

UNPACKING AND REPACKING COMMUNITY REPRESENTATION IN FOREST POLICY AND MANAGEMENT NEGOTIATIONS: LESSONS FROM THE SOCIAL RESPONSIBILITY AGREEMENT IN GHANA.

E. Marfo

*Forest and Nature Policy Group, Wageningen University/
Forestry Research Institute of Ghana, UST Box 63, Kumasi, Ghana*

ABSTRACT

One issue, which is increasingly being noted as fundamentally essential for any effective community participation and negotiation process but has for long evaded policy research attention, is community representation in forest management decision-making. This paper, responding to the limited attention given to the concept attempts to provide a theoretical review of the subject in the context of social responsibility agreement negotiations in Ghana and to suggest lessons for effective community representation in forest policy and management negotiations. The paper borrows extensively from a research conducted in the Domi River Forest Reserve area, which explored the expectation and reality of how communities were represented in the social responsibility agreement (SRA) negotiation for the award of Timber Utilisation Contracts in Ghana. In addition, the paper has extensively reviewed literature to propose that community representation should focus on defining, both in spatial and social sense, the boundary of the term 'community', who represents the community (representatives), what is being represented (content) and how it is being represented (process). The paper argues that an appropriate framework for community representation is one that explicitly and unambiguously defines 'who is to be represented', establishes and presents collective community interest and ensures the 'selection' of legitimate and accountable representatives. The paper provides an appropriate framework and lessons to guide policy 'makers' and practitioners in forest policy and management planning and implementation to ensuring effective representation and participation of communities.

Keywords: community, representation, negotiation, social responsibility agreement, timber utilization contract

INTRODUCTION

Long (1989) posits that specific pattern of social change can only result from the interactions, negotiations and social and cognitive struggles that take place between specific social actors. For the past two decades or so, the quest for participation of local communities in natural resource management has prominently featured in natural resource and development discourses (Chambers, 1997; Botes & van Rensberg, 2000).

Increasingly, negotiation has become prominent participatory machinery to achieving stakeholder consensus in forest management. However, issues of stakeholder representivity, transparency of the process and resource availability to facilitate the process are often underestimated (Buchy & Hoverman, 2000). The paper intends to focus on community representation in forest management and policy decisions due to the overriding importance of the concept to achieving 'effective' participation in sustainable forest management.

The term 'representation' as used here takes the definition of descriptive representation; the process of being like something for somebody, that is the representatives mirrors who they are representing (Wellestead *et al.*, 2003). In Ghana, the promotion of collaborative forest management, the institutionalisation of community forest committees (CFCs) and the negotiation of the social responsibility agreement (SRA) are but few of the key areas where effective community representation cannot be underestimated.

In the past, there has been enormous conflicts between local communities and timber contractors regarding the benefits that should flow to the local communities who owns the land, protects timber seedlings on their farms and who are being called to collaborate in managing the forest in areas such as the prevention of fire and illegal harvesting operations and plantation development. A social responsibility agreement scheme established by the Timber Resource Management Act (Act 547) is a mechanism to normalise the relationship between forest-fringe communities and prospective timber contractors. Consequently, anybody who requires timber utilization right from natural forest in Ghana must, according to Act 547 enter into negotiations with the communities who have interest in the forest area to agree upon specific social responsibilities. Basically, the SRA consist of a set of code of conducts such as respect for sacred sites, taboo days and right of consultation to be observed by the contractor as well as social obligation commitments such as contributing to a development project, building schools for example.

Before signing a Timber Utilisation Contract (TUC) between the Government and the winner of a specific TUC area bidding, the negotiation of the SRA is a definite condition that must be satisfied by law: "The conclusion of the SRA with local communities which shall include an undertaking

by the winner of the bid to assist communities and inhabitants of the Timber utilization area with amenities, services or benefits, provided that the cost of the agreed amenities, services or benefits shall be 5% of the value of the stumpage fee from the timber that is harvested (L.I. 1721 section 12b)".

Since its implementation, it has been observed that that both communities and timber contractors have encounter problems with the scheme. Essentially, while some communities may be aggrieved that they have not been involved, some community-level stakeholders have contested the negotiated benefit as not representative (Marfo, 2001). In all stakeholder negotiations in forest policy such as the SRA, two key considerations are the type of stakeholders to participate and the selection of their representatives (Borrini-Feyerabend, 1996). In many forest policy negotiations processes, including that of SRA, it is increasingly expected that communities effectively participate and are therefore effectively represented. However, Beckley (1999) has observed that when it comes to representation, many local public participation processes are flawed because they do not necessarily reflect public values. In the context of SRA, representation can be a cumbersome process due to the complexity in the geographical, social and cultural setting of local communities in forest areas of Ghana. This paper therefore focuses on the 'community' as a stakeholder and its' representation in forest policy negotiations.

By reviewing literature and the results of a field study (the field study was conducted in four communities focusing on how they were represented in the SRA negotiation against the expectation of community members) in the Domi River Forest Reserve area in the Juaso District of Ghana using SRA as a case, this paper presents a review of critical aspects to be considered for effective community representation, in the SRA negotiation in particular, and all community-based

negotiations in general. The fundamental premise of the paper is that, the ultimate success of negotiation process has its root in effective negotiator-constituent relationships (Druckman, 1977).

Therefore, the objective is to focus on providing a review of community representation by addressing the following questions:

- (i) Which community should be represented?
- (ii) What and whose interests are represented?
- (iii) Who represents the community and how?
- (iv) What lessons can be learned for the SRA negotiations in Ghana?

Defining the Community

A community may be defined in three ways according to Lee *et. al.* (1990). First, it can be a locality in the sense of a human settlement with a fixed and bounded local territory. Second, it can be a local social system involving interrelationships among people living in the same geographical area. Thirdly, it can be a type of relationship characterised by a sense of shared identity. Notwithstanding the sense of commonality and homogeneity associated with communities it is now known that a community is a complex and heterogeneous social space consisting of a variety of social groups with differing interests and perceptions (Agrawal & Gibson, 1999) and a space of power struggles (Kaufman & Alfonso, 1997).

From the multiple definitions of the term 'community', in modern community forestry parlance, the term can apply to five categories of community-level stakeholders with respect to forests. These can be identified as follows:

- Groups of people with ownership rights over the forest

- Groups of people living within or close to the forest estate
- Groups of people who use forest products
- Groups of people who become affected by changes in the forest
- Groups of people who provide resources towards management of the forest (Asare, 2000).

In the context of SRA, it can be argued that the term 'community' refers to 'groups of people living within or close to a forest area' based on the following legal provisions:

"To provide specific social amenities for the benefit of the local communities that live in the proposed contract area (section 10d of L.I. 1649)"

"An undertaking by the holder to provide social facilities and amenities for the inhabitants of the contract area (section 14.11 of L.I 1649)"

In West Africa, villages are the most common units of social aggregation (Ribot 1999) and in spatial sense are more often referred to as communities. More often than not, more than one 'community' may be located near a given patch of forest, all with some form of stake and rights to the forest (Agrawal & Gibson, 1999). Incidentally, this is the case in most forest areas in Ghana.

Therefore, the question that is provoked from the SRA provisions is 'who is to be represented? In effect, who is an inhabitant of the TUC area?

Marfo (2001) observed that the term is subject to different legal interpretations by people who hail from specific geographical area and those who have immigrated. Whereas the native community may claim that they are the legitimate target for participation (in the case of the SRA, benefit flows) based on customary claims that they own

and hail from the land and for that matter the natural forest on the land, immigrant communities can argue based on state law that the intention of the policy is not to discriminate but to ensure that benefits flow to those who are on that land. The contest is therefore between who is 'from' the land and who is 'on' the land. The implication is that the definition of which community is to be represented and for that matter whose interest matters in the context of community participation can be legally pluralistic. Legal pluralism is a situation of different legal mechanisms applicable to identical situation (Benda-Beckman, 1996). In the former, SRA negotiation is expected to be carried out between the contractor and the 'legitimate' community (village) in which case that community's selection of its representatives and determination of its interests without regard to other 'communities' will constitute a legitimate action. In the latter case, the interest of all the communities and their representation in the negotiation will constitute a legitimate action. Marfo (2001) has observed that the former has been the practice and this has generated conflicts between communities and also with timber companies. Increasingly, there is the observation that timber companies are facing diverse confrontations with 'other' communities that have not 'enjoyed' the benefits from SRAs in their areas of operation.

This paper therefore proposes that there is the need for defining exactly what is meant by 'community' or in the case of SRAs, 'inhabitants of the TUC area' in forest policy and management decision making processes rather than homogenising and universalising the term. Under the SRA negotiation mechanism, it is important that the phrase 'inhabitants' is well explained and communicated to all stakeholders, especially prospective timber contractors and the forest-fringe and land owning communities.

Who Represents the Community?

After defining the community to benefit, the issue of representation becomes important. It should be noted that the word 'representative' in the context of negotiation in forest management decisions can have two interpretations, which both have implications on 'who actually represents' the community (Marfo, 2001). It can be argued that a representative can mean person(s) or institution(s) appointed, elected or by any other legitimate means 'recognised' to conduct the business of negotiating a community's interest with other parties in negotiation. It can also mean, the legitimate person/body authorised (by state or customary law) to endorse the agreement/outcome of the negotiation on behalf of the group (community).

The SRA is entered into between the contractor and representatives of the landowners (section 3.2 of the FSD manual of operation for the award of TUC). In many situations of negotiations for forest policy and management decisions such as the SRA, the intention may often be to get representatives that will work as negotiators. Notwithstanding, it can be assumed that, traditional leaders, by virtue of their 'customary imposed' position to act as signatories to agreements, automatically, confers negotiation responsibilities on them (Marfo, 2001). Therefore, it should be clarified whenever the term is used whether representatives as 'negotiators' or 'signatories' are implied since it is evident that in some cases, communities may expect different parties to perform these tasks (Marfo, 2001).

Given the complexity of community needs, forestland ownership rights and traditional and political governance structures in rural community settings, the legitimacy of who represents a community, in the sense as 'negotiators' and 'signatories', should be considered as an important factor in negotiation processes.

Conventionally, chiefs, in both senses, have acted as representatives of local communities in forest related matters in Ghana and other parts of Africa.

Through the colonial period to the present, village chiefs have been integrated into the state as an administrative extension (Alexandre, 1970a; Lund, 1998b). This role has been fraught with ambiguity and tension, owing to the dual allegiances of chiefs downward to their people and upward to the central state (Ribot, 1999). Chiefs are often seen by outside actors as a kind of authentic, primordial, pre-colonial, indigenous, and local and therefore appropriate institution of community representation (Ribot, 1999). He further indicated that participatory development and natural resource management policies and projects usually rely on village chiefs or rural councils to represent rural population- when they are attempting to be representative. However, after studying some West African Sahelian countries, Ribot (1999) concluded that village chiefs are not necessarily representatives of or downwardly accountable to the populations over whom they preside and that they are mostly only a semblance of local representation. Perhaps, the taste for chiefs as representatives, notwithstanding the doubt about their representation role, by outside agents including the state lies in their power to hinder policies.

'While chiefs cannot often oblige governments to take any positive action, however, everywhere in Africa they possess the power to hinder government policies by showing-as discretely as they wish- that they do not favour popular co-operation' (Ribot, 1996).

However, in Ghana, there is evidence that the unit committee, the Assemblyman or District Chief Executive, all as part of the local government structure have been part of community representatives in forest-related negotiations (Marfo, 2001; Marfo, 2002).

Notwithstanding, it should not be assumed that these existing structures of local leadership are necessarily the appropriate representatives of communities in negotiation. It has been shown that, social reality and historical events in particular local settings may demand other forms of representations (Long, 1989). Specifically, factors such as beliefs in structures and traditions, trust in local leadership, expected competence of representatives, transparency, level of political consciousness and historical events in the community can dictate other representative structures ranging from community forum, democratically elected bodies, traditional leaders to special committees (Marfo, 2001). In forest policy and management negotiations, chiefs and traditional leaders have often been assumed to be representatives of the people both as negotiators and signatories. However, Ribot (1999) laments that to view chiefs as indigenous, authentic, primordial 'traditional', local, and accountable and as such an appropriate representatives of rural populations is to assume too much.

Another dimension is the often-assumed notion of leadership involvement in forest policy and management negotiations as effective representation and participation. Several studies have shown that although community representatives may 'participate' in negotiations, they may nevertheless be divided and that some may act as plenipotentiary (those with the power to decide) while others may only serve as observers or delegates (De Loach, 1998; Marfo, 2001). Marfo (2001.) observes that in forest and land related negotiations such as the SRA, chiefs and traditional leaders still exert substantial influence and control in decision-making that may silence other leadership opinions. In the process, they may adopt, in the words of Bourdieu (1997), 'officialising strategies' whereby particular interests of key sections of the community become identified with the general, as the impression is created that there is leadership consensus on

community's interest. Mosse (1994) puts it that 'in the moments of participation, authorities are able to mobilise the group by solemnising, officialising and thus universalising a private incident. The implication is that, the relationship between representatives and between them and their communities must be empirically established and not taken for granted (Long, 1989).

Therefore, regardless of who represents communities, it is increasingly being observed that there is always the danger that decision-making at community-level may fall into the hands of small and self-perpetuating clique, which may act in its own interests with disregard for the wider community (Friedman, 1993). Thus, in providing specific guidelines for promoting community participation, the domination of some interest groups or a small 'unrepresentative' leadership clique must be guarded against. In a conclusive remark, Long (1989) indicated that it should not be assumed that the fact that one 'represents' a specific group or institution, or belongs to a particular social category means that he or she necessarily acts in the interests or on behalf of these others. He ends by stating categorically that, in all cases, (my own emphasis) 'the link between representatives and communities (with differentiated memberships) must be empirically established, not taken for granted'.

Deciding Community's Interest/Position

Policy makers are usually interested in outcomes presented by representatives. Ribot (1999) has however argued that guarantee for outcomes are not as important as a process that results in reasonable decision-making. By 'reasonable', he implies that:

- (a) Different interests, especially those that are usually marginal, are represented in decision-making

- (b) Mechanisms exist to ensure that the outcomes of current decision making processes are going to form part of the data on which future decisions are based, and
- (c) Those affected by decisions periodically revise the performance of those who make decisions.

Berge and Stenseth (1998) have observed that, the distributional concerns of the various parties involved must be considered if collective action is to be successful in safeguarding the resource and the traditional societies that depend upon it. It can therefore be argued that the legitimacy of the content of the community's interest in the eyes of community members is an important factor that will ensure the ultimate success of a negotiated outcome such as the SRA.

Given the heterogeneity nature of communities, the development of an interactive methodology to build consensus on communities' interest with respect to forest and other resources is essential. Leeuwis and van Meegeren (1999) have suggested that the negotiation metaphor is most suited to serve as a starting point for the development of this methodology. This, they argued, is because interactive design processes often take place in situations where there are more or less explicit conflicts of interest between actors involved. Aarts (1998) has indicated that in conflict situations (such as deciding community interest), the views of the different participants are closely linked to their interests, and the space for changes of opinion (i.e. a learning process) only comes into existence when such interests are recognised and taken seriously. It is therefore argued that, in obtaining the interest of the community for negotiation, the various conflicting interests within the community should be negotiated.

It has also been argued that arguments and positions taken by participants in a community are not independent, but constructed on the basis of

perceived interests. The implication is that the negotiation process is a learning one in which space is created for new problem definition in which an integration of different perspectives takes place (Leeuwis & van Meeregen, 1999). The tendency is that many interests will be brought to parallel narrowing conflicting ones and thus enhancing inter-dependence. As has been noted by Leeuwis and van Meeregen (1999), participants will be especially keen on a consensus if they have a great number of parallel interests besides the conflicting ones. Therefore, it is logical that, the space created within a community in the process of building consensus for all diverse positions to be brought forward, explained and clarified will determine to a large extent the legitimacy of the represented interest and the final outcome. Notwithstanding, even when space is created for internal negotiation through platforms such as community forum, it should be realised, as observed by Mosse (1994) that 'in many situations critical public debate is not an established convention and we should avoid unwarranted assumptions about the accountability of publicly processed information'. This observation is particularly applicable in rural Africa situation where in many cases certain faction may be isolated from public debate either by their beliefs physical absence, gender or socio-economic status. Therefore the challenge is to develop appropriate mechanisms for rural consensus formation that eliminates individual limitations in decision-making and promotes the empowerment and representation of all interests in the community. Some studies (Marfo, 2001; Forestry Commission, 2001) have shown that this mechanism is not well developed in forest policy and management negotiations in Ghana.

In building consensus or identifying the community's interest, institutions remain the primary mechanisms available to mediate, attenuate, structure, and facilitate particular outcomes and actions (Ensminger, 1992).

However, Arnold and Byron (1999) have warned that it is important to ensure that local-level institutions in making rules about resource use have representatives from the multiple groups that are affected by the rules in question.

From the foregoing, it can be argued that the process through which communities' reach consensus on the content of their interest for negotiation should capture the following salient points. First, all interests in the issue at stake within the community must be identified. Second, the authorised local institution facilitating this consensus building must create space for negotiation within the community to arrive at an acceptable package, which the members of the community believe to be an outcome of a fairly organised discussion and consultation.

CONCLUSION

The focus of this paper has been to provide a simple literature and practical review of the community representation in forest policy and management negotiations such as the SRA. Essentially it has been proposed that the representation process itself should be regarded as a negotiation process and should not necessarily involve only community leaders. The paper has examined the fundamental issue of looking into the definition of target communities being referred to in specific situations to clarify the conceptual ambiguities.

It has also been suggested that, the representation process should be seen to involve the dimensions of who represents (institution), what is represented (content) and how it is being represented (process). It has been argued that the content of community's 'official' position may not necessarily be collective and that practitioners must guard against the pursuit of privileged individuals' private interest in the name of the community. Second, existing leadership and

representative structures may not always be most suitable or expected to represent the community and that social situation and historical events may dictate other alternative structures. This must be ascertained to prevent conflict and social resistance that can undermine the implementation of negotiated agreements. It is further implied from the paper that communication is central and in fact, representation is necessarily a communicative encounter and not a physical or mechanical one. Finally, the paper suggests that, in the context of negotiations, effective community representation is a process that leads to collective interest negotiation and existence of legitimate and accountable structures to facilitate internal consultation throughout the process.

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ABSTRACT

The paper examines the concept of representation within the context of local forest management decision making. It argues that representation is a complex and multi-faceted concept that is often used in a narrow and restrictive sense. The paper explores the different ways in which representation is used in the literature and argues that it is important to unpack and repack the concept in order to better understand its role in forest management decision making. The paper concludes that representation is a key concept in forest management decision making and that it is important to understand its different meanings and uses.

INTRODUCTION

The beginning of the 20th century, the tropical rain forest in Nigeria has continued to decline both in extent and quality as a result of excessive exploitation. For example, what now remains of the humid tropical high forest in Nigeria is only 10% of what used to be its area in the beginning of the 20th century (Adekunle, 1997; Odeh, 1997). In the 1980s, forest exploitation had become virtually unregulated and timber was being removed from the forest on a massive scale. Both logging and illegal timber trade were rampant (Jinch, 1991). However, the poor knowledge of

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