



Why do environmentalists not consider compromises as legitimate? Combining value- and process-based explanations from Finnish forest controversies



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ABSTRACT

Environmental problems are often complex and involve fundamental value contradictions. There is a need to explore whether a well-designed process can contribute to a legitimate decision 'closure' even in the presence of value conflicts. We examine why environmentalists did not accept a compromise between industrial forestry and full conservation in the case of some forestry debates in Northern Finland and the Liperinsuo site in particular. Contradictory value positions between the environmentalists and the Finnish state forestry enterprise can only partly explain the lack of legitimacy, because past decision-making processes form specific legacies affecting even the legitimacy of current decisions and compromises. By exploring the continuum of decision-making processes from the point of view of 'opening up' and 'closing down', we identify some conditions for processes contributing to legitimate decision 'closures', including: 1) the inclusion of all the relevant participants, 2) the problems which the decision should solve are co-defined and mutually agreed on; 3) the timing of the necessary 'closing down' of the decision is mutually agreed on; 4) the processes are transparent, and 5) the decision 'closures' are not transformed from one scale to another without possibilities for participation. By nurturing these conditions through deliberate process design, capacity to legitimately 'close down' decisions in order to resolve complex and value-laden environmental conflicts will increase.

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1. Introduction

Environmental problems are often complex and involve uncertainties, divergent values and conflicts (Eckerberg and Sandström, 2013). Solutions to these problems are increasingly sought through participatory decision-making processes. The goal of these processes is to make legitimate decisions to which the stakeholders are committed. Legitimacy can be enhanced, for example, by a balanced representation of the various stakeholders, by fairness of discussions and by transparency (Webler et al., 2001; Mascarenhas and Scarce, 2004; Ravikumar et al., 2013). One key feature of current environmental discussions is that, despite wide-ranging efforts, Environmental Non-Governmental Organisations (ENGOS) often deny the legitimacy of the decisions and compromises reached through these processes. Recent examples include the case of tar sand utilisation in Canada (Eilperin, 2013), debates on the European Union's Common Agricultural Policy (Zahrnt, 2009), and the Copenhagen climate negotiations (Picow, 2009). As a result, ENGOS have often been accused of being unwilling to negotiate their goals and for rejecting compromises (e.g. Beder, 1991; Wapner, 1996).

In the literature, there seem to be at least two contrasting explanations for why ENGOS or other actors deny the legitimacy of compromises in environmental governance. Firstly, the conflict management and policy literature suggests that legitimate compromises are difficult, or impossible, to negotiate in the presence of a fundamental frame or value conflict. This would mean that despite efforts to deliberatively discuss and negotiate on the issues, a fully legitimate resolution would be impossible to reach when the underlying values and framings of the problem are in conflict (e.g. Schön and Rein, 1994; Gray, 2003). Participatory planning encounters challenges arising from legitimately divergent values and interests: 'An important consequence of the irreducible plurality of standpoints is that the existence of divergent interests must be recognised and decision processes will have to deal with judgements that may be contradictory, without always hoping to reconcile them' (van den Hove, 2006: 12).

Secondly, the literature on participation has highlighted the role of the quality of the decision-making processes in explaining the legitimacy of decisions (e.g. Webler, 1995; Beierle and Cayford, 2002; Rowe and Frewer, 2004; Chilvers, 2008; Reed, 2008). Compromise-seeking processes are often based on the idea that the participants have to negotiate their interests and, in a successful process, the 'best' available option, a compromise, can be found and then implemented. Stirling (2008: 279) argues that such 'best' decisions are born in processes that

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have the 'instrumental merit of conveying clear, practical justification for decision-making', instead of acknowledging 'legitimately divergent interpretation embodied in the preceding deliberations and negotiations'. The quest for the 'best' option inevitably leads to the exclusion of some stakeholders' views and reduces the legitimacy of the decisions as well as the commitment towards following them (Stirling, 2008). To understand these kinds of dynamics, Stirling (2008) has proposed a distinction between the 'opening up' and 'closing down' of processes. 'Opening up' means that the different views are explored and are not forced into a single compromise, while 'closing down' refers to a process where the differences are narrowed down into a single decision, and the divergent opinions are undermined by the forced compromise. Thus, more legitimate decisions could be reached if the process used 'opening-up' strategies to retain the complexity of the issues and to explore the divergent views in a balanced manner. However, compromises sometimes have to be made by 'closing down' the process because of the necessity of reaching a decision.

Thus, there are two approaches (unresolvability of value and frame conflicts vs. poor process design) to explaining why complex environmental problems often remain in the conflict stage. However, these two lines of thought are sometimes combined. In fact, Schön and Rein (1994) have highlighted the importance of combining these approaches and suggested that contradictory values can be handled by a process of 'frame reflection' involving negotiation on the underlying interpretations and values guiding the actors' choices in a decision-making process. On the other hand, some criticism has been raised towards the possibility of designing an ideal process where value conflicts could be resolved. For example, some preconditions for a successful process have been identified, including the 'openness' of the participants (Barabas, 2004), but, of course, this openness can be seriously hindered by existing value positions. Yet, a need for increased understanding of the interplay between value- and process-based examination remains in explaining the legitimacy of environmental governance.

We examine a dispute in Finland, where Metsähallitus, the Finnish state forestry enterprise responsible for arranging forestry-related participatory decision-making processes, established a new management category on the Liperinsuo site in Northern Finland. The new management category, 'Forest with Special Environmental Values' (FSEV), comes between industrial forestry and full protection. The NGOs participating in the process denied the legitimacy of this compromise, and when Metsähallitus initiated fairly small-scale loggings in the Liperinsuo FSEV, the NGOs launched a media campaign and arranged an on-site protest. In Finland, as previous literature has highlighted, there exists a deep value conflict between NGOs and Metsähallitus (e.g. Rantala and Primmer, 2003; Kyllönen et al., 2006; Raitio, 2008; Sarkki and Karjalainen, 2012). Our key finding was that any explanations for the lack of legitimacy of the FSEV compromise must also take into account the set of past decision-making processes related to the Liperinsuo site. Our general strategy was to follow the conflict backwards in time to better understand why the NGOs rejected the compromise.

The aim of this article is to explore the role of current and past decision-making processes in the willingness of NGOs to accept compromises as legitimate in the case of value conflicts. This objective is operationalised by the empirical aim to examine how 'legacies' created in the continuum of decision-making processes influence the legitimacy of forestry decisions and compromises from the NGOs' perspective. We answer this question through process-by-process descriptions related to the Liperinsuo case (Section 3). As a result, we identify and discuss three types of legacies that past decision-making processes have created, which affect the legitimacy of current decisions (Section 4). Furthermore, this enables the possibility for more theoretical conclusions (Section 5), which identify some features of participatory decision-making processes that hamper or facilitate legitimate decisions in the case of value conflicts in the context of a continuum of decision-making processes (see Reed, 2008; Zachrisson and Lindahl, 2013).

The Liperinsuo case represents a typical forestry dispute between NGOs and Metsähallitus in the first decade of the 21st century in northern Finland. We reasoned that this case might bring some new insights to the very polarised forestry discussions regarding state forests in northern Finland, which involve a fundamental value conflict, where Metsähallitus pursues its economic interests by emphasising wood production while the NGOs seek to exclude especially old-growth forests from commercial forestry (Berglund, 2001; Raitio, 2008, 2012; Sarkki and Heikkinen, 2010; Sarkki, 2011; Sarkki and Rönkä, 2012). Conflicting values and the plurality of standpoints have been used to explain the enduring conflicts in Finnish forestry debates (Rantala and Primmer, 2003; Kyllönen et al., 2006; Raitio, 2013; Sarkki and Karjalainen, 2012), whereas process-based explanations have been touched upon in fewer studies on Finnish forest governance (e.g. Raitio, 2012). Thus, there is a theoretical and empirical need to identify applicable recommendations informing the design of participatory decision-making processes in theory and practice, i.e. features that hamper or facilitate legitimate decisions in the case of value conflicts.

2. Material and methods

The primary material regarding the Liperinsuo case study is based on ten theme interviews with the key actors involved in the Liperinsuo dispute. The sample is relatively small but so is the group of key actors involved in the dispute as well. Three of the interviews were conducted with representatives of Metsähallitus and three with representatives of the Finnish Association for Nature Conservation (FANC). Representatives of a regional section of FANC were selected as interviewees, because they have been part of the decision-making processes behind the Liperinsuo dispute as well as participating in the on-site protest. In addition, four interviews with local forestry workers were done to map their experiences of the on-site conflict. The interviewees were selected to reflect different views of the Liperinsuo dispute. The reliability of our study is ensured by using various different sources of knowledge, including interviews, press releases, planning documents and the public debate (Table 1). Published literature on some of the previous processes was also used to construct descriptions of the relevant decision-making processes (e.g. Rytteri, 2006; Raitio, 2008). We focus mainly on the NGOs' views because we look for explanations for why NGOs often reject the legitimacy of compromises.

After identifying the relevant processes, we constructed process descriptions in the spirit of policy analysis on each of the identified processes reflecting the research questions. According to the policy analysis literature, a detailed process description can reveal important points where the cause of illegitimacy is due to the process (Nagel, 1999). The policy process approach within policy analysis emphasises the role of processes, especially participation in them or the lack thereof, in explaining, for example, the legitimacy of decisions. The aim of this approach is to identify some means to enhance the processes (Bührs and Bartlett, 1993). With these insights in mind, we analysed the processes by identifying the points where the processes were 'closed down', which, according to Stirling (2008), often leads to illegitimate decisions. Secondly, we paid special attention to the 'opening-up' procedures and aimed to identify whether 'opening up' can, in fact, lead to resolution in the case of value conflicts between NGOs and Metsähallitus. This examination was carried out in the context of a continuum of processes finally leading to the Liperinsuo dispute.

We used qualitative directed content analysis (Hsieh and Shannon, 2005) to explore the potential role of (improved) process design in resolving value conflicts. Directed content analysis can help to focus on specific research questions. Insights from the above-mentioned theories were used to cluster some factors explaining the influence of past and ongoing decision-making processes on the legitimacy of current decisions. The materials (Table 1) were finally classified into three explanatory categories: 1) previous decisions regarding the site in question, 2) previous relationships between the actors involved and

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