

CARMEN MAGANDA & OLIVIER PETIT (EDS.)

# Strategic Natural Resource Governance

Contemporary Environmental  
Perspectives

## La gouvernance des ressources naturelles stratégiques

Perspectives contemporaines dans  
le domaine de l'environnement



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REGIONAL INTEGRATION  
AND SOCIAL COHESION

P.I.E. Peter Lang

## INTRODUCTION

# **Strategic Natural Resource Governance**

## **Contemporary Environmental Perspectives**

Carmen MAGANDA & Olivier PETIT

*Laboratoire de science politique, Université du Luxembourg  
Luxembourg & CLERSE-CNRS, Université d'Artois, France*

Human settlements, industries, markets, green areas and all related human activities depend every day on strategic natural resources (land, fresh water, oil, gas, minerals, wood, etc.), even if they are not available in the immediate surroundings. Human history is full of examples of strategic management and distribution of natural resources aimed at increasing both political and economic control<sup>1</sup>. Moreover, human civilization (with exceptions from few specific practices), no longer has a direct relationship with Nature based on daily survival. Public authorities, professional companies and/or private firms know where all these natural and strategic resources are located, how to process them all over the world and how to bring them to users (citizens, industries and any other consumer who can pay for it), in the form of “basic services”. But how can this disembodied relationship contribute to transform users in stakeholders, as part of an “environmental governance” arena? Does this disembodied relation only represent the consumption part of market-based environmental management?

Natural and strategic resources are not only exploited on a daily basis to provide basic services but they are governed with different purposes. Governance has probably been one of the most successful notions in the political arena and in the social and political science

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<sup>1</sup> Hydro-hegemony is among the oldest samples of natural resources control. Many of the ancient and powerful civilizations, such as Ancient Egypt, Chinese, Mesopotamia, and pre-hispanic Mexico and Peru, are believed to have also been hydraulic empires based on hierarchical power structures to maintain exclusive control over rivers and large-scale irrigation systems (Molle, Mollinga, Wester, 2009).

literature, during the last 20 years. One of the reasons of this success is the relative vagueness of this notion, aiming to cover the large spectrum of situations going beyond the dichotomy between market and State regulations. This has led to a large body of literature, trying to catch and compare the various definitions of governance (Baron, 2003; Jordan, 2008, for instance), sometimes to show the uses and abuses of the notion (Alcántara, 1998). Nevertheless, without denying some of the weaknesses of such a semantic flexibility, we consider here governance to be a means to better integrate various actors, strategies and instruments, going thus beyond the oversimplified dichotomy between State and market regulation. This position allows us to better understand the role of stakeholders at different levels, which is clearly a critical aspect in environmental and natural resources management issues.

Globally, however, market-based approaches predominate. According to Newell (2008), the marketization of environmental governance includes practices of privatization and commodification of natural resources as an expression of the contemporary organization of the global economy. We could do a long list of international summits and increasingly numerous global environmental meetings since more than 20 years ago, focusing on the regulation of international environmental trade and the socio-environmental aggressive activities of some transnational companies. We could also make the same list of failed/frustrating meetings with non-binding calls/recommendations against the mainstream economic development model that impacts and determines contemporary patterns of resource use<sup>2</sup>.

But, how can we talk about environmental governance without social knowledge and social participation in the decision making related to the management of natural and strategic resources? We should not forget that behind this market-based logic of strategic natural resources, there are some other multi-level interactions with actors such as States, regional/local governments, entrepreneurs, NGO's, organized communities, that conduct formal and informal channels for formulating and implementing environmental policies in response to economic, political and social demands. These efforts could be more opened to involve social participation in the establishment of regulations/rules, procedures, processes with the purpose of attaining environmental sustainability.

Of course, we can identify some environmental governance debates in the arena of political ecology which clearly focus on equity and

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<sup>2</sup> Various authors have written about the failure of global environmental meetings/agreements since 20 years ago. Newell (2008) calls them "*the dialogue of the deaf*", Park, Conca, Finger (2008) named it "*the death of Rio environmentalism*", and so on.

sustainability research (Robbins, 2004). Other approaches come from the environmental politics perspective discussing the role of actors and institutions in environmental politics (Lester, 1997), the marketization of environmental governance, private-public relations, and transparency issues (Newell, 2008; Gupta, 2010). But we can also identify recent discussions in the field of environmental policy integration in the works of Jacob (2008), Goria, Sgobbi, von Homeyer (2010), or the social participation – social capital and collaborative approaches in Taylor (2011). Based on these approaches and on our previous contribution to these discussions (Maganda, Petit, 2011), we understand here environmental governance as a network of decision processes based on a variety of instruments and actors operating at multiple levels and searching for sustainable development.

Besides the theoretical development and praxis of environmental governance, there are still some relevant questions related to actors, rights and responsibilities. For example, what is the state of, who is participating in and who is applying decision making for environmental regulations to control the processes of management of environmental resources in a sustainable and socially equitable way? What are the different scales immersed in a complicated plurality of rights? Who are the actors involved in the governance of these strategic resources and what are their rights and responsibilities with regard to the rest of society? For these reasons, the aims and scope of this book are related to the re-analysis of environmental governance through the lens of rights, actors and responsibilities as well as institutional reconfigurations that may contribute to understanding contemporary challenges in these fields.

## **1. Environmental Governance through the Lens of Actors, Rights and Responsibility**

The link between governance of natural resources and rights is often presented as a question of property rights attached to these resources. Since the end of the 1960s, a period marked by the publication of Hardin's famous article "The Tragedy of the Commons" (Hardin, 1968), several solutions to prevent 'open-access' natural resource overexploitation have been promoted. These solutions stress the necessity to identify property rights holders effectively (*de facto* property rights), in order to manage natural resources "efficiently". Hardin's solutions are based on a dual possibility, which could be rephrased today as *market-based governance* (depending on the definition of private property rights) and *public-based governance* (linked to the definition of public property rights). If this alternative (private vs. public) has been largely forgotten

during the 1970s and early 1980s – most of Hardin’s followers stress almost exclusively the efficiency of the market-based solution<sup>3</sup> – the progressive development of the works relating to collective forms of natural resource management, based on communal property rights (Ciriacy-Wantrup, Bishop, 1975; Wade, 1987; Bromley, 1989; Ostrom, 1990), has extended the scope and richness of governance solutions to overcome the ‘Tragedy of the Commons’. Governance models of strategic natural resources today recognize a multiplicity of solutions (multi-level governance), based on a complex mix between public, private and common property regimes.

But property rights are not the only way to address the relationships between rights and governance, since the heterogeneity of actors involved in the harvesting, conservation and (un)sustainable management of strategic natural resources often leave space for conflicts between the stakeholders (which can be the result of conflicts between property rights), human rights and environmental rights. The conflicting interests at stake in the management of natural resources are the result of conflicts of representations of the Man-Nature relationships which has an impact on the hierarchy of objectives of each actor. Property rights over natural resources are a way to define the relationships between Man<sup>4</sup> and Nature and at the same time, between Human beings. Human rights define the relationships between Human Beings. In contrast, Environmental rights can be viewed as the rights of the Human Beings to a safe environment/nature (Miller, 1998). In the general case, the definition of rights implies duties, but only Man has duties towards past, present and future human beings, as well as towards Nature. The absence of “Nature’s duties” towards Man implies an asymmetric relation between Man and Nature which can explain why some human beings think they should not have duties towards Nature. Then, as illustrated by the UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination of Minorities, Human Rights and the Environment (1994), *“All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible”*. This sentence, which is only a small part of a

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<sup>3</sup> This tropism is probably due to the increasing influence in the 1960s and 1970s of the Property Rights School (Demsetz, 1967; Alchian & Demsetz, 1973) which claims the superiority of private property over others forms (public and communal property). The “New Resources Economics” (Anderson, 1982), later called “Free-market environmentalism” (Anderson, Leal, 1991) will heavily lean on the works of the Property Rights School to promote an ideologically oriented vision of the “superiority” of private property rights in natural resources management (Petit, 2004).

<sup>4</sup> In the sense of Human being.

larger document, shows that environmental rights can be presented as universal and dependent on human rights. All people have the right to a safe environment and all human beings are equal before human rights (in theory). On the contrary, property rights, even if they are presented traditionally – by 17<sup>th</sup> and 18<sup>th</sup> century philosophers – as natural rights, are not universal rights and all human beings are not equal before them since the poor can hardly hope to one day obtain property rights over land. This is why the search for an adequate balance between property rights, human rights and environmental rights is a matter of governance.

The aim of a governance model based on sustainability is to try to reconcile the various stakeholders' interests, so as to find a compromise between their values, representations, and rights, in a specific territory. However, this is not an easy task and most of the experiments conducted in the governance of strategic natural resources are based on a "trial and error" method. Moreover, the negotiation and deliberation processes necessary for the sharing of information aimed at finding common knowledge takes time – which is becoming an increasingly scarce resource – and the results of these long-enduring processes are sometimes frustrating for the stakeholders – some of them win and others loose. Moreover, power relationships and legal structures can give priority to a kind of rights (usually property rights) over the others forms of rights (human and more evidently environmental rights).

The first part of this book attempts to incorporate these issues, which are usually studied separately in the academic literature, with the help of different case studies on oil exploration projects in western Amazonia (Ceballos-Medina and Petit), uranium exploitation in Niger (Abba Gana), importation of toxic wastes in west Africa (Koffi, Komona and Ballet), institutional participation in two aquifer systems of Africa (Simonel, Requier-Desjardins *et al.*), and water culture in Northern Mexico (Walsh). Nevertheless, we think that a strong research agenda on the relationships between governance models and plurality of rights in natural resource and environmental management is still needed. This holds true at all the management levels – from local, to national and global scales.

## **2. Environmental Governance through the Lens of Institutional Reconfiguration in Response to Contemporary Challenges**

Besides the long history of the United Nations Environmental Program (UNEP) assisting governments in obtaining environmental information for decision-making, promoting national and international environmental laws as well as global and regional environmental coop-

eration and treaties<sup>5</sup>, it is paradoxical how isolated from civil society some environmental governance arrangements in charge of economic and political management of resources fundamental for life can be. Therefore, the second point which structure this book is the increasing importance of institutional reconfiguration (i.e. environmental government institutions), in order to respond to recent and complex cross-cutting social principles, such as legitimacy and accountability, equity and justice.

In our opinion, the current context of globalization, climate change and the huge depletion of and competition for strategic natural resources are exacerbating the already and increasingly fragmented institutional setting for environmental management. Environmental programs, norms, laws and rules are tied to specific environmental institutions. Fragmentation occurs when actors, norms, interest and powers start varying constantly and significantly<sup>6</sup>. Then, not only is this counterproductive to finding solutions to collective problems, but new challenges also arise in terms of environmental effectiveness and policy coherence.

As we stated above, the – needed but never implemented – collective action in environmental governance, is a problem related to the characteristics of the common good and property rights. However, in this section we want to particularly address the contemporary environmental governance challenges related to institutional fragmentation and possible institutional reconfigurations needed to respond to them. For example, can we believe that institutional fragmentation and environmental action problems can appear even in scenarios of abundance of resources? Ghiotti in his masterpiece on the Mediterranean French regions and the difficult management of water scarcity (in a European context marked by a relative water abundance) definitively tells us that we should.

On a different scale of interaction, we also have the deeply detailed work (based on ethnographic research) of González analysing the local reconfigurations in rural communities in central Mexico as innovative alternatives to environmental degradation. And in the same line of innovative responses to institutional fragmentation, we are proud to include the comparative study of Mendoza Sammet on citizen participation in environmental governance and conservation in Canada and

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<sup>5</sup> Currently, UNEP is undertaking a consultative process on the reform of International Environmental Governance, as one of the pillars of sustainability, through the identification of pathways for improving the complex and fragmented system of Multilateral Environmental Agreements (MEAs) and environmental financing to address sustainable development. See <http://www.unep.org/environmentalgovernance/> (consulted 23 May 2011).

<sup>6</sup> For broader definition of this term, see Saglie (2006).

Mexico. Last but not least, we are also reflecting on the importance of environmental governance in cross-border contexts: once institutional settings are based on State's administrative borders, who takes responsibility for solving environmentally shared border problems? This is the reason for which the contribution of Stephan on the evolution of governance framework for transboundary aquifers is opportune.

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