



Conflict camouflaging in public administration – A case study in nature conservation policy in Lower Saxony[☆]



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ABSTRACT

A balanced management of forest conflicts that considers both nature conservation and economic concerns requires the recognition and communication of these concerns within the decision-making procedures of public administration. Thus, the visibility of conflicts is an important condition for balanced conflict resolutions. The analysis of public administration forms shows, theoretically and empirically, that different patterns support the visibility of conflicts in specific ways, mainly by offering the potential for the development of independent expertise and its integration into consideration procedures. Combining different organisation forms increases the potential for balanced conflict resolutions. The effect of this potential depends on its utilization by administrative resources. In the case of administrative reform in the German federal state of Lower Saxony, the utilization of this potential was neglected, reducing the visibility of nature conservation concerns. This had far-reaching consequences for the resolution of forest conflicts. Economically-biased resolutions become camouflaged by keeping conservation issues invisible, neglecting them within administrative procedures and within the operations of forest owners whilst making legal and political claims to their consideration, so as to be able to pretend that conflict resolutions are balanced in their approach.

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1. Introduction

1.1. Problem and research questions

Public administrations offer the institutional framework for public conflict management. The contribution of their organisational structure to the potential of conflict resolution becomes obvious when reforms change the administrative design, as happened in Germany in the beginning of this century, with strong effects on the organisation of forest and nature conservation administrations. Based on empirical observation it is assumed that due to the reforms, forest and nature conservation conflicts become less visible. This raises the concern that the organisational changes may lead to conflict resolutions that are unbalanced in favour of forest owners' economic interests, weakening the implementation of nature conservation as a public task.

We want to measure the pervasiveness of this problem and to examine in depth the ways in which the administrative design of policy-making and implementation influences the visibility of conflicts between nature conservation and forestry, and consequently, the conflict resolutions. Our analysis focusses on the contribution of public administrations to the visibility of conflicts. A basic prerequisite for balanced conflict management is that all parties' concerns are seen and

articulated, so as to make them politically visible. In the scientific discourse this prerequisite is analysed within the theoretical framework of the policy cycle (Jann and Wegrich, 2007). The visibility of a conflict is especially well known for initiating a policy cycle at the stage of problem definition. However, the role of conflict visibility within the public policy implementation process is not as well known. In the implementation stage it is very important for problems to be recognized by the public and, most importantly, also by experts who can introduce problems recognized as topics to be addressed in the conflict management procedures. Public administration, as a main actor, plays an important role in this. Therefore we assume, as a crucial point for conflict management, that public administrations contribute to balanced conflict resolution by affecting the visibility of problems.

In this vein we specify the following research questions: which patterns of administrative designs exist and what is their potential contribution to the visibility of conflicts? What are the administrative designs for nature conservation policy before and after the reform, and how is their potential to generate visibility utilized? What is the impact of the results on conflict resolutions between nature conservation and forestry?

1.2. Methodology

Initially, this study expands upon the significance of conflict visibility and the theoretical contribution of public administrations. The theoretical framework starts with a conflict that is based on interests, and uses the concept of the policy cycle. The determination of interests

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within the decision-making process and the consequences for conflict visibility are explained by the theoretical approach to political sectors, which also considers the contribution of environmental policy integration. With regard to the role of administrative actors, we develop a model for the influence of public administrations on conflict visibility, focussing on different organisational patterns.

Secondly, we examine our assumptions empirically, using as a case study the reform of the nature conservation administration in Lower Saxony in northern Germany, one of the 16 federated states (Bundesländer). We apply the developed model, asking how the reform changed the power of public administration to influence conflict visibility.

The public administration of nature conservation in Germany changed due to reforms at the beginning of the century in the 16 states that are traditionally most concerned with nature conservation within German federal task sharing. The states show high organisational diversity in their administrations, so it is not surprising that the reforms led to very different results. The most radical changes to nature conservation administration occurred in Lower Saxony, which is the largest in area of the northern German states. In Lower Saxony, the organisational change reached further than in the other states (SRU, 2007; Schöneberg, 2007). Therefore, we can expect this case's analysis to yield interesting results. In Lower Saxony we also collected a decade's worth of empirical data on forest actors that we can also use.

The empirical research combines secondary analysis of both relevant scientific studies and participatory observations. Due to the good quality of the relevant scientific studies and the rich empirical material of the participatory observations this approach is much more efficient than specific expert interviews or another kind of survey would have been. Primarily, two studies on reforms to nature conservation administrations in the German states (Bauer et al., 2007; Benz et al., 2008) are subjected to our question of how the reform affects the visibility of nature conservation conflicts, especially within the forest. The participatory observations of forest actors have been conducted on a regular basis since 1998. Every year, Krott took part in two meetings of the board of the "Nordwestdeutscher Forstverein", which discusses internal forest policy issues, and in two meetings of the working group on law and policy of the "Deutscher Forstwirtschaftsrat". This group is formed by delegates of the major state actors and associations of the forest sector in Germany and discusses internal strategic issues of forest policy. The collection of internal minutes of the 60 meetings, complemented by Krott's notes, is one empirical basis for this analysis. They are referred to as minutes 1 to 60. An additional basis is formed by internal documents, yearbooks and other forest administration publications, and the literature.

2. The influence of public administration on the visibility of conflicts

2.1. The importance of conflicts becoming visible

In the framework of liberal democracies, the diverging interests of powerful actors are an essential assumption for the genesis of a political conflict. Therefore, it seems appropriate to place the conflict in a political context that is based on diverging interests that cannot be fulfilled at the same time under resource scarcity (Hubo and Krott, 2010: 219).

For example, the nature conservation conflict within forestry develops between the economically profitable use of the forest (mainly timber production) on one hand, and the conservation of biodiversity, in addition to other ecological values of the forest, on the other (Raitio, 2008: 15). The conflict is complex because one part of the conservation values increases the profitability of the forest but another diminishes it. The foresters try to avoid this part of conservation, whereas the conservationists look at the forest mainly as an ecosystem that is worth sustaining.

Contradicting interests create conflicts, but they become politically relevant only if actors articulate conflicting positions in the political

area and carry them through the process of programme formulation and implementation. According to the model of the policy cycle, the initiation of a policy first requires information about the problem, as gathered by scientists, experts or concerned citizens, and communicated by the media, political parties or interest groups (Prittwitz, 1990: 94). Using this method, problems become visible to experts and often, but not always, to the general public and political system actors who put them on the political agenda (Jann and Wegrich, 2009: 86). The problems for agenda setting are selected in a multi-stage process. Studies show that the "objective" situation itself is not the decisive factor, but rather the recognition and definition (Prittwitz, 1990) that are part of the political process.

Actor groups play an important role in these processes (Birkland, 2007), making conflicts visible or invisible. Due to the limited capacity of the political system to address problems, different actor groups compete to place their issues on the political agenda. In the classical approach of the policy cycle, Schattschneider (1960) argues that agenda setting is generally based on conflicts between two or more actors and occurs if the weaker actor, or a new one, attempts to mobilize attention for his own contradicting position. Policy research has also shown that established actors use the tactic of non-decision and systematically ignore problems that do not suit their interests (Jann and Wegrich, 2009: 87). If actors are successful in blocking the recognition and definition of unwanted issues, conflicts stay invisible and have no chance of becoming politically regulated.

In the case of nature conservation, environmental groups play a leading role in formulating conflicting positions. But nature conservation is also accepted as a public task, legally established and politically processed.

2.2. The contribution of political sectors to the visibility of conflicts

The political actors who articulate and define policy problems successfully do not act in isolation. In general, they do it in specific contexts that determine their interests. One of these contexts can be described as political sectors. The concept of political sectors, which is used to explain politics, especially for land use issues (Hubo and Krott, 2007, 2010), describes the political system as being fragmented into areas that focus on such specific public tasks as forestry, agriculture or water management. Policy sectors are not fixed forever. They can arise and vanish and are developed at different levels. Fully developed policy sectors consist of three elements: (i) a programme, (ii) actors and (iii) institutions and procedures (Hubo and Krott, 2010: 222). The programme mostly includes a core law and fulfils important functions for the substantive and institutional constitution of the sector. It names the public task and objectives and defines competences, institutions and decision-making procedures. The actors of the sector include both public actors of the state and privately organised actors. They build "policy-networks" (Mayntz, 1993), integrated by specific "belief systems," that are their ideal basis for working together as "advocacy coalitions" (Sabatier, 1993; Sotirov and Memmler, 2012). The administrative institutions and procedures serve as the administrative arm of the sector and enable them to manage conflicts. Within this administrative arm, public actors of the state and private organisations work together in a strategic interaction that includes sector actors and aims to exclude others (Krott, 2001a: 17–28; Hogl, 2002: 87). Sectors have the effect of political gravitation centres that attract resources. If no sector cares for a problem, the chances of it becoming politically processed are very poor (Hubo and Krott, 2010: 223), unless new conflicts gain sufficient power to create a new sector, as did environmental problems in the 1970s.

In Germany, two political sectors are involved in the management of nature conservation conflicts within the forest: the forest sector and the nature conservation sector. Generally, the traditional and, with regard to institutions and procedures, well-developed forest sector claims to be responsible and competent for all regulations

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