

At the CORE of Consensus: The Vancouver Island and East  
Kootenay Land Use Processes

by

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ABSTRACT

This thesis analyzes and compares regional land use processes on Vancouver Island and the East Kootenays. Each process consisted of an unsuccessful consensus-based approach and a later successful government plan.

The Vancouver Island Commission on Resources and Environment (CORE) process failed miserably. The major reason was the lack of a transition strategy to offset the significant economic losses of several bargaining sectors. In the end a land use plan for Vancouver Island was determined through a political process.

The East Kootenay CORE process benefited from a significant transition strategy and minimal economic consequences, but still could not get agreement on the most contentious issues. As with Vancouver Island, the government used a political process to get agreement where CORE could not.

The thesis concludes that the consensus approach attempted by CORE was based on literature that was overly optimistic, tautological and of limited utility in the re-allocative land use planning that CORE was attempting. In a re-distributive setting, where one side's loss is another's gain, it is impossible to recast the dynamics into a situation where all sides gain. The government processes

were better at taking this into account and were able to get successful deals using classical bargaining techniques.

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DEDICATION

This thesis is dedicated to Jennifer, John Eric Rodgers, and Frank Sinatra and his album The September of My Years.

## CHAPTER ONE

### Background and Theory of Consensus

This thesis compares the Vancouver Island and East Kootenay land use processes. Each process consisted of a consensus-based Commission on Resources and Environment (CORE) process and a later government driven political plan. It underscores the central importance of compensation in offsetting the problems highlighted by attempting to use a consensus-based process in settling land use issues. The issues were better resolved through the government land use processes, than by either CORE Table. The government had the power to impose a settlement and used this position along with financial inducements to garner a greater degree of consensus than either CORE Table was able to. The CORE Tables, most notably the East Kootenay one, did serve as useful building blocks that contributed to the plans. The eventual land use plans were marketed by the provincial government as consensus-based decisions, but were in fact a curious hybrid of this new way of deciding land issues in British Columbia (BC) and a throwback to classical deal-making.

The CORE processes were based on an overly optimistic literature that did not adequately address the importance of compensation in settling the type of land use issues addressed by CORE. Land use decisions are generally

characterized by one side's loss being the other's gain. The consensus literature dealt for the most part with allocative site-specific development disputes where issues such as misunderstanding frequently played a role. The sites were for the most part undeveloped and compromise could be readily achieved. Land usage was usually being initially allocated between competing groups. In a re-allocative setting land already distributed is taken back and redivided, leaving the group that had been given the land with a lesser proportion. In British Columbia, CORE attempted to get consensus to claw back land already committed to timber production and put it in Protected Areas. This would result in major economic ramifications for forest companies and workers. The atmosphere in British Columbia is one where the forest industry perceives itself to be in a battle against re-allocative attempts.<sup>1</sup> The literature relied heavily on a set of conditions that were of limited utility given the fundamental re-distributive character of land use planning in BC. When married to a strong compensation package that offset the win-lose nature, the consensus-based approach worked better, but not completely. The essential nature of compensation was learned by the Vancouver Island CORE Table and this helped the East Kootenay Table achieve greater success.

A look at the Vancouver Island CORE process shows that it did not achieve much. It started with much fanfare

in November of 1992, but did not come close to its stated goal of issuing a land use strategy. The participants never bought into the concept of shared decision making and accommodating interests. Part of the blame for this must rest with a history of acrimony and distrust which undermined any hope of participants working effectively together. The failure can be partially attributed to the provincial government which failed to give sufficient direction to the CORE Table and did not have a complete policy package in place. While issues such as the interrelationship of CORE and other government initiatives certainly confounded the issues, the root of the problem lay elsewhere. The government refused to commit to a transition strategy to offset the unavoidable economic consequences of the re-allocative process. This re-allocative nature cast the issues in a clear win-lose framework that made any consensus decision highly unlikely without a strong compensation package in place. While there may have been some win-win potential in a restructuring of the land-base that led to sustainability and certainty in yield and jobs for the forest industry and workers, the immediate prospect was one of financial loss. The forest industry in BC has a history of resisting attempts to lower its yield, even though the levels of cut are not sustainable in the long term. In CORE forest companies and workers were asked to use a consensus building forum to give up jobs and timber rights

with nothing guaranteed in return. The lack of compensation frustrated any attempts to find what little common ground there may have been. After the collapse of CORE in November of 1993 over this issue, its importance was reinforced to the NDP government. During the post-CORE land use process for Vancouver Island, a compensation deal with forest workers was struck on March 27, 1994. This, coupled with the desire of the government as the ultimate power holder on land use to make a deal, caused all important groups to quickly come to agreement and support the government plan announced on June 22, 1994.

The East Kootenay CORE process ran from January of 1993 to July of 1994. It was the most successful CORE Table and issued a detailed land use plan for the East Kootenays. The Table was fortunate because the government had recognized the need for a transition strategy and had money from increased stumpage for use in a compensation plan. Other sources of revenue were also available for the transition strategy. The East Kootenay Table also benefited because the projected job losses were minimal and the area already had a high percentage of lands committed to Protected Areas. These factors enabled the Table to attempt to work around the inherent win-lose framework of re-allocative bargaining. But, even with so many favourable conditions the East Kootenay Table could not solve the most contentious issues. The government took the work of the East

Kootenay CORE process and built on it to craft a land use plan that met concerns of groups not satisfied with the CORE product. By engineering a set of deals with significant players the government was able to fashion a land use plan that, as on Vancouver Island, successfully brought closure to the region.

### 1.1 Background

The British Columbia NDP government came to power in 1991 in a province with a long history of strife over land use issues. Many land use decisions in British Columbia had previously been decided in closed door bargaining sessions between government and industry, with lesser input from other groups in society.<sup>2</sup> To change this the NDP had proposed consensus-based decision making as a new way of making land use choices. The election of the New Democratic Party in October 1991 led to the development of CORE. The NDP under Mike Harcourt had, as one of their election promises, vowed to end the traditional valley by valley conflict over forest resources in BC. This was proposed through the use of consensus-based processes that would settle land use questions for all regions of the province.<sup>3</sup> Environmental disputes in British Columbia were noted for their acrimony and divisiveness.

In British Columbia in the 1980's, the proponents of

consensual approaches to dispute resolution argued that a well managed consensus building process could produce a fairer, wiser and more stable outcome in environmental and other public policy disputes than alternative mechanisms. To this end a group in the Clayoquot Sound area of Vancouver Island, the Clayoquot Sound Task Force, sponsored a project to develop a local consensus-based approach. This group included environmentalists and logging interests. This offspring was called the Clayoquot Sound Sustainable Development Steering Committee and was appointed in August 1989. It was intended as an experiment to test the viability of "consensus-building" as a means of reconciling competing resource values.<sup>4</sup> Clayoquot Sound is a watershed area on the west coast of Vancouver Island and is highly prized by both environmental and logging interests. This new model for solving allocative problems in British Columbia quickly became a whipping boy for logging interests concerned about job loss, and environmentalists concerned about continued logging in the Sound. The Task Force seemed to exacerbate the problems it was supposed to alleviate. The Task Force concluded in 1991 after failing to produce a solid framework of understanding or a viable framework for consensus-building. Although clearly unsuccessful, some observers saw the Task Force as laying the groundwork for an effective consensus-based process for resolving land use and resource allocation disputes in British Columbia.<sup>5</sup>

In 1989, the British Columbia government appointed a Forest Resources Commission (FRC) to provide a comprehensive view of the forests of BC, taking into account the full range of forest values and how the forest might be managed to enhance and protect those values.<sup>6</sup> The FRC's report noted that both the government and forest industry in BC had historically concentrated on short-term economic strategies and had neglected the need to sustain forest and other resources.<sup>7</sup> The FRC made several recommendations bearing on the sustainability of forest and related resources. Its first recommendation was for the introduction of comprehensive land use planning for the total land base of the province.

Following the publication in 1987 of Our Common Future, a report of the World Commission on Environment and Resources, a BC task force, the Round Table on the Environment and the Economy, was established in 1990. It examined aspects of sustainable development discussed by the World Commission and recommended the establishment of comprehensive land use planning. Together the Round Table and the FRC set the stage for the creation of CORE with its mandate to develop a provincial land use strategy based on the principles of sustainability.

Once elected, the NDP under Harcourt acted quickly, announcing its plans to establish CORE in January of 1992. It enacted the Commissioner on Resources and Environment Act

on July 13, 1992. The Commission was established as a permanent body, independent of provincial ministries. The Commission's mandate was set out in the Act and included as one of its requirements the development of a BC wide strategy for land and resource use.

Chosen to be the commissioner of CORE was a 43 year old lawyer named Stephen Owen. He had for the previous six years been the provincial Ombudsman. During his years as Ombudsman, Owen had built up a reputation for neutrality and fairness.<sup>8</sup> Owen's office had handled thousands of complaints without drawing public criticism of becoming political.<sup>9</sup> He was keenly interested in consensus decision making initiatives and in ways of moving the province towards a better system of integrated resource management. He had promoted these concepts with the previous Social Credit administration, publicly asserting the need for consensus decision making in land use in his Ombudsman reports.<sup>10</sup>

In order to provide a clear purpose to guide the future planning initiatives, CORE published a Land Use Charter in 1992. The document consisted of a number of general principles outlining the government's commitment to environmental, economic and social sustainability. It also outlined the decision making process as open to the participation of all interests (cross-sectoral) and comprehensive. Aboriginal title and the inherent rights of Aboriginal people to self-government were recognized.

Regional representatives from all significantly and directly affected interests were to be included. The reason given for determining land use allocations at the regional level was that a regional perspective was expected to provide more flexibility in achieving a working balance between social, environmental and economic interests.<sup>11</sup>

The CORE Tables were to make decisions by consensus, using the principles of shared decision making. This was despite the recent failures of the Clayoquot Sound Task Force and Steering Committee. The Land Use Strategy stated that the traditional approach to land allocation had been based on the responsibility of the statutory decision maker and was not working in British Columbia.<sup>12</sup>

Ideally, consensus-based or shared decision making means that stakeholders bargaining would have to come to a collective decision on all issues. There are no votes and no agreement until all participants agree. This happens by not casting issues in win-lose terms and instead looking for solutions that accommodate the interests of all concerned. It is felt any decision made through this process of compromise and accommodation would be more lasting and profitable because it has the unanimous support of all concerned parties.

The government always retained the option of using CORE as one part of a two-phased process for deciding land use issues. CORE was meant to be the intellectual engine by

guiding and providing research and advice through the process.<sup>13</sup> Cabinet retained the power to decide the fate of any and all areas decided on by CORE. The shared decision making process was explained as a tool designed to support rather than replace the traditional public decision making process.<sup>14</sup> The Commissioner on Resources and Environment Act clearly stated that the purpose of CORE was to provide independent advice to cabinet.<sup>15</sup> There was some concern from opposition members at the second reading of the bill that the government had set up a process whereby recommendations could be ignored or muted for political reasons in cabinet.<sup>16</sup> Owen expected that if cabinet did this it would have to respond to what he called "an elevated level of debate".<sup>17</sup> Owen clearly felt at this point that cabinet would not arbitrarily change any consensus recommendations. He expected that if a CORE process succeeded and offered it's recommendations, this consensus advice would be very difficult politically for the government to ignore. At the outset Owen and cabinet may have had divergent views on the fate of any CORE recommendations. The possibility of cabinet not accepting CORE's recommendations, or having to decide if CORE broke down, was discussed by the Premier and Attorney-General during the second reading of the Commissioner on Resources and the Environment Act.<sup>18</sup> As stated, the process was meant to complement rather than supersede lobbying, legislative debate and judicial recourse in the policy-

making process.<sup>19</sup> Cabinet would always have the final say on any land use decision in these consensus-based processes. If cabinet decided that for whatever reasons, political or otherwise, the agreement was not viable they were not bound to accept it. It does seem that cabinet was hoping, however optimistically, that the CORE Tables would be able to decide and their recommendations would not need to be substantially altered.

The four regions of British Columbia to be planned under CORE were Vancouver Island, Cariboo/Chilcotin, Kootenay West and Kootenay East. Preparations began in all regions simultaneously, but the initial focus of CORE and the first to be completed was the Vancouver Island Region. The cost of CORE for all regions of the province was expected to be four million dollars per year.<sup>20</sup>

## **1.2 Theoretical Underpinnings of Consensus-Based Decision Making**

Consensus decision making rests on the premise that no significant player should be left out of the decision making process and that casting political decision in win-lose terms ultimately leads to the exacerbation of divisions in a society. The existence of these divisions can lead to the emergence of civil strife. When these divisions tend to reinforce each other, these conflicts may even threaten the long-term survival of a society.<sup>21</sup> A continuation of this

idea is put forth by Arend Lijphart, who contends that in plural societies majority rule can spell majority dictatorship and civil unrest rather than true democracy.<sup>22</sup> In divided societies, an adherence to accommodative behaviour might become necessary in order to maintain stability.<sup>23</sup> Indeed, noted economist Sir Arthur Lewis argues that the primary meaning of democracy is that all those affected by a decision should have the chance to participate in making that decision, either directly or through chosen representatives.<sup>24</sup> Lewis argues that to exclude the losing groups from decision making clearly violates the primary meaning of democracy.<sup>25</sup> For Lewis the will of the majority is only the secondary attribute of democracy. When this view of democracy is coupled with the disruptive force of deep social divisions, it is clear that a new method of decision making should be considered. Samuel Huntington has argued, for example, that the explosion of special interest, single interest and public interest groups in some societies has created a situation where contemporary government has been overwhelmed with incompatible demands.<sup>26</sup>

Traditionally, public policy and resource allocation are seen as an output of an aggregative process. James G. March and Johan P. Olsen, in Rediscovering Institutions, see an alternative for the aggregate assembly of policy in a move towards integrative institutions. In an aggregate process the will of the people is defined by brokering

coalitions among interests.<sup>27</sup> Aggregate theories emphasize the supremacy of majority rule.<sup>28</sup> Integrative approaches on the other hand differ from aggregative ones in their usage of careful debate in the search for the common good.<sup>29</sup> Integrative processes treat conflict of interest as a basis for deliberation and are directed by an idea of unity, rather than the logic of exchange.<sup>30</sup> Integrative ideas presume a process from which will emerge a collective will, sympathy and trust.<sup>31</sup> Integrative processes aim for the identification, creation, and implementation of shared preferences<sup>32</sup> In integrative institutions devoted to discussion, March and Olsen point out that ability at discussion is a key component. However, there is no guarantee that competence at discussion is linked with virtue or other forms of competence.<sup>33</sup> March and Olsen maintain that even without the corruptions of self-interest disguised as public-concern, processes of debate are flawed by their susceptibility to eloquent individuals with good intentions but lacking in judgement or feeling.<sup>34</sup>

Another concern of March and Olsen is how to make the process of discussion and argument attentive to competence, so a valid consensus is achieved.<sup>35</sup> For March and Olsen the integrative institution is particularly susceptible to those person or groups who do not contribute to the search for the common good, but possess great reserves of energy, time and money.<sup>36</sup> They also see an integrative debate as particularly

vulnerable to manipulation by those groups or individuals who have special talent at rhetoric and argumentation.<sup>37</sup> Indeed as March and Olsen illuminate, real integration requires a commitment to the pursuit of the common good and demands citizens with a concern for openness and the public good.<sup>38</sup> This for March and Olsen produces a valid consensus. The very term consensus is Latin for agreement, but it carries with it a value element as a positive thing, much better than mere acceptance or agreement.<sup>39</sup> Consensus implies that people are happy to agree and have left few persons outside the parameters of their agreement<sup>40</sup>

At the operational level, integrative decision making usually involves all affected parties bargaining together in an attempt to reach a consensus decision. Consensus-seeking is usually a voluntary effort that requires informal interaction by chosen members from all stakeholder groups with the assistance of a mediator.<sup>41</sup> The will of the people is discovered through discussions to find the general welfare within a context of shared social values.<sup>42</sup> Traditional "win-lose" bargaining assumes that there are only limited gains to be made. For someone or some group to win, another must lose. The key to integrative bargaining is to avoid casting the issue in "win-lose" or "yes-no" terms. It is contended that if the stakeholders treat the issue in this zero-sum fashion they may not discover the opportunities for all sides to benefit.<sup>43</sup>

However, it should be stated that the very character of some disputes would seem to preclude anything but a win-lose decision. Certainly a re-distributive decision would fall into this category. Finding a consensual solution will only be worthwhile if all the stakeholders are satisfied that they will get more than they could by unilateral action, or by resorting to conventional means of settling disputes.<sup>44</sup> In some circumstance this may not be possible.

This ability to get beyond initial positions and explore underlying interests was promoted by the influential 1981 book Getting To Yes, by Roger Fisher and William Ury. They held that stated interests were really bargaining positions, which when exposed would reveal shared interests. Participants ask each other questions that uncover underlying motivations and interests. This does not occur in most formal policy-making institutions. Face-to-face talks try to break stereotyping by providing discussions as a means to better communication between groups. Better communication, it is hoped will humanize one's opponent and lead to an understanding of common goals and ground. By focusing on these goals, Ury and Fisher contended that almost all situations could be refocused into opportunities for mutual gains. Despite the apparent naive optimistic tone of Getting To Yes, it quickly gained popularity among conflict resolution specialists. Indeed, it was regarded by senior CORE staffers as the starting point for understanding

the negotiation framework behind CORE.<sup>45</sup>

A growing body of experience contends that consensus building can be an effective means of settling complex environmental, resource allocation and land use planning conflicts.<sup>46</sup> Most of this evidence comes from the United States where interest in consensus processes in solving environmental disputes has grown in the last twenty years. In the United States the move towards consensus-based stakeholder forums has been driven at least in part by the desire to avoid lengthy and expensive litigation that was the result of many traditional "win-lose" decisions. Many environmental disputes went unresolved for years. It was this perceived institutional failure that motivated interest in alternative forms of dispute resolution.<sup>47</sup> It was also noted that in most processes that allowed input into environmental issues, like public hearings, participants rarely talked to each other. Interested stakeholders were typically limited to expressing their concern through one-way communications. This encouraged groups to escalate their demands and exaggerate their claims. In allocative issues, as with other areas, there is often a distinction between deciding an issue and resolving it. Simply making a decision often did little to end the dispute. The probability of policy makers making successful top-down decisions was complicated by the large number of interests that typically had a stake in most environmental decisions. Environmental

disputes also have the tendency to get very emotional. Changes in public policy as it pertains to resource allocation can affect the quality of lives. The strong reaction to proposed changes reflect how threatened some groups feel. Frequently in the United States, environmental disputes end up in the courts. One characteristic of the multi-stakeholder forum in the United States is that they are usually site-specific, that is confined to one issue in a geographically narrow area.

One of the proponents of the new multi-stakeholder approach to settling environmental disputes is Gail Bingham. In her case study analysis of environmental disputes in the United States, Resolving Environmental Disputes: A Decade of Experience, she asserts that multi-party decision making reached agreement seventy-eight percent of the time in land use cases.<sup>48</sup> The numbers were slightly better in natural resource management and water resource cases. Bingham finds that the single most important factor in getting agreement in multi-stakeholder forums were whether those with the real decision power in a sector participated directly in the process.<sup>49</sup> It was also argued by Bingham that the prospects of reaching stable agreements are better when representatives are empowered to speak for their constituents. The representatives should maintain effective communication with their constituents in order to ensure the eventual ratification of any agreement.<sup>50</sup> Any party's

incentive to agree to a proposal depends for the most part on whether the proposal meets its principal interests.<sup>51</sup> In the case studies examined by Bingham, at least one of the reasons given for failure was the inability of the parties to discover a solution that met one another's minimal needs.<sup>52</sup> This certainly does not seem like much of a revelation. Any bargaining breaks down if a group's needs are not met, so it would seem that multi-stakeholder processes are just as susceptible as any other process.

Bingham found no evidence among the case studies that a large number of parties in a process made agreement less likely. Bingham did find evidence to show that the work of subcommittees could be important in breaking the process into meaningful proportions.<sup>53</sup> Drafting proposals on key issues in subcommittees also helped later discussion by giving the large group concrete proposals for consideration.<sup>54</sup>

Bingham observed that agreement on procedural issues allowed negotiations to proceed more smoothly. This agreement demonstrated to parties that they can negotiate successfully with each other and this increased their sense of optimism about the process. Optimism, in turn, increases the likelihood for a successful process.<sup>55</sup> This observation hardly constitutes evidence. It would surprise no one to learn that if participants feel good about a process it is more likely to work.

Bingham noted that a likely obstacle was the fact that parties often did not have equal resources for gathering and analyzing the data they needed to negotiate effectively. Mediators in the disputes often expressed concern that unless this imbalance was overcome, the chances of success were limited.<sup>56</sup> Related to the technical equality issue were disputes over facts. For Bingham these are disagreements over the potential impacts or risks of any proposed course of action.<sup>57</sup>

Bingham concurs with other analysts that parties are unlikely to agree to a settlement if they think they can achieve more of what they desire in a different way.<sup>58</sup> This observation by Bingham exposes the tautological reasoning of some of her evidence. As with her reliance on optimism, Bingham is again in essence saying that parties will agree if they want to agree.

On a small number of occasions, one of the parties in Bingham's case studies is reported to have participated cynically, hoping that a settlement would not be reached. In at least one of these cases an agreement was reached regardless. Bingham found that for the most part, although the participants may be skeptical about the likelihood of success, mediators reported that parties entered into negotiations in good faith.<sup>59</sup> In the case of failure, Bingham believed that in some instances the parties' underlying interests may be mutually exclusive, with the

result that they are unwilling to compromise sufficiently to reach an agreement, or are unable to come up with any options to meet each other's needs.<sup>60</sup> Bingham also found that neither having a deadline for negotiations nor the length of the negotiations had a measurable effect on the outcome.

Bingham seems to rely on setting certain parameters or conditions, which once set will seventy-eight percent of the time lead to a settlement. However, Bingham doesn't give substantive direction on how to fundamentally recast some issues to avoid their mutually exclusive character. This may be because her case studies are almost always studies of site specific allocative disputes. There remains the unaddressed concern that the most difficult issues, those identified as having mutually exclusive values, should not be addressed by the consensus forum. This does not stop her from endorsing the consensus-based process as a significant tool for settling environmental disputes. Without more applicability to a wider range of circumstances, Bingham's work quickly becomes a wish list of criteria for a process of questionable applicability to difficult scenarios. Much of her criteria for success is based on the dubious observation that the process will succeed if the groups want it to succeed.

In Breaking The Impasse: Consensual Approaches to Resolving Public Disputes, Lawrence Susskind and Jeffrey

Cruikshank come to many of the same conclusions as Bingham. Their determinants for success include an informal process that involves face-to-face meetings among empowered representatives. The ideal process is consensual and restricted to allocative issues, with the participants agreeing to live with the solution. The solution is acceptable because it attends to all party's most important concerns and is the best available under the circumstances.<sup>61</sup> Susskind and Cruikshank argue that with more than two parties, successful negotiations are difficult to manage. Because allocative disputes typically involve a large number of groups which may have little or no experience working together, they can be the most difficult to resolve through face-to-face negotiations.<sup>62</sup> Susskind and Cruikshank found that a precondition for success is for parties not to engage in a test of wills but instead examine the merits of all arguments, including their own.<sup>63</sup> An all-gain solution depends on each party's ability to satisfy its needs while also satisfying its opponent's needs.<sup>64</sup> To reach consensus the sectors must overcome the psychology of adversaries. Susskind and Cruikshank maintain that it is very hard to operate in an atmosphere of hostility and distrust.<sup>65</sup> Susskind and Cruikshank seem to rely heavily for success on the necessity to get the participants wanting to agree, before the process will work. In essence they claim the parties will agree if the they feel like agreeing.

In one case study Susskind and Cruikshank found participants locked themselves into proposed solutions before even hearing the views of others.<sup>66</sup> As this debate wore on, the participants lost sight of their common interests and gave up the search for all-gain solutions.<sup>67</sup> An alternate explanation not explored is that the participants may have readily recognized the win-lose character of the dispute, and realized the futility of searching for all-gains solutions where none could be had.

For Susskind and Cruikshank, stalled negotiations indicate unrealistic expectations from one or more parties. They may refuse to re-address these expectations regardless of what happens in negotiations. Even though legitimate interests could be met through the creation of joint gains, some parties may hold out for more than could possibly be expected.<sup>68</sup> Susskind and Cruikshank caution that even with a skilled mediator, parties may not be willing to move away from negotiating positions to their true interests because they do not want to be seen as having backed down, or because internal pressures within their organizations lead them to attach a higher value to sustaining the conflict than resolving it.<sup>69</sup> They seem to be again saying that if groups aren't inclined to solve the conflict, it's unlikely to be solved. Susskind and Cruikshank seem to assume that no negotiating positions are the true interests of the participants. They seem to believe, despite the character of

many environmental and land use disputes, that there is a common purpose to be found.

Susskind and Cruikshank found that the stakeholders in public disputes tend to feel increasingly threatened as the dispute drags on and are more likely to posture and grandstand as events get out of control.<sup>70</sup> They assert that as a conflict intensifies parties are less likely to think clearly and listen seriously. Such behaviour from one party tends to encourage similar behaviour from others.<sup>71</sup> They hold that participants in allocative disputes should pay attention to the dynamics of escalation because in the middle of an emotional dispute, common sense is often the first thing lost.<sup>72</sup>

Susskind and Cruikshank maintain that technical disputes are another potential problem. Competing scientific data tends to undercut the credibility of all technical evidence, whereas joint fact finding tends to develop a common base of shared knowledge.<sup>73</sup> For Susskind and Cruikshank the technical support staff is important. Unless non-aligned technical experts are used, technical findings tend to be less than credible in the eyes of some participants.<sup>74</sup> They also found that as the technological complexity of a dispute increases, it is increasingly likely that suspicion and hostility will interfere with the consensus building process.<sup>75</sup>

While Susskind and Cruikshank point out some of the

potential drawbacks of a consensus-based process, they maintain that it can work if the forum is set up with adequate support resources and the proper mental attitude from the participants. Susskind and Cruikshank's heavy reliance on mental attitudes is very questionable. As with Amy, much of their prescription rests on the tautological reasoning that groups will agree if they feel like agreeing. They recommend ways of getting groups into the proper frame of mind to agree. Another major flaw with Susskind and Cruikshank is that participants are told only to attempt the process for distributional disputes. This is an admission that their formula is ultimately empty. They are saying that consensus-based processes shouldn't be attempted under difficult re-distributive conditions. It is not clear how they expect the process to supersede classical bargaining if it can't deal with thorny issues like re-distributive land use. Land use is often characterized by one side's gain being another's loss and Susskind and Cruikshank have little to say how this character is to be avoided.

In Environmental Dispute Resolution, Lawrence S. Bacow and Michael Wheeler come to many of the same conclusions as Bingham, and Susskind and Cruikshank. Wheeler and Bacow see the need for technical imbalance between parties to be addressed, for parties to have more to gain from a consensus procedure than from litigation or lobbying, for a power balance between negotiating interests, and the

necessity for all stakeholders' basic interests to be met.

Bacow and Wheeler also consider the role compensation can have in multi-party bargaining. They recognize that environmental disputes are usually disputes over whether land should or should not be developed. Such disputes tend to be so bitter because as long as the one side's losses are going to be the other side's gain, there will be no room for compromise.<sup>76</sup> These disputes quickly become zero-sum in nature. Bacow and Wheeler contend that compensation introduces a third alternative. Develop or don't develop, but with compensation. For Bacow and Wheeler compensation attempts to redistribute some of the benefits from the winners to the losers to pay off the losers.<sup>77</sup> In theory, if the compensation is large enough it should leave the recipients better off than the status quo.<sup>78</sup> So compensation should provide an incentive to negotiate. However, as Bacow and Wheeler point out, people are sometimes reluctant to give up the status quo despite compensation. This is due to the irreversible nature of the decision. Given a choice between the status quo and compensation which is tied to a permanent and uncertain future, many people opt for the status quo.<sup>79</sup> The important point is that compensation can be a incentive to negotiate. Bacow and Wheeler recognize that the nature of land use issues produces clear winners and losers, and they introduce compensation as a way to mitigate the impacts for the losers.

Douglas J. Amy in his book, The Politics of Environmental Mediation, is quite skeptical of the usefulness of the consensus-based approach.

Amy recognizes that it is naive to believe that apparently conflicting interests are only different interests that can somehow be accommodated around.<sup>80</sup> Amy suggests that compensation may help get beyond this problem. For Amy compensation admits the win-lose nature of many environmental disputes, but attempts to create an acceptable solution by mitigating the damages suffered by the losing party.<sup>81</sup>

Amy notes that many small stakeholders consistently have trouble matching the economic and political resources of their adversaries in business and industry.<sup>82</sup> Amy maintains that as a rule the amount of power a party has at the negotiating table is determined by the power they have away from it. Those who are most powerful inside negotiations are those who have the most options if the process fails.<sup>83</sup> If a party has the resources to mount a successful lobbying campaign, this option can give them an advantage, because groups with viable options need the process less and can bargain from a stronger position.<sup>84</sup> Alternate options allow a group to adopt a hard-line position and not care if the negotiations collapse. As Amy points out, there can be a critical difference between having some power and having enough power to extract

significant concessions from an opponent.<sup>85</sup> Amy contends that public interest groups tend to have many disadvantages when it comes to harnessing enough resources to be effective. Typically, they have little money, a limited staff and face an uphill battle to organize constituents around issues whose inputs are diffuse.<sup>86</sup> This is in contrast to most business organizations. Amy also notes that inept or inexperienced parties in negotiations are more liable to be exploited or seduced, and this undermines the political fairness of the approach.<sup>87</sup> There is also a tendency for the more financially strong groups to slug it out, leaving weak groups and issues on the sidelines.<sup>88</sup>

Amy also sees the potential for the government using the process to give the appearance of public participation and to undermine opposition to controversial policies.<sup>89</sup> The government may invite all parties into a process to keep them contained and furnish the appearance that all parties are in agreement. What the government may be interested in is speeding up compliance with its policies while keeping costs down.<sup>90</sup> The government may not be as interested in having more participation as they are in managing a group that may block the effective implementation of government policy.<sup>91</sup> It is in the government's interest to control opposition to their policies by having all parties ostensibly involved in their formulation.

Despite his attention to many of the drawbacks of

inclusive processes, Amy does see some evidence that respect and trust has developed between long-time environmental foes in some cases and that some dysfunctional relationships have been repaired.<sup>92</sup> For Amy, the method of informal dialogue can prompt participants to reflect on what their true interests might be.

Amy agrees with Gerald Cormick of the Mediation Institute in Seattle, that the limitations of the inclusive forum lead to the appropriateness of a mediated consensus settlement in only ten percent of environmental disputes.<sup>93</sup>

For Amy, the lingering conflict over basic environmental goals in his country (United States) and the continuing power imbalance between pro and anti-environmental forces, and the inherent nature of many environmental disputes constrict the opportunities for the growth of the multi-party mediated process.<sup>94</sup>

Amy concludes that the new mediated processes are often exaggerated and romanticized as a new form of cooperative politics, but are in fact burdened with limited utility.<sup>95</sup>

A review of the literature indicates that in a re-distributive setting such as the CORE processes, success in issuing a land use plan would be very unlikely. Even the most ardent proponent of consensus-based decision making would admit that re-allocative land use decisions would be a difficult challenge. Only adequate compensation would hold

out any hope of offsetting the immediate inherent win-lose nature of such a disputes. Other building blocks deemed necessary by the theorists, such as adequate technical support, effective communication, overcoming the psychology of adversaries, and breaking the process down into manageable proportions might only become relevant if the issue of compensation was first dealt with. It would not be unreasonable to expect however, that the CORE process might have a softening effect on the hostile land use climate in both regions. Through increased communication and understanding between embattled groups groundwork, might be laid for future successful processes.

### 1.3 A Look Ahead

The Vancouver Island CORE processes floundered from the outset. It made little progress towards in drawing up a land use plan. It was left to Stephen Owen and then to the provincial government to formulate a plan for Vancouver Island. With no compensation package in place and a history of acrimony between sectors, it is not surprising that the Vancouver Island CORE table made little headway. The East Kootenays by contrast had very favourable conditions. While the CORE table there reached agreement on many items, it could not solve the most contentious issues. Once again the government came in to make the decisions that the Table

could not. A look at the Vancouver Island and East Kootenay land use processes should illuminate the efficacy of consensus-based forums and traditional political methods for settling re-allocative land use questions. A comparison of the two processes will assess the usefulness of consensus-based forums under difficult conditions, as on Vancouver Island, and under near ideal conditions, as in the East Kootenays. The important role of compensation in solving land use questions should be revealed by a comparison of the two processes. An examination of the land use processes should indicate the usefulness of the criteria needed for success, as prescribed by the proponents of consensus-based decision making.

**Table 1: Vancouver Island Chronology**

**August 1992.....Preparation Phase**

**November 1992.....first Table Meeting**

**February 1993.....withdrawal of First nations participants**

**April 13, 1993.....NDP decision on Clayoquot**

**April 22, 1993.....release of Owen's Public Report on  
Government's Clayoquot decision**

**June 1, 1993.....Government response document to Owen's  
Public Report**

**June 26, 1993.....last sector interests statements  
submitted**

**September 10, 1993..withdrawal of Fisheries Sector**

**November 22, 1993...submission of two alternative land-use  
plans and last Table meeting**

**January 14, 1994....signing of Table Report**

**March 1994.....meetings between government  
representatives and representatives of  
labour, business, environmentalists and  
communities**

**June 22, 1994.....release of Government's Land Use Plan  
for Vancouver Island**

**April 11, 1995.....refinements announced to government's  
Land Use Plan**

**CHAPTER TWO**  
**THE VANCOUVER ISLAND LAND USE PROCESS**

"I believe it is impossible to understand environmental degradation adequately without also considering feminist, vegetarian and anti-racist thought."

Zane Parker, Youth Sector  
Spokesperson

The Vancouver Island CORE process never really got off the ground. The Island was chosen to be the first focus of CORE at least in part because it had been the scene of many past and present environmental struggles. It was these valley-by-valley confrontations that the CORE process was seeking to eliminate. Some of the more notable showdowns had been over Meares Island, the Walbran Valley, Carmanah Valley, Tsitika and Strathcona Park. The same groups that had confronted each other in these acrimonious battles were now expected to face each other in a trust-building forum. Because the government had not generated its plan for increasing stumpage by the time the Vancouver Island Table collapsed, there was uncertainty about funds available for compensation. Indeed, the final breakdown occurred over the pivotal issue of compensation. The economic ramifications of the process were quite obvious from the outset yet the government was not committed to funding a transition strategy. It should have been clear to the government that

the cost of reallocating land to Protected Areas would have to be defrayed in order to get any agreement. The importance of compensation in settling environmental issues had been noted by Bacow and Wheeler and Amy. Bacow and Wheeler noted the importance of compensation to pay off the losers in environmental disputes. Indeed, without a compensation package the Vancouver Island Table made virtually no progress in deciding land use.

The Table also did not overcome the psychology of adversaries, engaged in a test of wills, and got into data disputes, all pitfalls warned against by Susskind and Cruikshank and Bingham. While these factors may have played a minor role, they were not decisive. They are best viewed as stemming from the lack of a transition strategy. It is clear that the major impediment for the Vancouver Island CORE process was the lack of financial inducements to offset the win-lose nature of the land re-allocation being attempted.

It was increasingly obvious as the process progressed that the government had not adequately laid the groundwork for a successful process. Minor confounding problems such as the lack of government technical support and confusion about the interrelationship between CORE and government initiatives such as the Protected Areas Strategy, helped speed its downfall.

In an attempt to avert confrontation while the

process was underway, the province maintained a logging moratorium on certain old-growth forests on Vancouver Island for the first year of Vancouver Island CORE. This was in an attempt to forestall any conflict until after CORE had made its recommendations. However, the logging moratorium was incomplete and some old-growth logging continued, most notably in parts of Clayoquot Sound. But conflict did flare up and in a dramatic fashion. When it did, the Table was ill-prepared to meet it.

Several months after the CORE recommendations were released the government published its Land Use Plan for Vancouver Island. The Land Use Plan reduced the Owen Plan into what was essentially a series of strategic policy statements. Widespread unhappiness about the economic ramifications of Owen's Plan led the government to use its political clout and craft a successful deal with all significant players. The Land Use Plan while successful, merely committed to a transition strategy, protected areas and other policies.

## **2.1 The CORE Process**

The CORE Vancouver Island land use negotiations were organized into five phases. These phases were to be preparation, assessment, process design, agreement building, and implementation and monitoring. The Vancouver Island

process began in August of 1992 with the preparation phase. CORE brought together a process management team comprised of CORE staff and mediation professionals and gathered basic geographical, biophysical and statistical information needed to support the negotiation process.<sup>96</sup>

CORE staff hosted a series of meetings in Nanaimo, Campbell River, Courtenay, Duncan, Port McNeill and Victoria to explain its mandate and the purpose of the regional processes.<sup>97</sup>

The next phase of CORE was assessment. This involved CORE officials meeting with potential participants. Fourteen two-day meetings were held between June and October 1992 for this purpose. Coalitions of groups would be represented by sector spokespersons who were supported and instructed by a steering committee designed to reflect the spectrum of interests within the sector. In the end, fourteen of these sectors would be represented at the Table: Agriculture, Conservation, Direct Forest Employment, Fishery, Forest Industry Independents, Forest Industry Manufacturers and Managers, General Employment, Local Government, Mining, Outdoor Recreation, Provincial Government, Social and Economic Stability, Tourism, and Youth.

Each sector was represented by a spokesperson at the Table and was accountable to a steering committee. The steering committee was comprised of a number of interested and influential persons from that sector. For example, in

the Forest Industry Independents Sector, the spokesperson was Rick Jeffrey. His steering committee consisted of seven persons, representing individuals such as Roy Summerhayes of the Vancouver Island Association of Wood Producers and Harold Macy of the British Columbia Woodlot Federation. The idea of a sector spokesperson supported by a steering committee was envisioned as a funnel-like process, with the interests and views of those in the sector being channelled through the steering committee to the sector spokesperson who would bargain on behalf of those interests. Even this initial phase of the CORE process was not without conflict. For example, according to some Forest Sector Independent (FSI) steering committee members, the Forest Managers/Manufacturers (FMM) were trying to control the FSI sector. They unsuccessfully attempted to pressure the other steering committee members to get rid of the "green sections" (the Woodlot Association and Ecoforestry) and determine who would sit as the FSI sector spokesperson at the Table.<sup>98</sup>

The CORE Table formally met from November 1992 until November 1993.

Another issue that sparked early conflict was the demand by the Conservation sector to fill three seats at the Table. Conservation felt it needed three seats to fully represent its spectrum of interests. The Conservation Sector interests felt they needed more of a voice at the Table.

Although the issue should have already been settled, the Table meeting of February 12 and 13 was taken up by Conservation's decision to fill three seats. This was opposed by FMM who wanted only one seat for Conservation, and other sectors (Forest Employment, Local Government, Tourism) who wanted them to have two seats. It seems clear that the Conservation and FMM sectors were trying to position themselves to maximize their influence at the table. Conservation wishes for three seats were accepted at the next Table meeting. This squabbling should have been expected given that the important issue of who should be represented was left in the hands of the sectors themselves, with only a few unclear guidelines in place.

The mediators for the Vancouver Island process were Gordon Sloan and Sally Campbell. One mediator would conduct each table bargaining session and also participate in the committees that sprung up around the Table.

By February of 1993 it had become apparent that the Table would need much more technical support. The Technical Working Group (TWG) was created. The TWG were government personnel from various provincial agencies who provided the Table and its committees with socio-economic and biophysical information as well as advice and analysis. It began by developing a comprehensive map of existing land commitments and developing a socio-economic data base.<sup>99</sup> According to Bob Nixon of the FSI, the FMM wanted to create a liaison

committee with TWG to fully employ and utilize the sector's considerable technical staff to gain control of the Table through the "near-table" processes. They would do this by controlling the flow of information to the Table.<sup>100</sup> In the end the FMM was allowed to supply some technical information to the TWG, but not permitted full-scale joint operations.

In February of 1993, a First Nations spokesperson described the difficulties Aboriginal people were having with the regional planning process. The establishment of CORE occurred with the First Nations deeply involved in government to government negotiations regarding land-claims, treaty-rights and other matters. The First Nations felt that without a treaty, the question of ownership was still uncertain and they could prejudice their interests by becoming involved in the process.<sup>101</sup> This prejudice would occur by participating, and thus legitimating a process involving a provincial government exercising its jurisdiction to plan the use of land and resources.<sup>102</sup> Although the First Nations representatives attended the Vancouver Island negotiations from time to time, there was no formal participation in the planning process.<sup>103</sup> This is not surprising as the First Nations would seem to have little to gain from being just another sector at the Table as opposed to dealing in a government to government fashion. It is difficult to believe that their complete participation was ever seriously considered.

At the March 11 Table meeting, a draft Vision Statement was presented. The Vision Statement was to help in negotiations by articulating a collective vision of the aspirations of all members of the Table. It was also to aid in negotiation by incorporating all the sector's wishes into a general target for agreement. What occurred at the next Table meeting was indicative of the lack of progress by the Table. Instead of adding comments to the draft Vision Statement, the FMM insisted on a totally re-written one. The FMM were concerned that the Vision Statement was based on an interpretation of nature that they didn't share. The FMM said that the section referring to a balanced population and resources was not part of their vision.<sup>104</sup> FMM presented a new vision statement to be used in place of the old one. The new FMM Vancouver Island vision statement would take economic factors such as international debt and international competitiveness into account. The FMM was clearly loathe to compromise its vision of the proper uses for wilderness. The lengthened debate about what was the theoretical beginning point of negotiations, meant that the Table would not agree on a Vision Statement until May 13. In the end they agreed on a statement that was closely similar to the original Vision Statement. In the meantime the crisis over Clayoquot Sound came to a head.

The provincial government was not initially clear about whether the contentious Clayoquot Sound area, prized

highly by both environmentalists and loggers, would fall under the jurisdiction of CORE. As early as the January 28 Table meeting, there was obvious tension over the continuing reluctance of the government to make a clear and definitive decision over Clayoquot Sound. Some sectors felt they would withdraw from CORE if Clayoquot was not given to CORE, while other sectors indicated they would withdraw if Clayoquot Sound was granted interim protection from logging and sent to CORE for final recommendation.<sup>105</sup> It had been obvious for several years that Clayoquot Sound was an area of such high feelings that any decision would be a highly contentious one. The government, in March, firmed up its position that Clayoquot would not fall under the jurisdiction of CORE. There had been two processes in the area that failed to find consensus and it was held by a majority in cabinet that further delays could not be justified.<sup>106</sup> The Clayoquot Sound Steering Committee had worked for several years on formulating recommendations to the provincial government on land use in the area. The Steering Committee was also based on a consensus-based forum, and had continued on after the collapse of its predecessor, the Clayoquot Sound Sustainable Task Force Process. However, the Steering Committee had lost legitimacy when those parties sympathetic to the environmental cause left the Committee. The environmental members felt they were having no impact and were merely being used to foster the outside appearance of a balanced

forum. The former environmental members were particularly troubled by plans to continue logging during the planning process. The fact that the government went ahead with the process without the environmental members, lead to concern in some quarters that the NDP had been more interested in the appearance of a consensus-based procedure than with a true inclusive process.<sup>107</sup>

The remaining members came up with what they called a majority option. This called for the preservation of forty percent of the old growth, twenty-eight percent of the Sound in preserved status and thirty-two percent in the working forest.<sup>108</sup> However, the NDP decision brought down on April 13 preserved even less than this. Thirty-three percent of the Sound was protected while another seventeen percent was subject to a mixture of protection and logging.

Environmental groups were mainly concerned that despite a shortage of low elevation forest represented in the Protected Areas system the bulk of the Clayoquot forest went to logging interests. The decision was also criticized because large sections of the designated protected areas were ice, bog and rock. Shortly before the decision the government had purchased a large number of shares of MacMillan Bloedel, the major timber licensee in the Clayoquot area. It was held by environmentalists that this put the government in conflict of interest.

The effect of the decision was soon felt by the

Table. Three conservation groups, Greenpeace, the Western Canada Wilderness Committee and Friends of Clayoquot Sound, withdrew from participation in the Conservation sector as a result of the Clayoquot decision.<sup>109</sup> The Western Canada Wilderness Committee was noted for its position that thirty-three percent of the Island should have protected status. Despite their withdrawal from the Table, these groups were kept well apprised of the goings on and remained indirectly involved.

In an attempt to address some of his and the Table's concerns about the Clayoquot Sound decision, Stephen Owen issued the Public Report And Recommendations Re: Issues Arising from the Government's Clayoquot Sound Land Use Decision on April 22. In it he questioned aspects of the Clayoquot decision that conflicted with CORE's evolving strategy for land use zones, forest practices, monitoring and enforcement, and worker retraining. Owen did not comment on whether he thought Clayoquot should have been in CORE. He did however mention that the Clayoquot decision impacted on CORE in a significant fashion. Owen recommended that specifics on new and more stringent logging practices be put forth. Another recommendation was that the BC government provide CORE with the necessary resources to oversee resource and environmental management in Clayoquot Sound. Owen also mentioned his concern over the lack of specific and detailed attention to job creation, the role of the PAS,

the role of First Nations, and other issues. Owen wanted the Harcourt government to reaffirm principles of sustainability and public participation. According to at least one inside source, Owen realized that unless he did something, the Conservation sector and its allies would completely abandon the process. His Clayoquot Report was a calculated gamble to appease Conservation interests. Owen reasoned correctly that it would be easier to induce the FMM and its allies to return if they left as he expected.<sup>110</sup> It should be noted that Owen appeared alongside Harcourt during his announcement on the fate of Clayoquot on April 13. Owen's Report can also be seen as an attempt to distance himself and re-establish his legitimacy after his earlier tacit support of the decision.

As expected one of the consequences of the Commissioner's Report was that instead of Conservation and its allies walking out, Forest Managers/Manufacturers, Local Government and Social/Economic Sustainability sector representatives did so. They felt Owen's Report was an attempt to re-open and override the Clayoquot decision.<sup>111</sup> The Report caused a transference of indignation and intransigence from one group of sectors to another.<sup>112</sup> The Forest Managers/Manufacturers saw the Clayoquot decision as having derailed the process. The FMM boycotted the April 29 Table meeting as a result of unhappiness over Owen's Report. Mediator Gordon Sloan believed that Owen's Report had

established CORE independence from government, but at a cost. According to Sloan some sectors now worried that Owen might take precipitous action in the future, not accept the Table's views, and issue his own report.<sup>113</sup>

Most sectors saw the Report as an attempt by Owen to balance the Clayoquot decision. However, they saw Owen as having imposed on the Table in the same way the government imposed on the public.<sup>114</sup> The result of the decision and Report was an increase in the split at the Table. No single issue to date had caused such polarization. According to Sloan, the Clayoquot decision and Owen's Report injured the Table.<sup>115</sup>

The damage done over differences expressed by various sectors about the decision and Owen's Report had left relations strained. Enthusiasm to continue varied. Sloan believed that the degree of negativism evident at the Table and suspicions over the Commission's intentions had significantly eroded integrative negotiation and left the Table with a zero-sum attitude.<sup>116</sup> According to Sloan the Table was no longer operating on interest-based analysis. Sloan cited as his evidence the fact that some sectors were intentionally using their least trained members and those least committed to the CORE process as spokespersons and they were re-entrenching in old positions.<sup>117</sup> It should be noted that there is very little evidence to suggest that the Table members had at this point bought into the process and

started negotiating from an interest-based perspective. There is also scant indication that the initial polarization between the Conservation and FMM sectors had ever lessened. Although Sloan wanted to reassess the Table's commitment to continue, and planned to encourage rebuilding, he suspected that polarization was now irreversible and permanent.<sup>118</sup> The Conservation sector believed the government's Clayoquot decision had undermined the CORE process and negotiations were needed to determine to what extent the CORE process was damaged.<sup>119</sup>

The government issued a response to Owen's Clayoquot Report on June 1, 1993 which attempted to allay public fears about logging practices in the Sound. The document called for some input from CORE on logging practices and contained assurances that all logging practices would come under the rubric of the upcoming Forest Practices Code. It also committed to a special scientific panel that would oversee logging practices in Clayoquot.<sup>120</sup> The government Report was at least in part an attempt to smooth things over at CORE.

As late as the middle of June 1993, Clayoquot was a major source of discussion at Table meetings, even though it was not under the Table's jurisdiction. However, as things were getting back to normal at the Table another disruption occurred. The BC government announced that it was preserving the Tatshenshini-Alsek, a remote region in northern BC. The region was coveted by the mining industry which had invested

heavily in the Windy-Craggy copper development in the centre of the area. Home to one of the last large concentrations of Grizzly bears in the world, the Tatshenshini bordered on protected areas in the Northwest Territories and Alaska. Together they comprised the largest protected area in the world. Preservation of the Tatshenshini-Alsek had been heavily lobbied for by many American environmental groups (as well as Vice-President Al Gore) which feared the ecological consequences of copper tailings downstream in Alaska.

The Mining and Forestry Managers/Manufacturers sectors sent a letter of concern to Stephen Owen. They stated that they were worried about the decision to preserve the Tatshenshini because of its effects on the Champagne-Aishihik land claims in the area and also its effects on the mining industry. In the letter, the two sectors said all regional negotiating processes should be suspended until after the settlement of native land claims.<sup>121</sup> This unusual position was taken despite clear evidence that the Champagne-Aishihik were in favour of the decision to preserve the Tatshenshini-Alsek. The letter further stated that the government only listened to "preservationists" and "largely foreign ones at that".<sup>122</sup> This situation led to the June 24 to 26 Table meeting being dominated by the Mining and Forest Managers/Manufacturers concerns over the Tatshenshini. This evolved into a larger discussion over the

similarities or differences between the Tatshenshini and Clayoquot decisions and a re-visiting of the subject of CORE's jurisdiction, or lack of it, over these areas. It is clear that the Table had been dragged off into broad policy areas and was getting nowhere fast. It is also clear that at least some sectors were using the platform of CORE to attack the BC government.

On the last day of the June 24 to 26 Table meeting the remaining sector interest statements were submitted.<sup>123</sup> The eight months of negotiations needed to get to this point is indicative of the pace of the Table's work. Still to begin was work on the important issues of mapping and a transition strategy.

The role of the Protected Area Strategy (PAS) also caused difficulties at the Table. The PAS was a strategy to preserve twelve percent of all the province, including samples of all representative ecosystems (land and marine), and to protect the special natural, cultural and rare recreational features of the province, including plants and animals. No industrial extraction or development was to be allowed in any Protected Area. The PAS was initiated in May of 1992, before CORE was underway, but the government did not give CORE direction on how PAS and CORE would interrelate. This was partly because the government had by that time only defined the broad parameters of the PAS and had no specific guidelines and criteria. Some sectors at the

Table were vigorously opposed to the PAS and felt that if they preserved twelve percent of the Island's ecosystems it meant that they were tacitly endorsing the PAS and thus NDP environmental policy. For most sectors it was unclear how the PAS would interact with the CORE plan. As unlikely as it sounds there was concern from some sectors that the lands set aside from CORE and from the PAS would be cumulative and compounding, thus preserving far more than twelve percent of the Island. It was only on June 4 1993 that the Table was fully briefed on the PAS and informed they would have to take PAS guidelines into account when negotiating on Protected Areas. However, some sectors still did not accept the PAS. This is not surprising, as the forest companies had started the Forest Alliance of BC (a forest lobby and public information group) in February of 1992 in part to counter the NDP government's new PAS.<sup>124</sup> The debate over the PAS shows that deep suspicion and resentment of the government's motives and policies was still strong among some Table members.

Only on August 5 was the pivotal issue of an economic transition strategy discussed at any length by the Table. This was despite the fact that a transition strategy had been identified early on as crucial for any success the Table might be able to achieve. Stephen Owen had realized the importance of a strong transition strategy when he had first been appointed to head CORE.<sup>125</sup> However, not much

progress was made. The sectors seemed unsure of how to proceed on this front.<sup>126</sup> No funds for this purpose had been allocated or identified by the government. In late October, Owen was still trying to locate funds for a transition strategy before the final scheduled Table meeting on November 9 and 10. Owen wanted to meet with Murray Rankin and other key government deputies to see how his ideas on funding and administration could be effectively packaged into a transition strategy that could assist the Vancouver Island Table in completing its plan in a way that addressed all of the major interests.<sup>127</sup>

Rankin played a key role in appraising the government on CORE's progress and its political saleability. He acted as a go between the Table and the government. Rankin advised the Table on what was acceptable to government. It was clear from Rankin's role that while this process had the trappings of multi-stakeholder decision making, the government would not necessarily accept without question any recommendations that the Table may make. Rankin tried to lead the Table in a politically sellable direction.

At the September 9 to 11 Table meeting, the Fisheries sector withdrew. The Table had reached consensus on most Fisheries concerns including a set of fish habitat policy guidelines. However, the Fisheries sector could not get sufficiently detailed information on fish bearing streams and more socio-economic information on fisheries.<sup>128</sup> The

Fisheries sector was suspicious that economic impact information was being deliberately withheld from them by the TWG.<sup>129</sup> They refused to believe it was merely a technical problem and thought instead that the TWG was favouring the forest sectors and didn't want them to know certain fisheries impacts.<sup>130</sup> The Fisheries sector refused to continue. By mid-November the Fisheries sector returned. It was thought quite rightly that Fisheries had not quit, but had withdrawn until some later date. One other concern of Fisheries was the increasing polarization at the Table between forest and conservation interests.<sup>131</sup> Their withdrawal is indicative of the general level of mistrust throughout the Table.

Between October 14 and 16 three separate proposals by three sectors began to be developed and presented. These proposals were drawn up away from the Table with research from the TWG. The Forest Independents sector presented their proposal in written form. The Social and Economic Sustainability sector presented an alternative proposal to the Table which had been created with and endorsed by certain other sectors.<sup>132</sup> The Conservation sector also indicated that it had an alternative proposal to submit. There was at this time some discussion about whether to consider the proposals separately or integrate them into negotiations.<sup>133</sup>

On October 28, 29 and 30 in Victoria, the Table

completed a section by section review of a draft land use policy paper to see where agreement existed.<sup>134</sup> Two separate proposals were presented, one by the conservation sector and one by other sectors.<sup>135</sup> However, the TWG had not had enough time to examine the proposals in depth to determine economic and environmental implications of the alternate proposals.

On November 22 and 23, at what would turn out to be the final Table meeting, the two land use proposals were presented. It was hoped that the two proposals, now together with maps and technical information, would then set the stage for negotiations over lines on the map.

Alternative One (The Multi-Sector Proposal) was supported by the Socio-Economic Sustainability sector, the Forestry Independents sector, the Forest Employment sector, the Forest Managers and Manufacturers sector, the Mining sector, the Agriculture sector, and the Local Government sector. These sectors formed the side of the polarized Table that supported the land use status-quo. Among its major recommendations was the percentage of protected areas be increased from 10.3 percent to 12.2 percent of Vancouver Island. All land that was not protected was to be designated Multi-Resource Use Land. Utilization of Multi-Resource Use Land was to be decided at the sub-regional level where communities would have significant say. The Multi-Resource Use Lands would be divided at the sub-regional level into High, Integrated and Low Intensity Use Lands. At the High

designation the bulk of use was to be for resource extraction, while at the Low designation the priority was "for maintenance of significant recreational uses....while allowing compatible human uses".<sup>136</sup>

According to the TWG, Alternative One would have reduced the annual timber harvest on Vancouver Island by about 230,000 cubic metres.<sup>137</sup> The total Annual Allowable Cut (AAC) for Vancouver Island in 1993 was 11.6 million cubic metres.<sup>138</sup> Two-hundred and sixty direct and indirect jobs on Vancouver Island would be lost and 150 elsewhere in BC.<sup>139</sup> Other impacts of Alternative One would be 13 million dollars in lost wages and 7 million dollars less in government revenue.<sup>140</sup> As well as these losses the provincial government would be required to pay 100 to 150 million dollars in compensation to the forests companies, workers and communities.<sup>141</sup> The proposal called for the addition of nine protected areas, increasing the total area preserved by 59,000 hectares.<sup>142</sup> However, Alternative One was essentially a "status quo" proposition adding very little in protection for wildlife, recreation, fisheries and recreation. Alternative One was insufficient according to the TWG because it failed to protect the biodiversity of the Island. It missed the twelve percent target for two of the five representative ecosystems and sixteen of the twenty-nine subvariants.<sup>143</sup> Ecosystems were defined as functioning systems of all living organisms linked together through

nutrient cycling and energy flow.<sup>144</sup> Subvariants were particular vegetation types at a specific elevation range.<sup>145</sup>

Alternative Two (the Conservation Proposal) had five basic land designation categories. These were Protected, Low Intensity Use, Forest Ecosystem Management (integrated use), High Intensity Use and Settlement. The Low-Intensity category had four sub-categories. According to this proposal most of the logging was to be carried out in the Forest Ecosystem Management Zone and the term was intended to emphasize the need to keep viable the "long term viability of the forest ecosystem."<sup>146</sup> The Conservation Proposal also included a proposal for reworking the forest tenure system and ecological goals for each of the sectors. The competing proposals laid out differing views on general economic transition strategies. According to the TWG, Alternative Two would have eliminated one forestry job in four and involved hundreds of millions of dollars in compensation.<sup>147</sup> The TWG calculated that Alternative Two would cause a reduction in the Island harvest of 3.2 million cubic metres, fourteen times the amount proposed in Alternative One.<sup>148</sup> The jobs lost were estimated by the TWG at 3,645 on Vancouver Island and 2,200 to 3,800 elsewhere.<sup>149</sup> Lost wages were put at 225 million dollars, government revenue losses at 100 million and the cost in compensation at 1 billion dollars.<sup>150</sup> Alternative Two advocated preserving 18.4 percent of Vancouver Island.<sup>151</sup> According to the TWG, Alternative Two

was an improvement over Alternative One in that it ensured greater biological diversity and conservation as well as improvement in recreational capacity.<sup>152</sup> Alternative Two met or exceeded the twelve percent target for four of five ecosystems and seventeen out of twenty-nine subvariants.<sup>153</sup>

**Table 2: Comparison Of The Two Vancouver Island Land Use Proposals**

<b>ALTERNATIVE 1 (Multi-Sector Proposal)</b>	<b>ALTERNATIVE 2 (Conservation Proposal)</b>
12.2% Protected	18.4% Protected
2 Land-Use Designations	5 Land-Use Designations
230,000 cubic metre timber supply loss annually	3.2 million cubic metre timber supply loss annually
260 jobs lost on Vancouver Island	3,645 jobs lost on Vancouver Island
150 jobs lost elsewhere in BC	3,800 jobs lost elsewhere in BC
13 million dollars in lost wages annually	225 million dollars lost wages annually
7 million dollars in lost government revenue annually	100 million dollars in lost government revenue annually
100-150 million dollars in compensation paid by government	1 billion dollars in compensation paid by government

As remarkable as it may sound, the final day of meetings scheduled before Owen was to start writing his report was the first day the Table had a detailed look at the alternative plans.<sup>154</sup> On that same day (November 23, 1993), Warren Ulley (Vice-President of the IWA Canada and

Spokesperson for the Forest Employment Sector) announced that the forest unions were no longer prepared to negotiate. The reason given was the failure of the government to commit to funding for a transition strategy. The government was unwilling to commit to a formula for calculating specific funds per displaced worker and to a total amount of funds.<sup>155</sup> At the same time there was insufficient information from the Table on the level of job loss to provide any kind of certainty for the provincial government to make specific funding commitments.<sup>156</sup> Of primary concern to the government in a transition strategy was that there be no increase in the net provincial debt.<sup>157</sup> The expectation was, however unreasonable, that the Table would come up with innovative ideas that would allow current allocations and programs to be used more efficiently.<sup>158</sup> Government lawyer and Provincial Government Sector Spokesperson Murray Rankin said that the province wasn't prepared to commit tax dollars with two options on the table.<sup>159</sup> Rankin maintained that the government did not have any interest in two scenarios.<sup>160</sup> This was the end of Table negotiations. It would seem unusual, given that Owen and others had stated the necessity of compensation, that the government would withhold funding until agreement had been made, rather than offering something as an incentive to negotiate. By withholding compensation the government indicated that it no longer wanted to proceed with the Vancouver Island CORE Table.

It was abundantly clear that by the time the forest-based unions withdrew from the Table there would be no consensus on several of the most important issues including designating Protected Areas, a land use designation system, and the heart of the system, a land use map. On the last day of meetings, a variety of peripheral issues were debated, from the impact of aquaculture on boat anchorages to the importance of developing a conserver society.<sup>161</sup> On the same day (November 22, 1993), Sholto Heberton, a lawyer and the FMM Spokesperson, met for several hours with a Conservation spokesperson to discuss their differences on the subject of a conserver society.<sup>162</sup> This peripheral debate at a critical time was indicative of the inability of the Table to deal with the fundamental issues.

On January 14, 1994 the participants in the Vancouver Island Land Use Negotiation signed the Table Report to the Commission on Resources and the Environment.<sup>163</sup> The Report contained the interim and provisional recommendation agreed upon by the Table, rather than the comprehensive land use plan and strategy which the Table had set out to achieve.<sup>164</sup> The Table did have some accomplishments. The Report acknowledged the primacy of sustainability principles in the Land Use Charter and in the work of the BC Round Table.<sup>165</sup> It indicated that a regional plan should be guided by the shared Vision For Vancouver Island document created by the Table. It also laid down the framework of a land designation

system consisting of five categories. The Table Report also contained policy strategies for implementing and monitoring strategies for economic transition and diversification.<sup>166</sup> The CORE participants had negotiated a workable Process and Procedure Agreement which could help with any subsequent process problems.<sup>167</sup> The CORE process also increased and consolidated important biophysical and socio-economic information on Vancouver Island. The signatories felt their report should be seen as a constructive move towards consensus on a comprehensive land use plan for Vancouver Island.<sup>168</sup> It was stated that the spectrum of interests not addressed in the report must be accommodated. Sector interest statements were included in an appendix. The Report noted that in particular an economic transition strategy for those affected by land use decisions was needed.<sup>169</sup> The Vancouver Island Table Report was signed by the participants only after it was stated that the Report was only a record of the incomplete work of the Table and was not in any way intended as a ratification of the material in the report.<sup>170</sup>

The two competing proposals, one by the Conservation Sector and the other by seven other Sectors were included in the Table report.<sup>171</sup> The proposals give clear indication how far apart the two groups were in many respects.

The Forest Independents Sector also submitted its own proposals for a land designation strategy and an outline of an economic transition strategy. Chief among its points were

the inclusion of a forest land reserve which would only be partially subject to the proposed Forest Practices Code.<sup>172</sup> The forest land reserve was also key to their economic transition strategy, as it would make available a large, secure amount of forest to be harvested. This would be coupled with increased stumpage going to pay for projects in local communities.<sup>173</sup>

Thus, two proposals and two less complete reports, differing in many aspects and quite general in nature, were left for Stephen Owen to take into account, assimilate and then come up with his own version. This Owen version needed to be much more detailed and done in a short period of time. Owen was in a difficult position because the Table had not come up with a very substantive product. However, the TWG had built a fairly good information base through its work. The TWG had generated forty maps of resources and environments on Vancouver Island. They had also helped generate come up with the two scenarios at the Tables request. In addition there were all the interest statements and the common vision statement to consider. What was critical was that independent of the Table, the CORE technicians had drawn up a list of their preferred choices for Protected Areas. These preferences did not directly correspond to those generated by the Regional Protected Areas Teams, an inter-agency technical group.<sup>174</sup>

Owen did not allow any outside information into the

discussions over his plan. He withdrew with the CORE staffers to draw up the plan. Although he called upon government for technical information, he created his report with virtually no interference from them.<sup>175</sup> While there was considerable debate among the CORE team drawing up the plan, they did not call for nor receive political input. Owen essentially secluded himself with the CORE staffers, the TWG, and the Geographic Information System, a computer program to generate map overlays, and wrote the report. Owen personally drew up a good percentage of the report.<sup>176</sup> The time from the collapse of the Table in November to the issuing of the Owen Report was less than three months. It must be assumed that Owen and his CORE team worked very quickly to do the job that the Table could not in over a year. They had the advantage of being unencumbered by the complexities of consensus-decision making.

Owen's report came out in February of 1994. He recommended the use of five basic land designations: Protected Areas, Regionally Significant Land (RSL), Multi-Resource Use Areas, Agricultural Lands, and Settlement Areas. Owen advocated the creation or addition of twenty-three new Protected Areas. These would increase the amount of Protected Area on the Island from 10.3 percent to thirteen percent of the land base. Regionally Significant Lands were so designated because of their sensitive recreational, environmental or cultural values. Sixteen of

these areas were proposed and they made up eight percent of the land base. Resource extraction could continue in these areas but only under certain careful conditions. Multi-Resource Use Areas made up seventy-three percent of the Island and included public and private lands. This was to be the bulk of the working forest. The Forest Practices Code was to apply to both public and private lands. The other two areas were agricultural lands and settlement areas together making up three percent of the Island.

Owen also recommended an economic transition strategy that included worker retraining, programs to increase labour-intensive practices, and incentives for early retirement. Owen estimated a direct job loss of 900 and 500 indirect jobs as a result of adopting his recommendations.

## 2.2 The Government Land Use Plan

Owen's recommendations came under immediate criticism from both environmentalists and resource workers. Environmental groups were concerned that not enough of the Island had been preserved and that the CORE proposal did not meet the PAS goal of protecting twelve percent of all target ecosystems. Of particular interest was the fact that only six percent of the middle and low elevation forests were protected. The real furore came from loggers and forest companies who would be severely affected if the Owen Plan

was implemented. Angry town meetings in resource communities like Port Alberni culminated in a fifteen thousand person protest at the Legislature on March 20. The loggers were concerned about the loss of jobs from Owen's proposal. They estimated the true job loss to be in the thousands. There was also considerable concern over the concept of RSLs. Many in the pro-logging community felt that RSL's were really "parks in waiting" and would in essence protect over twenty percent of the Island. They felt this jeopardized the supply of timber to mills. Estimates of the reduction in timber supply was put at six percent by newspapers.<sup>177</sup>

Drawing up the government's version of the land use plan for Vancouver Island quickly became a political process. Harcourt realized the controversy the Owen Plan was creating and how this was alienating resource workers, a traditional source of NDP support. He dispatched senior officials, most notably his deputy minister Doug McArthur, to all parts of the Island to consult and gauge reactions. McArthur played a key role in finding out what part of the Owen Plan groups could live with and what parts they could not. Officials were sent to meet with representative of labour, local government, environmental groups and forest licensees and listen to their concerns. McArthur and the other government deal-makers quickly learned that the major stumbling block for resource workers and local government was the lack of any offsets to job losses.<sup>178</sup> The term RSL

was also a stumbling block because their perception as "parks in waiting" caused concerns that the access to timber was really eight percent less than projected. This led to the conclusion that job losses and timber reduction would be much greater than projected by Owen. Timber licensees were concerned that the new Protected Areas reduced their AAC and thus their profitability. Environmental groups, after initial grumbling about the Owen Plan, were worried that the government was planning to reduce the environmental gains made. The focus of their lobbying was to uphold the gains made through the Owen Plan. They did this in private meetings and by stressing in public forums the strengths of Owen's recommendations. The public backdrop to these private deal-making sessions were public protests by both resource and environmental interests designed to put pressure on the government to either uphold or amend the Owen Plan.

John Bones, a senior CORE staffer, was charged by cabinet with the duty of assessing CORE's recommendations and its economic consequences for the province. His job was also to compare ramifications of the Owen Plan and how these might be diminished by proposed changes coming in from consultations.<sup>179</sup> MLA's were also involved in consultations with the various concerned interests in their ridings. Certainly their re-election would be lessened if there were severe economic consequences as a result of implementing Owen's recommendations.

The major breakthrough in getting all groups in agreement with the government came at the NDP party convention on March 28, 1994. Internal bickering between environmentalists and loggers, both a source of traditional NDP support, threatened to not only disrupt the convention, but scuttle any land use deal for Vancouver Island. Tensions were exacerbated by a motion from the IWA local in Port Alberni that called for the end of CORE.

In the months preceding the NDP convention the Forest Sector Strategy Committee (FSSC) consisting of CEO's of forest companies, the IWA and cabinet ministers had begun quietly working on a plan to meet forest job protection concerns. It is interesting to note that this corporatist approach was undertaken while the NDP was still publicly committed to the democratic inclusive CORE process. Pivotal work was done here in the FSSC by Doug McArthur, who coordinated the committee and advised Harcourt on its progress. Success on forest renewal would mean a politically favourable shift of emphasis away from wilderness preservation and onto jobs. The FSSC drew up a tentative strategy that increased stumpage to pay for retraining and job creation in resource communities. The NDP knew from previous discussions with mainstream environmental groups that they and their membership were also concerned with job protection.<sup>180</sup> There had been input from environmental leaders such as Rick Careless into the FSSC.

At the NDP convention environmentalists did not want any resolution that was critical of Owen or CORE. To prevent this, pivotal IWA support for the FSSC strategy was gained after meetings between president Gerry Stoney, BC Federation of Labour president Ken Georgetti and Cabinet Ministers.<sup>181</sup> Labour was placated by the promise from government that guaranteed workers jobs in the forest industry, although not necessarily the same jobs.<sup>182</sup> After a private meeting between Harcourt and environmentalists, widespread environmental support was garnered when Marie Segger, an environmentalist who had led protests on Vancouver Island, spoke for the resolution.<sup>183</sup> The resolution passed and the Government had brought all significant parties on board.

The convention deal led to the formation of Forest Renewal BC (FRBC), a crown corporation, which uses money from increased stumpage to fund worker retraining, new forest work initiatives and silviculture.

Forest CEO's had agreed in part to the deal because higher stumpage was to be offset by lower corporate taxes. Canadian Forest Products chairman Peter Bentley said that while stumpage would increase, a benefit was better forest inventories and silvicultural practices resulting in an increased AAC for forest companies.<sup>184</sup> It seems clear that the acceptability to industry lay in the fact that much of the new FRBC money would be spent on the industry itself.

Environmentalists supported FRBC because it entailed

fewer jobs cutting down trees and an improvement in forest management through work projects in watershed rehabilitation and silviculture.

The consensus on FRBC allowed Harcourt, flanked by representative of labour, forest companies and environmentalists to officially announce its creation on April 14, 1994. As a result of FRBC Harcourt could confidently promise that not one forest job would be lost.

Premier Mike Harcourt released the government's Land Use Plan for Vancouver Island on June 22, 1994. It accepted many of the recommendations put forth by Stephen Owen but with some important changes. The RSL's were symbolically renamed Low Intensity Areas in an attempt to mute opposition to the concept of regionally significant lands. Government officials had learned that the designation RSL had acquired severe negative connotations. They realized that by changing the name to Low Intensity Area opposition could be further diminished.

In addition to the perks given them through FRBC, the forest companies were placated by another deal struck with them. The Protected Areas Boundary Advisory Team (PABAT) would give the forest companies special consideration when permanently defining the boundaries of the twenty-three Protected Areas.<sup>185</sup> This meant they would be given an opportunity to submit changes. Curiously enough, this is also the deal given conservation interests.<sup>186</sup> They were also

told they would have input into determining the permanent boundaries of the Protected Areas. Since conservation interests were given the same reassurances, it appears that the NDP was ready to face any political consequences later in exchange for acquiescence now.

Harcourt also announced the creation of a Forest Land Reserve, which would encompass eighty-one percent of the Island, including the 675,000 hectares of private forest.<sup>187</sup> Private Land could no longer be arbitrarily removed from the Forest Land Reserve.

The Forest Unions were induced to agree by promises of no job losses and retraining from Forest Renewal British Columbia. This would be an agency involved in job creation through road repair, watershed rehabilitation and silviculture projects. The money would come from a higher stumpage fee to be charged. The appointment of a Forest Jobs Commissioner for Vancouver Island also came out of the private meetings between unions and government emissaries. Harcourt also announced other job retraining measures.

Local governments had been strongly opposed to the Owen Plan before the inception of FRBC. While pleased with the Plan, they wanted community resource boards to make decisions at the local level. This was agreed in private meetings and put into the government's Land Use Plan.

There was limited opposition to the Vancouver Island Land Use Plan because the NDP had in essence pre-sold it

through a series of political deals to all major involved groups. They undertook a number of private bargaining sessions to accommodate as best they could those who could muster opposition to their Land Use Plan.

It should be noted that the government's Vancouver Island Land Use Plan was merely a land use strategy. It was only ten pages long compared to about three hundred pages in the Owen Plan. The Government Plan was a series of strategic policy statements that outlined basic goals. The actual concrete work was to be done privately and slowly, taking many factors including political ones into consideration. That work is still ongoing.

On April 11, 1995 the final boundaries for the twenty-three new protected areas were announced. Many groups had submitted their recommendation on final boundaries to PABAT. The changes sharply reduced the park areas near the northeast Island logging communities of Port MacNeil and Port Hardy and increased park areas near two remote watersheds near the northwest coast.<sup>188</sup> These changes help alleviate a timber supply shortage in the Northeast Island. Another swap of timber licenses offset the creation of Parks cut out of the Strathcona Timber Supply Area under the CORE proposal. This swap enabled the towns of Gold River, Tahsis and Zeballos to have more access to timber supplies while giving Western Forest Products timber nearer to its South Island operations. The newly available timber also allowed

for the creation of community-based forest licenses and First Nations licenses in the area. These timber license swaps opened up more timber and smoothed over continuing opposition in these locals to the Vancouver Island Land Use Plan. The Sierra Club was also happy with the final stage changes. They and other environmental groups supported the changes because the adjustments added strategic land to the Tahsish-Kwois and Brooks Nasparti protected areas. This land had been lobbied for in CORE, but had been left out of Owen's recommendations. It is obvious that the government was living up to its commitments to forest interests, local government and environmental interests to alter boundaries to meet their requests. The government was slowly filling in the details in its Land Use Plan and at the same time honouring commitments it had made in order to get broad support.

### **2.3 Analysis**

The Vancouver Island CORE Table met for over a year but did not make significant progress in finding the middle ground between the needs of the forest industry and the need for an increase in wilderness protection. Stephen Owen's key accomplishment, where to draw the lines on the map, reflected his opinion, not that of a group that failed to find consensus.<sup>189</sup>

The CORE process floundered because there was no commitment to a transition strategy. Without a concrete plan on how to offset the significant economic ramifications of reallocating the land base, no consensus could be reached. While other factors such as the distraction of Clayoquot, lack of government direction and bickering between sectors may have played a role, it is clear that little progress could have been made without recasting the essential win-lose character of the land use decisions. This is further illuminated by the government's post-CORE deal-making process. They were able to get support for their plan once they had a significant compensation package in place. They were able to create a scenario that recast the dynamics of land reallocation into a win-win allocative situation for all significant players. When it became clear that the consensus-building CORE process was not going to work the government used money and power to fashion a deal that met the concerns of all.

Bacow and Wheeler, in Environmental Dispute Resolution, showed the importance that compensation can play in a dispute by offsetting the costs to those agreeing to concessions. The government had known for over a year that a strong transition strategy would be needed for successful Table negotiations, but they failed to make the necessary assurances.<sup>190</sup> It was ill-conceived not to have a clear compensation program in place at the beginning of

negotiations.<sup>191</sup>

Sectors were actively speaking and acting against each other when they should have been building trust and accommodating all sectoral interests. A good example of this was the work of FMM sector steering committee member and Canadian Forest Products employee John Chittick. Chittick was the editor of the North Island Share (Share Our Resources) newsletter. In this newsletter members of the Conservation sector were referred to as "under-employed" and "enviro-loonies".<sup>192</sup> The Share newsletter was shrill in its condemnation of "branch-plant enviros" and carried inflammatory quotations from CORE sector representatives.<sup>193</sup> The newsletter was making these statements as early as March, when the Table was still trying to define sector interests and build trust, as a lead up to serious negotiations. The Share newsletter appeared to be in contradiction of Table rules that forbade engaging in personal attacks and that their representations to the media be respectful. These extra-Table activities were tolerated by CORE staff who saw no problem in Table members exercising "other options".<sup>194</sup> It was expected that members would abandon other avenues when they had sufficient faith in the CORE process. This however did not happen. It must have been clear to the FMM sectors and their allies that without a transition strategy they were going to be the clear losers from any land reallocation that occurred. It not surprising

then that they used all available tactics to hinder CORE and build up public support to bolster their bargaining position for the inevitable political settlement.

Comments by Table members on the inability to actually negotiate on difficult issues such as mapping were typified by one who stated:

"as soon as it looked as if we were going to actually start to negotiate, the two sides backed away to their respective corners."<sup>195</sup>

The lack of an acceptable transition strategy was related to the difficulties in mapping. One CORE staff member recognized early on in the process that it was going to be very difficult for the Table to come to grips with drawing lines on the map that would eliminate jobs.<sup>196</sup> A compensation plan would have made drawing lines on the map more palatable to those whose concessions would have meant putting their constituents out of work. Having no transition strategy meant agreeing to job losses and telling constituents that they had no assurances of financial help or retraining. The forest unions were unwilling to negotiate lines on a map without assurances that the costs to their members would be mitigated by a third party. In this case, the British Columbia taxpayers. By allowing separate scenarios the mediators let several sectors become even more entrenched.

It is not surprising that the final breakdown of the Table was caused in part by the failure to develop a transition strategy. The Table had come up with some

recommendations for a transition strategy, but the Forest sectors didn't feel comfortable leaving them as just recommendations. They wanted a strategy in place before they advanced further. The government was unwilling to commit to funding or make the necessary assurances that the recommendations would be put in place as a transition strategy, despite the pressing need. It is unclear how the government expected the Vancouver Island CORE process to succeed without those affected by the impending job-losses being bought off.

The unfortunate timing of the Clayoquot decision, coming as it did half way through the process, may have limited the amount of success the Vancouver Island Table could have achieved. However, there is little to suggest that before Clayoquot the process was moving in a positive direction. Rather than causing significant deficiencies in the Table, Clayoquot exposed them. The failure of the Vancouver Island Table was not helped by the incomplete policy framework for CORE and other land use initiatives. These policies were not in place even by the end of negotiations. Government failed to give timely advice on the interface between CORE and other programs.

Stephen Owen took the little work the Table had completed and produced a detailed land use plan in under three months. However, the government quickly discovered that the Owen Plan was not politically saleable. In a post-

CORE political process they engineered a series of deals that resulted in agreement among all major players. There was little opposition to the Government's Land Use Plan because the creation of FRBC offset the win-lose character of the land use changes. By using classical political bargaining they created consensus where a process designed to that same end had failed. The government in essence used the appearance of the impartially generated Owen Plan to cover for a skeletal political plan that can be changed to meet political objectives. But a political plan if it does nothing else got agreement from all major interests.

Stephen Owen released a substantial land use plan. The government, after reviewing the Owen plan and meeting privately with various groups, put forward its Land Use Plan for Vancouver Island. While the government report accepted in principal most parts of Owen's Plan, it was merely ten pages outlining strategic policy initiatives. It stated the government's commitment to a transition strategy and designated Protected Areas. However, all other important criteria were to be added through continuing processes and debate. It is clear that on Vancouver Island, as with the other government land use plans, the details were to be filled in at a later date, when they were less likely to come under scrutiny. Whether the NDP would be as willing to change a land use plan generated almost entirely through a consensus-based process is explored in the examination of

the East Kootenay process.

If the Table had building blocks for consensus as set down by Bingham and Susskind and Cruikshank and others, it may have had more success in consensus-based decision making. The Vancouver Island CORE process failed to meet any of the pre-conditions for success as laid down by the various theorists analyzed in the introduction. However, the success of the post-CORE government process would seem to illuminate the ultimate emptiness of much of the literature used by the proponents of consensus. It seems clear that the CORE process could have had all the prescribed building blocks, but without compensation would have accomplished little in attempting to find an all-gain solution in the essential win-lose character of the land issues on Vancouver Island. The CORE Table never came to grips with how to offset the significant consequences of re-allocation. The fact is that the government process worked better and faster to fashion a plan that included all significant stakeholders and brought closure to land conflicts on Vancouver Island. Whether compensation linked with these building blocks can craft a successful deal is examined in the next chapter.

**Table 3: East Kootenay Chronology**

- July 1992.....meetings with sector representatives and public begin
- January 1993.....process officially begins with convening and designing stage
- January 1993.....process splits into East and West Kootenay Tables
- January 22, 1993..Ktunaxa-Kinbasket withdraw from active participation in CORE process
- April 24, 1993....environmental groups pull out of CORE due to government's Clayoquot decision
- June 5, 1993.....some environmental groups return to CORE, others never return
- July 11, 1994.....Table ratification meeting
- July 15, 1994.....Coal Sector spokesperson fired
- October 1994.....East Kootenay CORE Report released
- December 1994.....government starts to meet with representatives from labour, industry, environmental groups, and community groups
- March 1995.....Government Land Use Plan for the East Kootenays is released

### CHAPTER 3

#### THE EAST KOOTENAY LAND USE PROCESS

"Perfection may have been our goal, but the important thing here is progress"

Ian Jack, Fish & Wildlife-Recreation  
Spokesperson

Although the East Kootenay Table did not succeed, it came the closest of the CORE processes. As on Vancouver Island the provincial government imposed a more successful plan after the CORE work was done, again using the consensus process as a necessary preamble to its own political settlement.

The most telling relationship to the consensus literature examined was the importance of compensation in resolving disputes, as argued by Susskind and Cruikshank. Their point that defraying the costs of settlement aids in negotiations, was borne out in the East Kootenays. The timing of the East Kootenay process was fortuitous in that two important sources of revenue were coming on line. Starting in early 1993, the provincial government had initiated a Forest Sector Strategy and established the Forest Renewal Plan. Part of the Forest Renewal Plan involved companies paying increased stumpage, with the new revenue paying for the retraining of loggers to work in silviculture. In addition, royalties on timber harvested from timber-licence areas were increased.<sup>197</sup>

A second projected major financial windfall was from the Columbia River downstream benefits. These benefits were from the 1963 treaty governing the construction of three dams in the Kootenays. The dams were built to control flooding on the US side of the Columbia and the power generated was sold to the US. The provincial government under WAC Bennett received 65 million dollars for building the dams and had sold its downstream benefits for thirty years for 250 million dollars. The Harcourt government had a deal in principle with Bonneville Power to continue selling the downstream benefits after the present contract expired. The first downstream benefit was to be 200 million dollars followed with annual payments after that.<sup>198</sup> There were strong arguments that the Kootenays, as the region most affected by the dams, should get a large portion of the money. Thus the costs of any compensation could be directed to a third party, in this case the people of British Columbia. Compensation was critical in buying-off any opposition to a deal.

The East Kootenay Table was aided by a learning curve from the Vancouver Island Table in other areas. Sub-committees were utilized in getting work down to a manageable level. The East Kootenay process proved the worth of having technical experts and equal opportunity for all parties to analyze data. Susskind and Cruikshank's findings that considerable effort must be focused on overcoming the

psychology of adversaries was borne out by the extended orientation session afforded the East Kootenay participants. The East Kootenay Table also benefited from a more complete policy framework put in place by the government. Because of the later start date of the East Kootenay process, other government initiatives such as the PAS and FPC were better developed. However, it is doubtful that these procedural issues would have had much of an impact if FRBC had not been developed and if the economic impacts in the East Kootenays had been greater. The fact is that in the Kootenays significant reallocation of the land base was not needed. More than twelve percent of the land base was already protected.

The government used the post-CORE process to get acceptance from all major players and to make the difficult decisions that the CORE Table could not. The CORE Table, with help from Stephen Owen, had issued a plan, but this was altered after a series of private meetings between the government and important East Kootenay groups. The new government plan still retained the beneficial image of a made in the Kootenays solution.

The East Kootenay region is bordered by the Columbia Mountains on the west and the Rocky mountains on the east. This mountainous area is divided by a long plain called the Rocky Mountain Trench. The East Kootenay region is sparsely populated, being home to approximately 60,000 persons. The

region had seen slow population growth until the 1980's when economic hardship started to cause a population decrease.<sup>199</sup> About half of the people live in the Cranbrook-Kimberley area. About one quarter of the region's population lives in the Elk valley towns of Fernie, Sparwood and Elkford. The bulk of the remaining population live in the towns of Golden and Invermere. The economy of the East Kootenays is reasonably diversified, with forestry, mining, tourism and the services sector all important industries. Most of the region is the traditional home of the Ktunaxa people who are represented by the Ktunaxa-Kinbasket Tribal Council.<sup>200</sup> The East Kootenay region is also home to a significant number of wildlife including many species of large land mammals.

### **3.1 The CORE Process**

The East Kootenay CORE process was originally part of a land use plan that encompassed the entire Kootenay-Boundary region. Like the Vancouver Island process, the East Kootenay process was set up for public participation and shared decision making based on the principles of interest-based negotiations. All stakeholders in the region were informed of the process about to get underway. There was considerable input, especially from residents of the East Kootenays, that significant differences between the East and West Kootenays warranted separate regional plans. The

decision was made by CORE officials to separate the plan into the East Kootenay region and the West Kootenay-Boundary region. This happened during the convening and designing phase of the negotiations. Unfortunately, separate CORE support teams were not formed and both the Kootenay CORE tables had to share one set of CORE staff. This caused delays within the East Kootenay CORE process.

The East Kootenay process ran simultaneously with the West Kootenay process. Both began in July of 1992 with public meetings and meetings with sector representatives. It concluded with a ratification meeting on July 11, 1994.<sup>201</sup> The process formally began in January of 1993. The CORE Table met eighteen times for a total of forty-four days.

The East Kootenay process had similar stages to the Vancouver Island process, (such as preparation and assessment and design). A difference was the early introduction of Sectoral Interest Statements. This was done for a couple of reasons. The first was to enable each sector to concretely define it's interests and draw up an initial bargaining position. The sectors were then to bargain according to their vision statements. The Table also developed a draft vision statement reflected the common interests, goals and aspirations of the sectors. The Sectoral Interest Statements and the Draft Vision Statement established a basic bargaining starting point and a somewhat vague bargaining target. The task of drawing up sectoral

interest statements and a joint vision statement, and then negotiating them took almost six months. The wisdom behind this was that the negotiations over the draft vision statement also provided practise in developing interest-based negotiation skills.

The sectors were defined as a group of individuals or organizations with similar interests, concerns and values related to land use.<sup>202</sup> Composition of the sectors was determined by the sectors themselves, with some input from CORE. There were initially twenty-four sectors and each sector occupied one seat at the negotiating table. The sectoral interest groups for the East Kootenays were Wilderness, Watershed, Global, Energy, Biodiversity, Agriculture, Community Economic Development, Fish and Wildlife-Commercial, Fish and Wildlife-Recreation, Labour-Woodworkers, Labour-non-Woodworkers, Local Government-RDCS (Regional Districts Cranbrook, Sparwood), Local Government-RDEK (Elkford, Kimberley), Forest Independents-Other, Forest Independent-Logging Contractors, Outdoor Recreation-Non-Motorized, Outdoor Recreation-Motorized, Mining-Coal, Mining-General, Primary Forest Manufacturers, Provincial Government, Tourism Associations, Tourism Resorts, and Cultural Heritage. These sectors were formed during the Preparation and Assessment phase of the planning process. However, the number and composition of the sectors had changed due to events unfolding on Vancouver Island.

The outrage that the New Democratic government's decision on Clayoquot Sound generated among environmental groups had also reverberated through the Kootenays. Immediately after the decision all the participating environmental groups in both the East and West Kootenay Tables decided unanimously to pull out of CORE at a meeting in Creston on April 24, 1993. The influential West Kootenay-based Valhalla Society led by Colleen McCrory withdrew permanently. Although only directly involved in the West Table, they still exerted considerable influence on both Tables. Groups in the East process were influenced by the position the Valhalla Society took. Reasons given for the withdrawal were the NDP's decision on Clayoquot, its purchase of MacMillan Bloedel shares and its failure to defer logging in contentious forest areas.<sup>203</sup> These contentious forest areas included proposed Protected Areas being advocated by environmental interests in the Kootenays.

The Valhalla Society also claimed that Clayoquot was arbitrarily omitted from the Vancouver Island process so that the valuable timber could be given to the logging companies.<sup>204</sup> It also promoted the idea among the Kootenay environmental groups that the Clayoquot decision and Owen's initial reaction to it illustrated his lack of independence from the NDP. Owen, it said, was incapable of making public statements which were even mildly critical of the NDP. The Valhalla Society also contended that deficiencies in the

CORE process were caused by a government that heavily favoured the logging industry, citing the failure of the consensus planning as proof. The resignation of most environmental members from that process illustrated how the provincial government was more concerned with the appearance of consensus than a fair process. The Clayoquot process had been a cover, according to McCrory, while forestry was carried out in the Sound. The Valhalla Society also circulated documents, such as CORE Processes: The Little Known Threat To Existing Parks, which argued that the CORE process could be used to erode already protected areas and open them up to resource extraction.<sup>205</sup>

The Valhalla Society had stated in a confidential memo to Kootenay environmental groups dated February 9, 1993 that if the NDP gave Clayoquot to the logging companies and if the Vancouver Island groups walked, the Valhalla Society would walk with them. After the Clayoquot decision the Society said that they would return to the processes only if Clayoquot was returned to CORE.<sup>206</sup>

In a memo to Stephen Owen the environmental groups stated that they were withdrawing from the East Table until nine demands were met: establish a review of the Clayoquot Sound land use decision; divest of all MacMillan Bloedel shares held by the BC government; agree that CORE take precedence over all other planning processes; existing park boundaries would not be subject to negotiation other than to

add areas; immediate interim measures in proposed protected areas, and through an Order in Council proclaim the draft CORE Land Use Charter as the mandatory minimum framework under which all CORE processes would operate.<sup>207</sup>

By early June a reduced contingent of the environmental groups had returned to the East CORE process. Some of their concerns, such as a investigation of the NDP for conflict of interest in purchasing Macmillan Bloedel shares, had been addressed, while others such as interim measures had not. They were reassured that presently protected areas were not threatened and adjustments were possible only if the Table agreed.

The environmental groups maintained there were less of them now because there were less watersheds to protect in the East Kootenays. The five original environmental sectors had been reduced to two: Ecosystems-Wilderness and Global\Energy. It was obvious there had been a split in the environmental groups and those sympathetic to the Valhalla Society never returned. It was a smaller and more moderate coalition of environmental groups that returned to the East Table. The returning groups still had some level of trust in the process and in the provincial government, but admitted they had lost a degree of faith in the process. Those who stayed away remained dubious of the whole undertaking. The returning groups voiced suspicious that the CORE exercise was intended merely to reduce protected areas to the twelve

percent necessary for the Protected Areas Strategy.<sup>208</sup> But, public pronouncements in this vein were surely an attempt to save face and a warning that they would not be coopted. The sectors returned to participate in the Table and get the best deal they could. They surely reasoned that an acceptable level of wilderness protection could only be maintained by working within the CORE process.

The temporary departure of the environmental groups drew acrimony from other sectors. The Mining-General sector representative responded by stating in a memo to Stephen Owen that they were in favour of immediately proceeding with the sectors remaining at the table.<sup>209</sup> They also seemed to validate some of the fears of the absent parties by expressing a wish to negotiate mineral exploration on protected areas and a desire to stick firmly to the PAS twelve percent guideline.<sup>210</sup> The Primary Forest Manufacturers also called on the provincial government to not give in to the "brinkmanship" tactics and not allow a group to enter into the process with pre-conditions.<sup>211</sup> They also expressed their view that everything, including currently protected areas, should be negotiable.

The Clayoquot crisis had some unintentional positive benefits for the East Kootenay process. The more extreme environmental elements did not return to the Table, thus cutting down on potential conflict and increasing the likelihood of consensus. Most notably, the Valhalla society

had been outspoken and strident in its mistrust of the CORE process. The Valhalla Society was also adamant in its demand for large areas of low-elevation forest to be preserved and the preservation of areas not selected for Protected consideration by the PAS.

With a smaller group of twenty-one sectors represented at the Table, the East Kootenay CORE process began in earnest. As on Vancouver Island it was originally hoped to include aboriginal groups. The East Kootenays is the traditional home of the Ktunaxa people who are virtually the only aboriginal group within the region. From the start of the process the Ktunaxa, as represented by the Ktunaxa-Kinbasket tribal council, were not interested in being merely another sector at the Table. They requested, but did not receive to their satisfaction, treatment as another level of government equal to the provincial government. The Ktunaxa complained they did not have the resources necessary to participate at a satisfactory level and certainly not enough to achieve their goal, which was to have the process designed so that they could be treated as a third and legitimate order of government.<sup>212</sup> The Ktunaxa felt that they were being treated as a marginal third party.<sup>213</sup> In the end, the Ktunaxa took the same position as those groups on Vancouver Island: they would continue to act as observers at CORE meetings, but would not participate in any land use decisions as they felt this might prejudice the treaty

negotiations process. It is clear that the Ktunaxa wanted to be dealt with on a government to government basis and not as just another sector at the Table.

During the Information Phase the sectors agreed on what tools they would need to have a successful process. These tools included a land use designation system, management guidelines, a regional negotiating map and a multiple-account impact analysis system.<sup>214</sup> The land area of the East Kootenays is 4,067,455 hectares.<sup>215</sup> In order to negotiate land use negotiations and management guidelines the land base was divided into twenty-two large units on the basis of geographic, economic, and land use similarities.<sup>216</sup> This was a lesson learned from the Vancouver Island process, where attempts to negotiate a map for the entire region led to a complete breakdown in map negotiations. During the Information Stage, the government support team helped sectors develop maps that showed where the highest-value areas for each sector were located.<sup>217</sup> This helped identify values and communicate priorities between sectors.<sup>218</sup> It was soon discovered that these twenty-two large units were too large to accommodate workable designations and the land base was further sub-divided into smaller units known as land use polygons.<sup>219</sup> The polygons were defined by some ecological feature such as a watershed or a coal deposit. Thus, the total land base was sub-divided into 137 polygons.

The idea for the polygons came from the Trench

Integrated Resource Management Plan, which was a Local Resource Use Plan agreed upon in 1985. The system aided resource managers in making timber, wildlife and range management decisions in the Rocky Mountain Trench.<sup>220</sup> The Trench was divided into 380 management areas (management polygons) varying in size between one-hundred and 1800 hectares. Primary resource uses (up to three per polygon) were established for each polygon before selection of a dominant value.<sup>221</sup>

Similarly, in the East Kootenay negotiations the initial step was to identify the values held in each polygon. Dominant values for each polygon were decided upon and this information was used to negotiate each management guidelines for each polygon.<sup>222</sup> The four land use designations decided upon for the East Kootenays were Dedicated, Integrated Use Areas, Special Management Areas and Protected Areas. Dedicated Areas were to be the working forest and resource extraction zones. Integrated Use Areas were to provide for resource extraction, but under more stringent guidelines than Dedicated Areas. Special Management Areas were to be used when there is a concentration of values such as fish and wildlife and recreation. All types of resource development were to be allowed as long as they were compatible with the identified special values in Special Management Areas. This designation also applied to areas next to Protected Areas. Protected

Areas were defined by the Protected Areas Strategy. All uses under the PAS were to be permitted unless otherwise specified in the plan.<sup>223</sup> The Commission recommended that land use designations with the exception of Protected Areas should be incorporated as Resource Management Zones under the FPC. This would provide a statutory basis for implementation.<sup>224</sup>

When a polygon contained high values requiring sensitive management, sectors that supported these values usually proposed enhanced guidelines. In some polygons, however, enhanced guidelines would be to the detriment of those sectors coveting the polygon because of concurrent resource values. In such cases it was difficult for the Table to reach consensus.

During the negotiations, the Table reached consensus on land use designation and management guidelines for 116 out of 137 polygons. For the remaining twenty-one polygons two separate options were assigned to each polygon. Of these, sixteen of the twenty-one included a Protected Area designation as one of the options.<sup>225</sup> This is not to imply that groups favouring Protected designations were more stubborn or unwilling to negotiate than that those favouring development. The geography and geology frequently dictated that high resource values coincided with high ecological values. Big trees were equally coveted by both sides. Trade-offs on polygons were frequent and allowed headway on many

negotiations but occasionally the Table could not negotiate around the intransigence of certain sectors. Occasionally, if a deadlock was reached on a particular polygon it was divided up into two or three polygons in order to please all parties negotiating on it.

An obvious difficulty with polygon mapping was exposed by the ambitions of the mining sectors, most notably the coal sector. Both mining sectors agreed that if they knew where all deposits were to be found they would happily accept access to two to four percent of the land base. The Mining Sectors were also concerned that seventy percent of the present parks and wilderness exist in areas of high mineral potential.<sup>226</sup> Coal is extremely site specific and in the Kootenays the necessary geologic formations comprise approximately two percent of the land mass.<sup>227</sup> The coal sector wanted all two percent dedicated. The coal sector found it initially "helpful" to negotiate on a polygon by polygon basis.<sup>228</sup> They negotiated on seven polygons, all of which were on public land. They made two trade-offs on polygons, agreed on the division of one polygon, did not agree on one polygon and conceded on the others.<sup>229</sup> However, at the conclusion of the Table meetings the success at compromise led to the Coal sector spokesperson being fired by the mining company officials. Mining officials also retracted the Coal sector signature on the Table Plan. The sector decided that they needed total access to all Coal

deposits and could not compromise on this point. The Mining-General sector was angered by the reduction in mineral access caused by newly designated Protected Areas, and the increased costs in accessing mineral resources under Special Management guidelines.

The obvious advantage of polygon mapping is that it is easy to negotiate over smaller chunks of land. Also, trade-offs between sectors competing for polygons were frequent. It allowed the Mapping Committee and the Table to deal with all but the most contentious areas. However, a closer examination of the polygon mapping process reveals that it had been further simplified to help the CORE sectors get agreement.<sup>230</sup> Polygons were either designated T-1, which meant normal management, or T-2 which signified special management. Those selected as T-1 were slated for mostly resource extraction while those slated T-2 would either be slated Protected or Special Management. However, this would be done later by other processes. The CORE Table was reduced to making one of two selections for polygons. Even then it could not get agreement on all polygons. Success on 116 out of 137 polygons seems like a good record from one perspective, but conversely, twenty-one undecided out of 137 indicates substantial disagreement.

The critical facet of the East Kootenay process that was approached differently from Vancouver Island was the economic transition plan. The East Kootenays have an

advantage over most regions of the province as the economy has been diversifying for several decades. While this diversification has caused conflict between new industries such as tourism and established interests such as forestry, the diversification was seen as providing a springboard for economic transition.<sup>231</sup> Another advantage the East Kootenay Table had was the establishment of a Transition Strategy Group right at the beginning of the process. This had been done on the advice of CORE personnel. This committee met regularly to plan and debate a transition strategy. There were generally eight members on this committee. The transition group recognized that the economic transition strategy should be in place before the implementation of any land use strategies. This would cut down on resistance from sectors who might be negatively impacted by the creation of Protected Areas and Special Management areas. A transition plan also made the East Kootenay Plan palatable to the public and to workers facing possible displacement. The development of a transition strategy was helped by the knowledge among all sectors that resource sectors would be downsizing, CORE or no CORE, and a plan was needed for displaced workers. Outside experts, such as Dr. Tom Hutton from the UBC School of Community and Regional Planning, were consulted early in the process to give presentations on transition strategies (September 1993).

As well as aiding displaced workers, the transition

strategy was to benefit those affected by CORE when recommendations resulted in the alteration of tenure boundaries and reallocation of AAC. The strategy was also to provide assistance to increase timber yields to pre-CORE levels, and for the return of tenure to the crown for compensation.<sup>232</sup> While the transition strategy was to aid those affected by CORE, the committee recognized that it would be extremely difficult to separate those individuals impacted by CORE and those affected by other initiatives such as the Forest Practices Code, PAS, and the Timber Supply Review.<sup>233</sup> It should be noted that while CORE was underway the Chief Forester reduced the AAC in one TSA in East Kootenay region by up to seventeen percent.

The Committee identified a wide range of potential sources of funds to aid the transition strategy. These included existing government programs funded through agency base budgets, Forest Renewal BC, the Skills Now Program, Columbia River downstream benefits allocated to the region, and industry and community contributions.<sup>234</sup>

The Transition Committee wanted the entire downstream benefit amount to stay in the Kootenays to aid in the displacement caused by CORE. However, Premier Harcourt decided the benefits would be targeted at debt reduction as well as aiding the Kootenay region. Harcourt did not specify how the benefits would be divided up. As it turned out the issue was rendered academic by the American mid-1995

decision not to buy the surplus power. This was well after the East Kootenay Table had disbanded.

The East Kootenay Table recommended that the Transition Strategy be managed by an agency. This agency was to be regionally based with representatives from government, employment groups and impacted communities.<sup>235</sup> This new transition agency was imagined as an independent problem solving agency, resolving impacts of land use decisions and working in cooperation with the sub-regional process.<sup>236</sup> When job opportunities became available through the Transition Agency or other programs, they would be advertised to the affected sectors or communities.<sup>237</sup> The transition committee also recommended that legislative changes be made to allow programs such as the Working Opportunity Fund to be established at the regional and local level.<sup>238</sup>

Some other options put forth as elements of a transition strategy were voluntary layoff options, pension-bridging and buy-out options.<sup>239</sup>

Although the Transition Strategy was a positive step for the East Kootenay Table and was unanimously endorsed, it was not without its problems. A strategy that identified specific opportunities to create new employment would have been more useful. Without identifying specific opportunities, the Transition Strategy can be seen as merely a wish list of prospective funds available for use. To be fair, the specifics of new job identification may have been

envisioned to be the work of the transition agency that would function at the regional level.

Regardless of how the Transition Strategy would work in the long run, it proved useful in illustrating how at least parts of the East Kootenay Plan could be made agreeable to all sectors. There is also evidence to suggest the Transition Strategy aided in land use negotiations by making a concession on a polygon that would result in job loss more palatable to that sector. Polygons "deals" did not include explicit compensation commitments, but rested on the knowledge there would be a package in place to aid those affected. This is because the Transition Strategy in its completed form was ready by early March of 1994, and presented to the Table on March 28. Negotiations on polygons continued until the ratification meeting on July 11, 1994.<sup>240</sup>

At the conclusion of the negotiation process in June, consensus had been reached on twenty-seven out of forty-three land use policy recommendations. General agreement was also reached on land use designations and management guidelines for 116 out of the 137 polygons totalling ninety percent of the East Kootenay land base.<sup>241</sup> At the ratification meeting on July 11, 1994, the sectors signed a letter to Stephen Owen outlining what had been accomplished. Four of the signatures were subject to qualifiers. Tourism and Primary Forest Manufacturers signed subject to impact analysis and final guidelines. The Local Government-RDCS

Sector signed subject to their concluding statement. The Coal Sector signed subject to the statement that shortcomings in the process be addressed and Cabinet adopt a land-use plan for the entire Kootenays. The Coal Sector representative Don Barker was fired on July 15, only a few days after he signed the document. The coal steering committee had decided they wanted to retreat to their original position of wanting access to all coal deposits outside of Protected Areas. On July 13, 1994 Labour-Woodworkers added some qualifying remarks by stating that they were in agreement with the transition strategy, but couldn't agree on the partial consensus on the 116 polygons without knowing the final outcome of the twenty-one disputed polygons.<sup>242</sup> The Mining-General Sector signed subject to a concluding statement that noted their desire for some changes in zoning to allow greater access to mineral deposits. The Primary Forest Manufacturers sector signed, but not until it was stated that the acceptance was subject to having concerns about guidelines and zoning addressed.

The Lower Cummins River in the North-Central part of the East Kootenays (near Golden) was deferred from CORE. No alternate polygons were proposed. This was because the Lower Cummins had very high environmental values, but at the same time it was scheduled to be immediately harvested. There were no substitute areas to log and mills in the area were facing a wood shortage. The East Kootenay Plan recommended

that a community adjustment committee be established to make recommendations to the provincial government. Essentially this meant that the area was deferred for further study. The Lower Cummins was considered too contentious to tackle at the regional level.

Stephen Owen was not left with very much work to do prior to the release of his report. Undecided options were presented to him as two alternatives. Virtually all of these options were the question of whether a polygon was to be protected or not protected. With the help of CORE staffers Owen refined some aspects of the Plan, but most of what the Table had done went straight into his Report. Owen withdrew to write the Report and did not seem to be under political pressure to make decisions. Owen and the CORE staffers ran alternative scenarios on the undecided areas and seemed to genuinely try to make well considered decisions.<sup>243</sup> Owen's Plan was published in October of 1994.

Following the release of the Owen Plan, CORE held a series of public forums in the East Kootenays. This flurry of meetings took place on the same day. They were to inform the public of the contents of the recommendations and gauge public reaction. These meetings can be seen as a strategy to undermine the possibility of protests building.

The public was most concerned about the impact of the Plan on employment. Combining direct forest jobs with non-forestry spinoffs, the total number of employment positions

at risk was estimated to be ninety to 105 person years.<sup>244</sup> This represented 0.3 percent of the estimated 1991 East Kootenay labour force of 31,000.<sup>245</sup> Within the initial ten year period, implementation of the proposals were estimated to require a reduction of approximately 60,000 cubic meters of timber.<sup>246</sup> This is about two percent of the 1993 harvest for Crown and private lands. These low numbers made the Plan palatable to those in resource based communities. Associated with the job impacts were regional employment incomes losses which were estimated to be between 3.5 and 4.0 million dollars annually.<sup>247</sup> Provincial revenue losses were estimated at 2 million dollars annually and federal losses at one million.<sup>248</sup> This takes into account only losses as a result of CORE and not those happening as a result of other factors. The high level of Protected Areas (16%) and Special Management Zones (12.3%) also made the Plan acceptable to most local environmental groups, as well as the World Wildlife Fund.

Ironically, also working in favour of the East Kootenay Plan was the outrage in some quarters over the West Kootenay Plan. Less land had been protected in the West, but the economic ramifications were more severe. Major environmental groups such as the Valhalla Society and the Greater Ecosystem Alliance vented their frustration against the West Plan. The East-West split also surfaced in the labour community with workers saying they supported the East

Plan but not the West one where job losses were predicted to be higher. Forest Minister Andrew Petter said the split between East and West was understandable if considered in the light of a longer and more bitter history of confrontation in the West.<sup>249</sup>

Of the four processes the East Kootenay process came the closest to achieving consensus. Of note was the progress on land classification and designation and the transition strategy. Even though on the surface the results appear to vindicate the process, it was not without its difficulties.

### **3.2 The Government Land Use Process**

After the ratification of the East Kootenay CORE Table's work, the political process began. Because the government would make the final decision on land use in the East Kootenays, there was considerable manoeuvring by various factions. Four sectors had ratified the Table Report, but their support was subject to having certain conditions met. The Mining-Coal sector had withdrawn its support completely. The Coal sector was unhappy that the Owen Plan did not give it complete access to all potential coal deposits outside Protected Areas. Primary Forest Manufacturing was concerned about the status of some Special Management timber. Tourism interests were unhappy with the unclear nature of their access to Protected Areas. Local

ranchers were concerned that new Protected Areas that had previously been pasture land were now off limits.

Environmental groups that had stayed out of the CORE process wanted input. Local government were still concerned that despite the transition strategy, that economic fallout would damage their communities. It is clear that for a plan that truly achieved consensus in the East Kootenays the government needed more groups to buy in.

Local MLA's quickly became involved in lobbying efforts. The focus of the MLA's was generally to uphold the work that their constituents in the CORE Table had done while searching for ways to get more groups to support the upcoming government plan. While certain MLA's felt that some CORE sectors were taking runs at the government, this did not stop them from communicating the wishes of their constituents to cabinet. MLA's also came into conflict with local resource ministries who felt their jurisdiction was being bypassed in the rush to get everybody on board. The local ministry offices felt they should have input into any regional land re-allocation that the government was to embark upon.<sup>250</sup>

It was also at this point that lobbying was undertaken by CEO's of Kootenay based corporations.

The government appointed Grant Scott to travel to the Kootenays and meet with those concerned by the CORE plan. Scott was charged with the duty of including those who

hadn't been included in CORE and meeting the concerns of those opposed to the Owen Plan. The most adamantly opposed to the plan were the local governments such as those of Golden and Revelstoke whose communities would be most severely impacted by the CORE proposals. The local government officials and their allies quickly set up an organization called the Communities Coalition which voiced opposition to the CORE plan. In response, the moderate Table participants formed a group to counter the Communities Coalition. This Lime-Green coalition as it came to be known, lobbied heavily to preserve the work of the Table. This coalition included former spokespersons from the Conservation, Agriculture and Coal sectors. A further coalition was comprised of resource spokespersons from the Table and backed by mining and forest interests formed and was named the Coalition For East Kootenay Solutions. It quickly superseded the Communities Coalition as the lobby for those who wished to limit some of the changes proposed in the CORE plan. Grant Scott met with all of these groups to consider their concerns and decide how to integrate them all into the forthcoming government plan.

The Land Use Coordination Office (LUCO) in Victoria was charged with delivering a land use plan after analyzing the CORE plan and taking into account the range of concerns that still existed in the East Kootenays. Information and potential changes were fed from Scott to LUCO for analysis.

There can be no doubt that considerable pressure was brought to bear on Scott and others involved in drawing up the plan to initiate changes that would lessen any political fallout. The most important decisions were made in Cabinet so information on the inner details of this process are extremely difficult to ascertain and will probably not be known for several years. It can be inferred from the differences between the CORE plan and the government plan that concessions were made to all significant groups in order to get more buy-in and support for the government plan.

The East Kootenay Land Use Plan was released in March of 1995. Although most of the CORE plan was used, some significant changes had occurred. Mining interests got one-hundred percent access to mineral exploration in all areas outside of Protected Areas. In the CORE plan mineral extraction and exploration, particularly coal, would have been extremely difficult and expensive in designated Special Management zones.<sup>251</sup> Cattle grazing was now allowed in areas newly designated Protected, that had previously been range land. Helicopter skiing was now allowed in Protected Areas. The Height of the Rockies area was upgraded from Special Management Zone to a Protected Area. This may on the surface seem like a victory for environmental forces, but it was logging interests that wanted Height of the Rockies a Protected Area. This is because under previous arrangements

no timber extraction was allowed there. They viewed the Height of the Rockies as Protected in all but name. In return for this concession new Protected Areas such as the Purcells and Akamina-Kishinena were reduced in size to compensate for the Height of the Rockies. The Upper Finley was changed from Protected status to Special Management to allow for mining access to mineral potential in the area. In exchange, more low level elevation forest was preserved in the Purcells. This was what environmental interests were after to improve connectivity to allow species to move unhindered from low to high elevations. The East Kootenay Land Use Plan deferred decision on the Lower Cummins. This was still politically sensitive due to the high value given the area by forestry and environmental interests and the impending timber supply shortage in the Golden area. All concerned interests seemed to have achieved the major concessions they were after. The extent and influence of private lobbying seems to be in contrast with the one day of consultations afforded the East Kootenay public.

It should be noted that the government plan was little more than an outline. It was merely ten pages that designated Protected Areas, the status of other areas and compatible activities, and laid out a framework for further work. In essence the government settled the land use question in the East Kootenays, but very obviously left the plan open to extensive further work and consultation.

### 3.3 Analysis

There can be no doubt that having FRBC money and Columbia River benefits helped the East Kootenay CORE process immeasurably. Also important was that economic impacts from what little re-allocation was necessary were going to be very low. These factors helped blunt the win-lose character of this land use process. Without the compensation strategy in place progress would have been difficult to make.

Despite some frustrations, inroads in the mapping process were made. All undecided polygons were left for Owen with two options. The transition strategy was a valuable asset in aiding map negotiations. Having the money in place, according to one CORE staffer, helped propel negotiations.<sup>252</sup> Sectors were prepared to endorse the process and felt they could negotiate on polygons knowing there would be a transition strategy in place. Part of the reason for the success was the simple fact that in the East Kootenays the impacts were considered manageable. Also, having potential funds available such as those from the Columbia downstream benefits and Forest Renewal aided in the construction of a transition package. It should be remembered however that this apparent breakthrough in mapping was merely the process of designating polygons as one of two choices. And even then

twenty-one could not be decided.

The relative success of the East Kootenay Table was also partly to other reasons. One contributing factor was that mediator Gary Runka did not allow sectors to generate separate mapping proposals. Thus, individual sectors could not defend individual visions of what the East Kootenays should look like. This polarizing effect worked against the Vancouver Island Table. The polygon mapping system allowed sectors to start with a blank map and stay relatively dispassionate during the process.<sup>253</sup>

Some issues were more clear in the East Kootenays. It was established quite early on that private lands would not be dealt with by the Table. There was some disagreement whether CORE could dictate to private owners rules governing wildlife habitat and watershed protection. However, the announcement in early July 1994 that the FPC would apply to private lands which hold tax status as managed forests partly eased the disagreement.<sup>254</sup> Some confusion remained about the Shell lands (large tracts private forest land sold by the Shell Oil company to the forest industry), but private land remained off the Table. The East Kootenay Table was hindered somewhat by an incomplete understanding of the interface between CORE and various other government initiatives such as the FPC and PAS. However, despite some confusion the government processes were sufficiently far along to not hinder progress at the Table.

Separating the East and West Kootenays also played a role the achievements of the CORE table. It has been well noted that the East and West Kootenays have different cultural as well as geographical features. The separation was strenuously advocated by some sectors. Part of the motivation for the split by East Table members was a reluctance by some resource sector interests to deal with certain West Kootenay based environmental groups. Certain sectors, such as coal, had concerns over potential interactions with Colleen McCrory and the Valhalla Society.<sup>255</sup> The Valhalla Society was seen as too narrow-minded and not interested in reaching a consensus.<sup>256</sup> With the separation of the two processes and Clayoquot fallout, the East Kootenay Table was left with environmental groups deemed "moderate" and determined to reach solutions.<sup>257</sup> The environmental groups left in the process also became very ownership oriented towards the process and resented outside interference. This lessened the influence of the more extreme groups who did not return, but continued to try to influence the course of events from outside the process.

The split of the Kootenays into East and West also aided negotiations because the remaining area was small in size and population. It was easier to deal with smaller units in an area with a high percentage already in Protected Areas and where expected economic consequences from further reductions were minimal. As noted, there was less of a

history of confrontation and bitterness in the East Kootenays, so any residual acrimony from previous issues in the West Kootenays were not carried into the process.

A positive aspect of the East Kootenay Table was the desire to learn from the mistakes of the Vancouver Island process. There appeared to be a genuine desire among most participants to succeed and not work to scuttle the project when away from the Table. There were very few instances of sector members working to undermine the process among their constituents. There were numerous references of satisfaction that no "Clayoquot-like" event had occurred to disrupt proceedings. When it became clear that all targets would not be reached, there was serious effort to get as much agreement as possible. Part of this may have stemmed from the more extensive pre-process training undertaken in the East Kootenays, or it could have simply been better group chemistry. Unlike Vancouver Island, there was no long and bitter history of confrontation among sector members. There appeared to be a consistent desire from most sectors to get things accomplished. However, all these positive factors would have been rendered insignificant without a transition strategy in place. Much of the progress flowed out of the pivotal role the transition strategy played.

Despite all the positive factors the East Kootenay CORE Table had, it could not settle the most contentious issues. Twenty-one out of the 137 polygons could not be

decided on. The Coal Sector retracted its support and demanded full access to all deposits outside of Protected Areas. Tourism and ranching interests were unhappy about a lack of access to Protected Areas. Other sectors signed the agreement subject to qualifying statements.

The government's East Kootenay Land Use Plan accepted the majority of Owen's recommendations. Despite this, it is clear that the government was concerned that the CORE process had caused too much disturbance and realized they needed more buy-in for their Plan to be a success. Despite some progress CORE had produced neither a complete nor politically sellable plan. Concessions were given to recreation and resource interests in return for acceptance of the government's plan. Coal interests were given the access to deposits they were seeking. Even the environmental groups that had opted out of the CORE process were given input and their concerns about connectivity in the Purcells was addressed.

The East Kootenay Table demonstrated that at least limited success is possible through a consensus-based forum. The East Kootenays had many favourable conditions but still could not succeed in it's quest to produce an all-inclusive plan that settled land use in the East Kootenays. It remained for the government as the true power holder to come in, make the decisions the CORE Table could not, and produce a plan that yielded consensus and brought an end to land use

conflicts.

The hybrid process of consensus-based decision making and political deal-making brought closure to major land use questions in the East Kootenays. There are no more conflicts over land use in the East Kootenays. The process worked by using the CORE process as a necessary preamble to a political settlement. The government once again was forced to bite the bullet and make the decisions that a consensus-based forum could not. The government used the CORE Plan to sell its government Plan as a consensus-based decision arrived at in a public and open fashion. In fact the government Plan was again a series of strategic policy statements that left most of the work to be done in private without further public consultation. Although this government Plan was based on the CORE plan, it was so skeletal in form that changes and substance could and likely will be undertaken at unspecified future dates and go largely unnoticed. Indeed polygon designation work is still underway at LUCO.

## CHAPTER FOUR

### CONCLUSION

The East Kootenay CORE Table represented the closest CORE came to meeting its objectives. The Vancouver Island process was the least successful. The government plans, which built on the CORE work, met the objectives of all significant players and brought an end to significant land use conflicts in both regions. The character of the re-allocative land issues dictated strictly win-lose decision making. While there may have been long term win-win potential for all groups in getting forest yield levels down to sustainable and predictable levels, any re-allocation was sure to have an immediate and at least short-term negative impact on workers and forest companies. The success of the government processes and the failures of CORE show that it is extremely difficult to find consensus on issues where the character of the issue dictates a win-lose outcome.

CORE failed in terms of the goals it had set for itself. In neither case did it craft a comprehensive land use plan. CORE failed completely in this regard on Vancouver Island, but did make some progress in the East Kootenays with the help of a simplified mapping system and a strong compensation package. This failure of the CORE processes in achieving its goals supports Douglas Amy's point that it is

naive to believe that conflicting interests are only different interests that can be accommodated around. The government processes reflected an understanding of this point, relying on classical deal making that did not try to achieve consensus among all groups in one forum. The government negotiated with the groups that mattered and convinced them this was the last chance to influence the outcome.

Compensation played a pivotal role in both land use processes. In using compensation there is an explicit admission that conflicting interests cannot be accommodated and turned into mutual gains. Compensation admits the win-lose nature of many environmental disputes, but attempts to create an acceptable solution by mitigating the damages suffered by the losing party.<sup>258</sup> In British Columbia, any restructuring of resource land was sure to have economic consequences for those groups with the property rights. Without compensation the only question was how much the groups would lose. In the East Kootenays CORE process, compensation was agreed to be paid to the losers. This muted opposition from the forest unions and local communities. It was these groups who, without compensation, finally scuttled the Vancouver Island CORE process.

Even with a compensation strategy the East Kootenay process did not completely succeed. Issues such as coal access, and tourism and range access to Protected Areas

retained their win-lose character. Even with compensation, minimal economic consequences, and a simplified land designation process, negotiators could not reach agreement on the most contentious polygons. The failure of the East Kootenay CORE process under good conditions shows the limited utility of the consensus based process. The character of BC land use planning exposed serious shortcomings in the approach. The East Kootenay CORE process illustrates that even with compensation and minimal economic impacts, it is nearly impossible to turn re-allocative processes into all-gain scenarios.

It should be noted that there was never any question that FRBC money would be used to compensate forestry workers. In actuality this money belongs to the province as a whole and could have been used for anything from health-care to education. It was agreed early on, or at least assumed, during the creation of FRBC that the new money would go to forest interests. This accounts for the minimal amount of opposition to the plan from industry and workers. The money from FRBC was a special compensation package just for forestry workers. Those who might be opposed to FRBC money being earmarked for forest interests did not have a seat at the Table and thus had no voice in how the money was to be spent. The costs of compensation in the form of FRBC money were socialized, that is spread across the general public. Compensation did create the possibility of an

inherent win-lose situation being changed to win-win. The true losers were those who would have liked to have seen the money spent on other items such as education and health care. Earmarking of this money for forestry workers indicates the high degree of importance the government attached to stopping the "war in the woods" and keeping its traditional constituents, the forestry workers, happy. Keeping the forest workers happy was essential for any success that CORE might have. It is ironic that CORE, which was touted as a democratic process, could only garner what success it did because of the corporatist process underlying the forest Sector's revenue grab. Indeed, much of the perceived success that CORE, as a democratic and inclusive process, had was derived from FRBC and the government land use processes, both exclusive and undemocratic procedures.

The land use decision making process in the two regions was really a hybrid of the CORE planning process and a politically-motivated planning process. A detailed plan was provided by the Table in the case of the East Kootenays, and by Stephen Owen for Vancouver Island. The government work was the "final" product however. The government Land Use Plans merely committed to transition strategies and designated Protected Areas. The plans were simply preamble to years more work finalizing the land use plan through various government agencies. To fulfil its promise of delivering a new way of deciding land use, the government

relied on the public perception that this was a consensus-based decision largely using the work of CORE. Actually this was only partly the case.

While compensation did play the pivotal role in both CORE processes, it should be conceded that other factors did contribute to the relative success or failure of both CORE Tables.

The interaction of other government initiatives and the CORE plans was an impediment at both Tables. Although more government direction would have cleared up some confusion and misconception about concurrent initiatives, the embryonic stage in the development of these programs was the chief cause of doubt about the nature of their interface with CORE. Concurrent programs were slightly less of a problem at the East Kootenay Table merely because of timing.

The furore over Clayoquot Sound had ramifications for both Tables. Despite being on Vancouver Island, Clayoquot Sound was not included in CORE's mandate. The similarities between the government's decision here and the later hybrid process suggests that the Clayoquot decision was to be the model for the government if the processes failed to reach agreement.

The effect of Clayoquot on the Vancouver Island CORE process is often overstated. It is clear that most sectors were never committed to the process and that Clayoquot merely exposed this fact. The sectors seemed to be grasping

for impediments rather than seeking a way to work around them. This is not surprising as they were being asked to bargain land re-distribution with no compensation for the losers.

The effect of the Clayoquot controversy was quite different in the East Kootenays. In fact, it may have had a positive influence. Despite some animosity created by a boycott by the environmental sectors, it is clear that, after some internal debate, a smaller more moderate coalition of environmental groups returned to the Table.

In the East Kootenays the insistence on one planning map and the effectiveness of the polygon mapping system eliminated any competition between sectorally produced maps and resulting polarization. It should be remembered, when considering the relative mapping success in the East Kootenays, that the mapping program had been reduced to identifying each polygon as one of two alternatives. Regardless, even in this simplified system negotiators could not reach a decision on twenty-one polygons.

Participation of the true power holders from each sector was a building block for consensus and was cited as crucial by all proponents of consensus. Bingham found in her case studies that this was the single most important factor for determining success.<sup>259</sup> It is clear from an examination of both land use processes that the most significant power holder was the provincial government. Thus, both CORE Tables

were set up with no significant participation from the group that held nearly all the power in deciding land use issues.

All consensus analysts agree that for a multi-party consensus process to succeed, the stakeholders must all be convinced that they can get more out of the process than from other options. In both CORE processes uncooperative sectors gambled, quite rightly, that they could get more or lose less out of a imposed settlement. It could be claimed that by always maintaining the right of cabinet approval over any CORE plans, the government intimated that they would always be the true power holders in any decision on land use. A sector such as the Vancouver Island FMM, which was asked to make major concessions during the Table meetings, quite rightly ascertained that bargaining away significant timber rights would be unwise knowing the likelihood of conceding less of the status quo under a government top-down decision. Damage control could be practised and much of the status-quo retained by intensive lobbying. By utilizing its hybrid process the government inferred that it was not buying completely into the CORE process. It should not be surprising that some sectors followed suit.

#### 4.1 Conclusions

A comparison of the Vancouver Island and East

Kootenay CORE processes indicate that the consensus-based decision making forum doesn't work under difficult conditions and may not even work under good conditions. The CORE processes were based on overly optimistic, possibly naive, tautological literature that was of limited utility when used in a re-distributive land use forum. The literature led CORE to attempt to treat re-allocative land use decisions as positional disagreements that could be accommodated into mutual gains. A comparison of the two CORE processes made it apparent that many of the criteria deemed necessary by consensus advocates, such as mental attitudes, breaking the process into subcommittees, and technical equality, were worthless when put up against mutually exclusive interests. CORE attempted to find consensus where there was little middle ground.

The consensus-based process may have some success in allocative disputes where misunderstanding plays a key role. However, the consensus-based process should, for the most part, bring its expectations more in line with those sketched by Douglas J. Amy. Amy sees the process as mainly useful only in building some form of trust between long-time foes and prompting groups to reflect on their true interests. The success of CORE may have been in the communication and understanding it fostered between embattled groups. It would not have been unreasonable to have expected the CORE deliberations to identify, if not

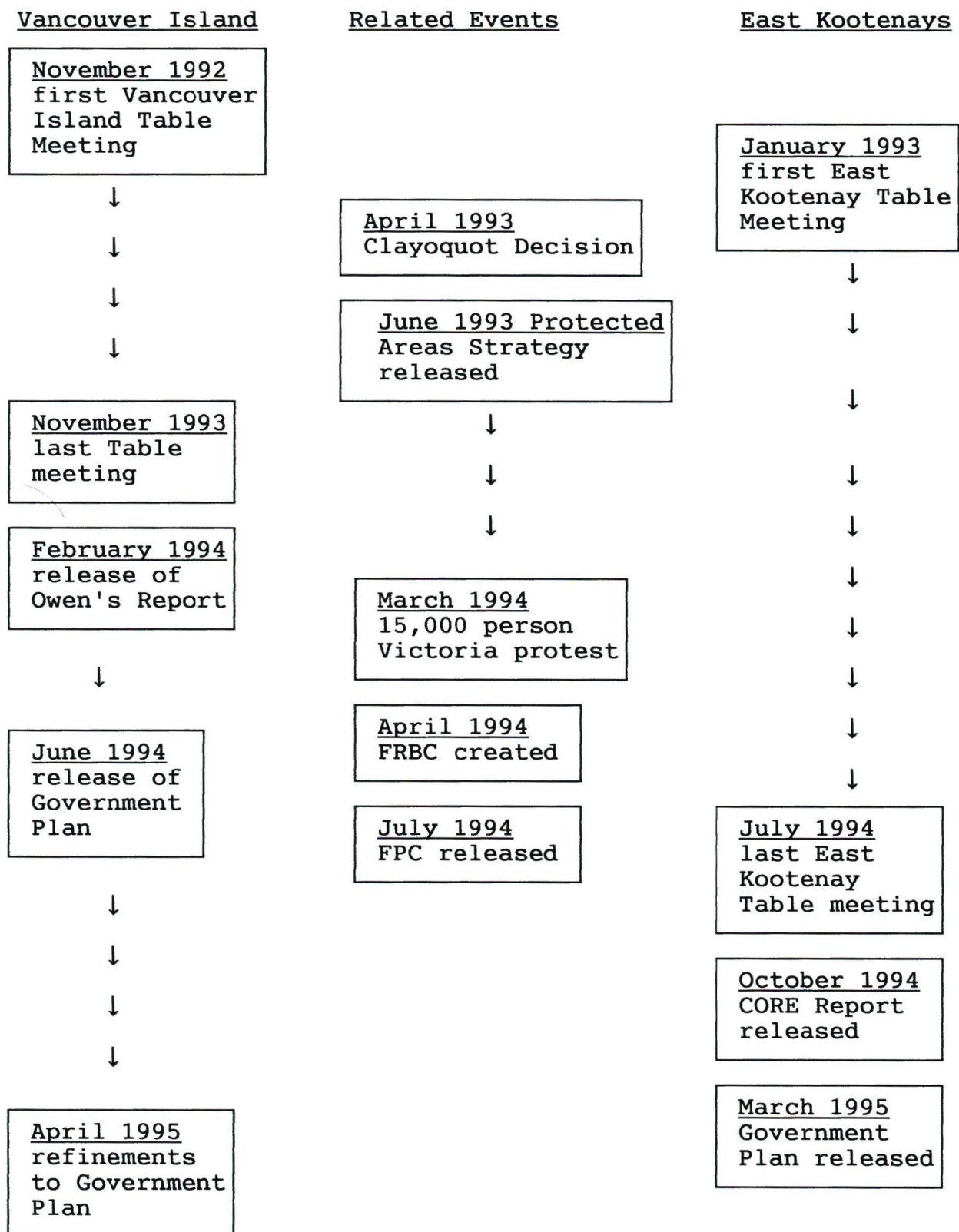
agree upon, long term solutions that could pay dividends all around. Identifying common goals and issuing joint vision statements is a feasible task for the consensus-based forum. Thus, CORE could have at least partially delivered upon March and Olsen's call for an integrative process from which a collective will, sympathy and trust will emerge. However, asking for a complete land use plan in one fell swoop not only shows a lack of understanding of many land use conflicts, but naive faith in a forum burdened with limited utility.

Politics is about conflicting interests as well as common ones. Politics not only involves trade-offs, but competition between conflicting values. Processes that don't take this into account will enjoy limited success. We have not yet arrived at a cooperative society. Irreconcilable visions of society lie at the centre of important political struggles.<sup>260</sup>

However, the CORE experience was not totally without benefit. The NDP has strengthened the belief of citizens of British Columbia that all impacted groups should have a say in land use planning. The old system of forest companies meeting in private with government officials to decide forest policy is now no longer perceived by the public to be acceptable. The old practices may be continuing under the cloak of inclusive processes, but the perception of their illegitimacy has nonetheless been released into society.

While CORE did fail to deliver in its goal to fashion comprehensive land use plans in the East Kootenays and on Vancouver Island, it may leave a positive legacy. There is some evidence to indicate that CORE had a softening effect on the hostile land use climate in both locales. In this fashion it may have laid the groundwork for future successes, such as the government Plans, and at least partially fulfilled Stephen Owen's hope of an elevated level of debate over land use in British Columbia.

**Table 4**                      **FLWSHEET OF IMPORTANT EVENTS**



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