard if more democratic processes and outcomes are ever to be achieved in multistakeholder negotiations.



This *infobrief* is based on experiences in the co-management of protected areas, forests and other common-pool resources, as published in Edmunds, D. and Wollenberg, E. 2001. A Strategic Approach to Multistakeholder Negotiations. Development and Change 32(2): 231-253.

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