Matson Panel: Questions & Answers

This panel was moderated by Kai N. Lee* and Louise Fortmann† and consisted of Pamela Matson,‡ Lakshman Guruswamy,§ and Spencer Beebe.**

Fortmann: I am going to jump off from a point that was made this morning. Kai Lee very kindly gave me a lead-in, and it also integrates some of the things we have talked about this afternoon.

I want to make three points about the South and the question of environmentalism in the South. I hope, maybe, I can get some people angry. The first point I want to make is that what we know about southern environmental degradation is, often, flat-out wrong. Let me give you one example: James Fairhead, an ecologist, and Melissa Leach, an anthropologist, have written a book called Misreading the African Landscape, in which they look at forest relics in West Africa. For years, everyone thought these were forest relics of a great, vast forest that stretched across West Africa, and that local people had burned and chopped them down, and consequently that it had been converted to savannah. The fact of the matter is that those are all anthropogenic forests; that land was originally savannah, and, where there is forest, there is forest because people grew those forests. And so, we have to be careful about what we know. Spencer talked about stories. We must be careful about the extent to which the stories that we hear lead us to see things that are not true—in this case, a disappearing forest.

The second point I want to make concerns the cause of environmental degradation in the South. What is the cause, and does the world need for us—the United States—to provide a

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model of the cause? I would argue that there are three things that we need to look at, in terms of causes. The first is the incredible economic and social inequality in the countries of the South, inequities which are supported by the governments of the North, including our own. The second is the incredibly oppressive governments, which are supported by the governments of the North, including our own. And, the third is Northern extraction of resources in the South. It is not the Mozambiquans who are deforesting Mozambique; it is the Italians. We need to be very clear about these kinds of processes when we are talking about environmental degradation in the South.

The third thing I want to explore is the question of where we find solutions for environmental problems in the South. One suggestion from this panel was that we ought to bottle good environmental behavior. Pam Matson talked about integrative place-based solutions. I think there are two challenges to employing these kinds of solutions in the South. The first is that the person who is going to integrate multiple interactive factors is the person who deals with local, social, and biophysical systems on a daily basis. And that person is the farmer. Thus, we need to take her as a colleague in our research and in our policymaking. Now, it is not easy for all of us to recognize that she is our colleague, not someone who is illiterate and incapable of participating in the dialogue. She may be illiterate, but she knows a lot.

The second challenge in developing integrative place-based solutions is breaking out of the jurisdiction box that Pam Matson showed us on the map. And, that is a problem at a local level. Let me give you an example: there are some very successful examples of local management of elephant populations in Southern Africa, in the Zambezi Valley. Now, those elephants go from Zimbabwe to Mozambique to Zambia to Zimbabwe, and they never go through immigration control, and they do not have passports. For any single village to manage that elephant population is ludicrous; they have to move out of their village box and move to a bigger box of that whole habitat, that whole range of those elephants.

So, those are just some things that I would like people to consider—that is my five minutes and now, I believe, we have some questions.

Lee: I was sorting through the questions while Louise was being wise. And, the questions cover an interesting range, from very concrete to very general. Let me put one question on the table, and propose we come back to it. That question is: What are the
most challenging legal and governmental implications involved in establishing international partnerships between indigenous communities, local governments, and American corporations? This, I think, is such a big question that we want to answer it one piece at a time. But, I think that it is really the question that lies behind these fascinatingly different—and, yet, fascinatingly unified—presentations that we have heard from this panel.

Let me begin with something very concrete. And that is a question, initially directed at Spencer Beebe, that I will ask the others to comment on also: So, what shall we think of the World Trade Organization, Spencer?

*Beebe:* The examples that I talked about, they all seem so sort of micro, in the big scale of things. But I guess the point is that you need to just dive in, learn by going, and figure it out as you go, hoping that you are doing something in a way that is scalable and transferable to larger and larger levels.

I watched the WTO scene unfold with interest. Actually, I was going to go up there, but by the time I got around to it, you could not get into the place. I read a fourteen-page piece posted online, written by Paul Hawken about his experience at the meeting—being on the street, and getting tear-gassed, and so forth. Hawken was torn by a great admiration, in a lot of ways, for Thomas Friedman and his work, *The Lexus and the Olive Tree.* Friedman observes that the "Lexus,"—which represents globalization of technology, finance, and information—is an enormous force pulling against what he calls the "olive tree"—all the traditional forces of identity, community, language, culture, and local custom. Those, clearly, are the big forces at work. It was wonderful to see how well organized the "olive tree" got in a very short period of time in Seattle, how it hit the streets in a big way, and how it really got a point across.

I think, though, in a lot of ways, the WTO is sort of irrelevant. I mean, in the end, the WTO is really not a terribly powerful institution compared to some of the other forces that are at work. It has made some dumb decisions; those decisions must be changed.

I do, however, think it is curious to have a bunch of contemporary, sixties-style protesters saying: "We need more regulation. We need more rules." That was not what I remember hearing in the sixties.

Somebody said once that the definition of a "pessimist" is "an optimist with more information." I would, nevertheless, try to remain optimistic, because, when you go to work every day, it is a
better to be in a frame of mind that is creative and inventive, I think, rather than being gloomy about things. So, I would look at some of these big forces that are at work—including globalization—as, potentially, very powerful and positive forces. We must mitigate the negative inclination to find the lowest common denominator in international trade agreements.

Guruswamy: I can only comment on what I have seen. I was there, at Seattle, by the way. It was very interesting. I think what happened was, the WTO woke up and smelled the coffee. They realized, for the first time, that there are environmental concerns that must be addressed.

What is very interesting about the WTO, however, is that it is one organization that flies in the face of the integration we have been talking about; if you look at the law that is applied by the WTO, the only law that the WTO can really employ is trade law. You know, there are hundreds and hundreds of environmental regulations, hundreds and hundreds of conventions and treaties that the WTO will not look at because they are not trade law. So, where is the integration? And, I think it is very significant that the WTO has become, in many ways, the main forum for resolving environmental disputes, when they do not even take account of environmental factors. So, I have a serious problem with the WTO.

Lee: Let me switch to a question about the regional integrated approaches that we heard all three of the speakers talk about.

It was striking, I think, that Pam Matson was talking about the complexity of looking seriously at all of the interactions that are going on at the landscape scale. And, Spencer Beebe talked about how small-scale actions and small, self-organizing social processes could be very effective working in the face of this complexity because, to a self-organizing team of people, complexity looks like opportunity rather than like a paralyzing complication. And, Professor Guruswamy, in talking about environmental regulation, reminded us that it is in the governmental context that we have this paralysis, and that it is the pessimists who have so much information that they no longer know how to act.

That, I think, is a background for this question: Guruswamy says, "Regional, integrated approaches are key to better policy." Matson says that regional-scale, integrated studies are the way to understand the environment. Beebe says that regional-scale, integrated engagement is a way to build hope and a sense of purpose. Is there a pattern here? What is going on in the legal
domain to reflect, support, and amplify this emerging, mezo-scale, regional focus?

So, let me throw it open to all three of you.

Guruswamy: I can address this, again, from a legal standpoint by taking a panoramic view of the international conventions that deal with the whole spectrum of issues discussed by this panel. Clearly, there is a move towards some form of regionalism. If you look at examples—particularly, with regard to the Law of the Sea—there are numerous regional conventions dealing with differing parts of the world. It is easier to come to solutions in specific regions where you share common problems. Common problems give rise to common answers. And so, regionalism would be a form of incrementalism because it is the ever-widening circle, meaning, the ripple gets larger and larger. As you start with the small ripple in one place, another develops somewhere else and, before you know it, the whole pond is covered. And so, I see regionalism as a very important facet from the international standpoint.

Matson: I do not have the answer to that question. It is interesting, however, that as we have talked about this, we have been talking about both bottom-up and top-down approaches. The bottom-up approaches involve people working together because of common interests, looking for opportunities to better themselves and their environment. There are many examples of how that approach works. But, then, we have other examples—like the CalFed example, for the Bay Delta Program—that are, at least, initiated from the top-down, where people are required to work together for the common good. I am kind of a bottom-up person, myself. I like to think that this is the way we can make these things work. But, I also believe that there will be times and situations where legal institutions forceably bring people to the table; otherwise, they will not all come to the same table. So, that is not an answer, but is an explanation of the dichotomy.

Beebe: Kai, you probably understand this better than I do, but in 1980, the Columbia River Basin Act mandated cooperation on a Columbia Basin-wide scale. To me, the interesting thing is that we still talk about national solutions, but the nation has almost nothing to do with it, and the states and the counties have virtually nothing to do with it. Despite all that, there is also this other, emergent, organizing unit coming about. The reality is that we need to just stand back, take a deep breath, watch it, and say:
"There is something very powerful going on here, and we had better get busy and think about the way we can reorganize around watersheds, large and small, multi-state, metro, and so forth." It seems to me that the energy is coming not from legal, political, or other leadership—this kind of organizing was not part of the world conservation strategy. It was not part of Our Common Future. Nobody's been talking about it, but it is happening.

Lee: Spencer's mentioning of the Northwest Power Act also raises the possibility that there is an important opportunity that may not be grasped as often as it needs to be: communicating between legislatures—and other governmental authorities—and the scientific community, so that people can see regional problems clearly enough that they can acknowledge that they are regional in scale. I think this is an arena where the legal academy, actually, can be very influential and very helpful as a convening body, as is happening here. Certainly, a lot of the things we have been hearing about today relate to the question of when a region ought to be allowed to be regional.

Next, let me turn in a somewhat different direction and ask the question of how environmental laws and treaties can be made more inducive to the "social-learning approach" that we have heard so much about today. Each of the three speakers raised questions about the daunting problems that we need to face and deal with, not by getting the answer right the first time, but in learning, over time, how to deal with them better. Professor Guruswamy's talk indicated that we learn the most by proceeding incrementally.

Guruswamy: I see Nick Robinson sitting here. His outfit, the IUCN, or World Conservation Union, is engaged in this in various ways. There is no doubt that people "think globally and act locally." And, acting locally means empowering local people to behave as they think they ought to behave in the face of situations—real-life situations—which they encounter. There are many examples in India, particularly, of these grass-root organizations we were talking about. For example, there are the women who are farmers. They do not have money, and they do not have resources. Some of them are "illiterate." But, they possess a huge fund of knowledge, particularly about biological systems and nature preservation. And, there is no question that one of the problems that we must overcome, when entering into international agreements, is to make sure that the resources and the people involved, are the people of the country and not the bureaucrats. I come from a developing country, and I can tell you that the bureaucrats in developing
countries are, probably, the people's worst enemies, because they are the people who will stifle the movement that needs to work its way down to the people.

Matson: I can only answer that question by relating stories that I have heard. I have sat at a dinner table with representatives from a number of nongovernmental organizations who have done a lot in terms of working on conservation and development planning and programming around the world. They are the ones who have said: "Uh, this doesn't work." I think that the social-learning part of it, and the adaptive-management part of it, is what is not coming through there. And, I guess one question is: If there are situations where it does not work, can the failure of these programs easily be explained by who the actors are? Can the failures be explained by looking at how the governments, and the bureaucrats, behave in those countries? Have we watched long enough to figure out what the failures are and what the successes are? To do so, we must actually stick around long enough to find out what happens—to pay attention to what we see. And so, we must build in a time to learn, and we must be willing to tell "failure stories" as well as "success stories." And, we must try to understand why the successes and the failures occurred.

Beebe: One comment from a top-down perspective, and another from the bottom-up. Was it Frank Egler that said that "not only do we think ecosystems are complex, but they are probably more complex than we can think?" So, this learning business is a challenge, and I do not think we can possibly understand the whole thing at once. So, we have worked very hard at a bottom-up approach—a lot of people have—and we continue the struggle. I have found that local people have done a lot of work bringing dairy farmers, fishermen, and small-business people together to think about whole watershed plans and possibilities. I find local people are very impatient with the theory and the ideas, and they are very eager to get on with short-term, immediate, practical, tangible solutions—acre by acre, creek by creek, student by student, business by business. So, I find hope in what appear to be very modest, small, incremental, but tangible, real, and meaningful initiatives that begin to grow, and take shape, and have relevance to other communities and other possibilities.

Fortmann: I just want to make two quick points: One is, Robert Chambers—who is the guru of participatory everything—says, "Embrace error!" I think that is absolutely right. We have to
admit that, sometimes, we are going to fall flat on our faces. And, that is something you learn from. That is point one.

The second thing, which goes along with Pam's notion of being out in the field long enough to have time enough to learn, is that participating in these efforts is not free. We all get paid when we go to meetings; we do not give up salary. But, while it may not be costly for us, it is very costly for a lot of people in villages—and in Canadian-American communities—so, we need to think about reimbursing people for their time helping us solve problems. And, I have noticed, having been to some of the regional groups in northern California, that most of the people who were there are my former students, and that is because they all have some kind of salary.

Lee: Let me, finally, return to the master question I announced at the beginning: What are the most challenging legal and governmental implications involved in establishing international partnerships between indigenous communities, local governments, and American corporations? I wanted to have the panelists comment on this in light of the things that they have just been saying. One of the striking things, to me, about their presentations is that both Professor Guruswamy and Mr. Beebe were saying, in effect: "The most important thing for government to do is to get out of the way." And, Pam Matson was saying: "The most important thing that we need to do is to study and research more." So, the question is: what is the appropriate role of government in fostering self-organization—particularly at the regional scale, where governments have had so much difficulty fostering positive change over the past generation, even though governments really have, I think, been sincerely and whole-heartedly committed to trying to foster that sort of change?

Matson: Well, I can only speak to research, obviously! And, perhaps, that is where the government has a real role, internationally and nationally—not "international government," but international research organizations. We have put a lot of resources into global environmental research, and we have learned a lot about how the global system works. We have put a lot of effort into international conventions for global-scale problems. And, I think we can learn a lot from how we have carried out those research endeavors, and how groups of people from around the world have come together to try to learn together. But, it is time to be willing to put those resources into understanding things at a regional scale, and understanding the interactions between global
and local issues. That might be a harder thing to get the international organizations to buy into, but I think that it is necessary.

_Beebe:_ You know, I may run the risk of repeating myself, but my sense is that governments do not lead. And, I do not know that they ever led. They certainly do not lead in democratic systems. We keep thinking that everybody expects the government to tell them what to do, or to pay for the problems—it just does not happen that way. People lead and the government follows. I think it is interesting to look at the Northwest Power Planning Act because the Act basically mandated that decisionmakers do all the things we have discussed today—in terms of the way we gather information, the way we do the analysis, the way we mitigate damages to wildlife. We spent over two-and-a-half billion dollars, maybe three billion dollars, in the last twenty years trying to restore salmon in the Columbia River, and numbers of wild salmon have dropped from sixteen million wild fish to about fifty thousand wild fish. Yet, emerging spontaneously—not by mandate or leadership—there is a very similar pattern of ways in which we gather information, collaborate, coordinate, and implement programs that will eventually lead to, what the government said we needed to do, in 1980, on the Columbia River. I think this sort of self-organization is the way to go. Regulatory systems have to encourage and support that.

_Guruswamy:_ I think there is an intersecting point coming up, and, probably, the next forum is the one that is going to have to answer this: We have often taken the view that keeping indigenous cultures alive is a good way to preserve nature and biodiversity because we are thinking of the indigenous communities as, sort of “noble savages.” They are, we assume, preserving nature for us, and, you know, it is a good thing for them to be in that state of development. This assumption is not true. The fact remains that these people we are referring to enjoy the same things that we do. And, indigenous communities around the world are saying that they are entitled to a piece of the pie, and that we should not be telling them “preserve this forest,” or “do this,” or “do that.” So, we have moved away from that position to saying, “Okay, we need to incorporate indigenous people in what we are doing, and we need to try and get them involved so that they see this as a win-win situation where it would be good for the environment, as well as good for the indigenous people, themselves, as we think it is.” Now, what happens when they do something that we do not like? I
mean, these are people who have certain rights. They are entitled to exercise those rights. And, they may want to cut down a forest, or they may want to do something else that we dislike enormously. What do we do in a situation like this? How do we balance the rights of these indigenous people with what we think is good for the environment?

Having said that, I approach the issue thinking, "yeah, you know, we ought to work this out." But, when push comes to shove, really, it is in the self-interest—the enlightened self-interest—of these indigenous people to behave in the way that we want them to behave. And so, I do not know how we are going to resolve this dilemma.