



# Burning Forests, Rising Power: Towards a Constitutionality Process in Mount Carmel Biosphere Reserve

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Published online: 18 January 2018  
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## Abstract

Powerful states and elites frequently manage protected areas with little or no concern for historic land uses, people, or governance practices, justified by ideologies that portray these areas as “pure nature” to be protected from humans. New international participatory platforms, such as the UNESCO Man and Biosphere Program, coupled with strategic active agency, have provided an opportunity for challenging the fortress model of conservation in Israel. We examine the change in Israel’s government ecological policies following its failure in managing the Carmel forests, whereby its bargaining power with the local Druze-Arab minority was significantly reduced, opening a window of opportunity for the Druze to take advantage of new UNESCO rules on local participation to create management institutions for the local forest commons.

**Keywords** Constitutionality process · UNESCO Man and Biosphere Program · Mount Carmel Biosphere Reserve · Israel

## Introduction

Political and power relations at multiple levels, often involving central states, influence participatory processes in protected areas (PA) around the world. Studies in political ecology (Neumann 1998; Agrawal 2005; Brockington *et al.* 2008; Persha *et al.* 2011; Bryant 2015) and new institutionalism (Haller 2007; Galvin and Haller 2008) on PAs describe “fortress conservation” where colonial and later independent states, aligned with powerful elites, deploy the discourse of “pristine nature” or “wilderness” to displace or coerce conservation in line with their views, with little or no concern for historic land uses and management practices or the fact that these areas represent cultural landscapes (Nash 1982; Galvin and Haller 2008; Haller *et al.* 2013). In many parts of colonial Africa, such elite control denied local populations access and benefits, while occasionally permitting activities such as hunting and resource extraction (Wolf 1982; Cronon 1996; Haller *et al.* 2013; Neumann 2015). This pattern continued after independence following different phases and ideologies, but

coalescing around a discourse of “pure nature” conservation as “a form of territorially framed and administered nature” (Whitehead *et al.* 2007: 2). In the late twentieth century, modern environmentalism shifted the focus to protecting biodiversity (Forsyth 2004; Zimmerer 2006), but this approach continues to restrict human uses through processes of “territorialization” - the centralized, state-led processes of spatial demarcation for the purposes of controlling and regulating people and nature. At the same time, it represents a basic institutional change from common to state property (Vandergeest and Peluso 1995; Fairhead *et al.* 2012; Neumann 2015).

As environmental tragedies and conflicts in PAs have increased despite initial government promises, research into the policies and processes leading to these outcomes becomes increasingly urgent (Robbins 2012; Vaccaro *et al.* 2013; Holmes 2014). West *et al.* (2006), in criticizing the discursive separation of people and their environment into different categories of culture, nature, society, and environment, describe how, for example, the International Union for the Conservation of Nature (IUCN) put forward a global system in which all protected areas must fit into this system, providing national governments with a rationale to separate and displace people from their historic territories, which West and Carrier (2004) describe as form of gentrification of the external world (see also Neumann 1998; Johnson 2000). Others (Fairhead and Leach 1996; Seeland 1997; Igoe and Brockington 2007; Brockington *et al.* 2008) have questioned the long-held assumptions and discourses about the

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fast-degrading forests due to indigenous inhabitants' land use. Rather, they describe how population growth, combined with local management practices, might imply more trees and vegetation, hence more forest. It is the long-conceived relationship with the forest, "a relationship with deep historical roots," that improved productivity, set its value, and enriched the forest (Fairhead and Leach 1996: 279). Around the world, historic land uses increased landscape heterogeneity and biological diversity (Siebert 2004; Siebert and Belsky 2014). Oudenhoven *et al.* (2010: 13) note that "Landscapes that have co-evolved with or have been altered by human activities often depend on the continuation of these activities to maintain the presence of certain species and ecosystem services."

Following these views, we argue that weak state power can create spaces for local sustainable institutional innovation by using "institution shopping" (Haller 2010). Institution shopping refers to the selection of rules for more participatory management approaches. In the case presented here, international platforms such as the UNESCO Biosphere Reserves system could provide further resources to enable local empowerment under conditions of weakened states. Our analysis is influenced by "constitutionality, which outlines conditions where local institution building can produce a sense of ownership in the process" (Haller *et al.* 2016). We pay particular attention to how the reduced bargaining power of the state can lead to more power sharing in the management of common property or common pool resources.

We address changes in resource management in Israel's largest protected area: the Mount Carmel UNESCO Biosphere Reserve (BR), and show how the Israeli state lost considerable bargaining power in managing the BR following a large fire in 2010. This catastrophe undermined the credibility of the state and led many local Druze-Arabs communities to act collectively, bringing in international institutions, seizing management roles, and proposing local resource use and management in place of state authority. This enabled them to cite participatory rules enshrined in the BR's institutional regulations to gain power legitimately. Thus Druze communities were able to use this opportunity to devise their own rules and regulations, which drew in part on existing local institutions for using forest pastures, but also included innovations in which all Druze could participate, irrespective of their status or wealth. Our ethnographic data provides insight into the local communities own (emic) perceptions of this process as they were trying to negotiate a new bottom-up participatory process, revising both environmental rules for managing the Carmel Forest as well as the hierarchical structure of political dominance of the Israeli state. As the constitutionality framework emphasizes, stakeholders do not simply follow rules of participation presented to them as non-negotiable, but initiate different formulations to negotiate and empower their roles and needs, leading to new constitutional rules for resource governance (Haller *et al.* 2016: 1–2). An important contribution of

this research is documenting how grassroots actors select (institution shopping), use, and transform institutional settings, which become available during times of reduced bargaining power of state or other powerful actors.

Additionally, our findings suggest that these new environmental and political conditions have reduced the earlier sense of alienation among some of the Druze minority had towards the Carmel Forest and the social meanings it had represented for them. Today they are actively involved in the construction of management plans related to the surrounding environment of the BR. We analyze these changes by emphasizing the social, economic, and political dynamics that emerged from constitutionality processes of institution building, challenging the longstanding unequal power relationship between the Druze villages and the State of Israel. Their active involvement is producing a new "value" of the forest as a cultural landscape ecosystem, while it was previously seen as a tool of state domination, and thus the Druze minority in the Mount Carmel BR is remaking and reclaiming their identity and status in the Israeli Jewish state.

## Research Setting and Methods

We conducted ethnographic research using a mixed methods approach in the Carmel Biosphere Reserve during the years 2013–2015, initially as part of a study focused on two separate rural areas in the Mediterranean (the Carmel in Israel and the island of Mallorca in Spain) with similar environmental and social contexts (Eid 2015). Since our focus is on local perceptions and strategies, we used participant observation, including participating in and observing resource use activities in the two Druze-Arabs villages in the Carmel (Dalyet al Carmel and Isefya), as well as open and structured interviews. In addition, we organized 12 focus group interviews, created biographies with ten different individuals, and conducted 26 structured interviews. We focused our data collection on local activists, state and municipal officials, local political and religious leaders, farmers, herders, and different users of the forest. All communications were in Arabic. Some residents did not agree to use of their names, and this is respected.

## Biosphere Reserves as Platforms for Empowering Local Participation

The Biosphere Reserve project is part of a series in the larger program of Man and Biosphere (MAB) developed by the international community and UNESCO beginning in the late 1970s. In 1995, the UNESCO General Conference adopted two resolutions: the Seville Strategy and the Statutory Framework. Both documents state that BRs should adopt new approaches from traditional protected areas (PAs) and

they should become into areas for sustainable development, while respecting human presence in their territories (Stoll-Kleemann 2008), and describe BRs as both the application of a concept and an international designation (Adams 2009; Pool-Stanvliet 2013). While the texts' international legal standing is debated, many scholars believe that since they were established by a consensus process and adopted by the UNESCO General Conference, all member states should be committed to respecting them (Jardin 2008).

Officially, the BR framework provides opportunities for local actors to participate in the creation and management of a PA (Objective II.2 of the Seville Strategy) in order to create real and dynamic bottom-up institution building (Jardin 2008). The Seville Strategy describes alliances between local populations and the state in interactions with the natural environment to “safeguard[ing] the cultural values associated with BRs” and to “survey the interests of the various stakeholders and fully involve them in planning and decision making regarding the management and use of the reserve.” The relationship with the local population should be considered a “pact” (Article 8), and “management should be open, evolving and adaptive. Such an approach will help ensure the Biosphere Reserves and their local communities are better placed to respond to external political, economic and social pressures” (UNESCO 1996: 6).

Bodansky (1999) describes this process of movement of decision-making authority from the national to the international level as generating issues related to legitimizing the relationship between states and non-state actors, including those at local levels. Affolder (2007) argues that the real power of the UNESCO BR system lies in its decentralized approach: as the participation of the (democratic) public in the bottom-up process increases, so does the legitimacy and sense of ownership that must come with it. Public participation then can be viewed as “a source for international legitimacy,” both for the states who are sharing their powers in accordance with their international obligations to UNESCO and for the political requirements of the local population (Bodansky 1999: 619). However, such institutional designs can also act as an Anti-Politics Machine (Ferguson 1990), and therefore antithetical to local involvement; the state might officially subscribe to participatory rules but manipulate them (institution shopping) based on the discourse of state sovereignty and the need to protect the forest.

The Israeli state's use of this strategy reinforces the basic ideology of state control in order to further legitimize commons grabbing (see below). This process becomes evident in the study of the unbalanced power relations between the local people and the state leading to the institutional change of property rights from common to state property. It also means that there is a need for political empowerment, not just an institutional framework, to facilitate a constitutionality process. In our case study, changed power relations after a major

disaster were needed to transform the participatory approach from an Anti-Politics Machine to a Politics Machine. We conclude with a discussion of how the constitutionality approach illuminates this case by focussing attention on what can happen when state power is unstable or in decline.

## The Mount Carmel BR as a Cultural Landscape

The Carmel area is unlike most of the Galilean (northern Israeli) landscape, consisting of a mountain ridge covered with dense forests of ever-green pine trees (*Pinus halepensis* and *Pinus brutia*), populated by the two Arab-Druze village communities of Isefya and Dalyet Al-Carmel. Historically, the Carmel area has been inhabited for thousands of years and has been modified by human activities, such as hunting, wood cutting, and livestock grazing. Prehistoric findings in the Carmel's caves show the existence of modern humans and Neanderthals 150,000 years ago (Olami 1984). The Carmel mountain ridge was considered a sacred site for many different ethnic groups. The name Carmel is believed to be derived from two Semitic words: *Karm El*, literally meaning “the vine field of the god,” found among the ancient Phoenicians, Egyptians, Hebrews, Greeks, and Romans. Historical research reveals abundant agricultural practices, some dating back to 4000 years B.C., while during biblical times some sources describe the Carmel as a huge forest, totaling about 500,000 acres (Weitz 1970); the forest reached its lowest range in the late nineteenth century (Ottoman period and the beginning of industrialization of Palestine). Some parts, mainly in areas under direct control and ownership of the Druze villagers, were saved, both because they were considered holy forests and also for their important role in local subsistence strategies (Braverman 2009a). This long history of human use, involving local grazing and use of fire, and ecological change has created a unique cultural landscape (Weitz 1970; Ashkenazi 2004).

After World War I, the British Mandate in Palestine initiated new forestry programs around the country. Seeds were imported from India, Australia, and Egypt (all under British control at the time). A new greenhouse for supplying seedlings was built near Mount Carmel in 1920. With the establishment of the State of Israel in 1948, these greening efforts were intensified, mainly by the Jewish National Fund. The main trees planted were foreign pines from different areas of Mediterranean Europe (mainly *Pinus halepensis* brought from France and Spain) in an effort to resemble European forests. Maestre and Cortina (2004) claim that the replacement of natural oak Maquis shrubland with pine trees around the Mediterranean has created “ecological deserts” since it has prevented the development of other tree assemblages in the region. Amir and Rechtman (2004) show that, after the establishment of State of Israel in 1948, afforestation served as a

way to achieve Zionist national goals, to protect areas belonging to the state, and to perpetuate a collective memory throughout the country. They note that considerations of the security establishment were at the basis of quite a number of planting projects, and as a result forests foreign to the local area were created. In contrast, typical eastern Mediterranean forests usually include a high number of different tree varieties known to be more resistant to fire risk, such as olive, carob, fig, and local pine trees (Sternberg *et al.* 1999).

Before colonial times, these high diversity forests were managed by the Mushaa local land tenure system, which was for centuries one of the most important local common property regimes in the eastern Mediterranean. The Mushaa organized the shared activities of the local villages, such as grazing, agricultural work, and other subsistence practices, under different consensus arrangements in the forests and surrounding areas (El-Eini 2006). It also coordinated mutual defense efforts of these common lands against external attackers or users, especially nomadic tribes arriving from the desert. This led not only to feelings of trust and mutual of identity around the forest commons, but also to labor sharing and mobilization, important in responding to environmental disasters such as fires or droughts (Schaebler 2001; Nadan 2003).

During the period of the British Mandate in Palestine, the Mushaa was viewed as an archaic economic institution (Bunton 2007). Many official reports by the Mandate representatives recommended abolishing the system altogether, followed by concrete efforts to nationalize or privatize these lands, resulting in a dramatic decrease in the percentages of Mushaa land. In 1917, more than 75% of all rural lands were still cultivated by farmers working under the Mushaa system, but by the 1940s, this had reached less than 25% (Bunton 2007). With the establishment of the Israeli state, which continued British policy based on the principle of hierarchical control of ethnic minorities, by the early 1950s it had totally disappeared (Yiftachel and Segal 1998).

## Environmental Alienation of the Druze

The Druze are one of the smallest Arabic-speaking religious minorities in the Middle East, totaling one million persons, dispersed in very small communities (usually villages) throughout four countries: Lebanon, Syria, Israel, and Jordan. Their total population in Israel amounts to 130,000 (1.7% of the population). Despite growing attention in recent years, they remain one of the least understood societies in the region. Having survived a long series of traumatic events involving forced outmigration since the twelfth century, they have cooperated with powerful players and even with rivals at times (Firro 1986). Forced into the high, less accessible mountains, such as the Carmel ridge in Galilee to seek protection (Swayd 2006). Consequently, the Druze attach great

economic and spiritual value to these isolated, culturally-modified environments and forests.

Understanding the history of the complicated relations between the Druze and the Israeli State is crucial to understanding the power and ideological dynamics in the Carmel BR today. A political alliance between certain segments of the Druze and the rising force of Zionism in early twentieth century Palestine was unique among other Arab groups inside what became the State of Israel. During that time, Zionist activists tried to build a lasting political pact based on the perceived historical and existential debt of the Druze to the Jewish nationalists, advancing a metaphor of primordial alliance and blood relationship between the two groups (Firro 1999).

Additionally, Parson (2007) claims that the Israeli Defense Forces (IDF) had a clear pro-Druze bias before and after the 1948 war. Of the more than 400 Palestinian villages relocated and destroyed by the IDF, not one Druze village was affected. But despite this *de jure* status as a minority of the Israeli State, the Druze have not been accorded *de facto* equal status. After 1948, the Israeli government started to expropriate large tracts of land owned by the two Druze villages in the Carmel so that today the villagers own only about 27% of their original forest and agricultural land. The sustained lack of any state-sponsored economic development in the villages has created a significant shift in the local economy, transforming many Druze from shepherds or farmers who worked their own lands to wage-laborers (Forman and Kedar 2004). Confiscation of their lands has created a great loss of common pool resources especially forest pastures for cattle and consequently young Druze men have increasingly turned to the security forces for employment, as "the Israeli Army became the main gate to enter the labor market" (Migdal and Kimmerling 2003: 180). This has resulted in what Firro terms "economic subordination that has been accompanied by encouragement of the preservation of sectarian identity" (1999), such that the Druze have permanently fractured their relationships with Palestinian society around them.

On December 2, 2010, the Mount Carmel BR suffered one of the biggest natural disasters in the history of the State of Israel. Fire burned 15,000 acres, almost a third of the area of the BR, destroying more than three million trees, hundreds of homes, killing 44 people, and causing 14,000 residents to flee. General public opinion in Israel was anger, as evidenced by the many demonstrations that were held nationwide, and the view that the state had failed completely to protect the Mount Carmel area. A detailed official report published one year later documented severe mismanagement of the BR and negligence by state officials, and recommended the resignation of several high-ranking officials including the minister of interior affairs (State Comptroller 2012).

Our ethnographic data, however, show that the horrendous fire created new political opportunities for local collective

actions of the local Druze villagers. The fire not only caused significant loss of life and property, but was also a “breaking point” in the villagers’ relationship with the Israeli state stretching beyond those departments related to forestry. Earlier attempts by the Israeli government to confiscate lands belonging to the villagers in the Carmel, combined with social unrest following the fire in 2010, led to a drastic decline in sympathy, solidarity, and trust among the Druze towards the State of Israel (Samuha 2013; Zeidan 2015).

### **Herdsmen and the ‘Fortress Approach’ in the Carmel**

Even though the Carmel BR was created and managed initially under international supervision (the UNESCO and German advisory teams) in accordance to the UNESCO “Man and Biosphere Reserve” program, involvement of the Druze inhabitants was kept to a minimal level. There were a few attempts to engage local Druze leaders in the early 1990s, but without an explicit bottom-up, participatory agenda (Gasol 2009). Thus the state made use of UNESCO institutions to enlarge state control of the Mount Carmel area and to legitimize further expulsion of Druze farmers and herders from the forest pastures.

A herdsman from Isefya (aged 71), described the eviction process and draconian penalties when “state property” was not respected:

I used to own 500 heads of goats and cattle. Today I have 150 only. Why you would ask me? It is simple: the authorities’ personnel would come in their Jeeps and shoot at the animals if they entered the forest! I then started to give up and sold big number of goats. I had at one time less than 50 head.

Local discourses not only address eviction and punishment but also ecological damage that is caused by outlawing historical local use and management. One interviewee was convinced that the forest would have been saved from the devastating fire if it had remained a forest pasture grazing landscape. He argued that grazing would always have kept some areas free from dry grass so that they would act as breaks limiting the spread of fire. Similarly, most villagers viewed state policies as responsible for the fire, as they were not allowed to use, plant, hunt, cut wood, or take their herds into the forest. Many repeated the sentiment “we told them this will happen for years, but they would not listen,” while the most radical held that “they [the state] deserve it and should be punished by such a fire.” However there have been recent changes in state policies as the local administration admitted (unofficially) that grazing in the forest protects it from extensive fires. One herder explained that “Today, even if you take the goats to graze

inside their offices they [conservation administrators] will agree. Do you know why? It is not because of us, it is because of the fire!”

### **The Trees of the People**

Since the general public and local residents accuse the state of mismanagement in banning the local populations from their historical use and management of the forest, it is important to understand their areas of disagreement. While the official Israeli approach is largely focused on protecting nature through limiting or excluding human use, it also has followed a vigorous policy of planting trees and declaring landscapes PAs. Israel, in common with other states around the world, views this as a means of creating state property rights and of increasing its control over recalcitrant minorities (Peluso 1993; Kelly and Peluso 2015). In this case, pine trees were planted on Mushaa common lands that belonged to Palestinian villages and towns (El-Eini 2006; Braverman 2009a). Ownership rights are claimed where trees are planted and this legitimizes eviction, enabling the extension of state frontier. The local populations both in Israel and in the West Bank whose rights to these commons were taken in this fashion perceive these forests as tools of war. At the same time, olive trees, which have been important in the local economy for hundreds of years, have become a prestigious cultural symbol of resistance and solidarity among these populations. The Druze, like the rest of the population of Galilee, planted olive trees for multiple uses, such as fruits for direct consumption, oil, and wood for charcoal production. The pine trees planted by the government over the years on their confiscated lands have few uses and acidify soils, making them less suitable for agriculture; this has generated much animosity among local populations towards an imposed landscape (Yiftachel 2006).

Following the 2010 fire, the Druze farmers held public demonstrations and sent letters of protest to authorities. The state responded by immediately organizing some meetings with the state representative. One interviewee described the issues the Druze farmers raised:

We are farmers, and we do not have fear. But we also share a great deal of knowledge. The problem is that you [state representatives] do not respect our knowledge. How come nobody asks what we want during all these years, and now, we see this sudden love. We want to be able to use our lands, to plant more of the olive trees, this is the most useful tree we have, not the pine tree which is useless. If you want our cooperation, you must cooperate with us too.

This statement also illustrates the symbolic value of and ascription to specific tree species by the contending interests.

Other farmers didn't wait for official recognition of their traditional practices. They created a committee, and after some meetings, decided to plant their lands located in the area that was severely burned by the recent fire with olive trees. Their newly balanced bargaining power encouraged them to revitalize these lands, which were legally zoned as parts of the protected forest and out of their official control. As one farmer explained:

After hearing that the goats and cattle are back to the forest, we bought hundreds and thousands of tree plants. Then each of us planted them into his land. This is a unique tree: even if you burn an olive tree, it will regrow after few months. And it lives for thousands of years.

Choosing to plant olive trees was a strategic move as it had become a symbol for the Palestinian struggle against Israeli occupation of the West Bank (Braverman 2009b). It has also become the Carmel villagers' symbol of solidarity against top-down land policies to plant "foreign trees" on their lands. Another enthusiastic farmer argued that their efforts "creates nature," a counter view to the Israeli state, which argued that local people harm "nature:"

We are coming to Nature. To the forest. We say: let's cooperate. Thus we are actually helping in the foresting efforts. Nobody then can accuse us of harming nature.

A year after the fire it seemed that things had moved in the farmers' favor: not only had the Parks Authority tried to diversify trees replanted, but the farmers were asked for their advice on what and where to plant, as the herds of goats and cattle were allowed to return to the forest. Olive trees, then, had gained a stronger social and economic meaning in the Carmel.

### Old Values as Political Strategies of Invention of Tradition

Over the years, the villagers have developed different resistance strategies to common pool resources governance change. One such important case began in 2005 following the announcement by the government of Israel of a new plan to expropriate 1000 acres of private land from the villagers to include under the "protected area" category for the establishment of the BR, thus preventing any local uses of the land. This was a top-down decision imposed without the consent of the villagers, who protested with no apparent success. A group of local activists, including a former mayor, students, and religious figures, was formed "the Druze Committee for the Protection of Lands." The committee held many meetings and discussed different strategies finally deciding to reclaim older

values associated with that land. A number of new shrines for different holy figures, such as "Sitna Sarah" (Our Grandmother Sarah) and "Sayidna Abu Ibrahim" (Our Lord Abu Ibrahim), were built quickly and surmounted with the Druze flag, announcing that the forest was actually a holy place for all the Druze in Israel.

In a country where new Jewish shrines are being "discovered" and "rediscovered" in order to be institutionalized into the daily Orthodox religious practices (Benvenisti 2001), these villagers used the idea of rediscovery to resist the expropriation of their lands. Their local war then became a religious war. The sign erected near the Sitna Sarah shrine claimed, "She is going to protect our villages and lands. The Carmel is a holy land for the Druze, and we will be all united if anybody wants to touch it or humiliate this holy shrine."

Sheikh Muhammad, a Druze spiritual leader, declared during the inauguration of the sites:

"Between these sites we have the House of the Druze Martyr, which became a major site frequently visited by leaders and representatives of the state, in order to admit the indebtedness of the state to the Druze, and recognize the importance of the Druze role in keeping security and peace in this land."

After several protests, the confiscation plan was finally abandoned. "After all," one committee member commented, "in Israel nobody will touch a 'holy land.'" Thus this invention of tradition and institution shopping by the Druze proved the first positive strategy to regain their land.

### Historical and Symbolic Debt Discourse

A similar strategy adopted by the villagers was based on a redefinition of structural relationships of the past. One of the state's means of controlling the Druze was by making reference to the claim of a historical debt, which was a plan to paralyze Druze ability to act against the state's policies and get them to accept the official environmental and economic policies (Yiftachel and Segal 1998; Yiftachel 2006). Israeli Sociologist Baruch Kimmerling relates it to the hierarchical relations towards other minorities in Israel based on militaristic approaches that still dominate Israeli society. Under militarism, reflecting its own structure, a hierarchical relationship must be enacted and maintained. Kimmerling claims that the Druze were promised several times an equal status to the Jewish majority in all aspects of life in return for their military service. However, in fact, the state never implemented any real egalitarian structures for sharing its power with the Druze (Kimmerling 2001). A local Druze Sheik recounted an example of the dominant state discourses regarding the debt of the

Druze to the Israelis that occurred during the war of 1948 after Druze fighters killed a small number of Jewish soldiers:

During the 1948 [war], in the battle near the Druze village of Yanouh, [a] few Jewish soldiers were killed by Druze fighters. A Sulha [the traditional Palestinian social institution for conflict resolution] [was] conducted under the supervision of state representatives. The Druze leaders offered the families some money as compensation, but the state officials rejected it, then they made it clear in their speech, meant to humiliate them, by saying: We will never accept your money. The Druze will continue to be in debt to the Jewish state, since you betrayed our 1000 years blood bonding we all know about.

The sheik emphasized that the Israeli state representatives refused their money in order to prevent any possible sense of equal relationship. On the other hand, today many Druze argue with that the State of Israel actually owes *them* much for their continuous support and service during times of war. This highlights the contradiction many of these Druze find themselves facing: either being loyal to the state and its military apparatus from which many make a living, or resisting these long-standing strategies of top-down hierarchical decisions made by Israeli governments. Our data show that after the 2010 fire, this symbolic means of domination seemed to suddenly erode state bargaining power by casting enormous doubt on state discourse of the Druze being in eternal debt to the Israeli state. The symbolic subordination of the Druze could be challenged by the fact that so many young Druze men had lost their lives fighting for the country. Therefore, this symbolic debt was no longer of use for the subordination discourse deployed earlier by the state.

### New Bottom-up Institution Building Processes

A new space was created in the aftermath of the fire that we argue enabled various new forms of collective actions to regain common property and new forms of locally-conceived organization and institutions. Herd owners organized into new self-managed cooperatives based on traditional local knowledge. The new self-identity gained by the increase in bargaining power in relation to the state led to collective action to regain control of property and to manage it through local cooperatives independent of state oversight. In addition, it led to recapturing reciprocal labor exchange practices historically practiced and making use of the Druze traditional institutional system of forest pasture management. As a result, coordination of use was possible, and more equitable relations also accrued among the Druze herders, since their meetings now

enable them to discuss and implement new possibilities for cooperation and shared management of pastures.

Farmers similarly self-organized into groups and pooled their resources to purchase hundreds of olive saplings. One of these farmers commented: “the group will reach a system that resembles the Mushaa, since to reach and keep the maintenance of such isolated land requires the continuous cooperation and sharing of rights of access.” These farmers have agreed to use a collective decision method that was a main feature of the Mushaa common property management regime, drawing on the knowledge of some of the oldest members of the community, who can attest to the particularities of the system in the past.

### Institutional Change Towards Constitutionality: Using UNESCO from the Bottom-up

Following the failure of the state environmental conservation policies in the Carmel, these developments within the Druze community have important implications for the environmental policy in Israel. Today, the BR system principles of decentralized management of the PAs are being reevaluated and adopted into the Israeli legal system, as they been formally recognized by the Ministry of Interior. A new appointed official committee, which has been learning from the locals’ experiences in the Carmel, is recommending recognition of and change to some of the top-down environmental practices in Israel (Ministry of Interior 2015).

At the same time, residents in the villages are trying to act at the local level to increase the use of the UNESCO internationally developed institutions of participation. The activities of the Druze group in Isefya illustrate this strategy. This group has called meetings with the local council and some Israeli officials from the Parks Authority to discuss new by-laws to be adopted by both the Israeli Interior Ministry and the leaders of the local Druze villages. As one activist commented:

This is really surprising to see such a change. We hope our community will be able to pass local by-laws for the first time. These by-laws are considered real laws in Israel. With them, adopting the principles of bottom-up procedures can revolutionize the way things have been done in the Carmel.

For them, the BR institutional system of participation is shopped on to provide an international umbrella creating legitimacy for their actions. One of the managers in the Parks Authority admitted that:

The environmental policies needed to be revised, mainly issues related to grazing rights and access to traditional

agricultural lands. The BR system has gained a prestigious status all over the world, and it is about time trying it, in times when many people around the world are acting to boycott Israel.

After years of top-down hierarchical ideology, the state representatives finally declared that sharing their management powers as UNESCO requires might actually benefit all the players in the Carmel.

## Discussion

The Carmel BR case reflects most of the six principles proposed by Haller *et al.* (2016) on constitutionality, but also shows differences:

- 1) Recognition of need to develop new institutions: This need has been felt for a long time, but local people lacked the bargaining power to bring in their voices. The failure to protect the Carmel from a devastating fire led to lowering the power and legitimacy of the state while local bargaining power was increased, and the community could address years-long suppression.
- 2) Pre-colonial institutions available: It also becomes evident that the Druze groups had forest pasture and olive tree related institutions on which they could build in order to use the environment. People revitalize elements of these institutions that are adapted to new times and conditions.
- 3) External actors help provide equal platform: This principle is less evident in the Druze case, but one could argue that UNESCO provided a platform to bring in local views from the beginning. The state, however, used participatory institutions of UNESCO in order to enlarge their power and legitimize top-down management, which was hidden behind the participatory approach. Changing bargaining power relations between the Druze and the state enabled the Druze to shop on the real understanding of UNESCO participation rules and then capture them (institution shopping) in order to be able to create new institutions.
- 4) Recognition of local knowledge: This is a case where the role of local knowledge, unrecognized for a long time, can fully develop. By making reference to the pre-colonial institutions for the use of the forest as forest pasture and by the community-based planting of olive trees, local knowledge of a combined positive use of forest as pasture is a way to enhance local livelihoods. Furthermore, by reducing undergrowth, which fuels large scale fires, local knowledge is also a way to protect and recreate the cultural landscape of Mount Carmel. In this context, the Druze were also creative as they shopped on the notion of holy sites by indicating that, like the Jews,

the Druze have their sacred sites in the forest which they are obligated to preserve.

- 5) Development of a sense of ownership of new institutions: This point is of central importance because, in the situation of state control, most institutions are perceived as state controlled implemented via a top-down approach. The local actors in contrast went through a process of institution building after the change in bargaining power, which enabled the different stakeholders to be part of the institution building process; the new rules are now their rules and are not imposed, reflecting their resource management notions.
- 6) Addressing higher-level recognition and support: The main changing point in our case was the loss of legitimacy of the state and the capturing of UNESCO institutions, requiring the state to accept that UNESCO rules of participation really mean local involvement and that the state itself will now have to support what local people have crafted.

The Druze case also raises another dimension that can be added to the constitutionality frame. It calls attention to contexts where changes in power relations are occurring and space for local action becomes available. It also tries to consider situations where local actors who had faced major power imbalances in the past have become able to drive bottom-up institution building processes after this change. The process of institution shopping under conditions of changed bargaining power is an additional element to be recognized in processes of constitutionality.

## Conclusions

As stated above, constitutionality is concerned with understanding the strategic ways by which local actors are able to rework hierarchical structures to their advantage, including how they can create their own institutions involving collective benefit for most. This might not always mean a win-win constellation but should be understood as a compromise due to the relative leveling of bargaining power these actors are able to achieve (Chabwela and Haller 2010). The tensions between the Druze community and the state, embedded in a long historical hierarchical relationship, were challenged in unique ways in the Mount Carmel BR area after the 2010 fire. It enabled local communities to regain some power and to address important aspects of local resource management, which gained acceptance by the state and international organizations. It also enabled a combination of traditional and new social institutions based on local knowledge and principles of mutual collective support based on the partial local autonomy that the BR platform offers.



As researchers around the world conduct projects to foster bottom-up processes of public participation, the constitutionality framework can be informative. We argue that along with the conditions noted in the original formulation, its value is augmented by the understanding that actors' bargaining power does not remain constant. Instead, we argue that during periods of change, historically less powerful actors can take advantage of new opportunities for collective action for mutual benefit. In these situations, taking advantage of external opportunities (i.e., the UNESCO BR program) can be of high strategic value. Other empirical cases of constitutionality processes have shown that local residents can and do participate in and design effective social institutions given enabling conditions (Haller *et al.* 2016). In our case, this opportunity was achieved by the weakening of state bargaining power in the aftermath of the fire in the Mount Carmel BR and by the international umbrella of the UNESCO platform.

#### Compliance with Ethical Standards:

**Conflict of Interest** The authors declare that they have no conflict of interest.

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