

ADMINISTRATIVE FAIRNESS AND LAND USE SUSTAINABILITY: RESTRUCTURING FOREST LAND DECISION-MAKING IN BRITISH COLUMBIA, CANADA

Michael R Mason
School of Geography and Environmental Studies
University of North London (UK)

Abstract

Attention to administrative process is of key importance in reconciling competing interests in environmental policy-making and implementation. Acute wilderness preservation/logging conflict in recent years in British Columbia, Canada, has led the government to attach a political priority to the development of legitimate procedural forms for forest land use allocation and management. In devising a provincial land use strategy governed by principles of sustainability, the Commission on Resources and Environment (1992-96) highlighted the need for neutrally administered decision-making processes open to the participation of all interests. Drawing on legal norms of administrative fairness, the Commission presented far-reaching proposals for restructuring land use planning in the province. Its suggestions for legal and institutional reform reflect the commitment of the Commission to public inquiry and discourse in environmental decision making, but have raised objections relating to regulatory costs and bureaucratic accountability. These recommendations nevertheless claim to offer a means for resolving environmental disputes in an effective and non-discriminatory manner; as such, they are of critical relevance to other regional and national contexts where public agency decision-making must mediate between diverse, often opposing, interests.

Introduction

Land use is a major governance challenge in British Columbia
[Commission on Resources and Environment 1994c: 1].

The creation, in July 1992, of the British Columbia Commission on Resources and Environment (CORE) signalled a commitment by the provincial government to restructure the land use planning system. This permanent advisory body was given a unique statutory mandate to develop a province-wide land use strategy, including related resource and environmental management guidelines.¹ Alongside other recent strategic planning initiatives in British Columbia, such as the Forest Resources Commission and the Protected Areas Strategy, CORE embraced broad principles of economic, environmental and social sustainability, making direct reference to international protocols on sustainable development.

A more immediate impetus behind the formation of the Commission involved the widely acknowledged dysfunction in provincial land use decision-making, as evidenced in several high-profile wilderness preservation disputes. From the early 1980s, the major source of environmental conflict has been the clearance of old-growth forest areas for

timber. Without a firm legal and administrative basis for wilderness decision-making, the provincial government has struggled to accommodate growing public support for preserving natural areas. Although over ninety per cent of British Columbia is Crown (public) land, the 81 million hectares designated as provincial forests have historically been allocated to long-term licences prioritising timber production. The preservationist campaigns of environmental interest groups have thus increasingly centred on park or wilderness reallocation for areas of commercial forest land, drawing support from the resurgence of environmental concern in the late 1980s/early 1990s.

Substantive conflicts concerning land use interests therefore prompted the fundamental review by CORE of the institutional forms for deciding Crown land use allocation and management, i.e. the means of land use governance. While the provincial government committed itself to the completion of an ecologically-oriented protected areas system, alongside the implementation of a comprehensive forest practices code, the Commission identified a continuing need for more coordinated, preventative land use planning in the province. Moreover, as embedded in a CORE Land Use Charter, an integrated planning approach is firmly tied to consensual notions of procedural fairness and participatory decision-making. This Charter guided regional land use negotiations and community-based resource planning processes undertaken by the Commission. Following these pilot planning exercises and extensive public consultation, CORE released the four volumes of its proposed Provincial Land Use Strategy (CORE, 1994d and e; 1995a and b).

There is a clear debt in these recommendations to well-established principles of interest-based negotiation informing public policy consensus processes in the United States, notably environmental mediation techniques [Cormick, 1989; Susskind and Cruikshank, 1987]. Their common premise, and one borne out in Canada by the experience of Round Tables on the Environment and Economy as well as earlier experiments in environmental negotiations, is that, by satisfying public demands for increased participation in decisions affecting their quality of life, consensus processes can generate fair and lasting responses to the complex challenges of sustainable living [Round Tables on the Environment and the Economy in Canada, 1993; Dorsey and Riek, 1987]. Public participation, in the form of joint problem-solving, both draws on a great range of relevant knowledge and encourages a creative accommodation of diverse values to realise a common interest. Open communication between public agencies and stakeholder groups delivers an agreement 'on the merits' or, in more optimistic rhetoric, a 'win-win' situation where cooperation has replaced confrontation. Above all, the sensitivity to underlying values and interests rather than strategic positions invests land use negotiations with a shared

sense of ownership. And this, the proponents of consensus decision-making in British Columbia claim, makes for fairer, more prudent, and more durable solutions to Crown land use conflicts [British Columbia Round Table on the Environment and the Economy, 1991; McDaniels, 1992].²

In a Canadian context, prior to its winding down in March 1996, CORE represented an ambitious attempt to generalise principles of alternative dispute resolution on a province-wide scale. This unique planning experiment reflected a national trend towards multipartite bargaining as an environmental policy style, away from natural resource management regimes traditionally based on closed, bipartite bargaining between government and private corporations [Hoberg, 1993: 6-13]. In this paper, after briefly outlining the structure of Crown land planning in British Columbia, I begin to assess CORE in terms of its commitment to shared decision-making; in particular, according to the normative criterion of administrative fairness. This makes explicit the minimal conditions for rational legitimacy that political authorities must meet if they are to implement policies for sustainable land use in a democratic fashion. Recent discussions on greening regulatory structures make clear that administrative openness and participatory decision-making - themes that I highlight - establish free discourse on interests and issues as a regulative ideal for environmental governance [Paehlke and Torgerson, 1990; Dryzek, 1990].

Crown Land Planning in British Columbia

Along with the rest of Canada, British Columbia saw environmental concerns attain political saliency during the 1970s. Pollution control measures and attempts to protect threatened wildlife habitat shaped initial environmental policy debates, but the province has since experienced a series of protracted land use disputes centred around campaigns for wilderness preservation. For an economy traditionally based on timber extraction and a seemingly endless supply of other natural resources, the growing public demand to establish more park areas has questioned accepted resource management values [Wilderness Advisory Committee, 1986: 131]. As support for wilderness preservation has gathered momentum in the province successive administrations have seen the traditional extractive goals of forest land allocation and management contested by environmentalists. Continued conflict throughout the 1980s and the early 1990s exposed serious flaws in the institutional framework for Crown land planning in the province.

For natural resources and environmental management, the basic distribution of legislative powers between the provinces and the federal government has remained constant since the 1867 British North American Act. By virtue of their proprietary rights (Section 92) to public lands and

natural resources within their boundaries, including the direct mention of timber rights, provincial legislatures hold the primary environmental management powers. In 1982 the Constitution Act confirmed this jurisdictional authority, clarified through a specific Resources Amendment [Lucas, 1987; Vanderzwaag and Duncan, 1992]. As 93 per cent of British Columbia is Crown Land and only one per cent comes under federal ownership, the major resource planning responsibilities facing the provincial government on its 86 million hectares are substantial. The provincial Ministry of Forests assumes a lead role in planning and managing the 80.7 million hectares (84.5 per cent of the province's total area) designated as provincial forests by the Forests Act.³ About half of this area is classified as productive forest land (43.3 million hectares) where the stated objective is the sustainable use and management of timber, range, recreation, wildlife, fisheries and other resources values. Just over half of this land is available and suitable as commercial forest, where timber harvesting has traditionally been the policy priority [Ministry of Crown Lands, 1989].

The dominant position of the Ministry of Forests in Crown land planning and management is reinforced by its broad legislated responsibilities over the provincial forests, assigned by the Ministry of Forests Act. Under Section 4 the Ministry is charged with encouraging maximum productivity and efficient utilisation of the provincial forest and range resources in consultation and cooperation with other ministries and the private sector.⁴ This extensive discretionary authority contrasts with the prescriptive legalistic approach provided by the US National Forest Management Act⁵ [Hoberg, 1993; Nixon, 1990]. It is from this mandate that the Ministry has committed itself to integrated resource management: in theory, a comprehensive process guided by the principle of sustained use, taken to mean a land use and management emphasis based on the equitable consideration of social, economic, and environmental factors [Ministry of Forests, 1990; 1994: 18]. In practice, a focus on timber resource planning has continued the agency's historical emphasis upon economic development on Crown forest land promoting, in particular, the growth of a domestic forest products manufacturing sector through secure land tenure rights. The consequence of prioritising timber production uses on Crown land is borne out by the present complex system of public forest tenures, where corporate timber harvesting interests are entrenched. Not surprisingly, forest companies have been reluctant to relinquish resource rights without substantial compensation, reinforcing the predisposition of the Forest Service not to re-designate commercial forest areas away from a timber production emphasis.

This has promoted the widespread view that the agency retains a pro-exploitation bias toward resource extraction industries, supported by

charges of procedural unfairness in forest land use planning: the perception of bias has undermined its claim to be representative of non-timber values such as wilderness, wildlife, and recreation [Cabinet Planning Secretariat, 1993; Gunton, 1993]. A land use planning review undertaken by CORE supported this claim with two major findings. Firstly, a lack of neutrality exercised by planners in the Ministry of Forests was related to planning responsibilities and mandates lacking legal clarity and consistency, as well as inadequate referral systems; that is, other ministries with jurisdiction over Crown lands (notably the Ministry of Environment, Lands and Parks) not having an effective input when consulted by the Forest Service over resource plans affecting areas under their management authority. Secondly, CORE concluded that integrated resource management was weakened by the lack of meaningful public involvement in Crown land decision-making. Lacking a legally mandated public participation process, opportunities for public involvement have been limited and ill-defined, left to the discretion of the relevant resource agency officials [CORE, 1994e: 20-22; 1995a. See also Brenneis, 1991; Vance, 1990].

The Legitimation Deficit of Land Use Decision-Making

In its first annual report to the British Columbia Legislative Assembly in June 1993, the Commission on Resources and Environment identified a serious 'dysfunction' in Crown land use decision-making, expressed as 'a widespread public cynicism about government effectiveness and fairness and a resulting dissatisfaction with the actions and directions of government' [CORE, 1993:10]. The Commission cited the rejection of the results of provincial planning processes as evidence of this procedural dysfunction. This was manifest across the spectrum of land use interests, not only in terms of campaigns orchestrated by environmental preservation groups, but also established sectoral interests lobbying against administrative land use decisions and seeking judicial redress. It is in these terms that we can characterise Crown land use decision-making as facing a withdrawal of legitimation or, in other words, a legitimation deficit - a situation where large sections of the public regard as invalid the policy goals and justifications of government agencies [Habermas, 1987: 144-48; Finkle, 1983].

Within normative democratic theory, legitimacy refers to 'the convincing character of reasons that justify political decisions or, more generally, validate practices and institutions' [Bohman, 1990: 95]. This rests on a procedural understanding of democracy as a deliberative process of rational collective will-formation - one that promotes reasoned agreement over practical-political questions through the acknowledgement of a common or general interest. For society, the legitimate legal principles and

political/policy goals of a democratic state are thus claimed to be dependent upon discursive procedures for positing and justifying norms. Consent to political authority is legitimate only if there are good (sufficient) reasons to enable people to accept administrative directives as binding on their behaviour [Benhabib, 1994; Dryzek, 1990].

The legitimization deficit of the administrative system can therefore be 'measured' to the extent that it falls short of institutional procedures for free public deliberation on collective needs. As Bernard Manin notes, this idea still recognises the necessity for decision, the fact that collective choices must be made within particular resource and spatial-temporal constraints. All deliberative procedures offer is the likelihood of more reasonable decisions [Manin, 1987: 363]. In the case of Crown land use decision-making in British Columbia this refers us to both the quality of public communication or discourse, and the scope of public participation procedures. To the degree that communication and participation rights are legally institutionalised, the basis of democratic legitimacy is in principle strengthened. As recognised in the CORE diagnosis of dysfunction in public policy decision-making, this is presented as a pressing need given the high complexity of society and the increasing authority delegated to public representatives: it imposes a duty on government to make public at an early stage its plans and policy proposals, as well as a duty to publish the reasons for any significant decisions reached [Owen, 1994].

It has been the absence of participatory deliberation in Crown land use policy that has featured in wilderness activists' claim to justification in the recent spate of non-violent civil disobedience over protecting specific natural areas. Blockades of logging roads, often in tactical alliance with aboriginal groups, culminated in summer 1993 with the arrest of over 800 people in Clayoquot Sound - a 262,000 ha. area of lowland temperate rain forest on the west coast of Vancouver Island [Hatch, 1994; MacIsaac and Champagne, 1994]. This is the volatile context in which the provincial government explored new institutional structures for environmental conflict resolution in the early 1990s. The New Democratic Party had swept to electoral victory in October 1991 promising increased democratic accountability in forest land use policy and a legislative commitment to doubling the land allocated to natural areas protection in British Columbia. The Commission on Resources and Environment is notable as the key strategic planning initiative established by the NDP to address the governance implications of this land use conflict.

Administrative Fairness and The Commission on Resources and Environment: Social Sustainability in Land Use Planning

CORE's mandate was set out in the Commissioner on Resources and Environment Act which became law in July 1992. This established the Commission as a permanent body, independent of the provincial ministries. The Act required the development of a province-wide strategy 'for land use and related resource and environmental management issues' (Section 4.1), the development of participatory planning processes for implementation at regional and local levels, and the formulation of a land use dispute resolution system. While independent, the Commission also had an additional responsibility to facilitate the coordination of resource and environmental management initiatives within government, as well as an explicit mandate to give due consideration to aboriginal land use interests (without prejudice to treaty negotiations).

Within Crown land use planning this statutory mandate is unique. It is similar to provincial Ombudsman legislation (the 1979 Ombudsman Act) in that it provides for independence of the office from government ministries and agencies, full investigative and public hearing powers akin to a standing commission of inquiry, and the responsibility to report directly to the public alongside the legislature and the executive branch. The clear commitment to public enquiry and discourse underpinned the goal of enhancing the legitimacy of land use decision-making, by increasing public participation in the planning process and encouraging an effective balancing of economic, social and environmental interests in substantive land use decisions [CORE, 1993b: 8-9]. Administrative independence and absence of decision-making authority were viewed by the Commissioner as essential to this task [Owen, 1994].

After establishment and in response to Cabinet directives, the Commission concentrated its initial planning efforts on creating regional negotiation processes in areas of high land use conflict. The first step to compiling a provincial land use strategy was the publication of a Land Use Charter defining key principles of sustainability. This acknowledged the formative influence both of global statements on sustainability [World Commission on Environment and Development, 1987; United Nations, 1993] and of two provincial advisory forums established before CORE to review aspects of Crown land decision-making - the Round Table on Environment and Economy and the Forest Resources Commission. Both advisory bodies, following different land use mandates, had in major reports advocated a comprehensive land use planning process for the total land base of the province [Round Table on Environment and Economy, 1992; Forest Resources Commission, 1991]. These recommendations implicitly endorsed administrative fairness as a principle of governance, one explicitly articulated in the CORE Land Use Charter and actively supported by the first Commissioner of CORE, Stephen Owen, who had previously served as the Ombudsman for British Columbia from 1986 to 1992. In that capacity

he had already defined seven rules of administrative fairness designed to improve Crown land use decision-making in the province: (i) access to information, (ii) opportunities to be heard by public officials, (iii) decision-making open to the participation of all relevant interests, (iv) explicit legal basis for decision-making authority and clear policy standards criteria, (v) public accountability of decision-makers, (vi) written reasons for decisions affecting people's interests in a significant way, and (vii) an independent appeal process [Ombudsman of British Columbia, 1989: 30-31].

There is a debt here to common law rules of natural justice. In law a general duty to act fairly when using administrative powers is conventionally related to two procedural safeguards, the right to a fair hearing (*audi alteram partem*,) and the rule against bias (*nemo iudex in re sua*) [Wade and Forsyth, 1994: 471-575; Maher, 1986]. What distinguishes the CORE formulation of administrative fairness is its application to public agency decision-making over and above the legalistic focus of traditional land use appeal procedures in the province. These existing means of redress, available under the Judicial Review Procedure Act, are restricted to the implementation of administrative decisions, with limited criteria for standing to appeal. Although a 'public interest standing' category for challenges to statutory authority in administrative acts has been successfully demonstrated in British Columbia by a wilderness preservation group, the courts have not actively intervened to secure administrative fairness in forest land decision-making.⁶ Indeed, as I will show, Owen regarded such a legalistic approach as inappropriate to the Crown land use planning context. Administrative fairness is represented in more autonomous terms as a normative principle of governance facilitating effective and non-exclusive decision-making.

For the CORE Land Use Charter, fairness requires an expansion of public participation and application of principles of sustainability to Crown land planning processes. Adopted in principle by the provincial government in June 1993, the Charter commits it to protecting and restoring environmental quality, and securing a sound, prosperous economy for present and future generations [Owen, 1993: 363]. The province, it is asserted, will respect the integrity of natural systems and conserve biological diversity (environmental sustainability) while also promoting competitive and efficient economic development deriving greater social benefits from the use of fewer environmental assets (sustainable economy). Such principles are of course difficult to operationalise, with obvious tensions; not least between the recognition of non-negotiable ecological constraints on resource extraction and waste absorption on the one hand, and the intra- and inter-generational improvements in human welfare predicated on revived economic growth on the other. For land use policy,

the conflict is all the more acute when planning processes have been shaped by a long-standing presumption in favour of development. In British Columbia the provincial government has historically promoted export-driven industrial development, particularly natural resource extraction and processing activities through state-led expenditures on social and economic infrastructure [Howlett and Brownsey, 1988; Marchak, 1986]. This tradition of state intervention on behalf of resource development interests has fuelled public scepticism about the ability of resource management agencies to incorporate, into their planning processes, a public interest in ecological sustainability.

The social dimension of sustainable development, as interpreted by CORE, has therefore become crucial to the recovery of public confidence in Crown land use decision-making. Here an explicit connection is made to democratic rights of self-determination and participatory decision-making. The CORE Land Use Charter equates social sustainability with social equity - in terms of a fair distribution of the costs and benefits of land use decisions, community stability, access to opportunities for a good quality of life, and the requirement that land use decisions be made in a fair and open manner [Owen, 1993: 364-65]. Processes for land use decision-making must, according to the Charter, be neutrally administered and open to the participation of all relevant interests. The egalitarian intent here is pushed further still: decisionmaking should be shared, based on consensus-building amongst the various stakeholders involved, such that those with decision-making authority and those affected by such decisions are empowered jointly to seek an accommodation of all interests concerned [CORE, 1994c: 20]. This Land Use Charter provided guidance for the regional land negotiation processes and community-based resource planning pilot schemes undertaken by CORE. Regionally the Commission had, by the end of 1994, made public recommendations to Cabinet for large-scale land use zoning of four major regions of the province - Vancouver Island, Cariboo/Chilcotin, West Kootenay/Boundary and East Kootenay - following intensive public consultation and multi-party, consensus-based negotiations. For each CORE regional report, the government endorsed the bulk of the land use (re)allocation recommendations. The Commission also studied community-based models of participatory land use planning and, following a number of successful pilot projects, reported in 1995 on options for environmental negotiation/mediation at a local level [CORE, 1995c].

It should be noted that a sub-regional integrated resource planning process was developed to complement the CORE-directed Provincial Land Use Strategy, with the objective of providing specific management directions for Crown land. Land and Resource Management Planning (LRMP) shares a commitment to principles of resource sustainability and public participation, incorporating environmental values and interests in

consensus-based negotiations [Integrated Resource Planning Committee, 1993]. While formulated in co-operation with CORE, the LRMP program has, however, been overseen within the land use bureaucracy by an Integrated Resource Planning Committee, representing existing resource and environmental agencies. Moreover, senior resource planners at the provincial Forest Service and Parks Branch have argued that the policy shift to shared decision-making pre-dated CORE [Lidstone, 1994]. And since the termination of the Commission in March 1996, the CORE processes have indeed been subsumed into the LRMP process. However, only with the creation of CORE was there the explicit articulation and implementation of a participatory planning model attuned to sustainability concerns. In addition, the scope of application of participatory resource planning and management in British Columbia still has no parallel in any other jurisdiction: over half of the province is covered by CORE-initiated regional plans and LRMP's combined. In what follows I shall focus on the recommendations for a province-wide land use strategy put forward by the Commission, suggestions that build upon the experience of this innovative experiment in land use planning. To what extent have they secured administrative fairness as a central principle of land use governance in British Columbia?

Toward a Provincial Land Use Strategy

The publication, in 1994/1995, of four volumes detailing CORE's recommendations for a Provincial Land Use Strategy (PLUS) represented the culmination of two and a half years of extensive public consultation and Commission-sponsored research. Released in December 1994, the first two reports - *A Sustainability Act for British Columbia* and *Planning for Sustainability* - offer a general framework and planning principles designed to seek co-operative agreement on land use choices. As a mechanism for durable social choices, the current land use planning system is diagnosed as ineffective, in part due to its jurisdictional complexity and the lack of coordination between resource use planning on Crown land and growth management in urban areas. Suggestions for improved efficiency encompass clearer planning sequences, consistency in land use designation and more uniform data standards and systems [CORE, 1994e: 13-23]. The crucial point is that, for CORE, this increase in effectiveness is firmly predicated on procedural fairness in decision-making: only by making land use planning more accountable and representative can planning results attain greater stability. In short, legitimacy promotes longevity.

For CORE, the enactment of a Sustainability Act was critical to ensuring the long-term effectiveness of a planning system based on sustainability and participatory decision-making, overriding more

immediate economic and political trends [CORE, 1994d: 19-21, 39-40]. While the Land Use Charter is seen as the philosophical heart of such an Act, describing its general statutory goals, according a legal status to sustainable planning on Crown land implies immediate, far-reaching reforms for achieving administrative fairness.

Firstly, a Sustainability Act would entrench neutrality in the institutional system for delivering, monitoring and reviewing land use decisions. This would give land use planning more legal formality, reducing the discretionary scope for administrative favouritism of development-oriented allocation and management options. Cabinet would be empowered to approve integrated land use policies and goals, clarifying the provincial interest, while ministries would be directed in the formulation and administration of strategic land use plans conforming to a legally-binding designation and zoning system. Above all, there would be a legal mandate for ensuring effective and balanced inter-ministerial coordination, whether by a secretariat, ministry or independent commission akin to CORE. The Act would also be expected to establish independent land use review and appeal procedures on a more uniform and public accessible basis than at present [CORE, 1994d: 40-45, 49-53; 1994e: 46-47].

Secondly, administrative fairness informs the recommendation by CORE that a Sustainability Act place public participation in Crown land decision-making on a legislative footing, affirming the general right of members of the public to participate meaningfully in land use decisions 'where such decisions may have a significant impact on a person's interests' [CORE, 1994d: 8, 48]. The Commission identified an acute need for increased public input to resolve competing land use interests, reduce environmental conflict and provide stability in Crown land use planning: only from a representative planning process, CORE argued, can the political executive attain all the relevant information to fashion a public interest in social, economic and environmental sustainability [CORE, 1994e: 77; 1995a: 25-27]. The philosophical touchstone here, then, is a belief in participatory democracy, meant not as a replacement of existing representative procedures or abdication of statutory authority, but rather a 'democratising supplement' [Hirst, 1994: 37] characterised by decentralised bargaining structures representative of all interests.

It is important to note that the Sustainability Act recommended by CORE contains no detailed, statutory codification of administrative fairness in the manner of the administrative procedure acts found in Alberta and Ontario, both of which present standards and criteria for measuring bureaucratic performance [Macdonald, 1980b: 550-63]. Rather, the proposed Act would state only broad rights of participation and appeal regarding land use and related environmental planning. The political

function is, as Macdonald [1980a: 7] and Finkle [1983] have argued, one of securing the effective participation of persons likely to be affected by administrative decisions, thus rebuilding public trust in government institutions. This more general legislative commitment is purposively distanced from highly prescriptive land use allocation and management policies, mindful in particular of the perceived weaknesses of US legalism - excessive costs, time-consuming and overly rigid [Hoberg, 1993: 24-27]. While acknowledging the need for giving land use planning in British Columbia more legal formality, the Commission stressed the importance of flexibility to reflect local and regional variations [CORE, 1994e: 22].

What needs to be shown now is how CORE's ambitious vision of a sustainable future had to adapt to prevailing political and policy constraints. This will be addressed with reference to the five primary components of the provincial land use strategy presented by CORE: (i) provincial direction, (ii) coordination, (iii) participatory planning, (iv) independent oversight, and (v) dispute resolution.

(i) Provincial Direction

A Sustainability Act would, according to CORE, define the provincial interest in Crown land planning and management, providing a clear statutory articulation of land use decisions pertaining to resource lands, human settlement, protected areas, coastal and marine areas, transportation, energy, sustainable economic development, environmental sustainability, outdoor recreation, cultural heritage and aboriginal people [CORE, 1994d: 71-76]. The recommendation of sustainable land use goals by CORE in 1994 prompted the provincial government to accept them in principle, establishing an inter-ministry committee to refine their cross-ministry policy viability.

Policy direction for forest land decision-making has also been shaped by other significant government initiatives. A recently legislated Forest Practices Code, outlining a comprehensive range of environmental regulations and standards for commercial timber operations in the province, establishes regional scale Resource Management Zones for translating higher-level strategic planning goals into specific management objectives. Provincial lands covered by the Forest Practices Code encompass Crown forest land and private managed forest lands, both protected from conversion to other uses by the 1994 Forest Land Reserve Act. The provincial commitment to forest resource development and management is consolidated by the 1994 British Columbia Forest Renewal Act - a long-term investment plan, financed through increased stumpage rates (the fees licensees pay for Crown timber), for the silvicultural and environmental improvement of forest lands, as well as investment in value-added

manufacturing, forest worker training and research. Finally, the Ministry of Forests began a timber supply review in April 1992 to provide accurate, up-to-date information for integrated resource management within the 36 timber supply areas in the province.

Popular support is viewed by the provincial government as critical to the long-term purchase of commercial forest sector policies and these strategic initiatives have, to that end, invited public input while flagging their collective allegiance to 'ecosystem management'. However, given the high level of public support for natural areas protection, demonstrated during an extensive public consultation exercise on parks and wilderness preservation, 'Parks and Wilderness for the 90s', the political executive has accorded a priority to the reallocation of Crown land for environmental preservation interests. The New Democratic Party administration that came to power in 1991 established a Protected Areas Strategy to implement its manifesto promise to protect twelve percent of the provincial land base by the year 2000, doubling the then existing figure. This Strategy aims to set aside Crown land representative of the biodiversity, cultural heritage and recreational diversity of the province, the greatest weight given to the protection of ecological integrity [Province of British Columbia, 1993a: 5-8]. Designated protected areas are inalienable; all industrial extraction and resource development activities are prohibited. Despite this political commitment, the status of candidate and existing parks within CORE land use negotiations led to preservation groups questioning the fairness of the protected areas component of the provincial land use strategy: political leadership on parks and wilderness was perceived as wavering as soon as difficult reallocation decisions emerged.

Early in the CORE land use negotiations, as a sign of government faith in consensus-based decision-making, each regional table was given the authority to make Protected Areas Strategy recommendations within their geographical areas of multistakeholder bargaining. This caused a withdrawal of wilderness (and watershed protection) groups from a CORE local planning process - the Slocan Valley Pilot Project - in the West Kootenays in May 1993, charging the CORE process with 'substantial imbalances and inequities' [Sherrod, 1993b: 7]. They cited the refusal of CORE to preclude existing park boundaries from the consideration of regional land use negotiating tables as having encouraged mining and logging interests to challenge existing park uses at CORE regional tables [Sherrod, 1993a]. What further eroded the credibility of the CORE claim to balance, for wilderness advocates, was the simultaneous exclusion of large-scale resource extraction tenures as a legitimate concern for CORE-sponsored environmental mediation. Given the potential scale of capital withdrawal had this been the case, this hardly constituted an unexpected precondition for government to impose on CORE land use

negotiations processes. What the government had not anticipated was that logging and mining companies consistently vetoed the consideration, by regional tables, of new candidate areas for parks, viewing such park zoning as de facto expropriation of their resource claims on Crown land. Furthermore, the CORE regional zoning recommendations for land outside protected areas, establishing buffer areas with lower impact forestry, proved unpopular with the provincial administration who feared the cost of the extensive implementation of ecosystem management [Rayner, 1996]. Although the government initially declared its intention to incorporate these 'Special Management Zones' into the Forest Practices Code to make them legally enforceable, this still had not been accomplished eighteen months later (September, 1996). For preservationists, all this has represented an abdication of government responsibility for parks and wilderness protection.

The absence of executive direction for the Protected Areas Strategy exposed a wider strategic deficit in provincial land use planning - one that impacted negatively on the effectiveness of CORE. According to the then Commissioner on Resources and Environment, the lack of crucial parts of the policy framework for land use made it very difficult for strategic planning processes to operate fairly [Owen, 1994]. For example, representatives of forest and mining companies facing restrictions on resource extraction rights as a result of official endorsement of CORE land use recommendations objected to the ambivalence of policy statements on tenure reform and compensation. Furthermore, CORE was perceived as one of several strategic land use processes, all with different planning regions and timetables: even senior resource agency bureaucrats expressed concern over the complexity of the planning situation. The CORE Land Use Charter, although accepted in principle by the government in 1993, has still not acquired binding status through policy directives or legislation akin to a Sustainability Act. Following its review of the CORE Provincial Land Use Strategy recommendations, the government opted for selective implementation, retreating from the more far-reaching proposals for legislating the Land Use Charter.⁷ This piecemeal approach has ensured that there remains no clear sense of which provincial planning processes take precedence, while the strategic line of communication between CORE and Cabinet was severed with the axing of the Commission in March 1996.⁸

(ii) **Inter-ministerial Coordination**

The Protected Areas Strategy has served as a model for inter-agency planning processes in British Columbia, prompting the government to create a Land Use Coordination Office (LUCO) in 1994 to provide integration within government for the wider land use planning delivery system. This was in response to the chaotic number of strategic

planning initiatives and the absence of a single agency responsible for overseeing these processes. As the facilitator of inter-agency coordination with respect to land use policy development and planning, LUCO supplied Cabinet with an integrated government response to CORE land use recommendations. In addition, LUCO has since taken over policy direction for the Protected Areas Strategy, the CORE-derived planning processes and provincial land use/natural resource inventory initiatives. Nevertheless, LUCO remains a small office within the resource bureaucracy: an Assistant Deputy Minister of Land Use oversees three LUCO directors responsible for different planning regions and policy issues. The bulk of the technical work is at regional level through seven Inter-Management Committees composed of existing resource agency officials [Lewis, 1994].

In its review of provincial land use planning, CORE claimed that coordination among government agencies has been enhanced substantially in recent years, noting the contribution of LUCO, but observed that the various inter-ministry processes had taken place without clear legislative sanction. To hold the necessary degree of decision-making authority, such coordination, CORE argued, requires statutory authorisation through a Sustainability Act [CORE, 1994d: 50]. The Commission recommended the creation of an agency solely responsible for inter-ministerial coordination and integration, backed up by a legal mandate. As an organisational criterion for revising existing land use institutions, administrative fairness demands that planning mechanisms operate in a neutral and unbiased manner, free of any sectoral alignment. CORE maintained that an external Land Use Planning Commission would best satisfy the fairness criterion, by separating plan authorisation from resource agency-based implementation and management functions: the neutrality of the Commission, as with CORE itself, would be underpinned by its independence from government [CORE, 1994e: 41-45].

Yet, CORE opted instead for an enhancement of existing planning structures, acknowledging that radical reform would incur substantial implementation costs and associating an independent Land Use Planning Commission with a possible major loss in coordinative capacity and public accountability. Instead, the Commission outlined a structural model for the provincial land use planning system based on a legal formalisation and increased resourcing of LUCO as a secretariat reporting to Cabinet [CORE, 1994e: 45-46].⁹ The CORE recommendations removed the obligation for integrated resources planning away from a Ministry of Forests long since targeted for charges of development-oriented bias. In reality, the uncertainty over inter-agency planning favoured the Ministry of Forests as a well-established administrative power-base. Opposition to CORE from within the Forest Service executive effectively undermined the Commission, and ensured that the Ministry maintained lead agency status for land use

planning. By moving LUCO into the Ministry of Government Services in February 1995, the government chose a far less radical means of bureaucratic formalisation. By affording LUCO statutory authority, the CORE land use planning suggestions, had they been implemented, would have represented a more serious challenge to the lead agency status of the Forest Service.

In according some weight to existing agency structures, CORE recognised the need to trade-off maximising fairness against other planning criteria; coordination, cost-effectiveness and accountability. While my focus here is on fairness, CORE had regard to these other criteria: the Commission judged that, while essential, administrative fairness should not be an overriding criterion of evaluation of land use decision-making. This concession to existing planning structures proved costly though: it ultimately allowed the Ministry of Forests to reassert its dominance, whereas the legitimisation deficit in land use planning identified by the Commission necessitated more radical reforms to institutionalise administrative fairness in Crown land decision-making.

(iii) Participatory Planning

A shared decision-making approach was adopted by the participants in each of the four regional land use negotiations initiated by CORE, under the guidance of Commission-appointed facilitators. For each regional table undertaking this mediation, the aim was to develop a set of zoning recommendations to the Commission regarding regional land base allocations and mitigation strategies for those bearing the negative distributional consequences of forest land reallocations. The claim to fairness in these negotiation processes rests, firstly, on the procedural guarantee that all interests were accorded equal discursive status, regardless of their authority or power. Participation was open to all 'legitimate' interests, encompassing those with the authority to make land use decisions and those affected by such decisions in the region, which thus included provincial and local government, labour, aboriginal groups, and a range of non-governmental organisations. Moreover, alongside determining their own representatives, all parties or 'sectors' were involved in the design and evolution of the negotiation processes themselves; this self-design element building, it was hoped, mutual understanding by clarifying interests, roles and responsibilities. With the ground rules established, the commitment to collaborative negotiation of the issues through the voluntary participation of all parties promoted fairness, secondly, in the substantive outcome: to reach consensus, any agreement had to be acceptable to every party, pressing those concerned, it was argued, to incorporate all interests.

While not offering here a comprehensive appraisal of the CORE experience with shared decision-making, I will highlight four areas where the effectiveness and the fairness of Commission-directed land use negotiation processes have been questioned. The centrality of participatory planning to the Provincial Land Use Strategy reinforces their relevance.

Firstly, media response to the completion of the regional land use negotiation tables, fuelled by the high expectations raised at the start of these initiatives, generally dwelled on the failure of all four processes to achieve full consensus land use plans. On this outcome-based evaluation, portraying the CORE planning initiatives as ineffective, the East Kootenay Table offered the greatest progress: sector representatives reached agreement on land use zoning for 90 per cent of the regional land base. An East Kootenay Table report published in June 1994 also contained land use policy recommendations and a socio-economic transition strategy. As with the other three regional tables, though, even here the Commissioner on Resources and Environment had to complete a Land Use Plan for submission to Cabinet; and the Cabinet-approved plan released in March 1995 had involved direct negotiations between sector representatives and the provincial government. Both the Vancouver Island and West Kootenay-Boundary tables failed to achieve any consensus on zoning recommendations, despite agreed policy objectives addressing land use and resource management, and economic restructuring. The Cariboo-Chilcotin regional process saw agreements on similar components of its planning mandate dropped, because their acceptance was contingent upon a consensus on land use allocation for the whole region [CORE, 1995a: 50-51; 1995c: 35-39].

The community-based pilot projects in public participation sponsored by CORE were not required to deliver land use designations, being charged instead with the development of resource management guidelines. CORE promoted them as demonstration models of consensus decision-making at the local level. The withdrawal of environmental groups from the Slocan Valley Pilot Project has already been noted, which prevented the agreement of an agreed resource management plan. However, the Commission trumpeted the success of the Anahim Round Table, a pilot project initiated in the western part of the Cariboo-Chilcotin region in July 1992 to address forest management conflicts. Eventually comprising 29 self-defined interest sectors and facilitated by a professional mediator and a CORE Associate, the table reached agreement on a community-based resource management plan in January 1994 for an area covering 650,000 hectares [Anahim Round Table, 1994; CORE 1995a: 118-26]. This achievement is partly attributable to the operational definition of consensus established by the table- 'agreement on a package of issues and solutions' [Anahim Round Table, 1994: 12; Round Table on the Environment and the

Economy, 1991: 4], allowing differences of opinion on aspects of the package at the same time as support of the overall agreement, avoiding therefore the 'all-or-nothing' approach which undermined the Cariboo-Chilcotin regional table. Indeed, the first Commissioner on Resources and Environment has argued against treating a signed consensus agreement as the key indicator of success in land use negotiations. Given the CORE mandate to promote participatory planning, there is validity in his claim that, even in the absence of consensus, the equitable inclusion of all relevant interests will generate a better outcome: 'It will be better informed, more balanced and more acceptable even though it is not a consensus' [Owen, 1994]. Such a process-oriented evaluation therefore identifies long-term gains in both effectiveness and fairness arising from the educative involvement of citizens in the mechanics of shared decision-making [Buckle and Thomas-Buckle, 1986].

A second, more real, constraint to the effectiveness of CORE land use negotiations was the inability of the provincial government properly to support them. The Commission registered its concern that the ad hoc diversion of ministerial resources to land use negotiations led to a variable quality of assistance to these processes. Technical difficulties including a shortage of relevant expertise in mediation, and information constraints, were compounded by the lack of one bureaucratic agency responsible for the range of provincial land use negotiation approaches [CORE, 1995a: 40]. Forest Service officials have pinpointed how this generated structural weaknesses in regional negotiation processes; in particular, the lack of clearly defined terms of reference for such planning areas as boundary demarcations, methodological guidance and product types [Lidstone, 1994] - lessons subsequently taken on board by CORE [CORE, 1994a: 29]. The central responsibility for the faltering of the early regional negotiation processes falls squarely upon the political executive. As already highlighted, the absence of strategic direction in key policy areas placed a major obstacle to the development of full consensus land use plans. For example, forest union representatives walked away from Vancouver Island Table negotiations when the provincial government proved unable to offer a comprehensive transition strategy: without assured compensation and training they had no reason to consent to land use reallocations which would result in the loss of forestry jobs. This withdrawal effectively disabled the process.

Thirdly, those environmental groups previously under-represented in forest land decision-making, whose very inclusion in land use negotiations had been targeted by CORE, have questioned the fairness of the mediation undertaken on two counts; that an inadequate amount of time had been left within the time frames of the process to deal with substantive land use issues, and that conservation stakeholders were not given adequate

resources to support their attendance and information needs [Reardon, 1993].¹⁰ Given the asymmetry of resources between the major forest land stakeholders in British Columbia, the degree of transformative mediation - that is, procedures designed to enhance the ability of resource-poor groups to protect and promote their interests [Ozawa, 1993] - disappointed environmentalists. In order to avoid advocacy over rival expert knowledge claims, the Commission tended to favour the provision by interministerial working groups of independent technical and scientific support to the tables in general, with only a limited participant assistance policy. Not satisfied that there existed a fair incentive structure, those preservation groups that withdrew from CORE processes have argued that nothing less than the full legislative enactment of the Land Use Charter and forest land tenure reform could have guaranteed real negotiating currency to the environmental sector [Sherrod, 1993b: 52]. The Western Canada Wilderness Committee, the leading wilderness advocacy group in the province, pulled out early from CORE negotiating processes (on account of the exclusion of Clayoquot Sound from consideration by the Vancouver Island Table), charging the Commission with a fundamental failing in public consultation and education: 'They relied on the elite - the elite of the environmental movement and the elite of industry sitting down and being gentlemen around a table' [George, 1994].

Lastly, the Commission struggled to ensure fairness to aboriginal peoples in its various policy and planning processes, even though the direct participation of First Nations had been actively encouraged as part of its legislative mandate. Despite a clear statement in the Commissioner on Resources and Environment Act that any such involvement be 'without prejudice' (Section 4.4) to aboriginal rights and recently established treaty negotiations, aboriginal people participated only tentatively in the CORE regional planning processes, fearing that these negotiations would have prejudiced their land claims.¹¹ The design of an appropriate framework for aboriginal participation in land use planning became a priority for the Commission [Owen, 1994; CORE, 1995a: 59-63; 1995c: 63-67]. Where aboriginal rights or interests may be affected by land use decisions, the Commission favoured the formulation of interim management agreements with First Nations until treaties are signed. Different resource ministries and the province as a whole have since begun negotiations with First Nations on a number of interim agreements. Only the demonstration of a continued political commitment to the needs of native people at this government-to-government level will secure their greater participation in land use planning, provided of course that the wider treaty negotiations are viewed as fair and just by First Nations.

(iv) **Independent Oversight**

In its Provincial Land Use Strategy recommendations, the Commission made it clear that it envisaged a future role as an environmental ombudsman, drawing on its statutory powers of public enquiry and reporting. CORE would have assumed more prominently an independent oversight function, encompassing investigations of administrative performance and problems after the exhaustion of internal review processes, all the more necessary in the polarised political context of land use planning and management in British Columbia, where in recent years the fairness of public administration has been regularly disputed [CORE, 1994d: 50-51; 1995c: 74-76]. As part of the shift in emphasis to monitoring of the sustainability strategy, CORE also began work on a state of sustainability reporting system for the province [CORE, 1995: 99-100].

While CORE always acknowledged that its involvement with hands-on planning would be limited, the provincial government elected not to initiate any further regional negotiation processes, opting instead to expand the scope of sub-regional planning within existing resource agency responsibilities and terminating the Commission. Within the political executive it was decided that the Commission had fulfilled its mandate, the assumption being that there now existed more public confidence in Crown land-use decision-making with procedures for public participation firmly established (if not yet legislated). However, the independence of CORE from government ministries, and its principled commitment to participatory planning and sustainability, constituted a major political asset for provincial proponents of consensus decision-making. Without it, the recently re-elected New Democratic government (with a slim working majority) will prove more susceptible to pressures from resource industries to erode environmental regulations in British Columbia.¹² In particular, the provincial forest and mining industries are both lobbying hard for a reduction in their taxation and regulatory cost burdens, concerned about their competitiveness in global markets. The absence of entrenched structures of participatory planning and a high-profile environmental ombudsman threatens a reversion to traditional bipartite bargaining in this policy area.

(v) Dispute Resolution

CORE had the specific duty, under its statutory mandate, to facilitate the development and implementation of a 'dispute resolution system for land use and related resource and environmental issues in British Columbia' (Commissioner on Resources and Environment Act, Section 4.2(c)). Volume 4 of the Provincial Land Use Strategy contains both an evaluation of the existing review and appeal procedures and

recommendations for fairer, more effective dispute resolution [CORE, 1995b]. The suggested reforms are closely tied to the philosophy and practice of shared decision-making, in that meaningful public participation in land use planning, through the production of more informed and more balanced decisions, serves as a mechanism for preventing land use disputes. Administrative fairness in this context is directed towards evaluating the nature and conditions of participation [Macdonald, 1980b: 8].

Alongside the other four components of the Provincial Land Use Strategy, administrative fairness is thus a key criterion informing the assessments by CORE of the dispute resolution system in British Columbia. The Commission report relates a definition of fairness articulated by the Law Reform Commission of Canada - 'according appropriate recognition to the interests that may be affected by an administrative decision' [CORE, 1995b: 14, after Law Reform Commission of Canada, 1985: 9] - arguing that public officials have a delegated responsibility fairly to interpret and apply public policy. As the political executive itself is accountable for approving strategic land use plans, which may of course be informed by partisan interests, the appropriate focus of review and appeal procedures is those administrative decisions concerning implementation of the intent of approved plans [CORE, 1994d: 91]. Contained in the various land use and related resource statutes in British Columbia are review and appeal provisions establishing public accountability for such administrative choices. CORE reviewed 40 relevant pieces of provincial legislation, concluding that there exists a confusing and inconsistent array of adjudicative dispute resolution mechanisms, with very limited public access. Against established principles of administrative fairness - opportunities for review and appeal, notification of decisions, standing to appeal, jurisdictional clarity and reasons for decisions - these rules and procedures fare poorly.

Nowhere is this more apparent than for forest planning and management where, even with the extended appeal provisions of the recent Forest Practices Code,¹³ the provincial Forest Service has far less accountability than equivalent US federal and state agencies. A permanent Forest Appeals Commission created under the Forest Practices Code Act of British Columbia is still only accessible to those subject to Forest Service decisions, precluding the public right of appeal and administrative review characterising the US Forest Service appeal system. While the Act also established an audit body, the Forest Practices Board, which has an ability to bring an appeal before the Forest Appeals Commission for a limited range of forest land decisions, including development plans, the complaints structure is undermined by the absence of any pre-decisional notice requirement for agency or forest company decisions. This weakness is compounded by narrow time limits imposed on the Forest Practices Board

when requesting an administrative review of planning and management decisions [Haddock, 1995: 71-78].

As a general principle of administrative fairness, the right to be heard shapes the CORE prescriptions for a reformed dispute resolution system. The recommended shift to preventative dispute resolution implies due planning processes that involve public participation. The Commission claimed that opportunities for negotiation and mediation should be formalised in legislation as a supplement to a set of simplified review and appeal procedures, ultimately merged into a comprehensive sustainability board served by a common secretariat [CORE, 1995b: 57-61]. Yet CORE avoided embracing the adversarial emphasis on adjudication processes evident in American forest land use and environmental policy. Commissioner Owen deemed a legalistic model inappropriate to resolving the type of complex, dynamic land use conflicts experienced in British Columbia, judged as too costly and time-consuming [Owen, 1994]. Indeed, as I have noted, the planning experiments with interest-based negotiation directed by CORE mirror an increasing employment of alternative dispute resolution techniques in the US. Since the release of the CORE report on dispute resolution, the provincial government has taken a first step towards consolidation of appeal and review structures by combining in a single secretariat the appeal board services for the Forest Appeals Commission and the Environmental Appeal Board. However, without the legal recognition of participatory planning and a proven system for delivering negotiation support services, the preventative dispute resolution system favoured by CORE has still to be realised.

What needs to be shown now, before concluding on the contribution of, and challenges to, the CORE process are the concerns of those corporate and community interests who will bear negative effects of land use reallocations resulting from CORE land use plans. These distributional consequences relate directly to the commitment of the Commission to principles of administrative fairness.

Crown Land Use Reallocations: Fairness to Resource-based Corporate and Community Interests

The commitment of the provincial government to double the amount of protected areas in British Columbia to 12 per cent of the land base has had far-reaching implications for each CORE regional process and subsequent cabinet-approved land use plan, in terms of increases in the area of Crown land designated as protected areas - notably a twofold expansion for the Cariboo-Chilcotin and almost 59 per cent for the West Kootenay Boundary region.¹⁴ The loss of public resource rights that this entails for corporate and community resource interests is compounded by the

additional regional land use designation Special Resource Management Zones (labelled Low Intensity Areas for Vancouver Island). Ranging in coverage from 8 per cent for the Vancouver Island Regional Plan to 26 per cent for the Cariboo - Chilcotin plan, these separate areas will result in a curb on resource development activities in order to protect environmental, recreational and cultural heritage values: as such they depart from more development-oriented integrated resource management lands [Low Intensity Area Review Committee, 1995: 32-33].¹⁵

CORE has acknowledged that, as a design principle for the provincial land use planning system, fairness must include the equitable treatment of those with existing resource rights [CORE, 1994e: 148]. While the Commission clearly articulated the requirement for procedural fairness, it failed to ascertain the equity implications of land use decisions made in the public interest, other than embracing the principle that there should be a fair distribution of the benefits and costs of substantive decisions, with those stakeholders made worse off entitled to compensation and economic mitigation measures [CORE, 1994e: 124; Owen, 1994; Gunton, 1993: 285]. Nevertheless, this remains a key test of fairness for CORE: in one of its first reports, reviewing Crown land use options for the Tatshenshini/Alsek region, where planned development of a rich mineral deposit clashed with high wilderness values, the Commission strongly urged that there be 'fair treatment and appropriate compensation' [CORE, 1993a: 96] to the mining company involved if the provincial government favoured a park option for the area.

With reference to the CORE regional planning tables, however, sectors dependent on timber and mineral resource extraction have questioned the fairness of the procedures and of the land use decisions generated by them. The major criticism directed at the process itself has been that it lacked accountability; in inviting environmental stakeholders to regional round tables who were not answerable to a clear constituency [Gilfillan, 1994], in making land use recommendations affecting local communities without the agreement of municipal authorities [Cobb, 1994], and in suggesting radical institutional reforms inappropriate to a non-elected body: 'they are cherry-picking legislative styles under the illusion of finding a new style of governance' [Sumanik, 1994]. Several logging-dependent communities in CORE regional planning areas faced significant employment losses as a result of land use reallocations. Their civic leaders mobilised pro-industry community coalitions to oppose in particular the Protected Areas Strategy component of CORE Land Use Plans [Brunet, 1994; Vanagas, 1994]. This lobbying prompted boundary adjustments to park use recommendations in the regional planning areas, but the provincial government has not altered its original substantial endorsement of the four CORE Land Use Plans, rejecting the process criticisms levelled at the

Commission. Commissioner Owen also responded firmly to the charge that CORE regional processes neglected local concerns, pointing out that each land use negotiation entailed intensive public involvement, but that the Commission also had a responsibility to consider province-wide interests [Owen, 1994]. Nevertheless, CORE did acknowledge procedural weaknesses in early regional negotiation processes; for example, the failure properly to brief local governments, the lack of effective communication between the regional CORE tables and the general public, and often unclear lines of accountability between sector representatives and their constituencies [CORE, 1995c: 54-55].

These imperfections are not serious enough to warrant the charge that resource extraction interests were not accorded a fair hearing or the opportunity to participate in the land use negotiations. A second claim that the regional land use plans themselves confer unfair distributional consequences has more merit, not least because of the uncertainty about their total economic impact. Forest industry sector representatives have argued that the provincial government has not anticipated the full cumulative impact of all its strategic land use planning initiatives, noting that CORE, the Forest Practices Code and the Timber Supply Review will all significantly reduce the amount of forest land available to harvest every year [Price Waterhouse, 1995; Gilfillan, 1994; Magee, 1994]. On Vancouver Island in particular, several logging-dependent communities - Gold River, Tahsis and Zeballos - are facing major employment losses as a result of implementation of the Vancouver Island Land Use Plan.¹⁶ In a leaked cabinet memo, the government itself estimated that provincial forest and land use policy reforms will eventually reduce the annual allowable timber cut on Vancouver Island by 35 per cent - of which CORE recommendations are responsible for 8 per cent of the anticipated timber supply reduction. Even with planned public investment in silvicultural and environmental-related employment creation in affected areas, the administration forecast a major reduction in worker income levels and a negative impact on economic confidence [Palmer, 1995].

Although the Vancouver Island Table failed to agree on an economic transition strategy, CORE formulated a programme for mitigating the negative impacts of its land use allocation decisions, listing objectives for providing forest-dependent communities with alternative, related employment. This outline strategy has informed direct discussions between the provincial government and affected parties, and has clear regard to the principle that the costs (and benefits) of land use reallocations should be equitably distributed across society [CORE, 1994a: 209-19]. But the official concern about future investment has been reinforced by forest industry forecasts that the economic impacts may be greater than estimated [Gilfillan, 1994]. CORE is deemed to have undertaken incorrect

cost-benefit analysis of its own planning recommendations, although there is no agreed methodology in the province for assessing the economic and social impacts of Crown land use decisions [Marvin Shaffer and Associates, 1992; Province of British Columbia, 1993b]. In general the Commission is judged in resource industry circles to have had little economic accountability, with no detailed costings of its recommendations and contributing, despite its pronouncements to the contrary, to the tenure insecurity of forest licence holders.

A key source of the dissatisfaction expressed by corporate interests and associated community representatives over resource withdrawal decisions lies outside the responsibility of CORE; that is, the lack of a clear compensation assessment process. The provincial government has proved slow in developing this as a necessary strategic land use policy, even though it created a Commission of Inquiry in 1992 to recommend a fair and efficient compensation policy for the taking of mineral and forest resource interests [Commission of Inquiry into Compensation for the Taking of Resource Interests, 1992]. This Commission formulated a strong American or takings interpretation of public resource rights owned privately in the province, arguing that the range of forest and mineral tenures can all be broadly construed as akin to private property interests [see also Baumann, 1994]. Yet this view - one shared by industry - has been strongly contested and, without any explicit constitutional or legislative direction, compensation assessment still retains great uncertainty, undermining corporate confidence in Crown land use planning. The issues are complex, but if such a policy is fully to embrace administrative fairness, it would have to include provisions to balance the legal rights of other resource users and owners as well as, less conventionally, those workers whose livelihoods are negatively affected by Crown land use reallocations even if they lack a direct property interest [Andrews, 1993: 3; Bankes, 1993: 6]. Furthermore, against the recommendation of the Commission of Inquiry that public interest groups should not have standing in compensation cases [1992: 146], as a matter of fairness decision-making regarding compensation for the loss of public resource rights must include opportunities for public participation [Andrews, 1993: 8-10; McDade, 1993: 36]. Only this would be consistent with the idea of non-exclusive decision-making governing the provincial land use strategy recommendations of CORE.

Conclusion

Within Canada, CORE was unique in the geographical scope of its process and highly innovative in the procedural recommendations it developed for promoting fairness in Crown land decision-making. The Commission maintained a strong commitment to entrenching communication and participation rights in provincial land use planning. However, the provincial government represents the political authority for all CORE processes and the ultimate arbiter of the public interest in land use decision-making: it is at this level that a more participatory form of governance would have to be legislated. For Commissioner Owen, greater public participation in land use planning constituted a necessary supplement to representative government, not least to restore democratic legitimacy to resource agencies; but this participation must remain advisory, properly leaving decision-making responsibility with elected, accountable officials [Owen, 1994; CORE, 1995c: 60-61].

Political commitment to implementing the recommendations of CORE is key to the long-term effectiveness of the Commission. An incomplete strategic framework in key policy areas, allied with a lack of public agency expertise in shared decision-making, certainly hindered the initial regional land use negotiation processes. A major challenge to the communicative resolution of land use conflicts in British Columbia therefore remains the absence of a comprehensive Sustainability Act, including an explicitly legislated public participation process and fundamental changes in the legal mandates governing Crown land use planning. Government resolve is therefore required to build a constituency of support for sustainable land use, implementing then protecting the CORE principles against short-term political pressures [Owen, 1993: 358; 1994]. The recently re-elected New Democratic Party has yet to demonstrate a renewed commitment to shared decision-making as the new paradigm of land use planning in the province.

However, from the perspective of environmental preservation groups, the Commission itself failed to realise that the competing interests evident in provincial wilderness disputes reflect incommensurable values. In such land use conflicts, consensus may not necessarily be benign, according to wilderness activists, if it is a requirement blocking the administrative recognition of an ecologically vital public interest - the preservation of natural areas beyond the levels of the Protected Areas Strategy [Western Canada Wilderness Committee, 1993/94; Greater Ecosystem Alliance, 1994]. For the environmental sector, legislative enactment of a Sustainability Act would properly recognise certain ecological parameters as non-negotiable, countering the economic power of extractive resource-based corporations [George, 1994]. What can be maintained is that

the ecological parameters of the Protected Areas Strategy were somewhat arbitrary, with the twelve per cent target lacking scientific justification in conservation biology and thus restricting its authority to anticipate the ecological needs of future generations [Rayner, 1996]. This implies that the regulative ideal of open discourse in this context needs to have been accompanied by improved communication about ecological signals [Dryzek, 1995: 24-26]. However CORE rejected the preservationist claim that a deep ecological valuation of the land - one that implies radical tenure reform [M'Gonigle and Parfitt, 1994] - reflects a balanced consideration of economic, environmental and societal interests.

Its experiments with environmental mediation notwithstanding, CORE conceded that the collective interpretation of sustainable land use remains an area inevitably subject to political lobbying and pressure. What the Commission highlighted in its Provincial Land Use Strategy retains saliency though; that the institutionalisation of participation rights in land use planning offers a more effective and non-discriminatory means for resolving environmental conflicts than the strategic pursuit of sectional interests. The criticism that such a communicative vision, weighed down with universalistic premises, asks too much of democratic deliberation [Williams, 1994: 4-5] misses the point. It demands, as the Commission promoted, an educative process of social dialogue about sustainability, based on a participatory notion of citizenship and political rights [Benhabib, 1994; Ingram, 1994]. The Commission successfully established a willingness to participate in consensus-based decision-making, cultivating a virtue of mutual respect that may well encourage a wider transformation of the public culture [Chambers, 1996: 206-208]. In addition, even without legislative embodiment in a Sustainability Act, the CORE articulation of administrative fairness has established independent normative criteria for evaluating the democratic legitimacy of land use governance. This is of critical relevance to other regional and national contexts where public agency decision-making must mediate between diverse, often opposing, interests.

NOTES

1. The Commission was established by the Commissioner on Resources and Environment Act, Statutes of British Columbia, 1992, Chap. 34.
2. The recent growth of multipartite land use negotiations in British Columbia predates, and extends beyond, the CORE processes: successful attempts include the Western Strathcona Land Advisory Council on Vancouver Island, which formulated a strategy for the sustainable use of the area's natural resources, and the Height-of-the-Rockies Task Force, responsible for defining the boundaries of a wilderness area. For an indication of the range of initiatives see CORE [1995a: 48-52].

3. Revised Statutes of British Columbia, 1979, Chap. 272. The Forest Service is the largest public resource agency in the province with an expenditure of 647 million dollars in the 1992/93 fiscal year [Ministry of Forests, 1994: 81].
4. Revised Statutes of British Columbia, 1979, Chap. 140.
5. This recommendation was not novel in a provincial context. The Royal Commission on Forest Resources, appointed in 1975, had made the same point following its examination of forest policies in the province [Royal Commission on Forest Resources, 1976: 265].
6. *Western Canada Wilderness Committee v. Minister of Environment*, Supreme Court of British Columbia. Vancouver Registry A880554, March 7, 1988, 11 pages. The court applied a precedent-setting Supreme Court of Canada judgement, *Finlay v. Canada* (1986), which extended a rule allowing public interest standing in constitutional cases to non-constitutional ones challenging a statutory authority for administrative action.
7. Fourteen of these goals - those pertaining in particular to settlement planning and regional growth strategies - were incorporated in the Growth Strategies Statutes Amendment Act (Section 942.11(2)), passed by the provincial Legislature in May 1995.
8. The Commissioner had met Cabinet on a regular basis. During 1994 this 'open channel of communication' meant meetings every couple of weeks. According to the first Commissioner, there proved to be 'a lot of respect in the Cabinet for the independence of the Commission and the values it represents' [Owen, 1994]. Owen served as Commissioner until August 1, 1995, when he was appointed Deputy Attorney General. Former Assistant Deputy Minister for Fisheries and Food, Stuart Culbertson, replaced Owen as Acting Commissioner of CORE until the disbanding of the Commission in 1996.
9. An organisational template for the formalisation of LUCO is an earlier Environment and Land Use Committee Secretariat, created in 1973 by the first New Democratic Party administration under the provisions of the 1971 Environment and Land Use Act. Responsible for a series of innovative land use investigations and resource management studies, recommendations from the Secretariat proved instrumental in the inception of regional resource planning in British Columbia in the late 1970s. Regional Resource Management Committees, established in 1978, served as a model for the CORE proposals on strengthening inter-agency regional planning in the province. For an illustration of the organisation and roles of the original Secretariat see Environment and Land Use Committee [1976: 8-57].
10. These points were developed in a letter to Commissioner Owen from Carol Reardon, a barrister and solicitor at the West Coast Environmental Law Association, dated October 7, 1993. In his reply, dated November 30, Owen claimed that the absence of settled government policy had hampered the substantive negotiations, while noting that the tables had requested an extension to their original deadlines (subsequently agreed to by Cabinet). On the matter of resource requirements, he added that interministerial technical working groups had improved the information and technological assistance available to all stakeholders. Both letters are on file at the West Coast Environmental Law Association, 1001-127 West Hastings Street, Vancouver.
11. Following a long-standing refusal to recognise the existence of aboriginal rights, the government in British Columbia reversed its policy in the early 1990s by creating a Treaty Commission to oversee negotiations with First Nations over self-government, including land and resource rights. Resolution of aboriginal ownership and jurisdiction in these areas, likely to take decades, will have profound implications for forest land decision-making in the province. For an

- understanding of the historical background to this fundamental policy shift see Tennant [1990].
12. The New Democratic Party was re-elected in May 1996 with a working majority of just three seats and a smaller share of the popular vote (39.4 per cent) than the opposition Liberals (41.9 per cent).
 13. The Forest Practices Code of British Columbia Act, Statutes of British Columbia, 1994, Chapter 41 was rendered effective in June 1995.
 14. The respective totals in the government land use plans being 11.3 per cent for the West Kootenay Boundary region and 12 per cent for the Cariboo-Chilcotin. These compare with protected areas designations of 13 per cent for Vancouver Island and 16.5 per cent for the East Kootenay region. For a comparative synopsis see CORE [1995c: 40-43].
 15. These regional scale resource management lands represent the most restrictive gradation of three Integrated Resource Management zones forming the forest land reserve. The other two, General Forest Areas (GFAs) and High Intensity Areas (HIAs), have a more intensive resource development and management emphasis [Low Intensive Area Review Committee, 1995: 2-3].
 16. Across Vancouver Island, CORE estimated that in the short-term, as a result of its land use zoning recommendations, 900 jobs would be lost, over 42 million dollars in annual wages and salaries would be foregone, and the province would lose between 15 and 18 million dollars in annual tax revenues [CORE. 1994a: 194-96].

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REFERENCES

- Anahim Round Table (1994), *Anahim Round Table Resource Management Plan*, Anahim Lake, British Columbia: Anahim Round Table.
- Andrews, William J. (1993), *Comments on the Schwindt Report*, Vancouver: West Coast Environmental Law Association.
- Bankes, Nigel (1993), 'Ethics and resource takings: the Schwindt Report', *Resources* No.41, pp.1-7.
- Baumann, R.J. (1994), 'Exotic expropriations: government action and compensation', *The Advocate*, Vol.52, No.4, pp.561-79.
- Beehler, Rodger (1983), 'The concept of fairness', in Evangeline S. Case *et al.*, (eds.), pp.1-14.
- Benhabib, Seyla (1994), 'Deliberative rationality and models of democratic legitimacy', *Constellations*, Vol.1, No.1, pp.26-52.

- Bohman, James F. (1990), 'Communication, ideology, and democratic theory', *American Political Science Review*, Vol.84, No.1, pp.93-109.
- Brenneis, Kim (1991), 'An evaluation of public participation in the British Columbia Ministry of Forests', *Forest Resources Commission Background Papers* Vol.1, Victoria: British Columbia Forest Resources Commission.
- Brunet, Robin (1994), 'Their jobs, their homes, their lives', *British Columbia Report*, Vol.5, No.27, pp.18-23.
- Buckle, Leonard G. and Thomas-Buckle, Suzanne R. (1986), 'Placing environmental mediation in context: lessons from "failed" mediations', *Environmental Impact Assessment Review*, Vol.6, No.1, pp.55-70.
- Cabinet Planning Secretariat (1993), 'Proposed forest sector strategy action plan', *Forest Planning Canada*, Vol.9, No.3, pp.12-16.
- Case, Evangeline S. et al., (eds.) (1983), *Fairness in Environmental and Social Impact Processes*, Calgary: Faculty of Law, University of Calgary.
- Chambers, Simone (1996), *Reasonable Democracy*, Ithaca, NY: Cornell University Press.
- Cobb, William (1994), Mayor, Williams Lake; Personal communication, Vancouver, 24 August.
- Commission of Inquiry into Compensation for the Taking of Resource Interests (1992), *Final Report*, Victoria: Queen's Printer.
- Commission on Resources and Environment (1993a), *Tatshenshini/Alsek Land Use*, Victoria: CORE.
- Commission on Resources and Environment (1993b), *1992/93 Annual Report*, Victoria: CORE.
- Commission on Resources and Environment (1993c), *Aboriginal Participation in Regional Planning Processes*, Victoria: CORE.
- Commission on Resources and Environment (1994a), *Vancouver Island Land Use Plan*, Victoria: CORE.
- Commission on Resources and Environment (1994b), *Cariboo-Chilcotin Land Use Plan*, Victoria: CORE.
- Commission on Resources and Environment (1994c), *1993/94 Annual Report*, Victoria: CORE.
- Commission on Resources and Environment (1994d), *Provincial Land Use Strategy Volume 1: A Sustainability Act for British Columbia*, Victoria: CORE.
- Commission on Resources and Environment (1994e), *Provincial Land Use Strategy. Volume 2: Planning for Sustainability*, Victoria: CORE.
- Commission on Resources and Environment (1995a), *Provincial Land Use Strategy Volume 3: Public Participation*, Victoria: CORE.

- Commission on Resources and Environment (1995b), *Provincial Land Use Strategy, Volume 4: Dispute Resolution*, Victoria: CORE.
- Commission on Resources and Environment (1995c), *British Columbia's Sustainability Strategy, Report to the Legislative Assembly, 1994-95*, Victoria: CORE.
- Cormick, Gerald (1989), 'Strategic issues in structuring multi-party public policy negotiations', *Negotiation Journal*, Vol.5, No.2, pp.125-32.
- Dorcey, Anthony H.J. and Christine L. Riek (1987), *Negotiated Settlement of Environmental Disputes: An Analysis of Canadian Experience*. A report prepared for the Canadian Environmental Assessment Research Council.
- Dryzek, John S. (1990), *Discursive Democracy*, Cambridge: Cambridge University Press.
- Dryzek, John S. (1995), 'Political and ecological communication', *Environmental Politics*, Vol.4, No.4, pp.13-30.
- Environment and Land Use Committee (1976), *Report of the Secretariat*, Victoria: Queen's Printer.
- Finkle, Peter (1983), 'New approaches to fairness: the bureaucracy responds' in Evangeline S. Case *et.al.*, (eds.), pp.29-38.
- Forest Resources Commission (1991), *The Future of Our Forests*, Victoria: British Columbia Forest Resources Commission.
- George, Paul (1994), Founder/Director, Western Canada Wilderness Committee; Personal interview, Vancouver, 16 September.
- Gilfillan, Brian (1994), Vice-President (Forestry), Council of Forest Industries; Personal interview, Vancouver, 14 September.
- Greater Ecosystem Alliance (1994), *The Big Picture: Protecting Biodiversity in B.C.*, Nelson, British Columbia: The Greater Ecosystem Alliance.
- Gunton, Thomas (1993), 'Crown-land planning in British Columbia: managing for multiple use', in M.A. Fenger et al., (eds.), *Our Living Legacy: Proceedings of a Symposium on Biological Diversity*, Victoria: Royal British Columbia Museum, pp.275-93.
- Habermas, Jurgen (1987), *The Theory of Communicative Action. Volume 2: A Critique of Functionalist Reason*, Cambridge: Polity.
- Haddock, Mark (1995), *Forests on the Line*, Vancouver: Sierra Legal Defence Fund.
- Hatch, Ron B. (ed.) (1994), *Clayoquot and Dissent*, Vancouver: Ronsdale Press.
- Hirst, Paul (1994), *Associative Democracy*, Cambridge: Polity.
- Hoberg, G. (1993), 'Regulating forestry: A comparison of institutions and policies in British Columbia and the US Pacific Northwest', *Forest Economics and Policy Analysis Research Unit Working Paper*

- No.185, Vancouver: FEPA Research Unit, University of British Columbia.
- Howlett, Michael and Brownsey, Keith (1988), 'The old reality and the new reality: party politics and public policy in British Columbia 1941-1987', *Studies in Political Economy*, Vol.25, No.1, pp.141-76.
- Ingram, Attracta (1994), *A Political Theory of Rights*, Oxford: Clarendon.
- Integrated Resource Planning Committee (1993), *Land and Resource Management: A Statement of Principles and Processes*, Victoria: Province of British Columbia.
- Law Reform Commission of Canada (1985), *Report on Independent Administrative Agencies: A Framework for Decision-Making*, Ottawa: Law Reform Commission of Canada.
- Lewis, Kaaren (1994), Senior Policy Analyst, Land Use Coordination Office; Personal interview, Victoria, 19 September.
- Lidstone, Allan (1994), Land Use Planning Supervisor, Ministry of Forests; Personal interview, Victoria, 20 September.
- Low Intensity Area Review Committee (1995), *Low Intensity Areas for the Vancouver Island Region: Exploring a New Resource Management Vision*, Victoria, LIARC.
- Lucas, Alistair R. (1987), 'Natural resources and environmental management: a jurisdictional primer', in Donna Tingley (ed.), *Environmental Protection and the Canadian Constitution*, Edmonton, Alberta: Environmental Law Centre, pp.31-43.
- Macdonald, R.A. (1980a), 'Judicial review and procedural fairness in administrative law: I', *McGill Law Journal*, Vol.25, No.4, pp.520-64.
- Macdonald, R.A. (1980b), 'Judicial review and procedural fairness in administrative law: II', *McGill Law Journal* Vol.26, No.1, pp.1-44.
- MacIsaac, Ron and Champagne, Anne (eds.) (1994), *Clayoquot Mass Trials: Defending the Rainforest*, Gabriola Island, British Columbia: New Society Publishers.
- Magee, Sean (1994), Communications Manager, Forest Alliance of British Columbia; Personal interview, Vancouver, 14 September.
- Maher, G. (1986), 'Natural justice as fairness', in P. Burks and N. MacCormick (eds.), *The Legal Mind*, Oxford, Oxford University Press.
- Manin, Bernard (1987), 'On legitimacy and political deliberation', *Political Theory*, Vol.15, No.3, pp.338-68.
- Marchak, Patricia (1986), 'The rise and fall of the peripheral state: the case of British Columbia', in Robert J. Bryn (ed.), *Regionalism in Canada*, Richmond, Ontario: Irwin, pp.123-59.

- Marvin Shaffer and Associates (1992), *Evaluation Methodology and Data Sources for Social and Economic Impact Assessment of Forest Land Management Options: Background Reports*, Victoria: Forestry Canada/British Columbia Ministry of Forests.
- McDade, Gregory J. (1993), *Report on Compensation Issues Concerning Protected Areas*, Vancouver: Sierra Legal Defence Fund.
- McDaniels, Timothy L. (1992), 'Structuring alternatives for forest land management planning', in Marvin Shaffer and Associates, pp.1-10.
- M'Gonigle, Michael and Parfitt, Ben (1994), *Forestopia: A Practical Guide to the New Forest Economy*, Madeira Park, British Columbia: Harbour Publishing.
- Ministry of Crown Lands (1989), *British Columbia Land Statistics*, Victoria: British Columbia Ministry of Crown Lands.
- Ministry of Forests (1990), *Integrated Resource Management on Provincial Forest Lands: Ministry Policy*, Victoria: British Columbia Ministry of Forests.
- Ministry of Forests (1994), *Annual Report 1992/93*, Victoria: British Columbia Ministry of Forests.
- Nixon, Bob (1990), 'Principles of integrated management lack legislative authority in British Columbia, when compared with US forest law', *Forest Planning Canada*, Vol.6, No.6, pp.9-14.
- Ombudsman of British Columbia (1989), *1988 Annual Report to the Legislative Assembly*, Victoria: Province of British Columbia.
- Owen, Stephen (1993), 'Participation and sustainability: the imperatives of resource and environmental management', in Steven A. Kennet (ed.), *Law and Process in Environmental Management*, Calgary: Institute of Resources Law, pp.335-66.
- Owen, Stephen (1994), Commissioner on Resources and Environment; Personal interview, Victoria, 19 September.
- Ozawa, C.P. (1993), 'Improving citizen participation in environmental decision-making: the use of transformative mediator techniques', *Environment and Planning C: Government and Policy*, Vol.11, No.1, pp.103-17.
- Paehlke, Robert and Douglas Torgerson (eds.) (1990), *Managing Leviathan: Environmental Politics and the Administrative State*, London: Belhaven Press.
- Palmer, Vaughn (1995), 'Forest policy expected to make communities suffer', *Vancouver Sun*, 26 January, A18.
- Price Waterhouse (1995), *Analysis of Recent British Columbia Government Forest Policy and Land Use Initiatives*, Vancouver: Forest Alliance of British Columbia.
- Province of British Columbia (1993a), *A Protected Areas Strategy for British Columbia*, Victoria: Queen's Printer.

- Province of British Columbia (1993b), *Social and Economic Impact Assessment for Land and Resource Management Planning in British Columbia*, Victoria: Queen's Printer.
- Rayner, Jeremy (1996), 'Implementing sustainability in west coast forests: CORE and FEMAT as experiments in process', *Journal of Canadian Studies*, Vol.31, No.1, pp.82-101.
- Reardon, Carol (1993), 'Is the CORE process fair?', *West Coast Environmental Association Newsletter*, Vol.17, No.5, p.5.
- Round Table on the Environment and the Economy (1991), *Reaching Agreement. Volume 1: Consensus Processes in British Columbia*, Victoria: British Columbia Round Table on the Environment and the Economy.
- Round Table on the Environment and the Economy (1994), *Public Involvement in Government Decision Making: Choosing the Right Model*, Victoria: British Columbia Round Table on the Environment and the Economy.
- Round Tables on the Environment and the Economy in Canada (1993), *Building Consensus for a Sustainable Future*, Ottawa: National Round Table on the Environment and the Economy.
- Royal Commission on Forest Resources (1976), *Timber Rights and Forest Policy in British Columbia. Report of the Royal Commission on Forest Resources, Volumes 1 and 2*, Victoria: Royal Commission on Forest Resources.
- Sherrod, Anne (1993a), 'CORE processes: the little known threat to existing parks', unpublished manuscript, New Denver, British Columbia: The Valhalla Society.
- Sherrod, Anne (1993b), 'Flaws in the CORE process (as experienced by the wilderness conservation sector of the Slocan Valley Pilot Project)', unpublished manuscript, New Denver, British Columbia: The Valhalla Society.
- Sumanik, Ken (1994), Environment and Land Use Director, Mining Association of British Columbia; Personal interview, Vancouver, 16 September.
- Susskind, L. and Cruikshank, J. (1987), *Breaking the Impasse: Consensus Approaches to Resolving Public Disputes*, New York: Basic Books.
- Tennant, Paul (1990), *Aboriginal Peoples and Politics*, Vancouver: University of British Columbia.
- Vanagas, Steve (1994), 'Culture of conflict', *British Columbia Report*, Vol.5, No.49, pp.18-22.
- Vance, Joan (1990), *Tree Planning: A Guide to Public Involvement in Forest Stewardship*, Vancouver: Public Interest Advocacy Centre.

- Vanderzwaag, David and Duncan, Linda (1992), 'Canada and environmental protection: confident political faces, uncertain legal hands', in Robert Boardman (ed.), *Canadian Environmental Policy: Ecosystems, Politics and Process*, Toronto: Oxford University Press, pp.3-23.
- Wade, William and Forsyth, Christopher (1994), *Administrative Law*, seventh edition, Oxford: Clarendon Press.
- Western Canada Wilderness Committee (1993/94), 'A conservation vision for Vancouver Island', *WCWC Educational Report*, Vol.12, No.7.
- Wilderness Advisory Committee (1986), *The Wilderness Mosaic*, Victoria, British Columbia: Wilderness Advisory Committee.
- Williams, Douglas R. (1994), 'Environmental law and democratic legitimacy', *Duke Environmental Law and Policy Forum*, Vol.4, No.1, pp .1-40.
- World Commission on Environment and Development (1987), *Our Common Future*, Oxford: Oxford University Press.