
A Strategic Approach to Multistakeholder Negotiations

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ABSTRACT

Environment and development practitioners increasingly are interested in identifying methods, institutional arrangements and policy environments that promote negotiations among natural resource stakeholders leading to collective action and, it is hoped, sustainable resource management. Yet the implications of negotiations for disadvantaged groups of people are seldom critically examined. We draw attention to such implications by examining different theoretical foundations for multistakeholder negotiations and linking these to practical problems for disadvantaged groups. We argue that negotiations based on an unhealthy combination of communicative rationality and liberal pluralism, which underplays or seeks to neutralize differences among stakeholders, poses considerable risks for disadvantaged groups. We suggest that negotiations influenced by radical pluralist and feminist post-structuralist thought, which emphasize strategic behaviour and selective alliance-building, promise better outcomes for disadvantaged groups in most cases, particularly on the scale and in the historical contexts in which negotiations over forest management usually take place.

INTRODUCTION

Professionals working in environment and development have focused recently on formal stakeholder identification and negotiation processes to address competition among different groups for natural resources (Borrini-Feyerabend, 1997; FAO, 1999; O'Faircheallaigh, 1999; Ramírez, 1999; Röling and Wagemakers, 1998; Steins and Edwards, 1999). Stakeholder identification and negotiation have promised to bring visibility, compromise and democratic decision-making to stakeholder relations.

In the absence of negotiations, competing claims to forests have often been settled by force. Disadvantaged groups have used force successfully through protest and resistance (Melucci, 1996; Peluso, 1992; Severino, 1998). More often, however, powerful stakeholders take the upper hand using the legal and extra-legal means available to them. The results for disadvantaged groups have often been devastating, including displacement, cultural disintegration, dramatic material deprivation, and violence (Anderson and

Grove, 1987; Hecht and Cockburn, 1989; Parajuli, 1998). Negotiations would seem to benefit disadvantaged groups in particular by publicly acknowledging their claims, creating a forum to reach compromise between them and other stakeholders, and legitimating compromises with formal agreements.

Yet the benefits of multistakeholder negotiations to disadvantaged groups depend on *how* negotiations are undertaken. We believe many approaches to multistakeholder negotiations mask abuses of power and more structural, enduring inequity. In doing so, they are prone to exaggerate the level of consensus reached through negotiations and expose disadvantaged groups to greater manipulation and control by more powerful stakeholders. These approaches share one or more of the following assumptions:

- A neutral or objective space for negotiation can and should be created;
- Consensus is desirable;
- All stakeholders need to be involved for the process to be effective;
- Negotiations can be considered in isolation from other strategies employed by stakeholders;
- Generally, the principal barrier to effective collective action is poor communication.

These assumptions are either explicit or implicit in the documentation of negotiation experiences and in guidelines for negotiation and multistakeholder collaboration (Allen et al., 1998; Borrini-Feyerabend, 1996; Fisher, 1995; Kearney et al., 1999; Porter and Salvesen, 1995; Röling and Maarleveld, 1999; Röling and Wagemakers, 1998). We suggest that rather than try to *eliminate or temporarily neutralize* political differences within negotiations to achieve broad agreement, practitioners should use negotiations to build alliances, gather information and test ideas strategically, with the explicit goal of increasing the decision-making power of disadvantaged groups.

Of course, this argument assumes that disadvantaged groups *wish* to expand their decision-making authority. More broadly, it assumes that those of us who are not members of disadvantaged groups can find a way to understand adequately what the diverse, sometimes shifting and contradictory desires of such groups are, and develop strategies for effectively helping groups as they try to realize those desires. These assumptions are certainly problematic. They are, however, no more problematic than assuming that practitioners can act as neutral observers or facilitators. Moreover, as we discuss below, feminist post-structuralism and radical pluralism encourage continuous reflection on these relationships, and modesty in making claims about them. This we feel is sometimes missing among practitioners grounded in other theoretical work.

To make our case for a strategic approach to negotiations, we examine both the theoretical literature and experiences in the co-management of protected areas, forests and other common-pool resources by states,

communities and other stakeholders. We critique the assumptions listed above, and suggest how a strategic approach to negotiations can yield benefits for disadvantaged groups without exposing them to a range of risks we describe in the remainder of the paper.

In this article, we define disadvantaged groups of people¹ as those with limited power to influence decisions in multistakeholder settings. Their power is limited by their social status, their representation in public fora or their negotiating capacities. We are especially interested in the case of disadvantaged groups of people living in forests (such as collectors of forest-products, indigenous peoples living in or near forests, swidden farmers²) who are consistently the weakest players in negotiations with powerful corporations, international environmental NGOs, government interests, and even local elites.

The article is aimed at environment and development practitioners who are interested in multistakeholder negotiations — including, among others, those who seek to reduce conflict among stakeholders in a resource, those who wish to promote sustainable development through collaborative agreements among stakeholders, and those who seek greater social justice for disadvantaged groups through negotiations — with a view to promoting a greater alertness and responsiveness when disadvantaged groups raise concerns pertaining to multistakeholder negotiations.

THEORETICAL UNDERPINNINGS OF MULTISTAKEHOLDER NEGOTIATION PROCESSES

It is important to recognize that the assumptions we discuss are not always explicit in the work on multistakeholder negotiations. Nor are they all necessarily found together in the various approaches to multistakeholder

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1. There is considerable debate about the usefulness of the term ‘group’ when referring to people sharing particular aspects of identity or a set of historical experiences. Some authors continue to use the term group to highlight the political potential of its members (Bickford, 1999; Hill-Collins, 1997). Others prefer to use ‘categories’ of people to remind us to be cautious about who is defining the group and how, an issue we take up in a brief discussion of representation. As we are emphasizing the importance of negotiations as a form of political action, we will use the term group. We recognize, however, that disadvantaged people making claims on forests may not always see themselves that way.
 2. Many groups are disadvantaged in debates about forest management. We will use the term disadvantaged groups to refer to these three large categories: small-scale forest product collectors, indigenous peoples, swidden farmers. Li has pointed out that migrants displaced from other agricultural areas to the forest edge are often severely disadvantaged (1997). Others may argue that urban dwellers can be disadvantaged in the debates over forest management, depending on investment and price distortions. Who is disadvantaged in a debate about particular forests at a given point in time is best defined by looking at the historical record of management for those forests.

negotiations.³ One or more, however, are implied in: the critique of taking positions and other strategic behaviour (Ramírez, 1999; Røling and Maarleveld, 1999); the occasional failure to differentiate among stakeholders and to define their historical relationships (Røling and Maarleveld, 1999); and the focus on developing communication and information exchange institutions, such as platforms (Maarleveld and Dangbégnon, 1999; Røling and Wage-makers, 1998), techniques for facilitation and rules for convening negotiations (Borrini-Feyerabend, 1997), criteria and indicators as a common language for stakeholders (CIFOR, 1999), and rules of order for interactions among stakeholders (see Sinclair and Smith, 1999).

We briefly describe two bodies of thought that influence this approach to negotiations: communicative rationality and liberal pluralism. We then discuss feminist post-structuralist and radical pluralist theories as foundations for an alternative, strategic approach to negotiations. Of course, each of these bodies of work is substantially more complex and subtle than we can acknowledge here. Our purpose, however, is to draw out the elements that seem to inform the current practice of multistakeholder negotiations and suggest where alternatives might better support disadvantaged groups struggling to defend their interests in forest management.

Communicative Rationality

The assumption that negotiations are more valid and effective to the degree that they achieve a politically neutral space has roots in the work of Jürgen Habermas on communicative rationality (Habermas, 1984, 1987, 1995). Habermas sought to create a public sphere in which ‘critical, reflexive, activist modes of thought’ promote social justice (Flyvbjerg, 1998). To do so, he developed an ‘intersubjective’ theory of communicative rationality (Habermas, 1984: 12–5). Communicative rationality would restore to the life-world of shared understandings and unquestioned presuppositions (which serve as the basis for common definitions of the situations people confront) its rightful role in cultural reproduction, social integration and socialization, rather than leaving these tasks to the reified and pathological ‘system imperatives’ of a ‘monetary–bureaucratic complex’ (Habermas, 1987: 374–5). According to Habermas, communicative rationality is achieved when:

under the pragmatic presuppositions of an inclusive and noncoercive rational discourse among free and equal participants, everyone is required to take the perspective of everyone else, and thus project herself into the understandings of self and world of all others; from this

3. Daniels and Walker, for example, argue against the search for consensus (1999), yet outline a number of methods designed to create a neutral space where all stakeholders can negotiate openly. Steins and Edwards (1999) note that gender inequities, among others, limit the effectiveness of negotiations. They seem to suggest, however, that inequities can be dealt with through further development of platforms for negotiations.

interlocking of perspectives there emerges an ideally extended we-perspective from which all can test in common whether they wish to make a controversial norm the basis of their shared practice; and this should include mutual criticism of the appropriateness of the languages in terms of which situations and needs are interpreted. In the course of successively undertaken abstractions, the core of generalizable interests can emerge step by step. (Habermas, 1995: 117–18)

For Habermas, and implicitly for many involved in stakeholder negotiations, the emphasis is on an ideal, formal process (Habermas, 1984: 25; Parkin, 1996; Rawls, 1995); a process that can produce valid and effective agreement in virtually any context (Habermas, 1984: 31). The process would be formalized in procedures, rules, laws, policies and constitutions. The content of any communication would then be a matter of lesser consequence for the cause of social justice — the process would assure the proper outcome (Habermas, 1992, 1995).

Habermas clearly recognizes the substantial barriers to achieving such a process in practice: inequities in status and power among participants and an absence of a culture of freedom are among the most important (Habermas, 1984, 1992). In response to critiques of feminists, among others, his work more explicitly addresses unequal power relations within public spheres, and acknowledges the existence of multiple publics that are not easily grouped into a general public sphere because communication among them is exceedingly difficult (see Benhabib, 1992; Fraser, 1992). He has called for empirical verification of the conditions specified for rational communication and identification of specific barriers to achieving these conditions (Habermas, 1992: 448).

Liberal Pluralism

Theories of pluralism are frequently referred to in discussions of multi-stakeholder negotiations (Doherty and de Geus, 1996; FAO, 1999; Hirst, 1997). Pluralism, however, exists in multiple forms that affect the empowerment of disadvantaged groups differently (Bickford, 1999; Rescher, 1993).

Liberal pluralism treats groups as distinct from one another and as having particular interests. The public interest is created from bargaining and synthesis of particular views, and is ethically superior to and ‘contains’ those particular views (Jakobsen, 1998: 126–7). Decision outcomes are syncretic, ‘all the alternatives should be accepted: all those seemingly discordant positions are in fact justified; they must, somehow, be conjoined and juxtaposed’ (Rescher, 1993: 80). Crucially, individual interests that have no reference point within the ethical framework of the public interest struggle for legitimacy. It is also more difficult to make the claim that particular groups, such as forest dwellers, should have more say than others in forest management decisions based on longstanding historical claims or entitlements (Leach et al., 1997).

How does the bargaining and synthesis necessary for the creation of the public interest occur? Much of pluralist political theory has, until recently, focused on interest group pluralism (Bickford, 1999). In this view, groups are a central focus of a person's political life and are formed around relatively well-defined and stable interests. Groups focus on efforts to influence the state, the embodiment of the public interest, often through well-known and regulated mechanisms such as lobbying or contributing to campaigns. Of particular relevance to our argument, liberal pluralism does not focus on inequities among different groups in access to or influence over decision-making processes (Bickford, 1999).

We suggest that an unhealthy combination of communicative rationality and liberal pluralism underpins many attempts to organize formal multi-stakeholder negotiations in forest management. The influence of liberal pluralist ideas on the practice of multistakeholder negotiations has meant that the qualifications of Habermas's theory are not taken as seriously as they should be. At the same time, Habermas's own critiques of strategic action serve to delegitimize such action on the part of disadvantaged groups participating in negotiations. In the context of extreme inequalities in power and diversity of cultures, stakeholders in tropical and subtropical forests are brought together to hammer out binding agreements in short-term, facilitated sessions organized in supposedly apolitical fora. The results have often been disastrous. In the following section we analyse why we should explore an alternative that better serves the interests of disadvantaged groups.

FEMINIST POST-STRUCTURALIST AND RADICAL PLURALIST THEORY AND MULTISTAKEHOLDER NEGOTIATIONS

Issues of identity and representation are central to feminist and radical pluralist work (Benhabib, 1992; Fraser, 1992; Haraway, 1991; Hawkesworth, 1997; Hekman, 1997; Hill-Collins, 1997; hooks, 1990) and suggest that any 'neutral' representation of a group within a negotiation process would be extremely difficult to achieve, if not impossible. Feminist discussions of affinities and alliances point to the possibility of collective action, but emphasize the limited, contingent and strategic quality of such connections. Feminists have also developed critiques of Western rationalism as a basis for creating mutual understanding across cultures, genders, races and classes (Harding, 1986, 1997; Jakobsen, 1998). Feminist post-structuralists generally make firm commitments to linking theory and practice (Morris, 1997), and thus express scepticism of 'ideal' formulations that appear difficult to operationalize in people's everyday experience (see Parkin, 1996). Finally, many feminists are less willing than Habermas to give up substantive claims entirely in favour of procedural justice (SIGNS,

special issue, 1997).⁴ The emphasis among feminist post-structuralists, then, is on building strategic, self-avowedly contingent and reflexive alliances among disadvantaged groups and those sympathetic to their claims in order to achieve greater justice for those groups (Haraway, 1991; Jakobsen, 1998; Morris, 1997).

In contrast to liberal pluralist assumptions, feminists and radical pluralists argue that groups are not easily bounded, identified or cohered (Bickford, 1999) and group formation involves complex and unstable processes of self-identification and representation. Political action, including multistakeholder negotiations, works on many levels to address a plurality of concerns, and is not necessarily targeted at influencing the 'public interest' as defined by the state (Bickford, 1999; Fraser, 1992; Jakobsen, 1998). Radical pluralists place more emphasis on the differences among groups in their access to and influence over decision-making processes, and assert that negotiations are profoundly influenced by this fact (Bickford, 1999). Consensus is likely to mask continuing differences in perspective and discount the input of disadvantaged groups, and so should be viewed with some suspicion.

This literature suggests that in most of the contexts where forest management is debated in the tropics and subtropics, the interests of disadvantaged groups are better served by negotiations when participants 'take a position' about the substance as well as the process of negotiations and acknowledge the often insurmountable barriers to rational communication. Negotiations focus on strategic alliances rather than full consensus, and where agreement *is* reached, participants 'situate' the outcome politically, acknowledging the degree to which agreement is contingent and partial. Finally, negotiations are set in the context of the full range of strategies pursued by each interest group. Below, we examine some of the practical problems associated with the dominant approach to negotiations among environment and development practitioners, and suggest why we believe a more strategic approach is necessary.

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4. There are debates among feminists, however, as to the necessity of taking an ontological position in favour of particular disadvantaged groups. See Morris (1997) and SIGNS (1997) for debates among those arguing for taking a stance or a standpoint, and those who argue that this is unnecessary, and even limiting to the feminist movement. Feminist treatments of Habermas also express the tension. Benhabib (1992: 95), addressing Habermas on communicative rationality, says: 'the radical proceduralism of this model is a powerful criterion for demystifying discourses of power and their implicit agendas. However, in a society where reproduction is going public, practical discourse will have to be "feminized". Such feminization of practical discourse will mean first and foremost challenging, from the standpoint of their gender context and subtext, unexamined normative dualisms as those of justice and the good life, norms and values, interests and needs'.

Problems with Pursuing Neutrality

Institutions may be able to assure a high degree of communicative rationality in settings where the power to influence forest management is relatively well-balanced among stakeholders, and where cultural and social heterogeneity is low. Such settings are rare, however, and are not the subject of this paper. We are interested in the potential for negotiations to help disadvantaged groups which, by definition, do not operate in settings of balanced power. In situations of intense historical conflict among many diverse stakeholders, situations that characterize many forest settings today, the risks to disadvantaged groups of falling short of the ideal of rational, non-strategic communication are especially great. We now examine some of the practical limitations on such communication.

A Language for Rational Communication

Postmodern and post-colonial scholars have made a compelling argument that language and information carry power and politics with them (Ashcroft et al., 1995; Foucault, 1980; Said, 1978). Language itself constrains the imagination and limits the types of decisions that can be made, often in intensely political ways. There are many examples of language and information used in political ways in discussions about forests and the people that use them (Field, 1994; Parajuli, 1998; Sioh, 1998).

Science, of course, has been identified as a neutral language that could help frame a rational discussion of stakeholder interests. Yet, it is well accepted that the nature of the problem, the methods and interpretation of results can all be biased by political prejudices (Foucault, 1980; Harding, 1986). The choice to use science is a political decision in itself. Disadvantaged groups of people often feel that scientific methods are not transparent to them and do not make use of their experiential knowledge. Recourse to science does not then eliminate the political quality of language.

One could still search for a rational consensus on the kinds of language and information to be used in communication through a process of argumentation, and Habermas recommends just that (Habermas, 1984). Lègaré (1995: 348–51) points out, however, that even widely-accepted language contains within it contradictory meanings that can be used by powerful groups to their advantage. She provides an example by examining the history of multiculturalism in Canada. After a long process of consultation the Canadian government adopted a formal policy of multiculturalism in 1971, one that reflected an ideal gaining broad currency in Canada in the 1970s and 1980s. Aboriginal groups in Canada have generally embraced the language of multiculturalism. This discourse brought a measure of recognition to Aboriginals as a group with a distinct history and culture. At the same time, however, it was interpreted by white Canadians as an argument

for the denial of any special claims and rights for Aboriginals as prior inhabitants of the land. This was done in two ways: by creating images of authentic Aboriginals and then finding most living individuals to be 'compromised' and so not entitled to special claims; and by suggesting that in a liberal democracy, multiculturalism means all cultures are equal, and no single culture can enjoy rights beyond any other. For their part, Aboriginals found it difficult to counter these arguments within a discourse of multiculturalism, at great personal and political costs to themselves (Légaré, 1995). These contradictory aspects of language, subject to political deployment by different groups of people, suggest that the process of rationally debating the meaning of specific terms could never reach a conclusion, and that a neutral language is unlikely to be available to us.

Full Disclosure of Information

An ideal negotiation process implies, according to Habermas (1984), a full and transparent disclosure of information on the part of all stakeholders. This may, however, force groups to give up important aspects of their privacy. This was an important issue in Kakadu National Park in Australia. Traditional land owners in the Mirrar area declined to participate in collaborative management of the park, especially in the identification of sacred sites (Government of Australia, 1999). Even when the park offered to allow the group to retain control over sacred sites in exchange for information about their location, the Aboriginal elders remained silent.

This is tantamount to suggesting that aboriginal heritage must be fully 'declared' in conformity with contemporary western heritage conservation mechanisms (both formal inventory and related descriptive listing systems) to be recognized as heritage... There are many global examples of cultural groups who desire to maintain information on cultural properties as private and whose desire to do so does not diminish the cultural values of the property. (Bureau of the World Heritage Committee, 1999: 33)

The assumption that information should be shared freely also overlooks the strategic value of control over information. If disadvantaged groups are expected to divulge information freely in multistakeholder negotiations, they also can be put in the difficult position of having to choose whether to be supportive of the process, versus giving potentially valuable information to those who could use that information against them. Scott (1998: 11–52) discusses a number of examples where states have acquired information about forests and people's use of them, and then have used that information to the disadvantage of weak groups. Driven by high-modernist ideologies and practising authoritarian politics — as in many places where multistakeholder negotiations over forest resources are proposed today — states have suppressed, distorted, and exploited the 'metis' knowledge that is important in the daily lives of many forest dwellers (*ibid.*: 335–6).

It might be argued that the payoff for such disclosures is a rational negotiation process to the benefit of all stakeholders. Powerful stakeholders, such as forest departments and local elites, have not always stated their intentions clearly (Malla, 1999), particularly those that are extra-legal, and there might be real benefits to having them do so. Yet the likelihood of full disclosure is not great, and the risks to disadvantaged groups of failure are high, in all likelihood higher than for more powerful interests.

Representation of Interests

The relationship to their constituents of the people participating in any multistakeholder process is also problematic. Haraway suggests accepting that the contradictions — and the politics — of representation are only partially and provisionally resolved when representatives act on behalf of a group in negotiations, and that only such ‘situated’ acts of representation ‘build in accountability’ (Haraway, 1991: 111; see also Fraser, 1992: 134–5). If we agree that the representation is always ‘situated’ and problematic rather than given, in what sense are the positions of the representatives within a negotiation process ever ‘objective’ and free from strategic action?

The relationship of a representative to his/her constituency is perhaps most politically-charged when representatives of a group are designated by outsiders or are accountable to them (Ribot, 1998), as is often the case in multistakeholder negotiations. From the start, outside convenors and facilitators influence representation by the selection of stakeholder groups, the people to represent each group and how the expression of interests is facilitated in the meeting. These decisions rarely meet everyone’s objectives. The compromises made, in turn, are political choices that reflect to whom convenors and facilitators are accountable. Unfortunately, facilitators and convenors are rarely accountable to disadvantaged groups, even where local government representatives are selected in relatively democratic states (McCreary and Adams, 1995). In assuming relatively neutral roles for convenors and facilitators, we make it more difficult to trace lines of accountability between representatives and those they represent.

Democratic, internally-directed processes of group representation, however, also encounter problems of representation (Cerulo, 1997; hooks, 1990). As an example, attempts by a local tenants’ organization to represent members in a land dispute in Uganda were complicated by a complex array of tenant identities and interests (Edmunds, 1996). 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 other lands outside the disputed area or who, based on kin ties, could find some were less fearful. Widows with little strength for farming and youth anxious to move to town saw 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 (as when some local opponents of the land transfer changed sides when offered managerial positions in a new commercial agriculture plantation). Even a carefully planned effort to represent a constituency — with frequent and broad consultations and mechanisms of accountability — may founder on the enormous number of interests associated with such contradictory and fast-changing identities.

The relationship between disadvantaged groups and facilitators, convenors and even democratic representatives poses significant risks to disadvantaged groups. In the process of representation, for example, there is a risk that disadvantaged people become ‘hyperreal’. Ramos (1994) suggests that advocates for Indians in Brazil have grown uncomfortable with the ‘flesh-and-blood’ Indians who follow a path of practical politics rather than adhering to standards of ideologically pure and self-sacrificing action. This latter, hyperreal Indian provided an emotional reward for advocates and a more compelling image for potential financial supporters of groups working with Indians.⁵ Examples abound of NGOs that employ a romanticized or incomplete notion of disadvantaged people to serve their own professional and personal ends (Conklin and Graham, 1995; Froehling, 1997; Li, 1999; Veber, 1998). As a consequence the voices and interests of disadvantaged groups of people may be lost in debates about the needs of these hyperreal versions of themselves.

At the same time, personal perks can tempt representatives of groups to maintain their personal position in negotiations, even at the cost of failing to achieve benefits for their constituents. Members of disadvantaged groups may be especially vulnerable to such opportunities to increase their status. Where negotiations involve knowledge of a language not widely known within the disadvantaged group, or rules of behaviour not usually practised, representatives may become part of a specialized and privileged class of people within the group, and more distanced from their constituency (Melucci, 1996). Singh reports that the problem afflicts federations of forest user organizations in Orissa, India (Neera Singh, Vasundhara, pers. com.). Donors have found such federations a convenient, one-stop source of legitimizing ‘participatory’ public consultation, and have funded federation activities as a result. In the process, villagers complain that their representatives have been co-opted and are no longer critical of donor initiatives or willing to raise uncomfortable complaints from villagers at federation meetings. Such divisiveness can be especially damaging to disadvantaged groups’ interests as collective action is often one of their strongest assets for achieving their objectives.

5. Though there is a risk of certain members of disadvantaged groups creating such a gulf between themselves and useful constructions of who they are (Conklin and Graham, 1995; Ramos, 1994), the risk is probably most pronounced among outsider advocates for disadvantaged groups.

Establishing Appropriate Conditions for Rational Communication

When Habermas's critique of strategic action is wedded to a de-politicizing liberal pluralism, it becomes too easy to organize negotiations before (or in spite of the unlikelihood that) conditions necessary for negotiations to succeed can be realized (Flyvbjerg, 1998: 218). In negotiations about forests, it is common for stakeholders to have different levels and kinds of education, speak different languages, differ in access to formal politics, and hold different beliefs about how nature and society function.

If rationality is assumed before the necessary preconditions are in place (assuming they can ever be in place) it will be more difficult to see, analyse and critique relations of power. Groups may be labelled biased or ideological for not accepting the rationality of a negotiation process, particularly 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. Debates over co-optation into nominally de-politicized negotiations with states and other powerful interests are common within social movements (Melucci, 1996). The conflict among environmental movements in North America over whether and how to negotiate over NAFTA is a case in point (Lynch, 1998).

In addition, disadvantaged groups may have limited capacity to challenge dominant images of themselves, and 'rational' negotiations can reinforce such images. Post-colonial scholars have described how experience can be appropriated and abused by others and then, crucially, become normalized in ways that make it difficult for disadvantaged groups to generate alternative images of themselves (hooks, 1990; Parajuli, 1998; Said, 1978). Swidden farmers in Indonesia, for example, have struggled mightily for many years against their image as destroyers of forest, and now must simultaneously fight characterizations as noble ecological natives that are equally misrepresentative (Li, 2000). In negotiation processes in which the gaps in power and experience can be enormous, the potential for such appropriations and normalizations is large.

We believe that when our professional careers are associated with creating a rational negotiation process or developing particular methods or techniques for achieving such a process, there is a temptation to ascribe greater efficacy to negotiations than is warranted, and to expose disadvantaged groups to the risks described above. We prefer an approach that is explicitly political. This approach would, drawing on the writing of feminist scholars, call for an open discussion of the politics at work in negotiations and situate actors and actions in their political contexts (Bickford, 1999; Fraser, 1992; Jakobsen, 1993). This allows a deeper analysis and critique of relations of power without demanding full disclosure on the part of disadvantaged

groups of their particular strategies. Problems associated with visibility and vulnerability, representation and normalization are not eliminated in this approach. They are, however, placed at the centre of the analysis, and their treatment becomes a standard of professional achievement. This, it seems to us, is the best way to assure that disadvantaged groups achieve benefits from negotiations without exposing themselves to significant risks.

The Search for Agreement

Consensus has been explicitly rejected by many practitioners as a goal for multistakeholder negotiations (Daniels and Walker, 1999). Yet the expectations of governments, donors, NGOs and others that negotiations will generate resource management agreements that bind stakeholders to a coherent course of action is still widespread (Ayling and Kelly, 1997; Borri-Feyerabend, 1996; Lewis, 1996; O'Faircheallaigh, 1999). As such, there are significant rewards and penalties for practitioners associated with achieving agreement among stakeholders. We will thus take a brief look at problems associated with a search for agreement, whether explicitly stated or implicit in the response to institutional pressures, within multistakeholder negotiations.

The agreement reached through negotiation is never a single thing to all stakeholders, but a more or less workable conglomeration of meanings. Schroeder (1993) describes a project plan for tree planting in the Gambia where expatriate advisors understood the plan as a means of promoting conservation, while local men and women interpreted the project as an opportunity to advance their different visions of a productive landscape. Social forestry programmes in India were sometimes undermined by different interpretations of what it meant to plant a tree in a garden — a source of income for wealthy male residents or a source of subsistence products for poorer villagers (Saxena, 1997). When the Kayan Mentarang Nature Reserve (which did not permit human use) in Indonesia became a national park (which does permit human use), there was intense debate among local villagers about whether they had just gained or given up their rights to the forest. Similar stories of negotiations with multiple meanings and purposes abound in the literature on environment and development (Field, 1994; Fortmann and Bruce, 1988; Rocheleau and Ross, 1995).

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 local rights to agroforestry gardens that they themselves helped to create (Fay and Sirait, forthcoming). They now want ownership rights, and explain that the agreement to use rights was the best option available to them in earlier negotiations. The effective life of an agreement can be very short, and is often subject to external events beyond the control of the stakeholders. Much of the work in adaptive management seems inspired by the inability to

construct agreements that work on a time scale necessary for confronting relevant threats (Borrini-Feyerabend, 1996; Lee, 1993).

There is thus a tendency to overestimate both the degree and durability of agreements reached through negotiation processes. Moreover, a focus on agreement can encourage participants in negotiations to gloss over dissenting views, whether of the weak or the powerful (Doherty and de Geus, 1996; Rescher, 1993). Much of the work in Integrated Conservation and Development Programmes, for example, appears to have underestimated the difficulty in 'conjoining' divergent views on environment and development (Wells and Brandon, 1992; Western and Wright, 1994). Agreements reached under the Joint Forest Management Programme in India and the Community Forestry Programme in Nepal have disappointed community members, as Forest Departments have continued to emphasize protection over local use (Malla, 1999; Sarin, 1998; Saxena, 1997) — this often after considerable investments of time and resources by disadvantaged groups.

If groups are pressured to reach 'unsituated' agreement, they also may be (wrongly) accused of bad faith when tensions among interpretations arise, and subjected to sanctions despite their own conviction of having respected the agreement's intent. Malla (1999) reports of community forestry projects started in Nepal's lowlands following the announcement of several government policies on community forestry, themselves the product of consultations with NGOs and donors. Lowland communities interpreted the policies (as did many other stakeholders) as applying to all regions, while the government's unstated assumption was that the policies applied only to hill regions. The government closed down these projects and accused community members of breaking the law. Confusion over what trees may be planted, cut and sold on 'private hills' in Yunnan Province, China, has also led to wasted effort, lost revenue and even fines for farmers, who are accused of behaving in a backward or selfish manner (Edmunds, field notes, 1999). Signing up to 'consensual' agreements makes disadvantaged groups vulnerable to accusations of immoral or anti-social motivations when their interpretation of agreements is opposed by more powerful stakeholders.

Positive outcomes for disadvantaged groups require careful consideration of the politics at work in particular circumstances. Negotiations can be treated as a moment of interface where empathy and an expanded sense of solidarity (Rorty, 1989) can be achieved among a set of stakeholders, but the solidarity is always partial, provisional and unstable, especially when it involves groups with very different levels of power. As such, it must be approached strategically, rather than with the goal of bracketing out stakeholder politics in order to reach a complete, mutually intelligible and durable agreement.

Bringing Everyone to the Table

In co-management of protected areas, forests, and common pool resources, there is often considerable emphasis placed on the importance of including

all affected stakeholders as well (Allen et al., 1998; Borrini-Feyerabend, 1997; Porter and Salvesen, 1995). Of course, if negotiations fail to achieve a level playing field, as we suggest they might, then powerful groups are likely to exert more influence over the course of negotiations and the implementation of agreements. The story of timber companies wielding their control over less powerful, local communities, for example, is common from Surinam (Sizer and Rice, 1995) to Sarawak (Bevis, 1995). There are less obvious problems for disadvantaged groups, however, that also warrant consideration.

When scholars and practitioners discuss the need to include all stakeholders in negotiations, they generally stress that this means including disadvantaged groups. Yet securing an invitation to the negotiation table does not mean such groups will have their issues heard by other stakeholders. Stephen (1997) describes how negotiations between various elements of the government and organizations representing the Zapatistas have been channelled away from discussions of rights to land and other resources (issues that are at the heart of the Zapatista struggle) and towards formal rights of association. During fieldwork in a forest reserve in Negros Oriental, the Philippines, Wollenberg observed that shifting cultivators' requests for a road to their village were never discussed earnestly, as local administrators did not want the road to open up the area for settlement. In such cases, disadvantaged groups waste valuable time and resources on negotiations that do not treat issues of concern to them. They may be better off pursuing other means for pressing their claims.

This is why Habermas suggests that all *topics* must be available for consideration and criticism in rational communication. There are, however, issues that disadvantaged groups refuse to open to negotiations because they are so fundamental to their livelihoods, senses of self, or security. Li (1999) notes that 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. She argues that basic human rights should not be the *subject* of negotiations over the management of forests. The issues of tribal sovereignty and rights to religious and cultural freedom are also examples of 'non-negotiables' (Karlsson, 1999; Melucci, 1996). There are many such issues of interest to disadvantaged groups that do not lend themselves easily to agreements, contracts, or policy changes. Requiring that all subjects be open to rational debate, even implicitly by asking stakeholders to move away from 'positions' towards more abstract and generalized 'interests' (Ramírez, 1999), may work against disadvantaged groups.

Disadvantaged groups could simply stay away. Unfortunately, by linking legitimacy to the inclusion of *all* stakeholders, people or groups that refuse to participate can be left with no legitimate place from which to criticize the outcomes. Wilson (1999) describes a case from the USA where stakeholder meetings to determine a management strategy for public lands excluded crucial stakeholders, such as local Native American tribes and environmental groups. When these outsiders later challenged the basis for the

management strategy, their claims were denounced as illegitimate, as they had not participated in an 'open' stakeholder process. The focus on involving all stakeholders in a process, especially a process with a goal of achieving agreement, encourages us to regard all those who refuse to participate as having relinquished their moral authority to speak on the issues. How can we claim to have met the standards of a rational agreement among all stakeholders if 'legitimate' stakeholders were absent?

Disadvantaged groups must be free to *not* participate, to not be made visible to powerful and potentially hostile others. In fact, withdrawal is a powerful form of protest against 'the tendency of the system to exact participation, communication, the acceptance of one's assigned place in society as an effective processor of information' (Melucci, 1996: 183). Is the call to involve all stakeholders — particularly in negotiation processes fraught with historical animosities, wide differences in culture, and uneven power relations — also a call to disadvantaged groups to take their 'assigned place' with an inequitable political system? This is a question too seldom asked in the work on multistakeholder negotiations.

We favour a strategic approach to the questions of who should participate in negotiations and how each group should be treated. For example, in a meeting of villagers, NGOs and government officials to discuss claims to traditional forest areas in the Kayan Mentarang National Park, the World Wide Fund for Nature chose not to invite timber companies to participate for fear they would dominate decisions. They did, however, invite a number of villagers (about forty) to negotiate with an equal number of government officials. Initial proposals were worked out in separate sessions and then negotiated with a facilitator. Though the agreements should continue to be checked for their impact on different disadvantaged groups, particularly those who chose not to participate in these initial discussions, the process is promising because relations among stakeholders were considered in advance. This strategic approach to negotiations, consistent with the lessons of radical pluralism and feminist post-structural theory, promises substantial benefits for disadvantaged groups while decreasing the risk of wasting precious resources or making themselves vulnerable to manipulation and control by more powerful groups.

Negotiations in the Context of Other Stakeholder Strategies

Much of the literature on multistakeholder negotiations refers to the principal of BATNA (the best alternative to no agreement) (Ramírez, 1999). While a useful concept for clarifying trade-offs that stakeholders make between negotiations and other strategies for advancing their interests, BATNA encourages us to think of negotiations as separate from these other strategies, or at best sequentially (*ibid.*). In fact, negotiations are often best understood in relationship to other strategies, including strategies of confrontation or

competition, which help both practitioners and stakeholders interpret the meaning of negotiations for different participants.

It is possible, for example, that people participate in negotiations precisely because they are also engaged in other activities for pressing their interests. Negotiations may provide political cover for more aggressive tactics, such as media campaigns, sabotage, legal challenges, peaceful protest or even violence. Zapatista negotiations with the Mexican government have taken place while the government has waged a 'quiet war' against the indigenous peoples of Chiapas, including the destruction of local natural resources (Froehling, 1997; Stephen, 1997). Disadvantaged groups, on the other hand, may seek visibility through participation in negotiations as much as they seek a formal (and perhaps unenforceable) agreement. Residents of a village in Uganda seized every opportunity to meet with staff of the Kibale Forest Park. While genuinely concerned with environmental issues, they were also keen to be recognized by the government as legitimate actors in local politics, even if the specific projects they undertook had little local relevance (Edmunds, 1996). Understanding the strategies other stakeholders use helps disadvantaged groups put negotiations in perspective and assess the different meanings stakeholders attribute to the process.

Setting negotiations in context can also lessen the pressure on disadvantaged groups to restrict their activities to negotiations. Disadvantaged groups might well need to pursue other strategies such as lobbying, capacity building, networking and protesting to expand their decision-making authority (Froehling, 1997; Sherraden, 1991; Turner, 1998). In forested areas of India, for example, people's organizations have become 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 (Sarin, 1998; Singh, 1996). As a result, many of these organizations have formed apex bodies and federations to put more political pressure on the Forest Department. These lobbying efforts are not meant to replace negotiations, but to balance power *within* negotiations. Similar links between political pressure and negotiation are found in Nepal:

[As] forest-user networks become more formalized, they are proving more effective at engaging stakeholders in negotiations about resource-related policies and activities. With a more formalized institutional structure networks become respected representative entities with an identifiable constituency of potential voters. This places them in a better bargaining position for promoting dialogue — between individual actors, and by extension, to forest-user groups, various line agencies, and policy-makers. (Shrestha and Britt, 1997: 3)

In particular, negotiations should not be separated from capacity building among disadvantaged groups. Certainly, politically less-powerful people have not separated the two. Many examples can be found in Latin America of indigenous peoples and Andean farmers simultaneously engaging with government in formal participatory processes *while* building their capacity to deal with the legal system, party politics, public relations, and technical/

managerial issues (Bebbington, 1998; Froehling, 1997; Stephen, 1997; Veber, 1998). Analyses that treat negotiations as a strategy in isolation from others — as the best available option — will misinterpret the meaning of the negotiations to participants.

CONCLUSION

The point we are making is *not* that multistakeholder negotiations should always be avoided by disadvantaged groups and their supporters. Experience has shown that they can be useful under many circumstances. We believe, however, that communications are not the sole barrier to collective action, especially among many stakeholders of vastly different levels of political power. Negotiations will therefore achieve more just and equitable outcomes for disadvantaged groups if we approach them strategically, rather than trying to create neutral platforms where all stakeholders can discuss all issues — irrespective of their historical relations and the full range of their present political activities — with the goal of reaching rational, mutually intelligible and universally recognized agreements. Such a strategic approach to multistakeholder negotiations would involve:

- Seeking out possibilities for alliances within negotiations among select stakeholders, rather than trying to achieve an apolitical agreement among all possible stakeholders. Working ‘in, with, through’ alliances, disadvantaged groups can achieve significant gains for themselves (Jakobsen, 1998: 2) while maintaining greater control over the types and amounts of information made available to historical antagonists.
- ‘Situating’ the legitimacy of all decisions and agreements. This means analysing the reasons for participation or non-participation by each group in negotiations, how groups are represented, the roles of convenors and facilitators, and the historical context for agreements. It also means treating legitimacy as partial and contingent, rather than assuming that an unproblematic legitimacy is assured through open negotiations among all stakeholders.
- Approaching negotiations as one strategy among several that may be pursued simultaneously by disadvantaged groups, not as *a singular* strategy when all else fails. These other strategies can make negotiations more effective. They can also secure greater decision-making authority for disadvantaged groups in their own right, in complementarity with negotiations.
- Improving the preconditions for successful negotiations, particularly the capacity of disadvantaged groups to participate effectively. It is especially important now to focus on capacity to act at a global scale. There is a growing body of literature on global civil society and social movements that cross international borders (Cerulo, 1997; Melucci,

1996; Turner, 1998). Such efforts are clearly in response to the increasing number of decisions about daily life that are either made or heavily constrained by exchanges of information at a global scale. Yet many organizations that claim to represent disadvantaged groups are just now developing the skills to use these media effectively (Froehling, 1997; Turner, 1992). Making advances in this area, where the outcome of symbolic struggles affects the mobilization of political and material support for organizations, will greatly impact on the success of disadvantaged groups in pushing their claims, both within the context of negotiations and separately from them.

A strategic approach to negotiations, with intellectual roots in radical pluralism and feminist post-structuralism, better reflects the experiences of disadvantaged groups as they have interacted with other 'stakeholders' over issues of forest management. It exposes disadvantaged groups to less risk of regulation or oppression by other stakeholders. It is also a flexible approach, encouraging the consideration of alternative actions that might be better suited to the circumstances of a particular forest and the groups making claims on it. Yet a strategic approach still shows the way to make tangible gains from negotiations. Negotiations can help disadvantaged groups understand the goals and interests of other stakeholders, improving their strategic planning. Negotiations can be a place to build empathy for the positions of disadvantaged groups. They can be a place for these groups to exert influence over other stakeholders. And they can be a place where disadvantaged groups work through 'situated' alliances and agreements among some, if not all stakeholders.

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