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# Policy as Warrant: Environment and Development in the Himalayan Region

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# Policy as warrant: environment and development in the Himalayan region

## By

## Piers Blaikie and Joshua Muldavin

### *Abstract*

*Much of the environmental policy process in the Himalayan-Hindu Kush (HKH) region occurs at interfaces between international agendas promoted by various actors and national governments. These interfaces are frontiers of negotiation, skirmishing, and compromise, becoming a confused space for different development fashions (e.g. economic approaches to the environment, community natural resource management, democratization of policy making, the livelihoods approach or a retrenched and militarized "fortress conservation"). These fashions engage with a range of national policies, politics, administrative capacities and local institutions. There are many analytical tools for understanding policymaking and here we introduce the notion of "warrant" which combines four elements – the claim (based on, for example, scientific knowledge or human rights), the positionality of the warrant maker, its audience (as represented by actors in the political network) and the warrant outcome. It is considered alongside some other approaches to understanding the policy process and its usefulness is evaluated as an overarching framework for not only understanding but also improving the negotiation process in policy making. This is explained with illustrations of policy making in the Himalayan region. Lastly, elements of a future research agenda are proposed.*

## 1. Introduction[1]

The Hindu Kush and Himalayan (HKH) region is of prime global importance from an environmental point of view in terms of biodiversity, unique mountain habitats and exceptional scenery. It has an iconic significance in the imaginations and spiritual life of followers of two of the major world religions as well as to the scientific and wider general public in the West. More significantly, it is also the home of approximately 150 million people who draw their livelihoods from these ranges of mountains, and is of strategic and military importance to the governments of the eight countries whose national territories include parts of it. Finally, the HKH region is also a "hot spot" in terms of environmental debate about the state of nature: whether there is increasing environmental degradation; the direction and causes of environmental change; and the politics of control of this area's resources and people. Thus, there are many self-proclaimed stakeholders, with many different claims on the Himalayan environment. These claims are contested of course, but it is important not only to examine their political and scientific basis, but also the legitimacy of the stakeholders themselves (interlopers to some) via their 'positionality', chosen 'audience', the nature of their claims, and definable outcomes. This problematic is

common enough and not specific to the Himalayan region, although the presence of so many bi-lateral and multi-lateral agencies in policy making invites special attention there to the claims as well as the positionality of various agents in international development and their interface with national governments and local institutions.

Here we ask, "on what grounds do stakeholders think they should be taking part in environmental policy?" This question invites examination not only of what people say, but also who they are, who they think is listening, how they want their audiences to respond, and of the outcomes of the policy. In this paper we examine the nature of the environmental claims, the positionality of the actors involved, the audience for such claims, and environmental and social outcomes. All four—author, claim, audience and outcome—are intimately linked and should be analytically considered together, thus the necessity of a new analytic category—warrant.

In earlier work we presented a model of the environmental policy process in the Himalayan region illustrating the main actors and the flow and uses of information between them. This approach provides a starting point to an alternative analysis of environmental policy.[2] This model does not, however, specify the content of the information itself – its claims to facts, its logical grammar, political agenda, ethics and so on. Nor does it probe the relative power of the actors and the discursive interchange and practice of the contending parties and their audiences.[3] Therefore, a development of our earlier model was required where the content of knowledge and the authority, power, reputation, and funding of the sources of information are further probed. We suggest this be termed an "environmental warrant".

Environmental warrants are initially defined here as a statement or indication of purpose (not necessarily written), either formal or informal, from a specific author, of what should be done regarding the "environment" of the region, in terms of practice, access to its material uses and its values. There are a wide variety of actors in the Himalayan region who make environmental warrants: local farmers and pastoralists (individually, in village committees, federations of local institutions and as part of social movements); politicians at local, regional, and central levels; local non-governmental organizations (NGOs), big international NGOs (BINGOs); scientists (both from the nations involved and international); and "policy makers".[4] The latter are given prominence in rationalist approaches to the policy process, although it has been widely recognized that policy is not merely a process by which "truth" (scientific information about the environment) talks to "power" or "policy makers" (Wildavsky 1979), who act as a-political agents of the state upon the advice of scientists and other informed sources. In fact, in many

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[2] It shows the flows of information between a range of actors who are formally and informally involved in the policy making process, and illustrates the production of knowledge, its screening, and omissions through ignorance, as well as discursive artifice, lack of time and access to information, which are all brought to bear upon competing claims. Examples we investigated included Indian forest policy and Chinese environmental policy (Blaikie and Muldavin 2004).

[3] Thus, large-scale mapping and more detailed theorized and contextualized work is necessary to account for transactions between parties and within various different groups (e.g. the national press, between international funding agencies (IFAs), Forest Departments and local forest contractors, between the International Union for the Conservation of Nature and different National Parks services and so on).

[4] Economistic frameworks dominate policy formation in mainstream policy approaches (Sutton 1999, Blaikie 2001).

cases, policy makers may play rather a small part in changing people's environmental practice or mediating the access they have to natural resources.

There is unfortunately much evidence from academic writings, as well as local and national presses of the various countries in the HKH, that environmental policy frequently produces unintended outcomes, which are neither environmentally nor socially sustainable. The reasons given are many, including a lack of "political will," or "implementation capacity," or "good governance," or "poor scientific research capacity", as well as structural and post-structural critiques of a more radical persuasion. Thus, we consider the fourth element in the warrants approach, that of outcomes, to be an integral part of the framework. We do not assume the policy process is separate from implementation and outcomes (see Clay and Schaffer [1986] for an early argumentation against this separation). Inevitably, there are powerful and hidden political considerations that shape environmental policy which have to do with military/strategic calculations (often near sensitive border areas), the control of local people (for example, settling pastoralists), or control of income streams from natural resources as well as territories which seem to be under threat. These considerations often dominate policy processes rather than other formal objectives such as the improvement of livelihoods or specific environmental goals (for example, biodiversity, amenity value or sustaining the productive capacity of the soil).

There has been a rapidly expanding literature on the policy process for the past twenty years or so, often with special reference to environmental policymaking and its democratization [see Grindle and Thomas (1991), Long and Long (1992), Apthorpe and Gaspar (1996), Keeley and Scoones (1999), Sutton (1999), Shankland (2000) and Forsyth (2003) for comprehensive reviews]. We assert that many of the wide range of approaches to policy (from managerialist to deconstructivist[5]—some of which we will return to later) are very helpful in enhancing our understanding of the policy process. But we also claim here that with the possible exception of rationalist and managerialist approaches (which also have their easily identified flaws), current frameworks are insufficient in that they do not aim directly to improve policy *ex ante*, but more to understand it, *post hoc*. A warrants approach may be useful not only for understanding policy, but for suggesting negotiation tactics and entry points for actors with different agendas, and also for improving the chances of a more democratic policy process, from initial formation through implementation to outcomes.

2. Warrants

**[Figure 1:  The Process of Warrant Creation]**

A warrant in this paper means a statement or document authorizing one to carry out an action with implied justification. Its Middle English meaning is "protector" or "safeguard", which has added resonance when applied to warrants on the environment. In these senses, it goes further than a "claim", the meaning of which usually is limited to a statement or assertion often without proof, or an assertion of the truth when it is in dispute (Webster's Third New International Dictionary 2004). A warrant, on the other hand, is not only based on what you say (a claim) but also on who you are and whom you think you are addressing. Thus, a warrant involves both a

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[5]Here we are referring to textual deconstruction of policy documents—where the identification of flaws in argumentation exposes political agenda which shape seemingly technically justified environmental measures for policy management.

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claim (e.g. statements of "fact" or a right) and also the legitimacy and power of the warrant maker, which partly lies outside the discursive power of the statement itself ("he who pays the piper calls the tune" – irrespective of the quality or appeal of the tune) [see Figure 1]. Thus, if the World Bank claims that a participatory approach in forestry is desirable, it may be more a matter of pecuniary resources and political leverage than any persuasive aspects of the claim itself that gives its warrant power. If a similar claim is made by a small, cash-strapped NGO, with twenty years experience in community forestry in the remotest Himalaya, the warrant, for all its claims of hands-on experience and detailed argumentation, lacks the authority and access to delivery channels and official financial flows, as well as political acceptability, to have anywhere near the same power.

The power of the claim may be interpreted in more post-structuralist terms by its discursive appeal to audiences who must validate the claim and act as gatekeepers for warrants made by international funding agencies (IFAs). That is, there is a reflexive relationship between the power of the warrant maker and the persuasiveness of the claim. An example is the introduction of the concept of "sustainable livelihoods" on the part of the Department for International Development (the bilateral aid agency for the United Kingdom—DFID). Here a comprehensive and complex set of ideas, amounting to a policy warrant, has been made with regard to the "environment" and those who depend upon it for their livelihoods. The environment can be variously understood as a bundle of marketable resources, a habitat, a site of biodiversity, a cultural artifact, a means to support livelihoods of local people, an amenity for tourists and mountaineers, or a provider of public goods and services (e.g. watershed protection), which together provide for diversified livelihoods for local people. It is an elaborate and intellectually interesting set of ideas, but it has few direct and straightforward links to policy, and therefore lacks an immediate appeal as a persuasive environmental warrant to many national audiences of recipient countries. Its acceptance has been eased somewhat by the recognition that DFID has other ongoing programs in the region, which necessitated that the approach of sustainable livelihoods be, in some cases, "retro-fitted" to them. As such, an environmental warrant is constituted not only by a claim about the environment itself but also by the legitimacy and reputation and power of those who make it, and DIFD already has a number of ongoing projects while lend the institution as well as the new claim additional power. Furthermore, it is shaped by the warrant maker's perception of audience, a point we return to in greater detail below.[6]

A warrants approach has the following advantages. First, it recognizes that a warrant's legitimacy partly rests on the rational and ethical foundations of its claims (appeals to "facts" and to what is "right"), thus recognizing the importance of discursive power. Secondly, it simultaneously recognizes the institutional, political, and economic power of the warrant maker, thus combining discursive with political economic power in an explicit analysis of the links between the two in the creation of a warrant. Thirdly, while few academic calls for action can supply the political conditions for answering them, the warrants approach calls for high standards of negotiation that, if denied, clearly raises questions of accountability and legitimacy of the warrant maker. Finally, warrants help us analyze complex processes through multiple scales, from the global to local, as claims are translated in varying ways by different claim makers, thus

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[6]Baumann (1989) uses the word in connection to "elder abuse", but only in the narrower sense of justifications for demanding that action be taken.

making discursive or material alliances with other warrant makers, depending upon audience, institutional power, and desired end.

At the same time, the warrants approach does not preclude a wide range of other analyses of "policy practice" (Clay and Schaffer 1986). It does not deny that 'policy is as policy becomes', nor that, as Raymond Apthorpe (1997) has said, "the plainer and clearer a policy is painted, the more it is driven by evasion and disguise".  Discursive approaches to policy, such as those by Escobar (1995) and Hajer (1995), are complimentary to warrants.  Hajer's term of "discourse coalition" is closest to the warrants approach [("the ensemble of a set of story lines, the actors that utter these story lines, and practices that conform to these story lines, all organized around a discourse" (1993:47)]. It differs because the warrants approach is more broadly based, operating at multiple scales, and can assemble the four interconnected elements— claims, the positionality of the warrant maker, audiences, and outcomes—into a warrant.[7]

Finally, the policy circle has to be completed by the fourth element in our warrants approach. This concerns the ways in which policy moves from formal and informal representations to specific action and what has been called "implementation".  The identification of the links between word and practice are seldom straightforward.  For example, the interface between IFAs and national governments is full of rhetorical statements indicating the acceptance of a warrant produced by IFAs, but which are politically or professionally disliked (usually in private) either by the recipient government officers engaged in negotiations, or by those who will have to implement it.  There is agreement and endorsement of warrants produced by IFAs which are then followed quite rapidly by necessary actions (changes in the law, in administrative practice, and eventually in changed behaviors of different actors in the field).  However there is also acquiescence and active resistance such as foot dragging, tokenism, and "putting old wine in new bottles" (re-labeling a policy with the required description but continuing business as usual). Joint Forest Management in some areas of India is a case in point. Joint Forest Management in practice sometimes amounts to no more than Working Plans being drawn up by the District Forest Officer without any consultation with local villagers, or at times only a cursory visit to village elites who are frequently not direct forest users anyway.  Thus the intention of the warrant to increase participatory natural resource management was publicly accepted, but in practice often negated (Hobley 1996, Blaikie et al 2002).  The warrants framework therefore needs evidence-based evaluation of environmental and social outcomes with explanations regarding any differences in outcomes from those claimed in the warrant.  Of course, there are familiar problems with evaluating environmental policy, for example, *ceteris non parabis* in specifying the policy as the only or main independent variable; the time period involved and the view that "it is still too early to tell"; and the porous and mobile nature of most environmental policy in practice (Long and Van der Ploeg 1989, Blaikie and Sadeque 2000: 12-18).  Still, assessing outcomes brings full circle the integration of necessary components that make up a warrant.

3. Some current environmental claims and warrants in the HKH region

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[7] It furthermore enables a wider focus on institutional power (for example, intra-institutional dynamics based on race, class, gender, caste, and age).

Some of the major current environmental claims in the policy arena of the Himalayan region are shown in summary form in Figure 2 and are briefly elaborated in the following discussion.[8]

The first set of claims are based upon *scientific knowledge* and constructed as warrants by various institutions, usually those of the state (Departments or Divisions of Forests, National Parks, Land Boards etc.) or multilateral and bilateral agencies, and draw upon (from a range of usually competitive) scientific claims. In colloquial terms the claim says "we know best because our science tells us so". Here, knowledge is a "positional good" (in the sense that it is claimed one party has it and other possible contenders, who are thereby identified as *audiences*, do not). Examples of environmental claims based upon scientific research are numerous. For example, all forestry departments in the region claim a monopoly of knowledge concerning the scientific management of forests – and by implication, claim that other management knowledges are "unscientific," or "uninformed" (as in the case of indigenous technical knowledge, for example). Thus, plantation forestry and operational plans for the management of forests are based upon a particular authoritative knowledge—a routine set of management objectives and forestry practices evolved from over a hundred years of forestry research. Also, the scientific research itself is usually co-constructed between policy makers and government forest research stations so that the focus of scientific knowledge flows from political priorities shaped primarily by bureaucratic elites through research budgets of, for instance, the Forestry School in Dehra Dun. Other knowledges and priorities about forests therefore are neglected. For example, less than five percent of the Indian forestry service research budget focuses upon the management of multi-species forest for local subsistence purposes.

Other scientific claims about the Himalayan environment have been made by a number of Western scientists. The Theory of Himalayan Environmental Degradation (THED) is one such set of scientific claims made by both forestry services in most Himalayan countries as well as by scientists form outside the region. THED asserts that anthropogenic or accelerated erosion is a serious and general problem in the steep-sloped and fragile natural environments of the Hindu Kush-Himalaya (HKH) region, and that it is driven by population growth of humans and livestock and less-than-effective agricultural technologies of local resource users. Extension of cultivation onto steeper slopes, clearance of forest both for agricultural purposes and (subsequently) overgrazed pastures, and unsustainable use of the forest for fuel wood and fodder have been the major land management practices which have caused accelerated erosion, sedimentation of river beds, and increasingly severe flooding downstream.

However, we maintain that THED formed the basis of major claims made not just by a few Western scientists, but large numbers of Indian and Chinese scholars, researchers, and forest policy makers through the 1980s and to the present day (and in the case of India, by the colonial forestry service too). We make the case (Blaikie and Muldavin 2001) that a powerful claim of increased anthropogenic environmental decline has been used by the state to maintain tight control over land use changes and to manage the forest in such a way as to reduce the rate of deforestation and accelerated erosion. The example of the Tibetan grasslands is another case in point (Blaikie and Muldavin 2004). The Chinese passed the Grassland Law invoked the tragedy of the commons and settled herders by establishing household tenure, fencing and externally

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[8] Note that Figure 2 identifies claims alone (without a warrant maker) but in the text the paper associates the claims with the warrant maker and subsequent warrant.

enforced stocking rates (Richard 2000a, 2000b, Miller 2001)—an environmental warrant strikingly similar to other ones in South nations, for example, the Tribal Grazing Land Policies in Botswana (Taylor 2001, Twyman 2001, Magole 2003).

Nepal and India both are currently witnessing a contest of claims over forests. On the one hand, a populist community-led, "forests for the people" movement based on ethical claims of natural justice, equity, local livelihoods *and* on technical grounds of 'local knowledge' have coalesced as a new warrant made by community based organizations, NGOs, as well as some bilateral aid donors and social movements. On the other side is an environmental warrant on behalf of the state—scientific management of forests is needed to meet national timber needs and for proper watershed management, with only residual rights for local people. These struggles are ongoing, with the discursive and policy war front moving one way and then the other. For example, after fifteen years of progress in favor of community forestry in Nepal, there are pervasive counter-warrants, in the form of the Second Amendment to the Nepalese Forest Bill, to take back control of many aspects of community forestry on the part of the state. In this case, there are already over 11,000 Forest User Groups managing their own forests. In a similar manner, India's vexed Forest Bill also shows many signs of a revitalized and centralized control of forests by the Center (Chhatre 1996). In China, following catastrophic flooding in 1998, the state imposed a logging ban that threatens to curtail severely two decades of BINGO-led work to establish community based natural resource management and social forestry, primarily in Yunnan Province (Cai et al 2000, Xiang and Chao 1998. Zhao 1993).

**[Figure 2: Some environmental claims in the Himalayan region]**

While there are many difficulties to identifying policy impacts, earlier research indicates that there are a number of cases of environmental policy in the HKH region that are of sufficient definition and duration to produce identifiable environmental and socio-economic outcomes (Blaikie and Sadeque 2000, Blaikie & Muldavin 2001).[9] Where such outcomes are deemed positive, these claims form the foundation for further powerful warrants for repeated intervention using previous 'successes' as models. *The representation of project impact as "success"* is thus another important claim. This claim is based on a number of criteria: fulfillment of the project's Terms of Reference, participatory assessment by the sponsors, and resonance with other broader development fashions. Thus, it is premised on the basis that "this succeeded, let us do it again, replicate, and scale up". The most persuasive cases are in–country. For example, the World Bank used the Nepal-Australia Forestry project as a successful model and then financed an expansion elsewhere in Nepal. Or less persuasively as in cases of technology transfer—"it worked well in country X and therefore we have a claim to apply it in country Y." The main trouble in these cases is the difficulty of producing convincing evidence that it is relevant and appropriate to the natural and social environment of the recipient country.

There are also knowledge claims deriving from *development theory*. These are almost always made by IFAs, and in effect imply that "*we* (the international agency) know better development theories than *you* (national governments)". These form a roll call of development fashions, from integrated rural development of the 1980s, the economic approach to the environment from the late 1980s (promoted in the World Development Report [1992]), community based natural

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[9]A good example are Forest User Groups in Nepal.

resource management, particularly community and social forestry (Bhatt 1998. Poffenberger and McGean 1996), and most recently, the sustainable livelihoods approach (Carney 1998). In some cases, as we have said, the new approach is "retro-fitted" to ongoing environmental programs, whereby the implementation of environmental policy may remain virtually unchanged but a new claim is made to theoretical comparative advantage.[10] The Community Forestry Program in Nepal has had a sustainable livelihoods "spin" added to it (retrospectively, some years after the inception of the program [Springate-Baginski 2000]), which may have as much to do with maintaining a competitive edge in warrant promotion (increasing the power of the warrant maker through an evolving and adaptable warrant), than in improving the practice of community forestry itself.

Here, Hajer's discursive coalition approach (1995) is useful. "Sustainable livelihoods" is a mutually enhancing collection of previously circulated claims involving equity, poverty reduction, local participation and empowerment, combined with a rather longer established set of concerns about forest and watershed conservation. Thus, the warrant derives power from its discursive tropes as well from the warrant makers themselves who finance most of these projects in the region. The poverty reduction and sustainable development rhetoric of Asian Development Bank road building in Western China, and Japanese aid's large natural gas pipelines from western China to the east coast for export to Japan repackaged as "environmental," are both further cases in point, integrating an environmental component with a long-established superior knowledge claim that infrastructure is development.[11]

There is also the more general case of warrant making under conditions of scientific uncertainty, when it is difficult to claim scientific closure, although closure undoubtedly is a discursive device to make the warrant more powerful.[12] A case in point is the much-debated Theory of Himalayan Environmental Degradation (THED) discussed above, which has recently been subjected to critical attention with a broadly-based consensus that the theory has been grossly overplayed and that anthropogenic erosion is dwarfed by natural processes. Efforts to quantify variables such as rates of deforestation, fuel wood demand, rates of soil erosion, and severity of

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[10]As well, existing projects can gain environmental legitimacy though a new warrant. An example is Japan's warrant which redefines existing energy projects to build natural gas pipelines as "environmental projects", based on the claim that this would improve China's air quality. This claim was based on scientific knowledge that burning natural gas rather than coal produces less pollution. The audiences for this warrant were the Chinese state, the Japanese polity, and the international community, as Japan sought to show a shift in development assistance to "environmental" projects and thus legitimate continuation of industrialization and resource extraction projects primarily focused on its own energy security and economic benefit (Muldavin 2000a, 2000b). Given the financial power of the warrant maker there has been limited challenge or creation of counter warrants. The warrant's synergy with the Chinese state's own warrants vis-à-vis western China's "sustainable development", and the non-existence of an organized social movement or NGO to create counter-warrants, means industrial development proceeds unchanged but with a powerful new "environmental" warrant to maintain the status quo.
[11]Muldavin 2000a; Muldavin 2002.
[12]There is a significant literature on the role of science in policy, and how the nuances of co-production, the politics of scientific uncertainty, the politics of the precautionary principle can be used in the formation of claims, and thus, we would argue, in warrant making. See Forsyth (2003) for an excellent review.

flooding through time have shown such wide variability as to expose the whole research project and its methodology as fundamentally flawed (Thompson et al 1986).

Another knowledge claim is that of *Indigenous Technical Knowledge* (ITK) which asserts that associated practices are more locally suitable, sustainable, and materially more attuned to local needs. The claims made in the name of ITK as being superior to state technologies are usually made on behalf of local peoples by neo-populist academics, NGOs and BINGOs.  There are often integrated with other claims that new and more effective technologies may be forged through a reflexive relationship between ITK and adaptive research, of democratization of technical knowledge (Leach and Mearns 1996, Batterbury et al 1997, and Forsyth 1998), and of a synergistic relation between cultural diversity and biodiversity protection (Stevens 1997).  Local people also make these claims through adaptations of social forestry when state technologies prove inferior to ITK and local priorities (e.g. fencing off degraded forests for natural regeneration by local people rather than tree nurseries and replanting by state forest services which cannot satisfactorily grow the tree species which local people want—see Harkness [1998]).

Furthermore, claims made through the application of *indigenous knowledge* are often *de facto*, and are made in practice rather than through the written word, unless claims are made on local people's behalf. NGOs and foreign-funded agricultural research and extension programs act as interlocutors and make such claims concerning indigenous agricultural technologies, especially those concerning soil fertility maintenance and erosion control.  They base these claims on field experimentation by farmers themselves in conjunction with foreign agricultural staff.  The claims made are that in certain circumstances, local practices give better outcomes which are conformable to existing management objectives of farmers and the state. This claim is also made by a few bilateral aid agencies based upon farmers' testimonies and field experimentation. The audiences for these subsequent warrants are twofold—farmers as well as government research stations and extension services. However, the power which bilateral agencies have to influence agricultural extension policy and farmers' environmental management is limited. The shift from expert-led professional agricultural experimental stations, to on farm experimentation and the formation of farmers' networks, is not popular with experimental stations with their well-established and expert-led research practices.  While there are training and re-orientation projects to transform government research stations to a more farmer-oriented approach in Nepal, India and Bhutan, the leverage with which to carry out the warrant (to adapt, develop and extend indigenous technologies to conserve the productivity of soil) is limited. The financial resources for such research committed by governments remain very small (Biggs 1989).

*Aesthetic and amenity value* is clearly of prime importance to Western travelers, mountaineers, and tourists, although in the case of both China and India, the "native tourist" as Ghimeri (2001) terms them, are of increasing importance and are able to shape to some degree what is aesthetically pleasing through their selective patronage of tourist sites, national parks, etc.  Some of the claims for National Parks and eco-tourism rest more on aesthetic value of the site as judged by the most important tourist groups, rather than by alternative claims such as the biodiversity of lesser-known species.[13]

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[13] Zackey (2001) discusses park expansion and building of a tramway in an environmentally sensitive area in Yunnan for Chinese tourists.

*Global commons and intrinsic value* is a claim almost exclusively made by IFAs. An example is the Convention of Biodiversity where claims are made over the head of counter-claims of national sovereignty. The warrants themselves are made for Areas of Special Scientific Interest and Forest Reserves with total exclusion of local people, and they are made almost exclusively by IFAs. The audiences for which these warrants are made are both international funders who underwrite, for example, wildlife and other projects for such BINGOs as World Wildlife Fund and International Union for the Conservation of Nature, as well as national governments, who act as gatekeepers for most international conservation agencies. The issuing of the warrant therefore can only arise from the successful outcome of political negotiation. Here, the claims for biodiversity conservation deriving from ecological imperatives (based on notions of intrinsic value, "extinction is forever" and other discursive weapons (Hannigan 1995:146-61), and ecological models of species extinction on which conservation of specific endangered species are based) have to come to terms with local resource users who have their own priorities of biodiversity conservation.

A second group of powerful claims is based on *political theory*, largely focusing on the state's rights versus those of the individual with regard to access, control and use of natural resources. These are claims of the state to make public policy (in the name of the *public good*) above the competing interests of different parties. Various aspects of tenure law, for example the *rights of "pre-eminent domain",* give the state a superior claim to the forest over and above that of local people, so as to be able to manage a national resource for the public and general good.

There is an outstanding example in Bangladesh, where the large Kaptai dam was constructed in 1957-63 in the Chittagong Hill Tracts, submerging approximately 650 square kilometers of prime farming land, or about 40% of the total cultivable land in the area, mostly belonging to hill tribes. Bangladesh has a crisis regarding the production of energy, particularly electricity, and as a national priority the state, in the name of national interest, warranted a large part of the environment to be used towards this end. Promises of resettlement of local minority groups with compensation never materialized. After the construction of the dam, more and more of the surrounding forests were then used in *jhum*, or shifting cultivation, since the most productive paddy land was now under water. The state claimed 'poor forest management' caused siltation and legitimated further resource management interventions. This further exacerbated political unrest. Furthermore, the hill inhabitants were mostly Chakma and other minority tribes. Armed struggle ensued for the next twenty years between the Parbattya Chattagram Jana Sanghati Sangstha and the Bangladesh government, and peace was only declared in 1998. Here an environmental warrant was made on the basis of a national imperative for a new supply of energy, backed by promises of restitution for those displaced (almost all reneged upon), and subsequent moves for state control of the forests, with the resulting protest put down brutally by the army - all together constituting a case of internal colonialism. Conflicting warrants (one based on national interest on the part of the state, and the other on *natural justice* on the part of the displaced, largely non-Muslim and tribal minority) were not successfully negotiated, resulting in civil war. There are also many other examples of claims based on political theory justifying upstream-downstream warrants for hydroelectric power and flood control (Blaikie and Muldavin 2004).

*Subsidiarity* is a claim by a local organization or institution that functions of management and resources derived locally may properly belong to them rather than a more centralized body. The case of Uttar Anchal in hill India is a case in point, following on from the Chipko Movement ("the trees are ours, not the forest contactors"). This well-known social movement took on a more generalized and widely politicized form (some say it was hijacked for broader political purposes [Rangan 1996]) and contributed to demands for an independent state where decisions could be made locally rather than in Lucknow (the state capital of Uttar Pradesh of which Uttar Anchal had been a part). Other states in India, such as Jarkhand, were also formed using a similar warrant in which subsidiarity formed a strong part.

In many parts of the Himalaya, central states have used claims of natural *sovereignty*, *rule of law*, *territorial integrity* and *national identity*, to appropriate river water for irrigation and hydro-electricity, forests in the name of watershed protection and for the satisfaction of national timber requirements, and to control areas of biodiversity, scientific interest or great natural beauty. These environmental warrants are also contested by bottom-up claims on the part of social movements.

*Geopolitical and international relations theory* provides an important basis for environmental claims. *"Threat claims"* are used to justify interventions in natural resource struggles. Hence, national politics of military engagements and *security* also play an important role in warrant creation. That is, many environmental warrants are also about more pressing strategic and military matters. The role of war and insecurity in both the formation and undermining of environmental policy, and the continuing militarization of the environment, are paramount issues in the region, especially at present with the destabilization of the Northern Areas of Pakistan, and ongoing unrest in the eastern states of India, as well as Nepal. There are now at least eight separate insurrections and areas of chronic insecurity in the Himalayan region. Thus, international, regional, and national security issues play a crucial, though usually unexpressed role in the formation and transformation of environmental policies in the HKH region. Norms of state to state behavior form the basis of environmental warrants that may as readily reflect the state's goals for bounded control of particular areas, resources, and the peoples within (an environmental control warrant), as much as conservationist intent for biodiversity preservation watershed management, or the acceptance of the need for incorporating livelihood strategies of the most vulnerable in policy formation.

In this arena, counter warrants to realize livelihood strategies on the part of the most vulnerable may be interpreted by the state, not as a desirable policy outcome but as a security threat (Blaikie and Muldavin 2004).[14] Hence, warrants to achieve or maintain access to and control of resources from the bottom up, or from local politicians and social movements, may be interpreted as tantamount to secession from the nation-state, currently re-defined as 'terrorism'.[15] In this highly-politicized context policymakers may employ all manner of discursive strategies in the name of the environment, yet it is clear that subsequent warrants are primarily concerned with military and strategic considerations. Warrants for 'environmental control' leading to ethnic

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[14] However, there is a problem with this issue, since it cannot be made as a public statement and therefore be identifiable in a claim, as others. It can be inferred, occasionally exposed by security lapses, but evidence is hard to produce.

[15] See for example Elisabeth Rosenthal article: "UN Official Fears China Uses Terror War as Front for Abuses" (*New York Times*, Nov. 10, 2001, p. A7).

subjugation based on labeling the local warrant makers 'terrorists' and therefore environmentally planning them out of the region is an increasing trend. In China and India there are examples of military control of frontier peoples in sensitive areas in the name of environmental policy based on claims of *national and territorial integrity*. This case brings out an additional point—that such warrants utilize a discursive strategy in which one set of claims is disguised as another.[16] Struggles for control of people and resources also utilize claims of *standard international and state-to-state behavior* to justify military actions. In the context of a warrant backed by military force, the importance of territorial control (even with destruction of people and the environments they inhabit) takes international if not national precedence over any previously stated warrant for environmental conservation.[17]

In sum, militarization of the environment and acts of war have profound implications not only in a direct way for people and environment but also for environmental policy. At the very least it is important to suspect environmental claims and warrants made in militarized areas.[18]

## 4. Interfaces in the policy process—where warrants are made and contested

Warrants are contested at the interfaces of different territorial scales. Firstly, an important part of the policy process in the Himalayan region takes place at the interface between international agendas of multi-lateral and bi-lateral donors and big international NGOs (BINGOs) on the one hand, and national governments on the other. The role of international institutions in environmental policy making varies greatly between different countries. The larger and more powerful countries in the region (such as India and China) as well as the smallest (Bhutan) are able to keep at arms' length those international environmental warrants and associated agendas which run counter to policy elites and powerful lobbies at the national level.[19] Others, such as

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[16] Currently, military actions in the HKH region have completely undermined day-to-day administration and policy implementation. A recent example is American bombing in the Hindu-Kush of Afghanistan and northwestern Pakistan. Furthermore, the implications of such conflicts in terms of forest destruction, loss of biodiversity, and the elimination of institutional and social systems of common property resource management create a pessimistic image for environmental policy and livelihood maintenance. The insecurity of the most vulnerable is widely understood as a major force in resource destruction, but the creation of that insecurity has multiple roots only some of which are within the control of the peoples themselves or even the national governments of the HKH.

[17] Forest resources destroyed in "the pursuit of terrorists" (be they Nepalese Maoists, Taliban, Kashmiri militants, etc. [see *Outlook* 2003]), or the overthrow of regimes deemed undesirable, simultaneously undermines livelihoods and forces environmentally destructive practice by bombarded populations. The scale of such externally-controlled destruction is significant for local populations, as is the symbolic importance, creating new warrants that circulate widely and provide the ideological foundation for resistance, counter attacks, as well as legitimating resource extraction to repair the destruction wrought. For example, following American bombing in the northeastern mountains of Afghanistan, there was much international coverage of local villagers cutting down remaining forests to rebuild destroyed roofs and homes. This coverage was used to further legitimate intervention.

[18] While it could be argued that such militarization makes environmental policy moot, only with careful analysis of claims, intended audience, the power of the warrant maker, and environmental outcomes can environmental warrants in militarized areas be properly assessed.

[19] National Environmental Strategies and Action Plans are further examples of state-made environmental warrants in cooperation with IFAs and with international audiences in mind.

Bangladesh and Nepal, have allowed a much larger role for international institutions with the result that environmental policy tends to fragment into a number of independent and uncoordinated warrants from bi-lateral and multi-lateral institutions.

Current international conservation warrants themselves are often contradictory and derive from different international sources. These international warrants, diverse as they are between donors and international funding agencies, are used to engage with a range of national politics, administrative capacities and local institutions. Usually, initial approaches are made by an IFA to government ministers or at a lower level, often through informal channels or personal networks in Planning Commissions or Ministries of Foreign Affairs, whereupon a memorandum of understanding is reached. By this time, much of the initial negotiations for the formation of a warrant have taken place and problem framings have been agreed, mostly behind closed doors. A variety of transformations result—the first rhetorical, in policy statements, ministerial pronouncements, project documents, manuals of best practice and so on. And the second "real", as the transformation is supported by evidence-based verification, projects, and policy implementation with specific social and environmental outcomes.

Policy designed in this context to conserve the environment often specifies environmental problems that are highly selective of scientific information and reflects the interests of international and national elites and seldom runs counter to entrenched bureaucratic routines, and these may be purely ideational as well as pecuniary and professional. At other times, environmental warrants are drawn in ignorance (sometimes partial and sometimes almost complete) of existing practice and information. This is the political and practical context of how the warrants are put together. The daily practice of policy making, particularly between national governments and IFAs, shapes the objectives and theory of environmental policy rather than the other way around. There is the funder's "mission", a whirlwind of very important and over-committed experts and senior functionaries, with its two-day field visit and three hour "wrap-up mission" just before the airline check-in for departure. This shapes what can be conceived of, and reduces the environment and peoples of the project area to a manageable conception for policy making in the Himalaya.

In distinction, there are also certain IFAs (multilaterals, bilaterals and BINGOs) with long in-country experience, staffed by many local nationals as well as local-language speaking foreigners who find it practical and feasible to entertain more complex ideas and theories than those that are "off-the-shelf". Individuals within these institutional contexts are more able to live with the messy contradictions and not to insist upon theoretical closure. Thus daily practice, through negotiation of often contradictory environmental warrants, helps to shape the way in which the Himalaya is constructed by environmental policy while simultaneously influencing the creation of that policy (see also Mosse 2002).

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Examples include Bhutan's *Paro Resolution on Environment and Sustainable Development* (Kingdom of Bhutan 1992), *Pakistan's National Conservation Strategy* (Government of Pakistan 1992), and *China's Agenda 21* (State Planning Commission of China 1993), which the states subsequently used to garner significant aid monies from IFAs.

The *second* interface where warrants as environmental policy are made and contested, is at the interface between national and sub-national institutions and territories.[20] Here, the "standard operating procedures" followed by different institutions at all levels shape the warrant itself. These may sound like no more than bureaucratic repertoires, which reduce and limit creative and flexible solutions to complex social and environmental problems, but also make centralized implementation by administrations possible. However, they form, as well as are formed by, the theories that are brought to bear in the formulation of environmental warrants. The environmental warrant is further shaped by judgments of measures of success of similar previous policies and programs, in terms of the objectives of the project or program, its mid-term review and their evolving reputations in the corridors of ministries. Often, criteria of success are those that stakeholders may agree upon, but usually they are ones which form essential aspects of the warrant for other audiences altogether, such as senior political figures at the national level and protagonists in 'turf wars" between ministries.

A *third* interface is between international and local actors, where the jurisdiction of states are bypassed at particular times (for example, a well-funded and independent international NGO, such as The Nature Conservancy sets up local interfaces in villages through forest or wildlife committees. The Nature Conservancy's Photovoice Project enables local villagers to self-document environmental concerns, and use the visual information created as a persuasive means to influence local policies and appeal for international support of model projects (Zackey 2001, Muldavin 2001). In this case, local warrants for local issues are created which can at times bypass the state. These warrants are made by NGOs, BINGOs and foreign-financed projects making policy on the ground, often in a very *ad hoc* and fragmented fashion. The issue of participation and local control is both a warrant itself made by an international NGO, for example, as well as a means of issuing, empowering, and implementing alternative counter warrants. Thus, these may compete successfully with centralized state warrants for control of resource use practices.[21]

5. Further implications for the environmental warrants approach

There are a number of implications of using the warrant approach for research and as a possible aid to more open and transparent negotiation in the policy process. We now discuss these with further examples.

**First**, a discursive analysis of the claim aspects of the warrant itself (its logical grammar, discursive strategies, framings, use of tropes, etc. [see Apthorpe and Gaspar for a comprehensive guide]) is very useful in understanding policy, but alone is insufficient and must also be supported by a political analysis of the institution or individuals that make it. Some institutions have large funds and political access to senior politicians and officials, and largesse will suffice where other criteria regarding the quality of the warrant fail. Since it is almost inconceivable that

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[20] In the case of federal structures such as in India, there is an intermediate interface between federal and state, in this case, ten hill states. In China, center-province relations also provide an important interface and space of negotiation.
[21]Community Forestry and the Annapurna Conservation Area Project in Nepal, and Participatory Forestry and Joint Forest Management in India, and numerous other bilateral projects, build upon local skills and institutions, and operate with varying amounts of oversight from the central governments.

a warrant is not contested, it is necessary to identify other warrants (which may run counter or act as a broader policy coalition) and their makers. This is particularly the case of environmental policy, which is often shaped by a wide cast of actors many of who lie outside the formal process of policy making altogether. This point is not new and focuses upon debates about the significance of extra-discursive power.

**Secondly**, and following on from this, there is a reflexive relationship between the discursive claim and the positionality of the author. The more powerful the warrant maker, the more powerful is the claim, and visa versa. The World Bank makes claims that are justified by a particular and typical neo-liberal agenda about the environment (for example, the need for reduction of state property except under exceptional conditions, increased private property rights to solve the externality problem and the establishment of a market for natural resources which reflects their true price). While it is never possible to "read off" warrants from the ideological and political position of the author alone, there is a high degree of stability and predictability of the warrant regarding the link between claim(s), author(s), audience(s) and outcome(s). To take another example, civil society movements such as FECOFUN (the federation of community forest users of Nepal [see www.fecofun.org]**)** have been specifically formed to contest state designs on the remaining commercially valuable timber in the Nepalese *terai*, and so it is hardly surprising that the Federation constructs a warrant for the control of forests around a discourse of popular participation, the support of sustainable livelihoods and equity. Thus, through time, warrants give the issuer a certain reputation and an indication of its strategies to carry through the warrant to policy.[22]

In China, the National Environmental Protection Agency and State Forestry Bureau issued an environmental warrant following the disastrous floods of 1998. This environmental warrant was for a logging ban to stop deforestation in the upper reaches of the Yangtze River. It was based on a claim that upstream deforestation caused the flooding. The particular agenda of the state to control these regions and the indigenous people within them, would make the substance of the warrant predictable and unsurprising, as the ideology of the superiority of state-managed scientific forest, pasture management, and resource use guided this claim, and provided the 'knowledge' to give it legitimacy. But the power of the author, in this case the Chinese state, meant no other warrant was produced for the specific audiences of China's Han majority downstream, or in its urban cores. In fact, this audience for the warrant readily accepted the validity of the warrant as it is supported by a 'common sense' notion of the mismanagement of upstream resource users being the primary cause of downstream flooding despite counter evidence with scientific backing (see Blaikie and Muldavin 2004). It also resonates with widespread stereotypes of minorities in the upstream region as 'primitive resource users' in need of modernization (State Environmental Protection Agency 2000). Chinese officials make the claim that they are 'helping' ethnic minorities to "…raise incomes and give up a way of life seen as inferior to farming and modern livestock rearing" (Hutzler 1999). As Tuo Man, vice director of Xinjiang's animal husbandry bureau claims: "The world has entered the most modern and civilized era ever known, and the nomadic culture based on the nomadic economy is completely inappropriate" (*ibid*. Hutzler 1999). And finally, the historical threat of these regions to break from China's control, found a nationalistic audience happy to see state intervention and control

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[22] In essence, assumptions are revealed by the warrant—assumptions concerning the claim, the power of the issuer of the warrant, the intended audience and expected outcomes.

enhanced and expanded (Menzies 1992, Hutzler 1999).  Thus, the reflexive relationship between the claim and the author was positively reinforced with a predictable outcome by an audience looking to validate commonly held perceptions and prejudices.

**Thirdly**, a focus on environmental warrants asks searching questions about the legitimacy of making the warrant in the first place. In this case, there are questions about the right of bi-lateral and multi-lateral agencies to be present on the stage at all. That these questions only occasionally arise is because of the patronage on offer to significant gatekeepers in international environmental policy discussions (foreign training, consultancy, expanded foreign-funded budgets for certain administrative divisions). However, there is also a counter current to the issuing of warrants from foreign donors.  A repeated reaction to IFAs in the environmental policy area from senior civil servants made to the co-authors is "we do not need to be told what to do". Indeed there is an implicit counter-warrant here based on national sovereignty and independence of decision making (or "*swadeshi*" [nationalistic] sentiments particularly in ascendancy in the current BJP government in India), and new nationalisms in China (see 'sovereignty' in Figure 1).[23]  However, the development industry still flourishes and many IFAs implicitly support their warrants through claims of superior knowledge ("*we* know things about the environment and development which *you* (the national government) do not"). Here, a warrants approach allows questions of legitimacy for discussion and negotiation, thus aiding transparency and accountability.[24]

**Fourthly,** warrants are sometimes implicit rather than explicit, requiring some assumptions by the author that cannot rely on text alone or the warrant maker talking for themselves. Implicit warrants include strategies of resistance on the part of civil society.  One example is poaching (Scott 1985). Another is the setting fire to the forests of Almora (now in Uttar Anchal) in the 1920s, as a gesture of defiance against the large scale gazetting of forests and exclusion of local people from unregulated use on the part of the state (at that time the British Raj, see Tucker 1984).  There were no written statements, recorded speeches, policy documents, nor representations to public assembly. Thus policy may be made by a myriad of small movements and actions that are unrecorded and in themselves unremarkable.[25]

**Fifthly,** warrants are usually constructed from a number of different claims, some of which are not environmental at all.  For example, the 1997 National Environmental Strategy of the Kingdom of Bhutan was written with an unusual degree of independence from foreign consultants, and constructed an environmental warrant from a number of different claims. These included a strong political statement differentiating Bhutan as a Buddhist society with a distinct philosophy, and in no way to be confused nor merged through any incursions from its large and seemingly invasive Hindu neighbor (India), as well as its problematic Hindu and Nepalese-origin

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[23]The World Bank's name protects it from being too easily identified with the US in the popular consciousness of Chinese, despite US dominance of the institution, and it's the World Bank's dominance of international development discourse in China (Muldavin 1993).

[24]Muldavin (2002) interrogates the questions of transparency and accountability of IFAs, and the importance of these issues in policy making, as well as attempts to promote environmental justice.

[25]Scott (1990) pursues this notion with his delineation of weapons of the weak.  Our discussion of power, context and claims mirrors to some degree aspects of Scott's analysis, with a more structural focus on dominant power relations.

immigrant community. The Bhutan government claims it will manage its environment its own distinct way, will exercise its national sovereignty against incursions from international organizations and neighbors through rigorous screening of international donors and a very cautious attitude to Indian immigration and potential domination. It also recognizes that forests and other resources should be managed in a participatory manner that, it is claimed, is part of Bhutanese culture, as well as resonating with both the Brundtland Report (World Commission on Environment and Development 1987) and the Rio Declaration (United Nations Environment Program 1992). Thus, distinctiveness, national sovereignty, and yet sharing in an international environmental vision are all different claims upon which the Bhutanese National Environmental Strategy warrant rests. Other examples include numerous international and national project documents which can be read as environmental warrants containing multiple claims, typically stated in their Terms of Reference and Project Goals, but also resting on implicit claims (for example, superior expertise or financial resources not available in-country).[26]

6. An example of a warrant made by marginal actors from civil society

This is an example of how marginal actors (in this case a rural ethnic minority), have been able to make counter-warrants to what they see as 'unwarranted' incursions into their lives. As we have said, the power of warrants is partly determined by the position of the warrant maker in the political economy. Warrants made by local non-state actors often reflect the marginal positionality and political vulnerability of these actors. Therefore, their warrants require a particular set of political, economic and discursive alliances, with other more powerful actors, in the Himalayan region as elsewhere. These alliances in the region are built upon:

1. Supportive networks including International Solidarity Organizations (ISOs) linking actors and institutions at multiple scales
2. Mobilization of the iconic significance of the Himalaya (often romanticized and reified)
3. The exposure of the severity of cultural and environmental disruption which adds weight to the warrant's narrative
4. Creation and communication of scientific 'data' to support warrants made by BINGOs and NGOs to provide legitimacy and power for the counter claim (for example, to that of the Chinese state)
5. The political cohesiveness and sophistication of local actors as a social movement, and as creators of alliances with more powerful groups.

Taken altogether, these components create a characteristic set of linkages based on shared and overlapping "truth" claims, used to make warrants. The ability to create, let alone sustain the coherence of the warrant, reflects the relative vulnerability and marginality of these actors, and ultimately the power of their warrant or set of warrants. Contrast this with the positionality of the IFAs, where legitimacy is based on institutional, if not ultimately geopolitical power.[27] These culturally and economically marginal groups require exceptional circumstances to be able to sustain their counter warrants, even with the benefit of other alliances. On the other hand, the

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[26] See again *Pakistan's National Conservation Strategy* (Government of Pakistan 1992), and *China's Agenda 21* (State Planning Commission of China 1993), as well as the World Bank's *Clear Waters, Blue Skies: China's Environment in the New Century* (1997)

[27] This is particularly true of the international financial institutions controlled by the dominant nation states, such as the World Bank and the U.S.

largest IFAs, as well as the most powerful states of the region, do not require such delicate alliances and instead avail themselves easily of access to the media, and publications of all kinds and for the IFAs, the political elites of recipient countries.  Such power, both economically/financially and militarily constructed and reproduced, does not require the same unique set of factors necessary to create a powerful warrant for and by the most marginal.  In fact, the power of the dominant warrant(s) is further exhibited in its pervasiveness rather than in its exceptionalism.  The opposite is true in the case of marginal actors and communities, where the emergence of a powerful warrant is the exception.  This fundamental difference between the two explains the dominance of IFA warrants in terms of audience and legitimacy, despite the local realities that may completely contradict their claims.  There are two exceptions, both rather rare, to the usual victories of warrants made by hegemonic actors.  The first exception is the situation where there is a difficulty for the dominant warrant maker in which an IFA warrant contradicts the warrant of powerful nation states such as China or India (discussed in the example below), which is in essence a struggle between two warrant makers each with strong institutional legitimacy in relation to target audiences.

The second exception is those cases in which local people may be politically peripheral, but in the eyes of some international audiences have great iconic power.  For example Tibetan and other Buddhist cultures have been overrun and largely destroyed by powerful states. Global iconic significance, along with a narrative of extremely negative cultural and environmental impacts, enables these groups to organize at multiple geographic scales, and the creation of international solidarity from which new (often scientific) information can be created and communicated alongside the more cultural aspects of the warrant.

Even in the case of the most powerful warrants made by local marginal and unofficial actors, the ultimate outcome in environmental policy terms is unpredictable and fragile.  State decisions to ignore acceptance of such warrants by dominant international scientific and development institutions reflects counter warrants often based on sovereignty issues, but whose foundations are strategic, political, and resource-based territorial claims sometimes backed by military state power.

Here we use the example of the large World Bank-funded China Western Poverty Reduction project in which one project component in the Qinghai Autonomous Region of China was formulated to transfer 58,000 Chinese farmers into the 'autonomous' area from other regions in China.  In addition, the project included plans for agricultural development through large-scale land clearance and leveling and the conversion of fragile, wind-swept, arid lands previously used for grazing by indigenous pastoralists into intensive agricultural production.  Also, a forty-meter dam, irrigation and road networks were to be built, new inputs of pesticides and fertilizers introduced, and labor mobility to urban centers encouraged for the pastoralists.

The Chinese state, working with the World Bank, had created a decisive warrant for the project.  That warrant was to conserve the environment against what was represented as severe environmental degradation, and to end poverty by settling Tibetan pastoralists and to bring the 58,000 Chinese farmers into the region to engage in agricultural modernization.  The warrant was based on claims that Tibetan herders use irrational unscientific resource management practices, such as overstocking the range leading to environmental degradation, downstream destruction and poverty.  The state and the World Bank claimed that modernization, through permanent settlements and pastoralists learning agricultural techniques from immigrant Chinese

agriculturalists, would bring development to all. These claims were based on ideas of scientific knowledge, modernization development theory (elimination of "primitive practices" to bring pastoralists into Modern China), the 'public good', and the state's right of pre-eminent domain. The audience for this warrant was the general public in China, as well as the international community, and probably most importantly the various IFAs that China hoped to gain financing from for its Great Western Development Plan, of which this project is but one component.

In response, the 4,000 indigenous pastoralists directly threatened by the project worked publicly and clandestinely with international NGOs to create a counter warrant, which stated that Tibetan pastoralists should be allowed to continue their indigenous land use practices, common property resource regimes, and pastoral associations, and that the population transfer project to relocate Chinese into the region should be stopped. The counter warrant was based on claims that pastoralists had the right to choose their lifestyle, and that state policies of population transfer and settlement of thousands of Chinese to the region, land conversion, and so forth would bring environmental degradation and conflicts over resources, and the end of Tibetan pastoralist culture (Goldstein and Beall1989). They based these claims on indigenous technical knowledge, natural justice, and subsidiarity, given a long history of the sustainability of Tibetan pastoralists land use practices (CIEL 2000, Richard 2000a). Their primary intended audience was the Chinese state and the World Bank, but also included the international community and various solidarity organizations.

A further warrant, on behalf of the pastoralists, was made by international solidarity organizations and NGOs directly to the World Bank Inspection Panel—a new unit at the World Bank that is supposed to provide greater accountability to World Bank projects and counter criticisms of unsustainable projects of the past.[28] The aim of this warrant was to stop the project all together. They claimed that the World Bank's own policies had been violated since environmental and social impact assessments were improperly done during project design, leading to an underestimation of probable destructive social and environmental impacts. Furthermore, they claimed that World Bank official policies on indigenous peoples had been violated, and that the potential cultural destruction of Tibetan pastoralists had not been properly assessed. These claims were based on extensive scientific knowledge of the impacts of planned land conversion in similar environments in the Tibetan plateau, as well as claims concerning the rule of law, the importance of global commons, and the intrinsic value of the pastoralists' way of life and their stewardship of this particular environment (CIEL 2000, Clark 2002).

In response, the World Bank Inspection Panel undertook an investigation of the project, and ultimately recommended to the World Bank's Board of Executive Directors that the project should not be implemented as planned (WBIP 2000). Against the advice of the World Bank's staff and most importantly World Bank President Wolfensohn, the Board agreed with the World Bank Inspection Panel and recommended that the project should be altered and the subcomponent of population transfer to Qinghai, and associated land conversion, should not be funded nor implemented. This was a remarkable and unique turnaround on the part of the Board, and caused concern in other quarters at the World Bank. This unusual warrant, representing the interests of the area's pastoralists, was based on claims that the World Bank's own environmental and social impact assessment policies had not been properly followed, and that

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[28] For a detailed discussion see Muldavin 2002.

the impacts were potentially underestimated.  The bases of these claims relied primarily on dominant scientific knowledge concerning pasture degradation and upstream-downstream effects, and the World Bank's valuation of rule of law.[29]  The audience for this warrant was primarily the international community, reflecting its importance in ongoing questions of IFA legitimacy in face of intense critique [see Figure 3].

**[Figure 3:  Warrant Making in China:  The Case of the China Western Poverty Reduction Project]**

The Chinese state was the central and official audience of the World Bank's warrant, and it responded with a furious denunciation of the decision and a reassertion of its original warrant with important additions and new claims. This began with an announcement that the project sub-component deleted from the World Bank project would continue, funded by the Chinese state. Furthermore the 4,000 pastoralists would still be settled, and the 58,000 Chinese agriculturalists would still be relocated to the region.  In addition, the large-scale land clearance and conversion, irrigation and road networks would all be built.  The Tibetans were to be trained in scientific range management, and additional new jobs would come through state-led development and out-migration to urban areas (Hutzler 1999).  The warrant was based on claims that scientific management techniques bring development, and the Tibetans themselves wanted the project since overstocking brings environmental degradation and poverty.  The warrant thus adds a stronger critique of indigenous knowledge through claims that it is destructive, anti-modern and anti-development (Xinhua News Agency 1992).  As such, the state claims it knows best what the interests of the nation are, not foreign organizations and special interest groups. These claims are based on ideas of national sovereignty, rule of law (Xie 1994), state and 'public good', scientific knowledge, previous 'success', as well as a strongly modernizing development theory (see Figure 2).  While the Chinese state's primary audience for this warrant was and remains the World Bank and its new inspection panel, it also includes the international community, other IFAs, NGOs, and the Chinese 'public'.

Ultimately, the decision of the World Bank to withdraw from this one component of its overall project, sealed what many in the international NGO community believe was a significant victory in the attempt to impose greater accountability and transparency on IFIs, and in particular the World Bank through the original counter warrants created by marginal and unofficial actors (CIEL 2002).  However, this 'victory' should be put in perspective, since this is just one of 249 World Bank projects in China, and as Muldavin (2002) argues, the continuation by the Chinese state of the subcomponent rejected by the World Bank, with cooperation from other IFAs, as well as the World Bank's continued support for the overall Great Western Poverty Reduction project.  It must also raise questions about any substantial improvement in accountability in the longer term.  Thus, a particular interpretation of environmental policy regarding pastoralists' land use is being pursued in the face of strong criticism, and despite unanimity concerning best practices and project problems amongst dominant IFAs, BINGOs, local actors and population affected, and the international scientific community.  This points to the ongoing power of some

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[29] Clearly this was also a product of long-term campaigns for greater World Bank and IFI accountability.  This should not be underestimated in comprehending this unique decision, as well as the powerful backlash it has unleashed at the World Bank (see Muldavin 2002, Clark 2002, CIEL, BIC, etc.).

states, particularly the large important ones, to win the day with counter warrants that leave little room for discussion [See Figure 3].[30]

Inequalities in power are reflected in the issuing of dominant warrants by institutions like the World Bank and powerful nation states, and the exceptional difficulty in the creation and construction of 'alternative warrants' and 'counter warrants' by social movements and local institutions even of global iconic significance. The reassertion of dominant warrants by the state and the larger IFAs, can and usually still does overwhelm such alternative warrants, both by their hegemonic positionality and their active discursive/rhetorical assimilation/accommodation of the alternatives. The geopolitical and economic power behind the World Bank, for example, means that it need not rely upon originality, innovation and persuasiveness in its warrants, quite unlike the circumstances faced by marginal actors. Even in this rare case where the World Bank backed down on its original warrant on its own narrow terms of improperly followed impact assessment rules, reassertion by the Chinese state of a strengthened original warrant, based entirely on state power rather than adjustments or elaborations on its original claims, was a relatively simple political process compared to the struggles to create a warrant of any significant power by marginal actors.

7. Conclusion and Further Research Directions

In this paper we ourselves have made claims about the advantages of the warrants framework for environmental policy analysis and practice. First, we claim that it is a flexible framework, and can accommodate choices from a wide range of theories and techniques of policy analysis. There is a strong case to be made for an eclectic choice from this range by the researcher to suit empirical circumstances.[31] While there are occasional problems of epistemological inconsistency between some approaches, certainly the warrants framework can accommodate a range of theory and epistemology.

Secondly, we claim that the warrants approach may be useful for analyzing a wide variety of environmental policies in different socio-economic settings. The political and cultural settings in which different actors play out the formation and implementation of policy are exceptionally varied.[32] Tracing the multiple links between policy, on the one hand, and environmental and

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[30] While the World Bank is no longer involved in this one subcomponent of the overall project in Qinghai, it uses its withdrawal to enhance both its own legitimacy as an increasingly accountable institution (Muldavin 2002), and continues to cooperate with the Chinese state on its other 248 projects in China, maintaining the status quo of dominant practices in environmental policy making.

[31] In some cases, it is clear that bureaucratic repertoires and the reduction of complex and unpredictable policy issues to stabilize expectations of policy actors will be appropriate. In other cases, the focus will be upon the co-production of scientific knowledge, its funding, and sanctions applied to unwelcome approaches or findings. Other examples of pragmatic choice can readily be identified.

[32] In the Himalayan region, the range of mountains has exercised an iconic fascination over Western imaginations, which has partly been expressed in the presence of so many IFAs, and indirectly local and in-country NGOs and community based organizations who have recast their goals in environmental warrants which might bring cash and other resources (both ideational and political) from above. This may also help explain the international support provided national institutions to create National Parks and Forest Reserves. If they make warrants of their own that

socio-economic outcomes on the other, is therefore far from straightforward and requires a critical analysis of how policy is actually made, the *realpolitik* from which it emanates, and how it turns out in practice on the ground. A warrants approach provides a further means to help clarify these complex linkages in varied contexts.[33]

Thirdly, we claim that the framework brings analytical clarity to a complex and fuzzy field, and focuses on some important and uncompromising political choices. It encourages transparency for all actors and institutions, irrespective of their position, whether powerful financially or otherwise. The approach allows interrogation of warrants and the authors who make them, thus focusing upon the rational, scientific, and ethical basis of the warrant as well as upon the separate political and economic position and power of the warrant maker.

Fourthly, we claim a warrants approach invites attention to be paid to the audience for the warrant. For example, the primary audience for a warrant from an IFA is intended to be gatekeepers in the ministries of recipient countries and their political leaders who have an interest. But the warrant is also intended for funders in the host country if the IFA is a bilateral agency or if the IFA has to raise funds internationally. For example, the big environmental NGOs such as World Wildlife Fund and The International Union for the Conservation of Nature are both additional audiences as well as warrant makers. Thus audiences are not treated as passive spectators, but as allies or as potential opposition that the warrant serves to silence. Bilateral aid agencies also have a domestic audience in their own countries as they attempt to satisfy voters and senior civil servants that foreign aid is being given to worthwhile causes, is spent efficiently, and (for some) that it provided opportunities for trade.

Fifthly, we claim a warrants approach to environmental policy makes power far more transparent, and thus may provide an improved means to assess varied policy outcomes often detrimental to environments and peoples. Part of the answer lies in the fact that policy is politics with another name. If policy analysis is to be critical and progressive, then pessimistic characterizations such as "policy is no more than cultural inscriptions of policy elites", "the inevitable, structurally induced apology and disguise for the requirements of capital", and so forth, must be transcended. Justice narratives, issues of equity across gender, race and class may provide an ethical and political basis for prescription, but this does not preclude the interrogation of all narratives for the warrants used in their construction and the power upon which they depend.

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resonate with international agenda, members of these institutions may receive patronage and other professional rewards, while simultaneously enhancing the state's means of control of territory and people through, for example, fortress conservation strategies (Muldavin, interview with Narayan Belbase, Program Officer at the Ford Foundation office, New Delhi, India, January 20th, 2003).

[33]In response to the ways in which the practice of policy making and implementation operate, some new international policy approaches emphasize the importance of flexible and informal structures in policy making, partnership in policy knowledge production, and the building of trust through collective experience and 'witnessing". However, these too often remain as vague exhortations in policy documents and are ignored in practice, thus forming part of warrants which claim to combine environmental management with empowerment and equity.

Sixthly, we claim that a warrants approach helps us focus attention on the contesting voices at the interfaces in the policy formation process. Geo-political contestation makes national-level environmental policy construction and implementation paradoxical, to say the least. In an act of ventrilouqy, politics talks with a policy voice. Direct violence upon environments and people introduces interactions between new scales (e.g. North-South) in addition to bilateral international/national scales, and requires a re-thinking of how policy is made, implemented, and contested. Here we have argued that warrants may be a useful analytic tool towards these ends as well.

Finally, the implication of the warrants approach is that unchallenged and implicit political agendas of both the state and IFAs can be challenged using three criteria. First, what are the bases of the claim to be present in the policy making process as a legitimate actor? Second, do the claims in the warrant stand up to ethical and rational examination and have good grounds to be preferred over other contending claims? Thirdly, what have been the environmental and social outcomes of previous warrants that constitute the warrant maker's track record and result-based reputation?

Future research directions

The warrants framework to environmental policy allows critical realist and more circumscribed social constructionist approaches to be combined. It treats a solely discursive and deconstructive one as necessary but insufficient. Critical and evidence-based analysis should still count, and hard questions are invited by the warrants approach concerning the legitimacy and right of actors and institutions to participate in environmental policy. A new policy approach that attempts to follow through from warrant to policy negotiation to impacts upon people and environment is very difficult, if evidence-based information and rational explanation is called for. A careful analysis of written texts through discourse analysis is, again, useful but insufficient. Scientific evidence (re. processes and the role of society in modifying these) is produced, selectively used and fashioned to make claims. Thus, it remains profoundly important in recognizing room for maneuver for environmental policy, in spite of all the deconstructions of science as a socially negotiated set of truth claims. Evidence-based realities that go unheard or are suppressed are a kind of violence upon vulnerable and marginal people.

In future research, we propose to use a warrants approach to analyze the outcomes of implementation of environmental policies in the HKH region upon the ongoing livelihood strategies and vulnerabilities of local people (farmers, pastoralists, artisans, etc.). It is a difficult methodological challenge to explore and extend the limits of methods for assessing the environmental and social impact of policies upon rural livelihoods and environmental sustainability. While there are also many difficulties to identifying policy impacts, earlier research indicates that there are a number of cases of environmental policy in the HKH region that are of sufficient definition and duration to produce identifiable environmental and socio-economic outcomes (Blaikie and Sadeque 2000, Blaikie & Muldavin 2004). These can inform a methodology employed to trace the opportunities and constraints that emerge from policies. In particular, environmental (usually conservation) projects organized through aid channels offer potentially discrete units of analysis of such policies though still contextually constrained and thus highly specific. Thus, it is through analysis of these examples that we see potential application of a warrants methodology. Nonetheless, the question remains to be answered as to

how far can it be expected that policy review and planning can reliably incorporate lessons from past policy.  How often has current policy learnt from past policy history? The rationalist answer is it often has (and past success is a strong and accepted claim by audiences to whom it is made).  There *are* lessons—best practices, policy cul-de-sacs to be avoided, inspired tactics, successful structures and processes.  While maintaining a clear recognition of these limitations and their impacts on policy, we propose continued research and theoretical work to highlight points for cooperation and potential intervention.  By concretely situating an analysis at the interfaces of warrant creation, and incorporating claims, claim makers, audiences and outcomes, a warrants approach may provide a clearer analysis of environmental policy that such cooperation and policy learning can build upon.

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# FIGURE 1:  PROCESS OF WARRANT CREATION

CLAIM BASES: 'KNOWLEDGE,' RIGHTS, AND 'THEORY'

POSITIONALITY SHAPED BY: POLITICAL ECONOMY, NATIONAL MILITARY, INSTITUTIONS, CULTURE, SOCIETY, HISTORY

CLAIM

POWER

WARRANT MAKER

WARRANT

AUDIENCE

OUTCOMES OF WARRANT

formally-produced Scientific Knowledge

previous policy as "success"

knowledge claim

indigenous technical knowledge

development theory

**Environmental claims
in the Himalayan region**

aesthetic and amenity value

national identity

global commons &
intrinsic value

territorial integrity

security

in the name of
geopolitical/IR theory

'threat' claims

state to state norms

in the name of
political theory

natural justice

local livelihood rights

national sovereignty

the state and the
"public good"

the rule of law

subsidiarity

rights of the "pre-eminent domain"
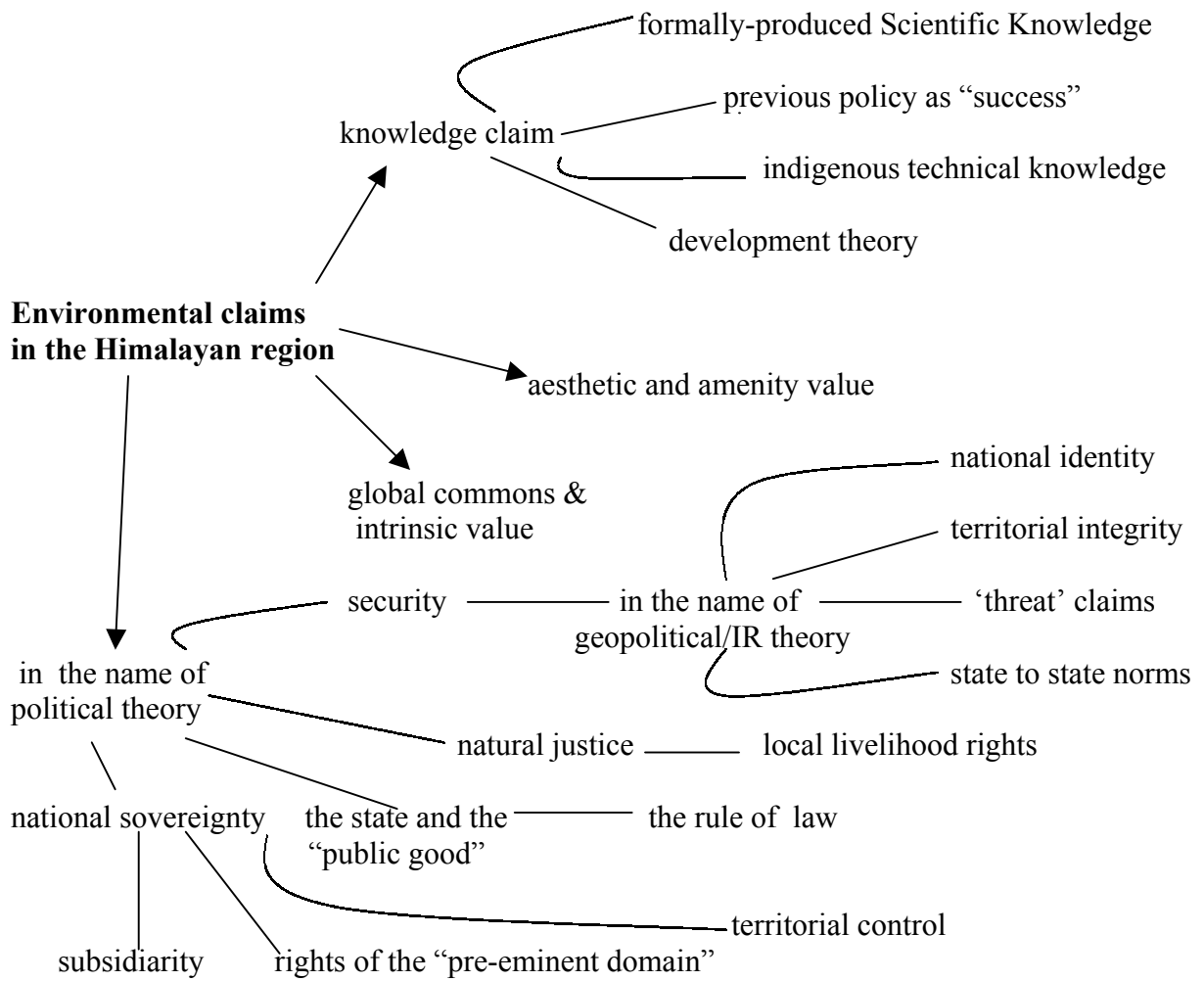
territorial control

**FIGURE 2:  SOME ENVIRONMENTAL CLAIMS IN THE HIMALAYAN REGION**

# FIGURE 3: WARRANT MAKING IN CHINA: THE CASE OF THE CHINA WESTERN POVERTY REDUCTION PROJECT

| BASES FOR CLAIMS | CLAIMS | WARRANT MAKERS | WARRANTS | AUDIENCES |
|---|---|---|---|---|
| Scientific knowledge, development theory, the 'public good', and right of preeminent domain. | Tibetan herders use irrational unscientific resource management practices, such as overstocking range, which leads to environmental degradation, downstream destruction and poverty. Modernization, through permanent settlements and learning agricultural techniques from immigrant Chinese, will bring development to people. | Chinese state and Chinese scientific establishment. | Settle Tibetan pastoralists to preserve the environment, end poverty. Bring 58,000 Chinese farmers into region to engage in agricultural modernization. | IFAs, state agencies, domestic 'public', international community |
| Indigenous technical knowledge. Natural Justice. Subsidiarity. | Tibetan pastoralists know best how to use land based on long history of sustainable use. They have the right to choose lifestyle. State policies of population transfer and settlement of thousands of Chinese to region, land conversion, will bring environmental degradation. | Tibetan pastoralists through international solidarity groups, Tibet Information Network, NGOs. | Allow Tibetan pastoralists to continue indigenous land use practices. Stop project to relocate Chinese in region. [APRIL 1999] | Chinese state, World Bank, international community and solidarity organizations. |
| Scientific knowledge, rule of law, global commons, intrinsic value. | Environmental and social impact assessments improperly done during project design, underestimating potential negative social and environmental impacts. WB policies on indigenous peoples violated. Cultural destruction of Tibetan pastoralists not properly assessed. | Tibetan solidarity organizations. International Campaign for Tibet, Center for International Environmental Law, Bank Information Center. | World Bank-funded project should be stopped. [JUNE 1999] | International community, World Bank Inspection Panel, World Bank. |
| Scientific knowledge, rule of law. | EIA/SIA not properly carried out. Negative impacts underestimated. | World Bank, World Bank Inspection Panel. | World Bank Board of Executive Directors decides project should be altered and subcomponent of population transfer to Qinghai, land conversion, not funded or implemented. [JULY 2000] | Chinese state, int'l community, Han-elites |
| National sovereignty, rule of law, state and 'public good', scientific knowledge, previous 'success', development theory. | Tibetans want project. Scientific management techniques will bring development. Overstocking brings environmental degradation and poverty. Therefore, indigenous knowledge destructive and anti-modern and anti-development. The state knows best the interests of the nation, not foreign organizations and special interest groups. | Chinese state | China says Project subcomponent will continue, funded by state. 4,000 pastoralists will be settled, 58,000 Chinese agriculturalists will be relocated to region, large-scale land clearance and conversion, irrigation and road network built, Tibetans trained in scientific range management. Other new jobs will come through state-led development and out-migration to urban areas. | World Bank, WBIP, international community, NGOs, domestic 'public' |