

IN PURSUIT OF CONSENSUS: The Clayoquot Sound Sustainable
Development Task Force

by

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ABSTRACT

On August 4, 1989 the Ministers of Environment and Regional and Economic Development for the Province of British Columbia announced the establishment of a task force to develop a community-based sustainable development strategy for the Clayoquot Sound area on the west coast of Vancouver Island. The formation of the Clayoquot Sound Sustainable Development Task Force (Task Force) was a response by the provincial government to a persistent and escalating conflict over resource allocation on provincial forest lands.

Thirteen members were originally appointed to the Task Force by the provincial government. The provincial government also selected the mediator and prepared the terms of reference for the Task Force which instructed the Task Force to function as a dispute resolution mechanism operating on a consensus basis.

This study examines the Task Force, including the priorities of the members with respect to the issues being negotiated, the task force as a mechanism and the alternative dispute resolution process used. A pair-wise comparison survey was the method used to determine Task Force members priorities. Analysis of the criteria necessary for conducting a successful environmental mediation effort provided the basis for understanding the shortcomings of the Task Force's attempt to resolve the resource allocation dispute within Clayoquot Sound.

The results of the pair-wise comparison survey indicate that the priorities of the Task Force members were distributed among the nine items included in the survey. However, the survey results are not conclusive because of the response rate and the stipulation that the survey must guarantee the anonymity of the respondents. With respect to the use of mediation by the Task Force, the conclusion reached in this study is that the provincial government, by specifying the parties with a right to participate on the Task Force, selecting the mediator, setting priorities, objectives and the time frame disregarded fundamental conditions for undertaking a successful mediation effort. It is also the contention of this study that the Task Force, by excluding the public and media from Task Force meetings, reinforced the suspicions and mistrust surrounding the process.

Examiners:

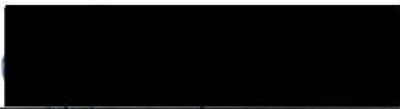


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IN PURSUIT OF CONSENSUS: The Clayoquot Sound Sustainable Development Task Force

1.0 INTRODUCTION

1.1 Purpose of Study

The purpose of this study is to examine the efforts of the Clayoquot Sound Sustainable Development Task Force (Task Force) to resolve the resource allocation conflict in the Clayoquot Sound area of Vancouver Island. Specifically, the study examines:

1. the task force model as a structure for conducting an alternative dispute resolution process;
2. the alternative dispute resolution process employed by the Task Force in its attempt to resolve the conflict and prepare a sustainable development strategy for the study area; and
3. the priorities of the Task Force members towards the issues being discussed and negotiated.

1.2 Integrated Resource Management

The change in attitude of the general public towards the stewardship and management of provincial forests in B.C. is summarized in the following quote by Jeanes (1987:18):

"The public have told us that they want their land managed for timber, recreation, fish, water and wildlife. In view of this, and the fact that they own 95% of the forest land in British Columbia, we had better listen." (Jeanes, 1987:18).

Since the 1970s a transformation has taken place from support for the management of forests for single resource use, i.e., timber production, to the management for multiple uses. Public forests today are required to be managed for fish and wildlife, outdoor recreation, forage, environmental amenities, water and timber. The concept of integrated resource management has emerged as a response to public demands for forest

management for purposes in addition to timber production.

Integrated-resource management is defined by Mitchell (1986:13) as "the sharing and coordination of the values and inputs of a broad range of agencies, publics and other interests when conceiving, designing and implementing policies, programs or projects." Responsibility for integrated resource management within B.C.'s provincial forests falls within the mandate of the Ministry of Forests (Section 4, Ministry of Forests Act, 1978), Integrated Resources Branch. The Ministry of Forests defines integrated resource management as a responsibility to coordinate and integrate "the uses of all resources on these publicly-owned lands (Provincial forests) in a way that aims to maximize social, economic and environmental benefits" (Ministry of Forests, Integrated Resource Management Brochure, 1 page). The B.C. Ministry of Environment also uses the term integrated resource management and defines the concept as a process in which optional courses of action are identified, assessed, and evaluated in preparation for an explicit political decision based on a perception of the greatest public good.

Comparing these definitions provides insight into the Ministry of Forests' views and priorities with respect to the concept of integrated resource management. In his definition, Mitchell (1986) provides a concise description of the objective, participants and responsibilities of the integrated-resource management and planning process. The approach advocated by Mitchell (1986) is practical and results-oriented. The Ministry of Environment's approach to defining integrated-resource management is somewhat different in so far as the emphasis is on a political decision. In comparison, the Ministry of Forests' definition does not give any indication as to the approach or responsibility for integrated-resource management decisions. A possible explanation for the Ministry of Forests' reluctance to articulate any specifics concerning the development or responsibilities for integrated-resource management decisions is the latitude this allows during the process of formulating integrated-resource management plans. This ability to freely interpret the definition of integrated-resource management and develop approaches specific to the situation is particularly advantageous when it comes to defining the social,

economic and environmental benefits that are to be maximized.

A second reason for the ambiguity in the Ministry of Forests definition of integrated-resource management is the result of the Ministry's dual mandate. As both the proponent for the forest industry and the agency responsible for management or stewardship of provincial forests (a public resource) the Ministry of Forests is often in a position of conflict of interest. This is evidenced by the historical short-term approach to management of forests for economic outputs, equated with timber production, that has generally preempted management for aesthetic, wildlife, recreation, tourism, water and other nontimber outputs. In choosing between these two alternatives the Ministry of Forests has historically opted for economic outputs as the principal goal in making allocation decisions. There are two reasons for this approach. First, decisions favouring economic outputs, as for example forest harvesting are easily defended because the results are measurable and readily apparent e.g., in revenue generated by taxes and stumpage, and increased employment. Second, the Ministry is able to argue that as a result of the economic output social benefits increase.

In attempting to manage the forest resource base for the greatest public good (one of the underlying principle of public resource management), the Ministry of Forests is faced with the decision of choosing whether the greatest public good is achieved through the economic benefits resulting from timber production or from the qualitative outputs of forests. As previously noted, this question had very little impact on the resource management and decision-making process until recently. However, changing social values have led to widespread public demands that nontimber forest outputs be recognized as legitimate and having value and therefore subject to equal consideration in the resource allocation process. Failure to respond to these demands continues to be a major shortcoming of the Ministry of Forests integrated-resource management planning processes and has led to the assertion that management continues to respond more often to economic demands than ecological requirements (M'Gonigle, 1989:354).

Incorporating other forest values and outputs into the integrated management planning process was recognized as essential in the mid 1970s. Pearce (1976:265) was aware of the importance of this concept when he noted the necessity "to find systematic and practicable methods of integrating with traditional forestry planning the necessary provisions to protect and enhance forest values other than timber." Recently, the Office of the Ombudsman (1988) reiterated this position in a report outlining the prerequisites for integrated-resource management. By not incorporating these other values into the integrated-resource management process or providing for the meaningful participation of a broad range of agencies, publics and other interests as Mitchell (1986) advocates, the resulting decisions and policies will continue to be single-sector oriented, reflecting the specific policy objectives of the Ministry of Forests - i.e., based on the Ministry's interpretation of the objectives of integrated-resource management rather than those of the public.

In 1987, in a report entitled Forest Management Review (Ministry of Forests & Lands, 1987:8) the recommendation was made to "develop a strong public consultation program, associated with integrated-resource management planning". Two years later there was little evidence to suggest the Ministry has acted upon these recommendations. A national public opinion survey of forestry issues conducted in 1989 (Forest Planning Canada, 1989) asked respondents to rate the importance of the various outputs of forests in Canada. Of the 2,500 Canadians surveyed, 27% rated wildlife protection the most important use of Canada's forests, 25% rated wilderness protection the most important use, and 12% rated logging the most important use. In another public opinion poll conducted in B.C., 61% of those interviewed said that conservation should have more influence on land-use decisions than economics (Ministry of Environment, 1989). Yet, integrated-resource management plans continue to reflect timber production as the primary objective. The Ministry of Forests' reluctance to balance its interpretation of integrated-resource management was demonstrated in the case of Meares Island, where the Ministry rejected the recommendations prepared by a multi-disciplinary committee appointed by government (Meares Island Planning Team) in favour of the

recommendations of the forest company (MacMillan Bloedel Ltd).

This disregard for public opinion and changing public values by the Ministry of Forests has led to suggestions that a comprehensive legislative foundation be considered (Forest Planning Canada, 1989) as a means of ensuring accountability. Until such time as accountability is legislated there is little assurance that the Ministry of Forests will attempt to reflect public opinion in its decisions. The consequences of not incorporating public input into decisions is further erosion of confidence in integrated resource planning. As the Office of the Ombudsman (1989:22) points out "public confidence is bolstered when the public knows and understands the decision-making process."

When decisions are taken that repeatedly disregard public opinion and sentiment the consequences can be significant. Depending on the extent of public displeasure the results can include; anti-government and anti-industry media campaigns, calls for the resignation of the Ministers responsible or, during general elections, the displacement of entire political parties as witnessed, for example, in the 1991 provincial election in British Columbia. In part the provincial government's embrace of the concept of sustainable development in the 1980s can be viewed as an attempt to appease a public dissatisfied with government decision-making practices, particularly those affecting resource issues.

1.3 Sustainable Development

In many ways the concept of sustainable development can be viewed as an extension of integrated-resource management. According to the Office of the Ombudsman (1989:23) "there is, or should be, a basic relationship between IRM and sustainable development." This relationship is evident in the 12 principles of sustainable development formulated by participants at an Interdepartmental Workshop on Sustainable Development in Federal Natural Resource Departments. These principles were:

1. informed decision-making that routinely integrates environmental considerations into economic policies and strategies as early as possible in the decision process:
2. the anticipation and prevention of environmental problems:
3. holistic planning and management of the environment in terms of all the functions derived from the environment:
4. full-cost accounting that incorporates environmental costs into prices:
5. living off the interest of natural resources:
6. prudent management of non-renewable resources:
7. emphasis on the quality of economic "development" over the quantity or rate of "growth:"
8. the building of partnerships among stakeholders:
9. the meeting of basic human needs and aspirations.
10. planning and analysis conducted on an ecosystem basis:
11. the promotion of ecological, social and economic diversity:
12. the fair sharing of costs and benefits.

A thirteenth principle, that of effective citizen participation, while implied in the above list, must be added as a separate item. As the World Commission on Environment and Development (1987) noted, sustainable development requires political systems that secure effective citizen participation in decision making. A similar view is held by the B.C. Round Table on the Environment and the Economy (1992:76) as demonstrated in its recommendation that "participatory and consensus-based decision-making processes be included as an integral part of the planning and management of the environment, economy and social systems in British Columbia".

With the potential convergence of integrated-resource management and sustainable development, resource managers would benefit by following the example of sustainable development proponents and begin the task of formulating principles for integrated-resource management. These principles should be developed through a consultative process and reflect the objectives of integrated-resource management as described by Mitchell (1986). By taking the initiative, resource managers may help restore some of the public's confidence that has been steadily eroding through decisions that appear to favour the forest industry and timber harvesting to the exclusion of all other interests and forest outputs.

1.4 Discussion

The province became concerned with the deteriorating view of its resource management policies when the media started to refer to British Columbia as the "Brazil of the north" and boycotts of British Columbia forest products were threatened. In order to improve its image the province needed to prove that it was concerned and responsible when it came to management of resources and the environment, or, in other words, needed to show that it is a proponent of the principles of sustainable development.

A solution to the province's damning environmental reputation presented itself in the long-standing and highly visible conflict over forest harvesting plans for Clayoquot Sound. In August of 1989, the Ministers of Environment and Regional and Economic Development jointly announced the creation of a task force to resolve the resource allocation conflict within Clayoquot Sound and promote long-term economic development, while safeguarding the integrity of the environment through the formulation of a community-based sustainable development strategy.

Establishment of the Clayoquot Sound Sustainable Development Task Force (Task Force or the Task Force) was a significant departure from the resource decision-making processes historically practised by the provincial government under the label of integrated-resource management. The concept of a consensus-building process appeared to offer an opportunity for balancing the interests and conflicting values of the many stakeholders with an interest in the future of Clayoquot Sound. Promise was also seen in the Task Force and the consensus-building process as a possible model for dealing with resource allocation conflicts in other parts of the province if consensus could be achieved in Clayoquot Sound. The Task Force thus generated widespread attention because of the possibility that a turning point in the future of resource management and decision-making in the province was at stake.

2.0 CLAYOQUOT SOUND STUDY AREA

2.1 Introduction

Clayoquot Sound is centrally located on the west coast of Vancouver Island extending from Estevan Point in the north to Portland Point in the south and inland to Strathcona Provincial Park (Map 1). The 4,000 square kilometre (229,000 ha) area is comprised of a variety of landscapes including mountains, watersheds, inlets, and coastal islands. Clayoquot Sound is known also for its unique and diverse marine and terrestrial habitats, including what is believed to be the largest area of intact, old-growth, temperate rainforest remaining on Vancouver Island (Darling & Keogh, 1990).

2.2 Communities, Population and Political Boundaries

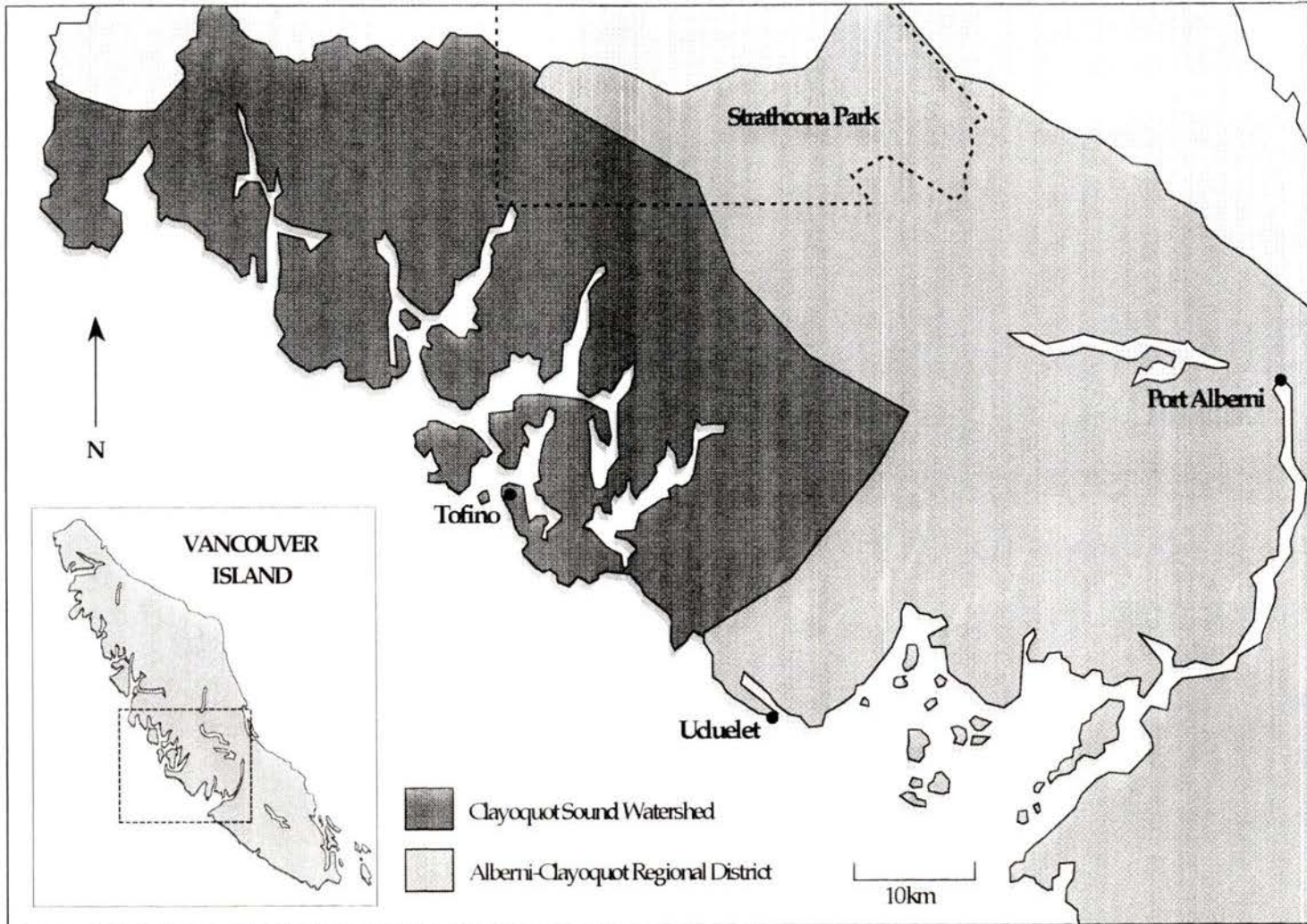
The Clayoquot Sound study area falls partially within the Alberni-Clayoquot Regional District (Map 2). The Alberni-Clayoquot Regional District is comprised of two unorganized areas, Subdivision A which includes the City of Port Alberni, and Subdivision B consisting of the District Municipality of Tofino, Village of Ucluelet, and the Ahahaswinis, Alberni, Anacla, Clakamucus, Elhateese, Esowista, Hesquiaht, Ittatsoo and Keeshan Indian reserves.

Based on 1986 census data, the population of the Alberni-Clayoquot Regional District was 30,341 (Census Canada, 1986). The population is primarily distributed among three centres: City of Port Alberni, 19,892; Village of Ucluelet, 1,593; and District Municipality of Tofino, 813. Census figures for the reserves are incomplete.

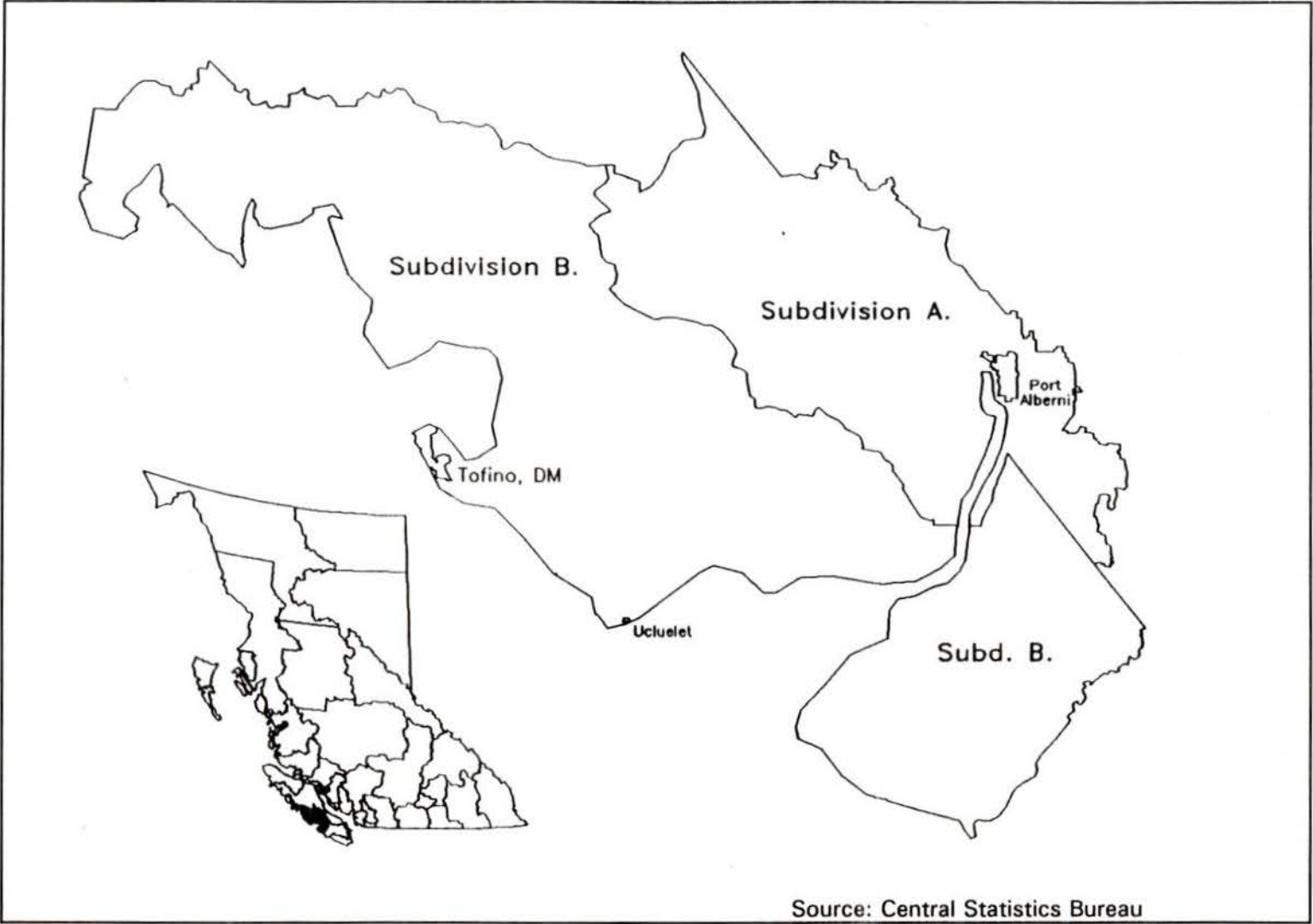
A comparison of the census data for 1981 and 1986 reveals the population of the Alberni-Clayoquot Regional District as a whole declined 6.8% between 1981 and 1986. The decline was evident throughout the region with the exception of Tofino, where the

Map 1

Clayoquot Sound Study Area



Alberni - Clayoquot Regional District



population increased by 15.6%. Reasons for the changes in population can be attributed to declining employment in the forest harvesting and processing sectors in Port Alberni and increases in tourism employment in Tofino.

2.3 Economic Base of Alberni-Clayoquot Regional District

2.3.1 Forestry

The forest industry continues to maintain its position as the most important economic sector in B.C. However, the industry's hold on this position is tenuous with threats and challenges from both within and outside of the industry. The long-term outlook for the forest sector is summarized in the description of it as a "sunset" industry (Jacques & Fraser, 1989:96). There are several reasons for this view particularly as it is applied to the west coast of British Columbia. The most compelling is based on projected timber shortages if harvest levels are maintained at the current level. Presently, the rate of cut in the Vancouver Forest Region, which includes Vancouver Island, exceeds the rate of growth by 27 per cent (Times-Colonist, 1991:A12). Withdrawals from TFLs, reductions in the annual allowable cut (AAC), shrinking markets, trade barriers, shifts in public values, and concerns over the environmental impacts of timber harvesting have also contributed to the bleak outlook for the future of the forest industry in B.C.

The effects of the downturn in the forest sector and increased mechanization are evident in the changes in the level of employment. Between 1979 and 1988, reductions in the number of unionized employees in logging, sawmilling, plywood and remanufacturing reached 31% in B.C., which translated into a loss of 16,288 jobs (M'Gonigle, 1989:355). The shrinkage in forest sector employment has been particularly painful for Port Alberni. Since 1981, 2,500 jobs have disappeared, including 1,200 to 1,500 jobs in forest harvesting, a decline of approximately 20%. In April of 1991 an

additional 370 jobs were eliminated with the closure of the kraft mill in Port Alberni (Smith, Times-Colonist:1991:A7). In total, an estimated 600-1,000 people will be affected by the closure of this mill alone. However, for the time being forestry continues to play a major role in the economy of Clayoquot Sound. In 1988 the forest industry in the study area provided 358 person years of employment and \$1.6 million in stumpage fees (McKinnon study for BC Round Table on Economy and Environment).

2.3.2 Tourism

The downturn in the forest sector is in direct contrast to the increasing importance of the tourism sector. Tourism is Canada's third leading industry and the fastest growing sector of the economy. In B.C. tourism is the second-most important sector of the economy generating \$3.2 billion in 1986 and employing over 100,000 workers, making it the province's largest employer (Ministry of Environment, 1989:5). Within the tourism industry, nature and adventure tourism are the fastest growing segments, increasing at a rate of 17% per year (Outdoor Recreation Council, 1988) and generating \$135 million annually (Ministry of Environment, 1989:7).

Although the economic impact of tourism is important to B.C. as a whole, perhaps more significant is the impact on rural economies. As M'Gonigle (1989:355) notes, tourism is the only form of employment that "returns more money to the rural economy than it takes out", while helping to diversify economies from single-industry resource dependency. This assertion has particular relevance for Tofino. As of 1988, tourism was Tofino's number one industry, generating \$14,300,000. The 530,000 visitors provided 371 person-years of employment (52% of total community employment) and supported 95 businesses (Careless, 1988:1). With currently a seven month long tourism season, as compared to two months in the early 1970s, tourism is the cornerstone of Tofino's economy.

Ucluelet's tourism sector has also experienced growth in the last decade. However, from the roughly equal sharing of the tourism base between the two communities in 1981, Tofino has increased its proportion to an estimated 74 per cent. The differential growth rate of tourism can be partially attributed to Tofino's interest in protecting the quality of the natural resource base (Gregory, 15:1989). In spite of the loss of some of its tourism business to Tofino, the industry remains an important component of Ucluelet's economy, contributing \$6,100,000 and 159 person years of employment in 1988.

Tourism has traditionally played a relatively minor role in the economy of Port Alberni. In 1988, the accommodation and food sectors employed 2.7% or 452 people in Port Alberni (Ministry of Finance, Central Statistics Bureau). As a single industry town dependent upon the forestry sector, tourism has held little appeal because of the low wages.

2.3.3 Mariculture and Commercial Fishing

The mariculture and commercial fishing industries also have a strong presence in Clayoquot Sound, contributing to the economy and employment of the Alberni-Clayoquot Regional District. Mariculture, an umbrella term for the raising of finfish (e.g. salmon), shellfish (e.g. oysters) and marine plants (e.g. Laminaria) is a relatively recent arrival to coastal B.C. When first introduced, expectations for the industry as a source of economic prosperity for coastal communities in B.C. resulted in what has been likened to a gold rush, to secure upland and foreshore tenures. However, the flourish of activity in aquaculture during the early 1980s has gradually diminished as a result of regulations, economic realities, and market saturation. In 1987, 16 fish farms were operating in the Alberni-Clayoquot region providing an estimated 74 person-years of employment based on a \$4.1 million harvest (Ombudsman, 1988).

Commercial fishing, fish processing and shellfish harvesting are also important activities within Clayoquot Sound. In 1988 the landed value of fish and shellfish was \$29.5 million and provided an estimated 73 person/years of employment (Ombudsman, 1988). Commercial fishing fleets are based in Port Alberni, Ucluelet and Tofino. Since the reductions in the quotas for salmon and bottom fish were imposed there has been an increase in shellfish harvesting.

At present, the contribution of all of these industries to the economy of Clayoquot Sound and the Alberni-Clayoquot Region is significant. However, tourism is considered to have the most promising prospects in terms of providing long-term employment and economic benefits. This is based on predictions that tourism is likely to become the most important industry in the next century. In order for tourism to achieve this position the resource base (e.g. scenery and wilderness) requires protection. There are concerns however, that the tourism resource base is being compromised by the failure of existing resource management decision-making to integrate tourism values (Ministry of Environment, 1989). It is not surprising, therefore that residents of Tofino were concerned in 1983, when MacMillan Bloedel Ltd. proposed to begin timber harvesting on Meares Island. The island dominates the view from the community and logging would result in the loss of the very qualities upon which the present and future of the tourism industry depends (Gregory, 1989:14).

2.4 Meares Island and Sulphur Passage Conflicts

Meares Island and Sulphur Passage are two sites within Clayoquot Sound where bitter conflicts erupted over resource management decisions. In the late 1970's public concern was expressed by Tofino Village Council, the Friends of Clayoquot Sound (an environmental interest group) and other organizations and individuals as a result of MacMillan Bloedel's Management and Working Plan No. 5, Tree Farm Licence 20. The plan was opposed because of proposed timber harvesting operations on Meares Island and

the possible impacts on other resource values. Native bands and organizations including the residents of Opitsat (a reserve on Meares Island) also expressed their opposition to the timber harvesting plans on the basis that Meares Island is part of their land claims.

In response to the public concern, the Ministry of Forests approved MacMillan Bloedel's management and working plan with the understanding that an integrated resource use plan be prepared for Meares Island. A planning team was formed in November 1980, consisting of labour, industry, federal and provincial government, environmental interests, Native organizations, and the community of Tofino. As well, a public advisory committee comprised of four working groups was established to provide information from local resident user groups, licensees, and government agencies to the Planning Team.

On June 27, 1983, the Planning Team submitted its report on planning options for Meares Island to the Chief Forester. A letter attached to the report suggested no decision be made until an economic evaluation was made of the effects of logging or preserving Meares Island on the growth of tourism and other industries in the area. At an earlier meeting in Tofino (June 2, 1983) the planning options were presented to the public. A motion supporting a moratorium on logging Meares Island was voted on and passed by an overwhelming majority.

The Ministry of Forests ignored the recommendations of the Meares Island Planning Team, and instead chose to accept a report prepared by MacMillan Bloedel who had earlier quit the Planning Team because it did not support any of the proposed options. In making the decision to ignore the planning team's recommendations, the Ministry of Forests undermined not only the efforts of the planning team but also what little confidence remained in the Ministry's commitment to integrated-resource management. The subsequent intensification of the conflict can therefore be attributed to the Province of B.C., Ministry of Forests' handling of the issue.

MacMillan Bloedel's harvesting plan has not been implemented because of a court ruling that put the issue in abeyance until the outcome of the land claims issue was decided. This landmark court decision has prevented MacMillan Bloedel from commencing its forestry harvesting operation for the time being. However, the conflict remains unresolved.

The court ruling while, temporarily defusing the Meares Island conflict, was followed in 1988 by a second conflict near Sulphur Pass. With the Meares Island conflict still simmering, the dispute in Sulphur Pass escalated quickly. This time the conflict was over Fletcher Challenge Canada Ltd. road building operations in Sulphur Pass which were perceived as a threat to nearby wilderness areas. As the conflict intensified, protests, blockades and other forms of demonstration against Fletcher Challenge's activities became more confrontational, eventually leading to the arrest of 35 protesters including Nuu-Chah-Nulth elders.

2.5 Establishment of the Clayoquot Sound Sustainable Development Task Force

The Steering Committee for Sustainable Development, District of Tofino and Tofino-Long Beach Chamber of Commerce approached the provincial government in the summer of 1989 seeking support for the preparation of a sustainable development strategy for Clayoquot Sound. The reason for the move by the District was due to the Ministry of Forests' failure to respond in a manner which recognized the legitimate rights and concerns of area residents to have a voice in the socio-economic future of their community and the surrounding environment, and with the prospect of further conflicts and confrontations,

On August 4, 1989 the Ministers of Environment and Regional and Economic Development announced the formation of a task force to develop a community-based

sustainable development strategy. The Clayoquot Sound Sustainable Development (CSSD) Task Force was charged with responsibility for recommending ways to promote long-term development in the Clayoquot Sound area, while safe-guarding the integrity of the environment. To accomplish this the Task Force was expected to examine all aspects of "present and future development, including social concerns, aesthetics, and economic development potential in forestry, mining, tourism, fishing and aquaculture." (Ministry of Environment, News Release, August 4, 1989). Thirteen members were appointed to the Task Force representing local and regional governments, the local Tribal Council, the forest industry, labour, and the provincial government. The time frame for completing the preparation of a sustainable development strategy and resolving the dispute was one year.

3.0 RESEARCH METHODS AND RESULTS

3.1 Introduction

The purpose of this chapter is to describe the events preceding the establishment of the Task Force and to discuss the methods used in this study. An analysis of the results obtained from the pair-wise comparison survey administered to the Task Force members is also included in this chapter. In addition, the recommendations proposed by the Task Force are examined.

3.2 Background

The consensus-based alternative dispute resolution approach the Task Force was directed to use in attempting to resolve the conflict and formulate a sustainable development strategy was regarded as progressive for the provincial government. The implications of using mediation, if the Task Force was successful, were seen as possibly signalling "a brand new method by which land-use decision-making occurs in British Columbia" (Administration & Policy, 1989:1).

While the provincial government is credited with establishing the Task Force, the original proposal to develop a community-based sustainable development strategy was the initiative of the Tofino Steering Committee. The Tofino Steering Committee was formed by the District Council of Tofino and the Tofino-Long Beach Chamber of Commerce. The objective of the Tofino Steering Committee was to convince the provincial government to "radically re-think its decision-making process for forest land" (Administration & Policy, 1989:1). As an ad hoc group of Tofino residents, the Tofino Steering Committee had formed to explore possibilities for dealing with the continuing conflicts within the region. Under the direction of the Tofino Steering Committee the **Tofino Proposal** (1989) was drafted with the objective "to strike an environmentally

sensitive and sustainable balance between competing economic and cultural demands on the community's resource base." (Tofino Steering Committee, 1989).

The **Tofino Proposal** was presented to the Environmental and Land Use Committee (ELUC) of the B.C. Cabinet on May 11, 1989, as a blueprint for a community-based sustainable development strategy. Following a visit to the Tofino area by Premier Vander Zalm and discussions between industry, the provincial government and the Steering Committee, the provincial government revised the original **Tofino Proposal**, expanding the scope and representation. The result was the provincial government's initiative to create the Task Force.

The objective of the Task Force as stated in the August 4, 1989 news release was to develop a community-based sustainable development strategy for the resource-rich (Clayoquot Sound) area. A more detailed description of the Task Force's objective is provided in the terms of reference (Appendix 1):

"The objective of the Task Force will be to prepare a sustainable development strategy for Clayoquot Sound ensuring that all aspects of present and future development are addressed, including social concerns, aesthetics, and economic development opportunities and requirements of all the resource sectors including forestry, mining, tourism, fishing, and aquaculture. The Task Force will produce recommendations which will promote long-term economic development in Clayoquot Sound while safeguarding the integrity of the local environment."

Although the establishment of the Task Force was viewed as promising by many there was also scepticism. Lack of trust stemmed from the failure of the government to act on the recommendations of the Meares Island Planning Team. Suspicions were also raised concerning the composition of the Task Force and appointment of members by the provincial government. Specifically, these latter concerns focused on whether the Task Force represented a cross-section of the views of residents within the Clayoquot Sound area. Determining whether there was a balance among Task Force members with respect to their priorities concerning the issues under discussion is one of the objectives of this study.

3.3 Literature Review

Two research methods were used in this study. The first was a review of literature exploring the four primary areas with which this study was concerned:

1. disputes and conflicts;
2. alternative dispute resolution;
3. public participation techniques; and
4. the task force structure.

Because of the comprehensiveness of the issues covered in the Task Force's mandate a short review of resource management and planning, forest policy, principles of sustainable development, and public values was also undertaken. Where applicable these issues were examined from the context of policies, practices and initiatives found in British Columbia.

An understanding of the characteristics contributing to the success or lack of success resulting from the use of alternative dispute resolution (i.e., mediation and consensus-building) was obtained by examining case studies where the process was employed. Specific attention was paid to: the definition and measurement of success; the role of participants (industry, government, interest groups); the role of non-participating stakeholders (i.e., constituent groups, legislators, bureaucrats); the selection and role of the mediator; the efficiency of the mediation process (i.e., cost, time, inputs and outputs); alternative processes (i.e., litigation, arbitration); and implementation of recommendations and agreements (monitoring, political acceptance). It was discovered that each of these elements of a dispute can have a significant effect on the outcome of the alternative dispute resolution process. An extensive discussion of conflicts and alternative dispute resolution is provided in Appendix 2.

Successful mediation, begins with identification of stakeholder groups, sometimes referred to as affected interests, and provision of opportunities for direct participation at

the negotiating table. Disputes involving a large number of unorganized stakeholders with similar concerns may necessitate the choosing of a limited number of representatives to appear on behalf of these stakeholders at the negotiating table. The key, however, to both successful mediation and preparation of a sustainable development policy or strategy

representation of all affected interests including individuals, agencies, or special interest groups and organizations. While the Environment and Economy (1992:37) stated that public participation is essential to the development of sustainability, there remains a diverse range of issues in respect to: 1) identifying the public; 2) the limitations of public participation techniques; 4) how to deal with non-participation; and 3) the social and economic impacts of public participation.

The resolution of the land use/resource allocation dispute within BC Provincial Government decided to create a task force as the first step in developing a sustainable development strategy and facilitating the mediation forces are not uncommon in British Columbia, it is useful to examine the Provincial Government's choice of this structure, particularly in light of the controversy surrounding the definition and characteristics of this structure and its sustainability. The task force structure was therefore examined from the perspective of: 1) the historical use of task forces; 2) the benefits and limitations of task forces; and, 4) political implications. Appendix 3 provides a detailed discussion of task forces and their use as a public participation technique.

3.4 Representation and the CSSD Task Force

Criticism and controversy over the issue of membership plagued the Task Force from the outset. The thirteen members initially appointed to the Task Force by the provincial government included representatives from the following organizations and agencies:

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CONTINUING STUDIES LIBRARY SERVICES
MCPHERSON LIBRARY
UNIVERSITY OF VICTORIA
PO BOX 1800
VICTORIA BC V8W 3H5

FROM:

Alberni-Clayoquot Regional District
City of Port Alberni
District of Tofino (3 members)
Fletcher Challenge Canada Ltd.
International Woodworkers of America
MacMillan Bloedel Ltd.
Ministry of Environment
Ministry of Regional and Economic Development
Nuu-Chah-nulth Tribal Council
Village of Ucluelet

On the basis of these appointments allegations were made that there was a disproportionate number of representatives appointed to the Task Force with an interest in maintaining the status quo on the central issues of resource allocation and land use management within the Clayoquot Sound region.

A second membership-related issue concerned the legitimacy of the Task Force members as representatives of all the stakeholders within the Clayoquot Sound area. This issue became a recurring topic during the negotiations. A third issue concerning membership involved the appointment of three representatives from the District of Tofino. Other interests represented on the Task Force, including the communities of Ucluelet and Port Alberni were assigned only one seat at the negotiating table. This led to resentment over the seeming prominence accorded to the District of Tofino within the Clayoquot Sound area. The membership issue was also exacerbated by the contention of the District of Tofino representatives that an independent environmental representative was still necessary. The majority of the other Task Force members' insisted the District of Tofino was assigned three seats in order that they appoint an individual to represent the environmental viewpoint.

3.5 The Pair-wise Comparison Survey Method

The Task Force was directed to prepare a sustainable development strategy that ensured all aspects of present and future development were addressed, including those of all of the resource sectors. While it is possible the Task Force could have formulated a sustainable development strategy without the input of all stakeholders it is unlikely there would have been much support from those excluded from the process for the implementation of such a strategy. A method was therefore required for determining whether the Task Force was comprised of members representing the interests of a cross-section of the stakeholders within the Clayoquot Sound region. The pair-wise comparison survey was selected on the basis of the suitability of this method for determining the Task Force members' views and priorities with respect to the development activities, decision making responsibilities, and social concerns outlined in the terms of reference.

The pair-wise comparison survey method requires respondents to make comparative valuations between different option statements based on the individual's priorities and views. According to both Keren and Raaijmakers and Ono and Davis (in Shafer & Davis 1989:190) the pair-wise comparison process "helps facilitate consensus and define priorities by using coherent decisions consistent with stated values of the decision makers themselves". The pair-wise comparison process accomplishes this by requiring the participants to choose between two items (the items used in the pair-wise comparison survey distributed to the Task Force members are listed in Section 3.5.2 on the following page). Each item is compared to every other item, hence the term pair-wise comparison or paired comparisons. By calculating the number of times each option statement is selected over every other statement a relative score is obtained. The ranked scores then provide an indication of the priorities and views held by the respondents towards the items or issues and the trade-offs they are willing to make.

3.5.1 Steps in the Development of the Pair-wise Comparison Survey

Based on the pair-wise comparison format used by Shafer & Davis (1989), a survey was developed for use with the Task Force. Development of the pair-wise comparison survey involved the following steps:

1. selecting issues for inclusion in the survey from the objectives of the Task Force as outlined in the terms of reference;
2. describing each issue in a brief statement;
3. pre-testing the survey;
4. explaining the objectives of the pair-wise comparison survey and distributing the survey to Task Force members;
5. contacting Task Force members to request return of the completed surveys and encouraging responses from those who failed to respond by the first deadline;
6. analyzing the results.

3.5.2 The Pair-wise Comparison Survey Option Statements

Nine option statements were included in the pair-wise comparison survey administered to the Task Force. The option statements were developed from the Task Force's terms of reference and the main themes of discussion during the Task Force's meeting. The option statements included in the pair-wise comparison survey are as follows:

1. Maintain the current forest land base and employment levels.
2. Maintain the current level of visitors and tourism employment.
3. Recognize the legitimacy of Native land claims and rights to a greater share of the resources of the region.
4. Establish ecological reserves.
5. Encourage mineral exploration and mine development.
6. Encourage a "share the forests" policy.
7. Establish a process for increasing community input and control over resource decisions.
8. Protect fisheries habitat from the effects of competing uses.
9. Increase the current level of visitors and tourism employment.

Shafer and Davis (1989) note ten items are a practical limit to the number of

comparisons a respondent can be asked to answer, since $f = \frac{n(n-1)}{2}$, or 45 comparisons ("f" = the number of paired comparisons and "n" is the number of items being compared). Using this formula, nine option statements result in a total of $f = \frac{9(9-1)}{2}$ or 36

comparisons. While there is no limit to the number of option statements which can be used, Shafer & Davis (1989:191) suggest 45 comparisons (10 option statements) is considered a reasonable number requiring approximately 30 minutes time to complete. Respondents' familiarity with the issues, the complexity of the issue and the specificity or generality of the option statements will also affect the length of time required to complete the survey.

3.5.3 Development of the Pair-wise Comparison Survey

Designing the pair-wise comparison survey begins with listing the issues or activities to be evaluated. In describing the issue or activity in a statement for the survey, Shafer and Davis (1989: 191) recommend the degree of generality or specificity of descriptions or activities is "kept as uniform or parallel as possible". However, as Shafer and Davis (1989:191) admit, this is not easy, especially if there are a large number of activities to be evaluated and ranked.

Developing the option statements for the pair-wise comparison survey used in this study was a problem because of the diversity and complexity of the issues, as for example Native land claims and "share the forests" policy. With the exception of the statement pertaining to ecological reserves, the terms of reference and the discussions during the Task Force's meetings were used as the basis for formulating the option statements. Since the establishment of ecological reserves precludes any form of resource extraction or development activities, the inclusion of this option statement would serve as an antithesis to the other option statements. This would help to ascertain if the

Task Force represented those interests within the region opposed to any form of development.

As previously mentioned, consistency in the degree of generality or specificity of the option statements is preferable. In the case of the Task Force the option statements were kept both brief and general, for reasons including: 1) the impracticality of attempting to provide a detailed explanation of each issue, 2) the need to keep the statements uniform, 3) the intent of the survey being to allow the respondents to make choices based on their interpretation of the issues.

The wording of the statements used to describe the issues or activities which comprise a pair-wise comparison survey requires careful consideration. While Shafer and Davis (1989:190) provide some discussion on the level of detail used in the description of the issue or activity, they acknowledge the question is "difficult to answer" for two reasons. First, the alternative choices for example, in the case of the Task Force, the various types and levels of development-may be extensive, and the information available to the decision makers (respondents) concerning each variation of development activity is heterogenous. Secondly, the decision makers' (respondents) imperfect knowledge as to the potential outcomes in terms of both the costs and benefits may be difficult to specify in a totally objective way.

Under suitable circumstances, one method of overcoming the problems of wording the option statements is to involve the respondents in this phase of the survey development using a Delphi type of approach. However, because of the fractional nature of the Task Force and the changes in membership which occurred during the course of the Task Force's tenure, this was not feasible.

3.5.4 Pre-testing the Pair-wise Comparison Survey

Following selection of the issues and formulation of the statements the next step in developing the pair-wise comparison survey involved pre-testing. The survey was pre-tested with a group of university students (n=11) to determine if the statements and the instructions for completing the survey were clear. The instructions for self-administering the survey included an example of how respondents were to indicate their choices between option statements (see Appendix 4 for a copy of the survey). All of the students involved in the pre-testing of the survey understood the instructions and were able to complete the survey.

3.5.5 Conducting the Pair-wise Comparison Survey

Arrangements were made with Mr. Allan Hope the Chairperson/Mediator of the Task Force to allow distribution and a brief explanation of the purpose of the survey at the final Task Force meeting on November 20, 1991. The confidentiality of the responses from individual Task Force members was stressed during the briefing, and reiterated in an explanatory letter accompanying the survey and in the survey instructions. The survey did not require the Task Force members to provide any information, personal or otherwise, with which they could have been identified.

Although at the time of its formation the Task Force consisted of twelve members plus the Chair the membership was expanded with representatives from organizations and interest groups excluded at the outset. The pair-wise comparison survey was administered to the full complement of agencies, organizations and special interest groups comprising the Task Force, including:

Original Task Force Members

Alberni-Clayoquot Regional District
 City of Port Alberni
 District of Tofino (3 members)
 Fletcher Challenge Canada Ltd.
 International Woodworkers of America
 MacMillan Bloedel Ltd.
 Ministry of Environment
 Ministry of Regional and Economic Development
 Nuu-Chah-nulth Tribal Council
 Village of Ucluelet

Subsequent Appointments to the Task Force

Ministry of Forests	Hesquiaht Band
Ucluelet Band	Toquaht Band
Ahousaht Band	Ministry of Tourism
Ministry of Agriculture & Fisheries	Tla-o-qui-aht Band

Note: All agencies, organizations and interest groups were allotted one seat on the Task Force with the exception of the District of Tofino which was allotted three seats.

While not explicitly stated in the terms of reference, the Task Force was empowered to appoint additional members with the consensus of the existing members. As a concession to the Nuu-Chah-nulth Tribal Council (NTC), who were reluctant to participate from the outset, a decision was reached to permit the five aboriginal bands within the Clayoquot Sound region each to appoint a member to the Task Force.

The appointment of the Ministry of Forests, Ministry of Tourism, and Ministry of Agriculture and Fisheries was endorsed by the Task Force in recognition of the responsibilities and stake these agencies had with regard to the issues under discussion (A detailed discussion of the membership issue is provided in Chapter 4, Section 4.4). Representatives of the 20 organizations, agencies and interest groups were present at the final meeting of the Task Force and received a copy of the survey and a self-addressed

stamped envelope.

3.5.6 Pair-wise Comparison Survey Response Rate

Eight surveys were returned by the November 30, 1991 deadline specified in the letter accompanying the surveys. One letter of refusal to take part in the survey was received from Fletcher-Challenge Canada Ltd. (Appendix 5). An additional four surveys were returned after the November 30 dead line but prior to the reminder which was sent to all Task Force members on December 12. Included with the reminder was a second copy of the survey with instructions not to complete the survey unless they had not already done so. Two more responses were received following this mail out, resulting in fourteen (n=14) completed surveys for an overall response rate of 70 percent.

3.5.7 Analyzing the Pair-wise Comparison Survey Results

The responses from the completed pair-wise comparison surveys were added together, i.e., the total number of times respondents selected each activity over every other activity, and a matrix constructed (Table 1) for presenting the results. The matrix is read by selecting an option statement from the columns and another option statement from the rows. The point of intersection shows the number of times the option statement from the column was selected over the row option statement. For example, determining the total number of times the statement, "Encourage a "share the forests" policy." was selected over "Establish a process for increasing community input and control over resource decisions.", would require going to the "Share policy" statement in the columns (Table 1) and locating the point where this column intersects the row containing the statement "Community input". In this example, "Share Policy" was selected in favour of "Community Input" five (5) times. To find the total number of times respondents chose "Establish a process for increasing community input and control over resource

Table 1

**CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE
PAIR-WISE COMPARISON SURVEY RESULTS**

OPTION STATEMENTS	Maintain forest land	Maintain tourism	Native land claims	Ecological reserves	Mineral explor.	Share policy	Community input	Fisheries habitat	Increase tourism	Total Scores
Maintain forest land	0	8	8	6	2	7	10	8	6	55
Maintain tourism levels	6	0	9	6	3	8	11	9	3	55
Native land claims	5	5	0	4	3	6	9	7	3	42
Ecological reserves	8	8	10	0	4	7	11	12	7	67
Mineral exploration	11	11	11	10	0	11	10	11	11	86
Share policy	6	6	7	7	2	0	8	8	4	48
Community input	3	3	5	3	4	5	0	5	3	31
Fisheries habitat	6	5	7	2	3	6	9	0	3	41
Increase tourism	8	11	11	6	3	10	11	11	0	71
Total Scores	53	57	68	44	24	60	79	71	40	496
Comparisons (1)	108	112	110	111	110	108	110	112	111	992

(1) Variation in the total number of comparisons is the result of one respondents unwillingness to select among all option statements.

decisions." over "Encourage a "share the forests" policy.", the same procedure is followed and the corresponding value is eight (8). Adding the two values provides the total number of respondents who completed this question. In this case $8 + 5 = 13$. The reason for the discrepancy between the total number of responses stems from one respondent choosing not to complete all of the comparisons.

In the study reported by Shafer and Davis (1989) the pair-wise comparison survey scores were used to calculate a benefit/cost criterion for implementing the activities evaluated in the survey. However, this was not the purpose of the pair-wise comparison survey as used here and these additional calculations were not made.

The "total scores" column in Table 1 provides the total number of times the statement in each column was selected over all of the other statements to which it was compared in the survey. Conversely, the total scores row indicates the total number of times the row option statement was passed over in favour of over the column. For example, the Total Score for the "Maintain tourism" column is 57 and the Total Score for the "Maintain tourism" row is 55. This indicates that "Maintain Tourism" was selected in preference to the other statements 57 times, whereas respondents chose the other statements 55 times over "Maintain Tourism".

The last row in Table 1 labelled "Comparisons", gives an overall total of the number of comparisons between "Maintain Tourism" and all other statements. For example, if "Maintain Tourism" had been selected in every comparison by all of the respondents (a perfect score), it would have been chosen 112 times. The variation in the "Comparisons" totals reflects one participant's decision not to respond to all of the questions in the survey.

The relative ranking of the option statements based on the pair-wise comparison survey result scores are as follows:

1. Establish a process for increasing community input and control over resource decisions. (79)
2. Protect fisheries habitat from competing uses. (71)
3. Recognize the legitimacy of Native land claims and rights to a greater share of the resources of the region. (68)
4. Encourage a "share the forests" policy. (60)
5. Maintain the current level of visitors and tourism employment. (57)
6. Maintain the current forest land base and employment levels. (53)
7. Establish ecological reserves. (44)
8. Increase the current level of visitors and tourism employment. (40)
9. Encourage mineral exploration and mine development. (24)

Figure 1 provides a graphical representation of the pair-wise comparison survey scores.

3.6 Statistical Results

Fourteen of the 20 members of the Task Force completed the pair-wise comparison survey, for a response rate of 70 percent. Descriptive statistical analysis was used in the analysis of the data. Table 2 provides a summary of the statistical results. Figure 2 and Figure 3 provide a graphical representation of the mean and range, respectively.

A measure of variability between the option statements is provided by the range, shown in Table 2. Notable are the lowest values i.e., 2 and 3, which occur in association with the option statements "Ecological Reserves", "Mineral Exploration" and "Community Input". The low variability indicates a high level of agreement among the respondents.

In examining the remaining six option statements the values for the range seem to indicate a broad divergence of opinion among the respondents. However, in the case of "Increase Tourism", "Maintain Forest Land" and "Maintain Tourism" the range is not an accurate reflection of the variability of the responses. Among two of the three option statements ("Maintain Forest Land" and "Increase Tourism") the upper value of the range (11) is found in association with "Mineral Exploration". Excluding "Mineral

Table 2

**CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE
STATISTICAL RESULTS**

	Maintain forest land	Maintain tourism	Native land claims	Ecological reserves	Mineral exploration	Share policy	Community input	Fisheries habitat	Increase tourism
Mean	6.625	7.125	8.5	5.5	3	7.5	9.875	8.875	5
Standard Error	0.8438	1.0253	0.7559	0.8864	0.2673	0.7319	0.3981	0.8332	1.0177
Median	6	7	8.5	6	3	7	10	8.5	3.5
Mode	6	8	11	6	3	6	11	11	3
Standard Deviation	2.3867	2.9001	2.1381	2.5071	0.7559	2.0702	1.1260	2.3566	2.8785
Variance	5.6964	8.4107	4.5714	6.2857	0.5714	4.2857	1.2679	5.5536	8.2857
Range	8	8	6	8	2	6	3	7	8
Minimum	3	3	5	2	2	5	8	5	3
Maximum	11	11	11	10	4	11	11	12	11
Sum	53	57	68	44	24	60	79	71	40
Count	8	8	8	8	8	8	8	8	8

Figure 1
Pair-wise Comparison Survey Results - Scores

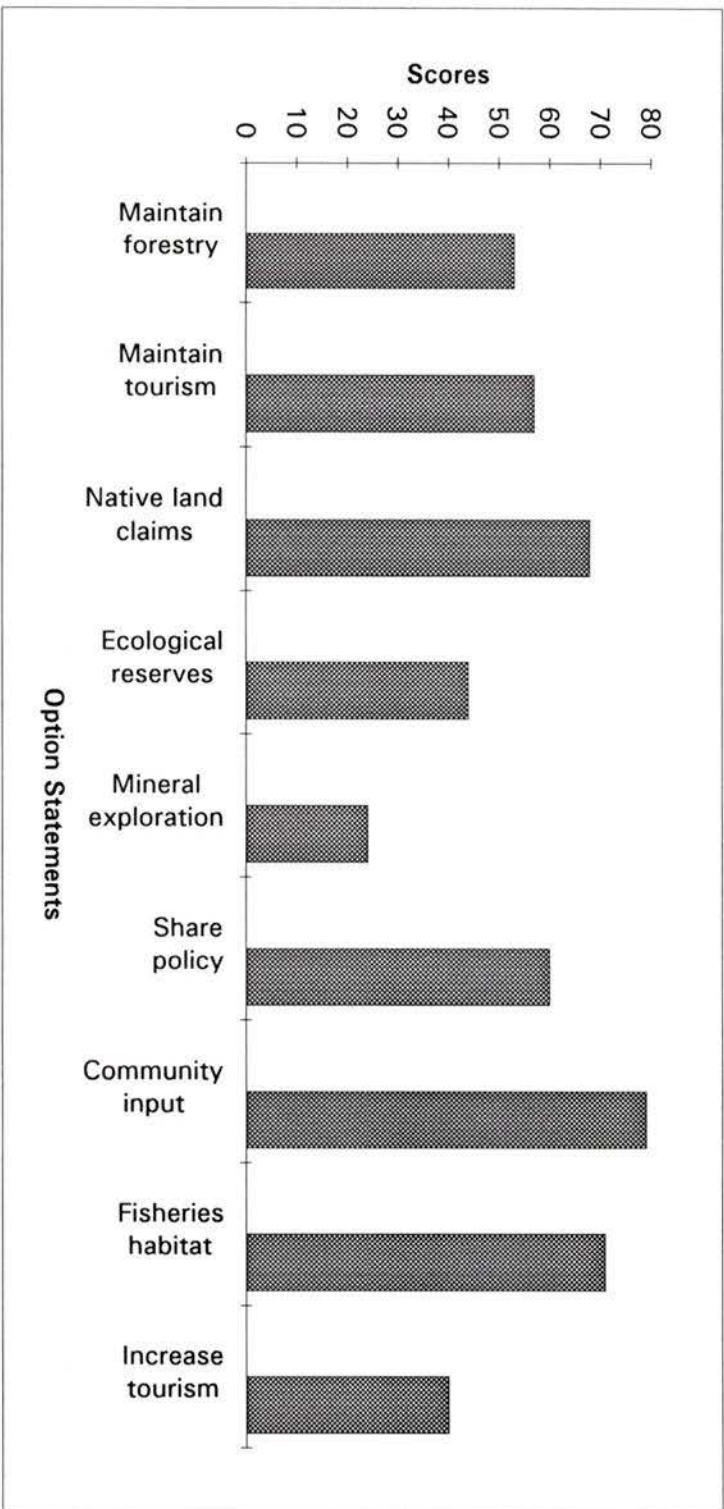


Figure 2

Pair-wise Comparison Survey Results - Mean

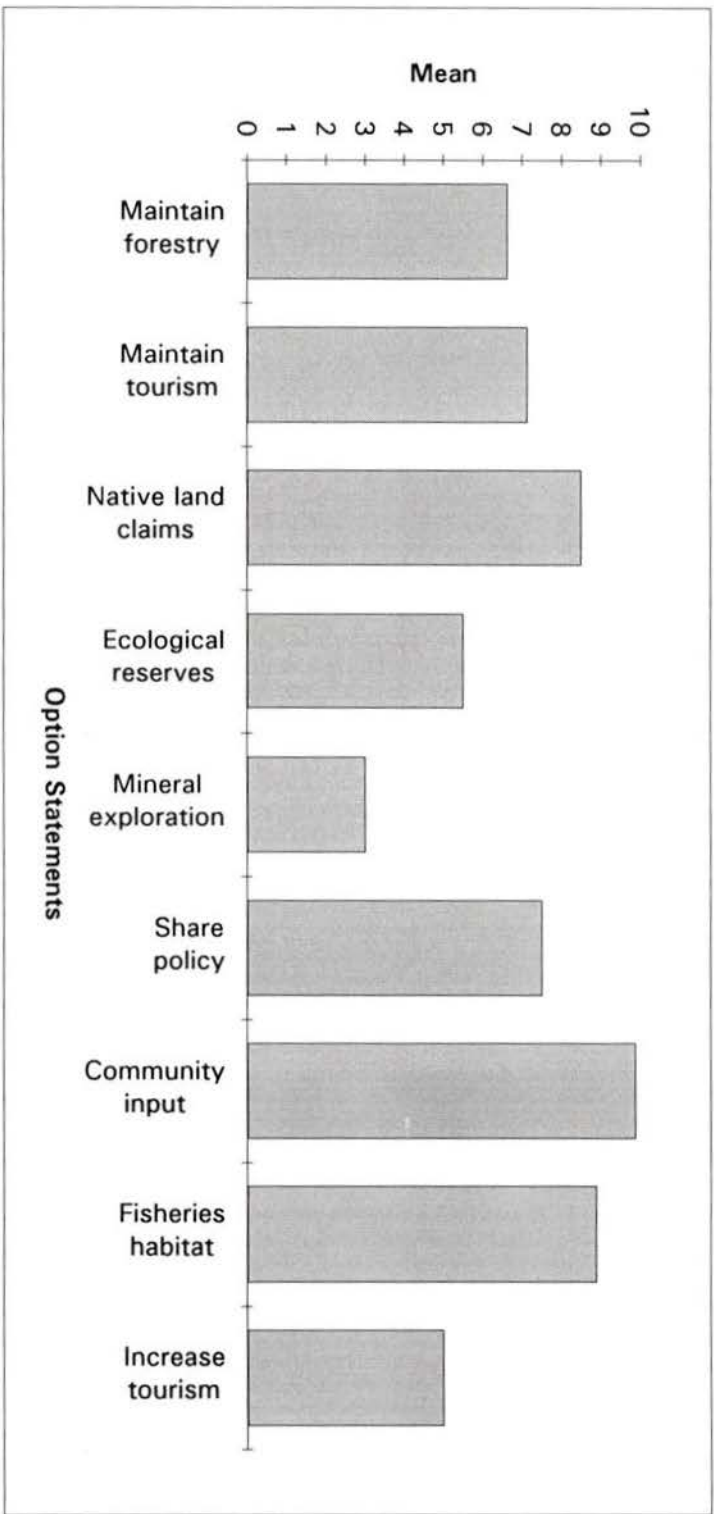
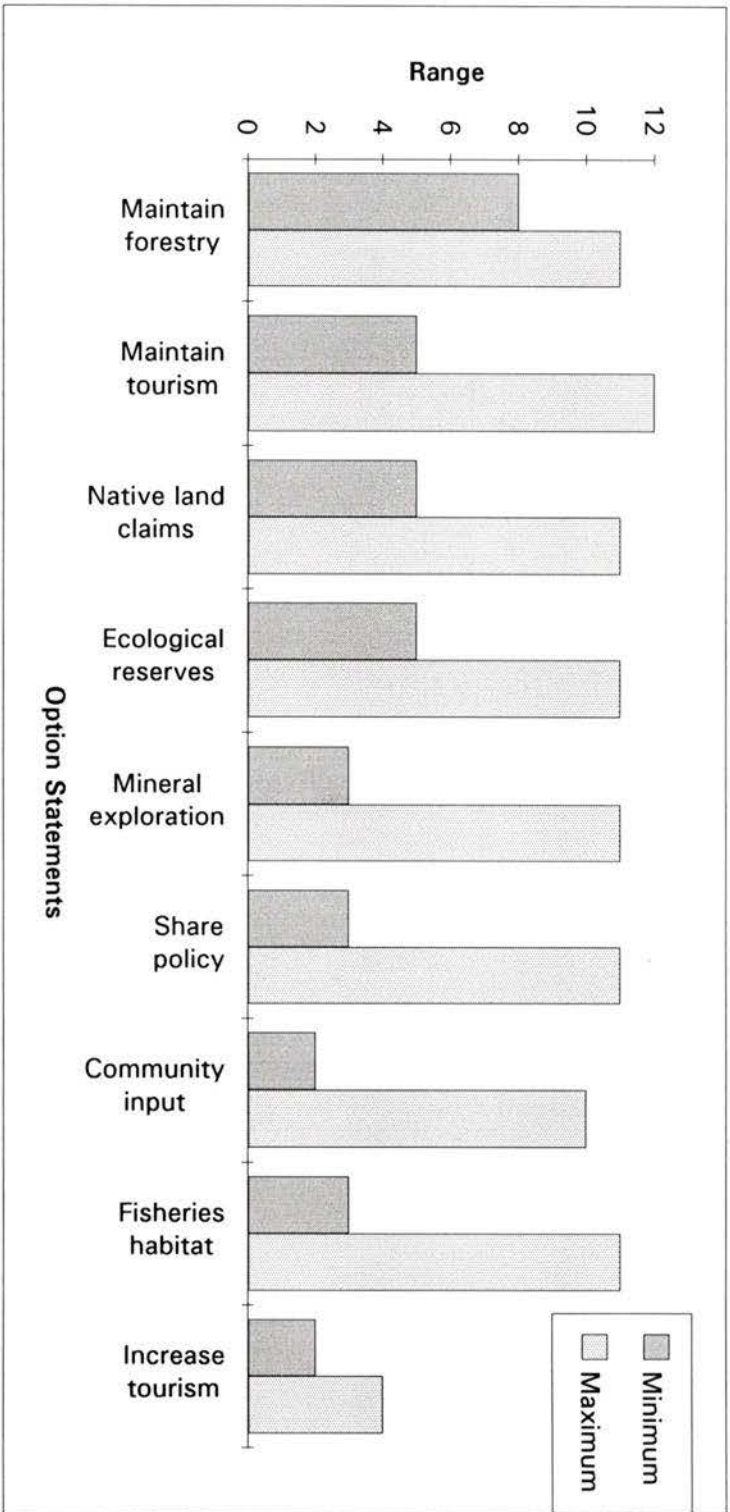


Figure 3

Pair-wise Comparison Survey Results - Range



Exploration" (11) would reduce the range from 8, to 5 and 4 respectively. In these cases the mode and mean (Table 2), provide a clearer indication of the respondents' relative preferences.

The range for "Maintain Tourism" contains two values of 11 (Table 2) which occurred in comparisons with the option statements "Mineral Exploration" and "Increase Tourism". The remaining 6 values were within a narrower range of from 3 ("Community Input") to 8 ("Ecological Reserves") indicating less variability or greater concurrence among the respondents views.

The mean (Table 2) for the nine option statements extends from a low of 3 ("Mineral Exploration") to a high of 9.88 for ("Community Input") and reflects the favourable response to this option statement by the respondents. In reviewing the standard deviation (Table 2) the option statements displaying the largest standard deviation were "Maintain Tourism" (2.9001) and "Increase Tourism" (2.8785), whereas "Mineral Exploration" and "Community Input" had the smallest standard deviations at 0.7559 and 1.1260. This is a further indication of the extensive range in the scores with respect to these two activities and reflects the diversity of the views held by the respondents. The variance also confirms the strong agreement among the respondents in favour of community input and opposition to mineral exploration.

3.6.1 Interpretation of Total Scores

The mean of the total scores for the option statements was calculated by adding the column totals and dividing by the number of option statements ($496/9 = 55$). Table 3 shows the total scores for each option statement, the mean, and the deviation from the mean.

As shown in Table 3, the deviation from the mean of the total scores ranged from

24 for the option statement "Establish a process for increasing community input and control over resource decisions" (Community input) to -31 for the option statement "Encourage mineral exploration and mine development" (Mineral exploration).

Table 3

Pair-wise Comparison Survey - Comparison of Means

OPTION STATEMENT	SCORE	MEAN	DEVIATION
Maintain Tourism	53	55	-2
Maintain Forest	57	55	2
Land Claims	68	55	13
Ecological Reserves	44	55	-11
Mineral Exploration	24	55	-31
Share Policy	60	55	5
Community Input	79	55	24
Fish Habitat	71	55	16
Increase Tourism	40	55	-15

The extensive deviation of the scores from the mean (-31 to 24) in the case "Community input" and "Mineral exploration" demonstrates the strong sense of agreement among the respondents on both of these issues. Based on the scores in Table 3, the option statements can be arranged into three groups. Group A consists of the three option statements well below the mean: "Mineral Exploration", "Increase Tourism" and "Ecological Reserves". Group B includes the option statements, "Maintain Tourism", "Maintain Forest" and "Share Policy" which are clustered around the mean. Group C is comprised of the remaining three option statements, "Land Claims", "Fish Habitat" and "Community Input" which are all well above the mean (see Table 4).

Table 4

Option Statement Groupings

Group A	Score	Deviation
Mineral Exploration	24	-31
Increase Tourism	40	-15
Ecological Reserves	44	-11
Group B		
Maintain Tourism	53	-2
Maintain Forest	57	2
Share Policy	60	5
Group C		
Land Claims	68	13
Fish Habitat	71	16
Community Input	79	24

The low appeal or negative reaction to the option statements in Group A encourages speculation as to the perception of these activities by the respondents. For example, establishing ecological reserves and mineral exploration may be viewed as resulting in withdrawal of land from the existing land base. This is a concern which was expressed by some of the Task Force members during the meetings who felt any additional withdrawals of land would increasingly jeopardize the future viability of logging within the region. Increased tourism and mineral exploration are development-oriented activities which are also seen as having a potentially negative impact on both residents and the environment.

With the exception of the "Share Policy" the Group B option statements represent the status quo. The mid-range responses to these proposed activities can be interpreted

as both a reluctant acceptance and general dissatisfaction surrounding the degree of tourism and forestry development within the region. In a sense this can also be viewed as a protest vote against the situation created by the conflicts between these two activities within the region or an acknowledgement among the respondents of the necessity to re-evaluate the costs and benefits of the current situation in light of the alternatives, i.e., the other option statements.

The "Share Policy" is based on a somewhat loose interpretation of multiple-use principles and is essentially a crusade established to counter environmental groups. "Share groups" have gained "grass roots" support in communities where forest harvesting is a major economic activity.

The strong support by respondents for the option statements in Group C, "Native Land Claims", "Fisheries Habitat" and "Community Input" has several possible explanations. First, it can signify the preference by respondents to end the uncertainty surrounding land tenure through settlement of the Native land claims. Second, it can be seen as a declaration in favour of community control over activities that will affect the economic, social and environmental elements of the community. Third, it can be viewed as a statement of the importance the respondents attribute to the fisheries resources base within the region. Each of these potential reasons for the widespread support for the option statements in Group C has some validity based on the discussions at the Task Force meetings.

3.6.2 Interpreting the Survey Results

The pair-wise comparison survey required that the respondents select one preferred item or option statement from each set of paired statements. It is interesting to note from Table 1 the overwhelming support among respondents in favour of the community ("Community Input") taking a more active role in deciding the future of the two status

quo economic activities ("Maintain Forest Land" and "Maintain Tourism"). The respondents' support for empowering the community to take a role in decisions affecting local resource management issues can be interpreted in several ways:

1. It signifies the frustration and discontent with the existing centralized resource decision-making processes, or as one resident of Ucluelet stated, "We are tired of seeing land-use decisions being made that not only affect our economic well-being, but also are being directly influenced by a very small group of individuals who in some cases don't live in the area" (Durrant, 1990:28).
2. Respondents may perceive community empowerment as a means of achieving their organization's or group's objectives, for example, being able to affect the level of forest harvesting.
3. It may also be recognition of the need for sustainability and adoption of the principles of sustainable development.
4. It could suggest a recognition that the ongoing conflicts are counter-productive to the communities as a whole, or perhaps a weariness with the persistence of the conflicts.

While there appears to be some ambiguity by the respondents surrounding the status quo development activities, as evidenced from the middle range scores received by "Maintain Forest Land" and "Maintain Tourism", the message concerning "Mineral Exploration" was clear. Mineral exploration and mining were decidedly rejected by the survey respondents. Whether it is fear of environmental degradation, additional competition for access to lands, or the potential negative impacts on the tourism industry, mineral exploration and mining are not seen as desirable economic development activities for the Clayoquot Sound region. There is also the possibility that mining in Clayoquot Sound could be perceived as a catalyst for the emergence of an entire new conflict.

It is conceivable the persistence of the existing conflict surrounding forest harvesting in the Clayoquot Region is one of the reasons the "Increase Tourism" option statement was also ranked low. Increasing tourism levels could result in additional pressures on the forest industry to restrict operations in areas scheduled for future harvesting, particularly if there is an emphasis on wilderness tourism and an interest by tourism operators to promote new remote areas. This could not only rekindle the

existing conflict but also initiate new conflicts.

Tourism is also an industry, which above critical levels (social and environmental carrying capacities), can be damaging to the environment, adversely affect residents' lifestyles, and be an economic burden, for example through increased taxes for police, fire, and waste disposal. These negative implications associated with increased tourism may have been responsible for the respondents' lack of interest in supporting further development of this industry within the region.

Interest was also lacking among respondents regarding the establishment of ecological reserves within the Clayoquot Sound region. Potential reasons for this view can be attributed to:

1. the proximity of Strathcona Provincial Park adjacent to Clayoquot Sound and Pacific Rim National Park Reserve which is located within the Clayoquot Sound;
2. the fear that establishment of ecological reserves would further reduce the land base for economic development activities;
3. the fact that once established, ecological reserve status is difficult to revoke.

"Ecological Reserves" was included as an option statement in the pair-wise comparison survey as an alternative to the issues under discussion by the Task Force. Establishing ecological reserves was not an option being considered by the Task Force in its discussions of means for resolving the dispute or creating a sustainable development strategy. The inclusion of this statement was intended to provide an alternative to development options. However, judging from the low score, the respondents appeared to be focused on resolving the existing issues rather than complicating matters by entertaining a new initiative.

While the respondents were not interested in preserving new areas through the establishment of ecological reserves, there was a definite concern over protecting the fisheries resource. The protection of "Fisheries Habitat" was ranked the second highest

priority among respondents. There are two possible explanations for the strong endorsement of this option statement. First, there appears to be a genuine concern among respondents to protect this resource. This explanation is supported by the preference of respondents for "Fisheries Habitat" over "Community Input" (Table 1), i.e., if a situation arose where a community was considering development activities that could jeopardize the fisheries habitat, a majority of respondents would side with the protection of the habitat. Second, it could also be interpreted as a vote of dissension or protest vote against development activities, as for example, "Increasing tourism".

The lowest support for the "Fisheries Habitat" option statement occurred in comparisons with the "Share Policy". The "Share Policy" is advocated by a recently established organization in the Clayoquot Sound region known as Share the Clayoquot Forests group. This group is an offshoot of the Share the Forests organization which has strong support in logging communities, particularly those where environmental groups are active in trying to protect a specific area such as the Walbran and Stein River valleys. In the communities surrounding the Stein Valley, for example, a Share the Stein group has formed.

The high priority assigned to the "Share Policy" option statement is in keeping with the membership of the Task Force, which included MacMillan Bloedel, the IWA and communities such as Ucluelet and Port Alberni whose economies are based on the forest industry. However, it is noteworthy that respondents selected "Community Input" over "Share Policy" by a margin of 8 to 5 (Table 1). This may be a reaction by respondents to MacMillan Bloedel's threat to close its kraft pulp mill in Port Alberni.

The "Community Input" option statement was also favoured over the "Native Land Claims" by nine of the 14 respondents even though there was generally broad support for the "Native Land Claims" option statement as indicated by the third highest score this issue received. The overall high ranking of the Native land claims issue may be the result of several factors, including:

1. a reflection of the more assertive role taken by Native bands within the Clayoquot Sound region.
2. recognition by members of the Task Force that the continuation of existing resource based economic activities within the region will require the assent of the Native peoples.
3. a reflection of the large Native representation on the Task Force, i.e., 5 members or 25%.

The low score in comparisons with "Community Input" raises questions concerning the number of Native representatives who responded to the survey. If all of the Native Task Force members, (5 out of 20, or 25 percent of the Task Force membership) completed the survey and chose "Native Land Claims" over "Community Input" then only one non-Native member believed the land claims issue took precedence over the community's interests. Conversely, if none of the Native Task Force members responded to the survey then the "Native Land Claims" issue appears to have fairly strong support within the region among non-Natives.

The pair-wise comparison survey enabled the views and priorities of the Task Force members who responded to the survey to be determined. However, the reliability of the survey results could be questioned because of the response rate and the possibility that the non-respondents represented all the members of one or two groups or organizations.

In reviewing the total scores shown in Table 1 there appears to be some basis for believing that the non-respondents were not from one particular stakeholder group. For example, if the five Native representatives had failed to complete the survey it is unlikely the "Native land claims" option statement would have been the third highest priority among the Task Force members completing the survey.

Based on the ranking of the issues from the survey results, it appears that no single interest dominated the Task Force. If the Task Force had been dominated by a particular interest group this should have been reflected in the survey scores, although this can not

be substantiated because of the response rate. A further indicator that there was more or less a balance of views represented on the Task Force is provided by the fact that the two option statements/ issues which received the highest scores are not clearly identified with any one particular interest group. The priority ranking and nearly identical scores for "Maintain Forest Land" and "Maintain Tourism" is a further indication of the relatively balanced views of respondents. If the Task Force were dominated by a single industry interest a much wider divergence of opinion would have been expected between these two issues. And, while the low score on the mining issue suggests the absence of a representative for this industry on the Task Force it is unlikely the mining industry has many supporters within the region.

3.7 Limitations of the Method

A major limitation of the pair-wise comparison survey method was the necessity to maintain the anonymity of the respondents. This was a restriction imposed by the Task Force that influenced the ability to interpret the results obtained from the survey. Without this restriction the survey results could have provided additional information concerning individual Task Force members views and priorities, including:

1. whether the representatives were making choices consistent with their constituent groups' views;
2. comparisons as to which groups and organizations agreed or differed with respect to the various option statements as well as whether there was agreement between representatives of the same group or organization;
3. whether Task Force members who did not complete the survey represented any specific interest group or organization (i.e., government, Native people, forest industry); and
4. the relative importance of the option statements to each other as defined by the respondents.

The problem of confidentiality would not have been as significant had the response rate to the survey been 100 percent. However, with only a 70 percent response rate it was conceivable that the Native representatives comprising 25 percent of the membership

of the Task Force or two or more of the other interests groups, as for example the forest industry and the Tofino representatives may not have completed the survey. However, this seems unlikely based on the survey results.

Administering the pair-wise comparison survey at the end of the Task Force's mandate provided only a final indication of what the members' priorities and views were with respect to the issues under discussion. Had there been an opportunity to administer the survey at both the outset and conclusion of the Task Force's deliberations, insight into the effects of the discussions could have been obtained with respect to changes in the priorities and views of the members as a result of the discussions. However, this was not an option since the Task Force had already met several times when this study was initiated. Furthermore, the problem of changes in membership, both through additions to the Task Force and in the replacement of the original participants by alternates, would have made it unlikely that the before and after surveys would have been completed by the same respondent.

3.8 Summary

The pair-wise comparison survey and the method used in the Task Force study are based on a study reported by Shafer and Davis (1989) where this method was applied to an environmental decision making problem. While the objectives of the two studies are essentially the same, i.e., an evaluation of activities or alternative courses of action in order to determine the views and priorities of the respondents, there are also significant differences. The difference between the two studies that had the most influence on the outcome or success of this method was the amount of control the researcher was able to exercise. In the study reported by Shafer and Davis (1989), the researcher was able to:

1. select willing and knowledgeable evaluators, guaranteeing a 100 percent response rate,
2. focus on activities related to a single issue, i.e., management alternatives for a forest,

3. discuss the wording of the option statements with the participants,
4. ensure there was a common understanding among the respondents of the implications of their choices,
5. forego concern about the issue of confidentiality, and
6. conduct the pair-wise comparison survey under generally more favourable conditions, i.e., at a time and place of the researchers' choosing.

Even under controlled conditions, Shafer and Davis (1989) listed several shortcomings or limitations with the method, including:

1. The results depend on the estimated social, economic, political, and environmental values as perceived by the respondents.
2. The perceptions of the respondents are by nature subjective and reflect their knowledge and understanding of the inter-dependencies between the items contained in the statements.
3. The results are a reflection only of the knowledge and judgement of the respondents.

Additional problems and limitations were encountered in the use of the pair-wise comparison survey with the Task Force. These difficulties to a large extent can be attributed to the specific circumstances surrounding the Task Force, as for example:

1. the dissatisfaction of some Task Force members with the mediation process and task force in general and an unwillingness to participate in a study which attempted to evaluate the process,
2. the Task Force members requirement for confidentiality,
3. the diversity of understanding of the issues among the respondents, and
4. the suspicion of some Task Force members as to the purpose of the study and how the information obtained from the survey would be used.

Several shortcomings with the method were also encountered in the course of developing the pair-wise comparison survey and in the evaluation of the results, including:

1. the practical limit to the number of issues or activities which could be incorporated into a pair-wise comparison survey,
2. the difficulty in formulating the option statements, particularly when the issues are complex and the respondents have various levels of understanding of the issues, and
3. the limitations to evaluating the results of the pair-wise comparison survey because of the small sample size.

The foregoing limitations are inherent in this method and must be recognized by the researcher prior to a decision to use the pair-wise comparison survey. However, there are steps that can be taken to improve the response rate and the results of the pair-wise comparison survey, as for example:

1. administering the survey "before" and "after" the negotiations. However, as previously discussed, this would require the same respondents to complete the survey at the "before" and "after" stage, a 100 percent response rate, or the removal of the confidentiality requirement.
2. having the respondents complete the survey during the meeting rather than on their own time. This raises the issue of voluntary participation however, since the respondents may feel coerced into participating.
3. gaining the support of the study participants at the outset, including their involvement in the development of the option statements. The potential problem here is with the identification of the major issues, which could change during the course of the negotiations. There is also the problem of attempting to reach a consensus among the participants with regard to the issues.

In the case of the Task Force, where response was voluntary, possible reasons for non-response include:

1. Completion of the survey takes approximately 30 minutes or perhaps longer, depending on the respondent and the difficulty of making decisions between issues or statements.
2. The pair-wise comparison requires difficult choices which some participants were unwilling to make as evidenced by the respondent who elected not to complete all comparisons.
3. The survey is self-administered and the instructions may not have been clear to some of the Task Force members.
4. Suspicion or fear over the intent of the study and the potential for criticism of the Task Force.

The six non-responses had an impact on the evaluation and interpretation of the results of the survey. In other situations where this method is contemplated being used it is suggested the researcher;

1. reviews the purpose of the study, the methodology and how the results will be used with the participants,
2. attempts to determine the response rate before proceeding with the method, and
3. administers the survey during a meeting where the researcher is available

to answer questions.

If these guidelines are followed the pair-wise comparison survey should produce a higher response rate and results which provide a more conclusive insight into the priorities and views of the survey group.

In summary, the results of the pair-wise comparison survey administered to the Task Force provided some insight into the priorities of the Task Force members concerning the issues under discussion. There was also evidence, although not conclusive, based on the results of the survey, that the Task Force was relatively balanced in its make-up.

3.9 Conclusions and Recommendation of the CSSD Task Force

In March 1990, BC Provincial Forest Minister Claude Richmond described the status of the negotiations within the Clayoquot Sound Task Force as having "bogged down" (Weatherbe, 1990:4). Six months after its establishment and with fewer than eight months remaining before it was scheduled to submit its final report and recommendations to the provincial government, the Task Force was stalled on the short term logging issue. According to the terms of reference this issue was to have been resolved within the first three months following the Task Force's establishment.

As the protracted negotiations involving the short-term logging issue continued through May and into June 1990, the probability of the Task Force achieving its objectives of resolving the land-use conflict and formulating a sustainable development strategy became increasingly remote. A study was therefore commissioned for the purpose of providing the Task Force with the basis for a sustainable development strategy and the framework for the Task Force's final report to the provincial government.

The release of the report and the study in June 1990 was followed by a three day retreat in October, for the purpose of addressing the principles of sustainable development, as well as ongoing mechanisms for resolving the issues related to formulating a sustainable development strategy. After several revisions the Clayoquot Sound Task Force submitted its final report to the Ministers of Regional and Economic Development, and Environment in January 1991.

3.9.1 Discussion

In effect, the study and report distributed to the Task Force in June 1990, confirmed not only the failure of the Task Force to reach its objectives but also underlined the little progress and few achievements the Task Force had to show for its efforts. Similarly, the October retreat produced few substantive results; approval in principle of seven working principles for sustainable development.

In its final report to the provincial government the Task Force recommended a restructured Steering Committee be established as a means of continuing towards the objective of formulating a sustainable development strategy. The report also acknowledges, "this restructuring process is not the outcome anticipated by the original Terms of Reference" (Task Force, 1991:23). Instead of presenting the provincial government with an agreement outlining the terms of settlement of the land use conflict and a draft of a sustainable development strategy for the Clayoquot Sound region the Task Force was only able to offer recommendations and three relatively minor accomplishments in its final report:

1. agreements to assure fibre production and continued employment with MacMillan Bloedel Ltd. and Fletcher Challenge Canada;
2. an agreement to expand the membership, and
3. the development of an integrated planning process for Tofino Creek.

Even these achievements were only partial. In the case of the agreement with the

forest companies the issue of approvals for road construction and other development work was not completely resolved. The Task Force was also unable to resolve fully the issue of representation.

Besides criticisms of the inadequacies and strengths of the experimental approach, the conclusions outlined in the final report of the Task Force suggested there was a need, if similar initiatives were to be undertaken, to:

1. incorporate mechanisms for allowing refinements and requests for clarification to the Terms of Reference,
2. separate responsibility for short-term development issues from long-term strategic decisions,
3. consider the contribution made by the negotiating structure to community participation and information sharing, even though it did not provide the desired results,
4. involve or provide for representation of all parties with a stake in the issue, including peripheral interests and constituents,
5. review the positive outcome of the Tofino Creek Integrated Resource Planning Process for applications elsewhere, and
6. match the resources and time frame to the objectives as stated in the Terms of Reference.

The Task Force also drafted six recommendations for completing the work it had initiated. These included:

1. The process as "contemplated by the original Terms of Reference" not be used as a model in other areas of B.C.
2. The provincial government adopt the Steering Committee structure and time frame developed by the Task Force as outlined in the final report for the preparation of a sustainable development strategy.
3. The provincial government support a strategy office within the government system.
4. The government appoint Robert Prescott-Allen as an interim Strategy Director.
5. Decisions on short-term resource development be made in a forum separate from that concerned with the preparation of the long-term strategy.
6. The Ministry of Forests proceed with implementation of the interim forest sector decision-making process.

3.9.2 Conclusion

In essence the final report of the Task Force was a further indication of how the process had failed. The signature sheet is signed by only 18 of the 20 Task Force members. The explanation given as to the unwillingness of the representatives for the Tla-o-qui-aht and Ahousaht Bands to sign the report is that they did not feel "comfortable" with it (CSSD Task Force, 1991). Reluctance by these two Task Force members to support the contents of the document is understandable. The report provides what at best can be described as a weak and inadequate overview of the problems encountered by the Task Force. A more realistic description of the document is as a misleading account of the reasons behind the Task Force's failure. However, considering the intention to have all of the Task Force members as signatories to the report, it is not surprising that the criticisms were restricted to a few innocuous statements, for example, "the Terms of Reference were generally too ambitious" (CSSD Task Force, 1991:24). Unfortunately, by not accurately depicting the circumstances and constraints under which the Task Force operated and the obvious violations of the procedures for undertaking a mediation effort there is a perception that the process was at fault, which is a misrepresentation of the facts. It is therefore both necessary and worthwhile to attempt to describe why the provincial government, and ultimately the Task Force, were unsuccessful in resolving the land use conflict and in preparing a sustainable development strategy for the Clayoquot Sound region.

4.0 An Assessment of the Process and Structure of the Clayoquot Sound Sustainable Development Task Force

4.1 Introduction

The purpose of this chapter is to examine the reasons for the Task Force's failure to achieve its two main objectives of resolving the land use dispute and formulating a sustainable development strategy. As a starting point a comparison will be made between the criteria used for conducting a successful mediation effort as described in Appendix 2 of this study, with the approach taken by the provincial government vis a vis the Task Force. Because of the instrumental role played by the provincial government in the decision to establish the Task Force as well as in the development of the terms of reference, a discussion of the government's involvement and objectives is also of significance in understanding the outcome of the process. Therefore, a principal focus of this chapter is the consequences of the government's actions on the Task Force.

4.2 Background

On the surface the establishment of the Task Force appeared to be a legitimate attempt to find a solution to a complex and difficult dispute by using an approach shown to be innovative and equitable when used under the appropriate conditions. However, mediation when incorrectly employed or attempted in a dispute not meeting the required conditions can exacerbate a conflict. In the case of the Task Force the directives issued by the Ministries of Environment and Regional and Economic Development, in the form of the terms of reference, imposed conditions that proved to undermine the mediation process and suggested a serious lack of understanding of alternative dispute resolution processes by the provincial government.

The Ministries of Environment and Regional and Economic Development were

negligent in failing to observe critical conditions and guidelines related to initiating an alternative dispute resolution process, as for example, failure to conduct an assessment of the dispute prior to the decision to proceed with the establishment of the Task Force. As this step was the first and single most significant consideration affecting a decision to undertake mediation it is difficult to comprehend how it was overlooked. As discussed in Appendix 2, only ten percent of the disputes assessed are judged to be amenable to resolution through mediation (Bingham, 1986). This conspicuous oversight raises serious questions as to the real intentions of the provincial government in establishing the Task Force.

4.3 Omissions in the Initial Stages of the CSSD Task Force's Establishment

If the initiating agency does not possess the expertise to conduct a comprehensive assessment of the dispute an experienced mediator is often retained to determine the dispute's amenability to resolution through mediation or other alternative dispute resolution processes. Considering the recent failure of the Meares Island planning exercise, the expectations that the provincial government would take a cautious approach and follow guidelines and procedures determined to offer the most likelihood of success in resolving the dispute would appear reasonable. The announcement, therefore, by the provincial government of the creation of the Task Force and the decision to employ an alternative dispute resolution process prior to the selection of a mediator and an assessment of the dispute is even more striking.

Through conducting an evaluation of the dispute an in-depth understanding of the characteristics of the dispute would have been obtained, including:

1. the nature of the dispute, in this case multi-faceted, involving land use, natural resources management and allocation,
2. the type of dispute in the Clayoquot Sound situation the dispute was recurring, involved multiple parties, and (similar to most environmental disputes) involved differences in values, attitudes, belief systems,

- perceptions and self-interests.
3. whether there was a requirement for additional research to supplement gaps in the scientific and technical data, as for example, resource biodiversity and inventories.
 4. identification and a preliminary indication of the number of affected interests or stakeholders.

The information collected through the assessment could then have been used for deciding if mediation was appropriate for attempting to resolve the Clayoquot Sound dispute. Instead of the recommended procedures being followed, the formation of the Task Force was announced and terms of reference were issued before there was adequate understanding of the critical characteristics of the dispute. In summary, the provincial government failed to seek the advice of an experienced mediator in evaluating the dispute and as a result excluded a number of groups and agencies from participating on the Task Force while at the same time appointing other organizations without their consent. Consequently, a number of internal disputes over membership arose.

Another serious oversight or omission by the provincial government was failure to consult with the public within Clayoquot Sound and the surrounding area to determine if there was support for the Task Force initiative. In the absence of prior discussions or public involvement at the community level the announcement of the establishment of the Task Force was received with mixed reactions. MLA Gerard Janssen stated that the announcement of the Premier's task force came as a "complete surprise to everybody" (R. Diotte, Alberni Valley Times, Nov. 17, 1989:1), whereas the Mayor of Tofino heralded the Task Force as "a golden opportunity to address all the concerns in the area." (C. Heiman, Times-Colonist, Aug. 05, 1989:A11). However, letters to the editor in local newspapers conveyed less enthusiasm at the news, with statements to the effect that the establishment of the Task Force created "tension" and "bedlam" (The Westerly News, 1989:6). Criticism was also directed at the membership of the Task Force. In a letter to the editor (McKay, 1989) a resident of the area questioned how 13 people without the necessary forestry skills and technical skills could make "intelligent and logically based decisions" on where to log within the Clayoquot Sound area.

The negative reactions to the establishment of the Task Force by residents of the area raises the possibility that these responses were a direct result of the failure to consult with the residents/ stakeholders. In other words would there have been less hostility if the announcement had not come as a complete surprise? The answer is likely yes. In failing to consult with the residents of the Clayoquot Sound area regarding the decision to create the Task Force the provincial government disregarded one of the fundamental goals of public participation: "To create the greatest number of 'unsurprised' apathetics" (Priscolli & Homenuck, 1986:70).

Questions surrounding the provincial government's motives for establishing the Task Force also were raised following the release of the terms of reference. Coincidentally the terms of reference were also prepared by the government. Once again the criticism focused on the failure to provide opportunities for a public review or input from the Task Force members themselves. This oversight was of particular concern because the terms of reference dictated the functional and operational mandate of the Task Force, including:

1. the agencies and organizations that were to be represented,
2. the criteria for selection of a chairman by the provincial government,
3. the objectives,
4. the time frame and reporting responsibilities,
5. the level of funding, and
6. the priorities in terms of dealing with the issues.

As directed in the terms of reference, the Task Force was expected to function as a dispute resolution mechanism operating on a consensus basis. However, in Briefing Memorandum No. 1, (Hope, 1989:3) the Chairman re-defined the process the Task Force was involved in when he stated, "our designation as a Task Force and my title are misleading. The process in which we are engaged is a mediation process. My role is that of mediator."

The necessity for the mediator to explain the process in which the Task Force members were engaged points to the deficiencies in the provincial government's approach

to developing the terms of reference without the participants' input. In fact, the ad hoc approach taken by the provincial government in establishing the Task Force and setting the terms of reference without reference to the consequences of deviating from the generally recognized procedures for conducting a successful mediation effort is the primary reason for the failure of the Task Force to achieve its objectives.

4.4 Variations by the CSSD Task Force in the Procedures for Initiating Alternative Dispute Resolution

To illustrate the extent of the government's departure from the proven steps for conducting a mediation effort, the eight questions discussed in Appendix 2 (2.2.4) (Cormick, 1982:16-17) are used in reference to the Task Force. By answering these eight questions from the perspective of the Task Force an evaluation can be made of whether the decision to use mediation in this case was correct.

1(a) Are all parties with a stake in the outcome of the negotiations represented?

The response to this question is negative - not all parties or interests with a stake in the outcome were represented on the Task Force or present during the negotiations.

Ten agencies and organizations were identified in the terms of reference as having the right to appoint members to the Task Force. The decision as to which agencies and organizations would be appointed was made by the provincial government following in camera consultations with the Chairman of the Regional District of Alberni-Clayoquot and the Mayors of Port Alberni, Ucluelet, and Tofino. With the exception of the District of Tofino, the other nine agencies and organizations were entitled to one member each on the Task Force. Tofino was entitled to appoint three members for reasons not completely understood. According to Darling (1990) the decision may have been made

in recognition of the fact that Clayoquot Sound was home to residents of Tofino, whereas the other non-Native communities were located outside of the region. As previously mentioned, it was also argued by some of the Task Force members that Tofino was given three seats in order that one of the seats would be filled by an environmental representative chosen by Tofino. However, this assertion was denied by the Tofino representatives.

As discussed earlier, the Provincial Government failed to make a concerted effort to identify all of the affected interests within the Clayoquot Sound region. Evidence supporting this claim is provided by an earlier study the Nootka Coastal Resource Interests Study (CRIS) conducted in the Clayoquot Sound area in 1989 by the B.C. Ministry of Crown Lands. In developing the public involvement program for the CRIS 43 agencies and interest groups with potential interests and concerns within the study area were identified and invited to participate (Table 5).

The CRIS confirmed the large number of interest groups and agencies with a stake in resource management and development within the region. It is probable that many of these same organizations and agencies would also have a stake or interest in the much larger issue of a region-wide sustainable development strategy. Recognition of the need for involvement of "a wide cross-section of British Columbia's society" in the consensus-building process leading to the development of a sustainable development strategy was recognized in the report of the British Columbia Task Force on Environment and Economy, Sustaining the Living Land (1989).

While it would not have been feasible for direct participation by all of the interests identified in the Nootka CRIS (Ministry of Crown Lands, 1989), the opportunity for representation at the negotiating table by categories of interests was possible. Identification of the stakeholders at the outset and the provision of a means for their participation in the negotiations would have saved the Task Force from the time-consuming and polarizing discussions resulting from this oversight.

Table 5

List of Agencies/Interest Groups Identified for Participation in Nootka Coastal Resource Interests Study

- | | |
|---|---|
| 1. United Fisherman and Allied Worker's Union | 24. Regional District of Comox-Strathcona |
| 2. Pacific Trollers Association | 25. District of Tofino |
| 3. Pacific Gillnetters Association | 26. Village of Gold River |
| 4. Fishing Vessel Owners Association | 27. Village of Tahsis |
| 5. Underwater Harvester's Association | 28. Village of Zeballos |
| 6. Tofino Crab Association | 29. Council of B.C. Yacht Clubs |
| 7. Prawn Sub-Committee, Shellfish Advisory Board | 30. Recreation Canoeing Association of B.C. |
| 8. North Island Mariculture Association | 31. Sea Kayaking Association of B.C. |
| 9. B.C. Oyster Growers Association | 32. Canadian Parks and Wilderness Society |
| 10. Mariculture Association of B.C. | 33. Ministry of Parks |
| 11. Salmon Farmers Association of B.C. | 34. B.C. Speological Federation |
| 12. Department of Fisheries and Oceans | 35. B.C. Wildlife Federation |
| 13. Ministry of Agriculture and Fisheries | 36. B.C. Federation of Naturalists |
| 14. Sport Fishing Advisory Board | 37. Ministry of Municipal Affairs, Recreation and Culture (Archaeology and Outdoor Recreation Branch) |
| 15. Council of Marine Carriers | 38. Ministry of Environment |
| 16. Canadian Coast Guard | 39. Heritage Society of B.C. |
| 17. Council of Forest Industries | 40. B.C. Historical Federation |
| 18. Ministry of Forests | 41. Underwater Archaeological Society of B.C. |
| 19. Ministry of Regional Development | 42. Friends of Clayoquot Sound |
| 20. Ministry of Tourism and Provincial Secretary | 43. Sierra Club of Western Canada |
| 21. Nuu-chah-nulth Tribal Council | |
| 22. Ministry of Municipal Affairs, Recreation and Culture (Development Services Branch) | |
| 23. Regional District of Alberni-Clayoquot | |

Source: B.C. Ministry of Crown Lands, 1989

Disagreements over membership in the Task Force can be attributed to the following causes:

1. the initial reluctance on the part of the Nuu-Chah-Nulth Tribal Council representing the Native bands within the Clayoquot Sound region to participate and their insistence that all five bands within the region be permitted a representative on the Task Force;
2. the appointment of three members from the District of Tofino;
3. the exclusion of the Ministry of Forests;
4. the absence of other affected interests, including: the commercial fishing industry, an independent environmental representative, the truck loggers association, the mining sector, the federal Department of Fisheries and Oceans, and Parks Canada, to name a few.

Failure by the provincial government and subsequently the Task Force members to provide opportunities for broader representation are the result of:

1. a lack of knowledge of the procedures for conducting a successful mediation process,
2. the failure of the Task Force to reach consensus on increasing representation primarily because of the members lack of understanding of the consensus-building process.
3. the absence of an effective mechanism for broadening participation.

In neglecting to provide a means of participation for all of the parties to the dispute as well as representation for those affected by the sustainable development strategy, the Task Force was extensively criticised. Leading the attack on the membership issue shortly after the announcement of the creation of the Task Force were environmentalists and two major forestry companies (J. Kavanagh, Vancouver Sun, Sept. 1, 1989).

The exclusion of the Ministry of Forests, Friends of Clayoquot Sound, an independent environmental representative, local Native bands, the Ministry of Energy, Mines and Petroleum Resources, and other stakeholders, as for example, tourism operators, and commercial fishermen was apparently a deliberate decision by the provincial government for reasons unknown. A subsequent attempt was made by the Mediator to circumvent the consensus requirement for expanding the membership through the creation of negotiating committees. These committees provided opportunities for

representatives from groups and organizations not represented to have input without the requirement for membership in the Task Force. However, the negotiating committees had only limited success.

Eventually the Task Force was expanded to include representatives from the Ministry of Forests, Ministry of Agriculture and Fisheries, Ministry of Tourism and the five Native communities within the region. Even with the addition of these new members the issue of representation remained a source of contention. Disagreements persisted over which interests were still missing from the negotiations, as for example an independent environmental representative.

The necessity of identifying all affected interests and ensuring their participation or representation was pointed out to Task Force members by the mediator on several occasions. In the final report to the Minister of Environment and the Minister of Regional and Economic Development (Clayoquot Sound Sustainable Development Task Force, 1991:17) the inadequacy of the Task Force process to address this issue was also mentioned with the recommendation that restructuring to include all interests was essential. As the Report stated "Sustainable Development strategies are efforts of collaborative problem solving in which all interest groups are involved...".

1(b) Is any party excluded that could prevent an agreement from being carried out?

The foregoing discussion has already suggested an affirmative response to this question. While there were a number of parties excluded from participating and being represented on the Task Force the most conspicuous was the Ministry of Forests. The exclusion of the Ministry of Forests was a legitimate reason for criticism of the Task Force. The reasons for the provincial government's decision to exclude the Ministry of Forests became the subject of considerable speculation. Explanations ranged from the

mishandling of the Meares Island conflict by the Ministry of Forests, which resulted in the conflict reaching a critical stage, to the belief that the Ministry as a proponent of the forest industry would simply be another status quo voice.

Excluding the Ministry of Forests from participation in the negotiations not only contradicted the guidelines for conducting a successful mediation effort but also ran counter to the objective of the provincial government in establishing the Task Force. Without the participation of the agency responsible for management of the provincial forest resource base within the study area the Task Force could not hope to address all aspects of present and future development. As well, the Ministry of Forests as the regulatory agency of the forest industry would ultimately have responsibility for implementation and monitoring of any Task Force recommendations or agreements. While the Ministry could not directly refuse to implement an agreement, it remains within its power to frustrate implementation by delaying issuance of permits and licences or initiating over-zealous enforcement action. An example of this type of tactic was the Ministry's deliberate interpretation of the terms of reference as constituting a moratorium on logging, thereby requiring the Task Force to approve all permits. The result of this action was further polarization of the Task Force.

A second organization which could have effectively prevented implementation of an agreement was the Nuu-chah-nulth Tribal Council (NTC) representing the Native people of the Clayoquot Sound region. The reasons for the NTC's initial opposition to the Task Force and reluctance to participate was not due to being excluded from the Task Force. Instead, the NTC resented being designated a member of the Task Force without first being consulted as to whether they had any interest in participating.

While identified in the terms of reference as one of the ten original organizations entitled to a seat on the Task Force, the NTC was not a participant in the initial discussions surrounding the establishment of the Task Force nor in decisions over membership. Consequently, the NTC was undecided during the first several months

following the establishment of the Task Force as to whether it would participate. The NTC's position with respect to the Task Force was as follows:

1. the Task Force's mandate was not their responsibility;
2. the Task Force could compromise Native land claims in the study area;
3. the Tribal Council should not be perceived as an organization with merely an interest in the land but rather as a sovereign body with a valid legal claim;
4. the Native people should have been approached by the provincial government at the outset and participated in the decision to establish the Task Force;
5. the Chairman was representing the interests of the logging companies; and
6. the Task Force did not represent a legitimate means for the Native people to influence decisions affecting them (Hope, Briefing Memorandum No. 2:4-7).

The NTC also raised the issue of participation by the five bands within the study area, i.e., Tla-o-qui-aht, Ahousaht, Hesquiaht, Toquaht and Ucluelet.

Discussions between the provincial government, the Chairman and Task Force members led to a decision by the NTC to agree to participate with the understanding that the five bands would also be permitted to participate as full members. This condition was accepted at the December 19, 1989 meeting of the Task Force and the membership was subsequently expanded to include one new member from each of the five bands. However, the appointment of a representative for the Hesquiaht Band was not finalized until April 1990, nearly nine months after the Task Force was convened.

The uncertainty surrounding the decision of whether the NTC would participate created a procedural dilemma for the Task Force. The terms of reference stated the NTC was a member of the Task Force and that the Task Force would operate on a consensus basis. Without the participation of the NTC, the Task Force was unable to fulfil its consensus mandate. While the Task Force considered the possibility of proceeding without the NTC on the issue of short-term logging, the Chairman concluded that to do so would be considered an act of bad faith, discourteous, and negatively influence the NTC's decision.

While it is unlikely the environmental interests, whether the Friends of Clayoquot Sound or one of the larger national environmental organizations, could prevent implementation of an agreement on their own, there was speculation that the environmental movement would "quickly contest this case either in action on the ground or through the courts" according to Alberni MLA Gerard Janssen (Alberni Valley Times, April 17, 1990).

There were also a sufficient number of other affected interests (previously listed) who were not represented. These other agencies and associations together with the environmental organizations, could conceivably have formed a formidable alliance, perhaps even mounting a legal challenge and thereby blocking implementation of an agreement.

2. Have all of the parties reached general agreement on the scope of the issues being addressed?

Among those interests participating in the negotiations there was little agreement on the scope of the issues. For example, the Tofino Strategy Proposal was concerned with preparing a community-based sustainable development strategy, whereas the industry representatives were primarily interested in protecting access to current and future forest harvesting areas. The industry's concerns and those of the Tofino Steering Committee, the initiators of the plan for a community-based sustainable development strategy, were widely different both in terms of approach and the outcome of the process each envisioned.

Further evidence of the disagreement over the scope of the issues to be addressed is provided in the briefing memorandums and the Task Force's final report. Specific disagreements are recounted in these documents with one of the most pervasive areas of contention concerning the short-term logging issue. Most members of the Task Force

expressed strong opinions to the effect that the short-term logging issue should never have been included as part of the mandate. As well, the requirement to establish negotiating committees as a means of defining the dispute attests to the difficulty the Task Force encountered in not only defining the dispute but also in reaching agreement on the scope of the issues.

It should also be noted that not all of the parties to the dispute were represented in the negotiations and therefore it is unlikely that all of the issues were on the table. Without a comprehensive list of issues any agreement on the scope of the issues being addressed was essentially invalid.

3. Are the negotiators for each party able to speak for their constituents? Is there any reason to believe that, if the negotiators reached an agreement, the agreement will be honoured by the groups they represent?

In response to the first part of this question the answer is both yes and no. In the case of the IWA and the Native bands the answer is yes, the negotiators are able to speak for their constituents, since as elected officials these individuals have a mandate to represent their constituents on the Task Force. With respect to the government agency representatives the issue of who they represent is a fundamental question. Since civil servants are responsible for implementing the policies of the government in power, and the government receives its mandate as a result of a general election the constituents in essence are the voting public. However, whether the voting public supported the government's position on forest harvesting within Clayoquot Sound is debatable.

The question of whether the elected officials/negotiators for the communities had a mandate from their constituents to negotiate environmental and resource issues which are essentially outside of the domain of civic politics must also be considered. While there is no question that the issues under discussion would have a socio-economic impact

on the communities and for this reason the elected representatives had a role to play on the Task Force, it is unclear how far this capacity should extend. Without having conducted a survey of their constituents' values or opinions with respect to the types of environmental and development issues under consideration by the Task Force it is unlikely the civic politicians could accurately represent the views and opinions of their constituents. The issue also arises as to the skills or experience of the elected individuals to effectively negotiate complex issues of which they may have had only a basic understanding. Potentially, a vote of non-confidence or a challenge of the authority of civic politicians to negotiate issues external to their elected mandate could jeopardize any agreements or recommendations.

The problems encountered by the District of Tofino in selecting representatives to negotiate on behalf of residents was an issue which contributed to polarization within the community. With three seats on the Task Force, the choice of who should represent the interests of the community became a contentious issue. Some residents feared that the community at large would not be served if individuals representing the environmental lobby were appointed. Other residents believed the individuals responsible for the idea of a community-based sustainable development strategy should be selected for the Task Force. Inevitably problems arose when the Tofino District Council appointed representatives to the Task Force without the involvement of the groups responsible for the sustainable development initiative, which led to accusations a democratic approach was not used in the selection of the members (Lawson & Lawson, 1990:14).

Fuelling the controversy surrounding the selection of Tofino's representatives was the decision to appoint a property holder who was only a part-time resident of the area. Questions were raised both within the community and by other Task Force members primarily because this individual was a well-known, leading and outspoken member of an environmental organization.

The support among the residents of Tofino for their representatives on the Task

Force in general is mixed. Whether there was enough general support within the community for approval of an agreement or strategy is unclear.

4. Have the immediate parties and the eventual decision makers committed themselves to a good faith effort to reach a consensual agreement?

While the answer to this question is known only to the parties themselves and perhaps the mediator, suspicions were raised concerning the sincerity and commitment of some members to negotiating in good faith. In an editorial (Diotte, April 17, 1990), the Tofino delegation was accused of playing "hide and seek" and indulging in "anarchic politics" with the consensus approach. Allegations were also made by the IWA (Colebourn, 1990:15) to the effect that there were some people who would prefer "no headway is made", by the Task Force.

Although it is difficult to determine whether the parties to a dispute are sincere in their desire to resolve a dispute mediators have determined three conditions which are fundamental to negotiating in good faith: 1) the parties must enter into the process and remain there on a voluntary basis, 2) there must be an incentive among the parties to negotiate an agreement, and 3) there must be an equitable distribution of power among the parties.

The first and perhaps most important of the conditions is that the mediation process must be completely voluntary. This applies both at the outset with agreement by the parties to enter into mediation and remains in effect during the negotiations. It is extremely important that participants are advised and understand that they are free to withdraw at any time from the negotiations. Without this assurance, the participants may feel they are involved in arbitration, a distinctly different process.

One of the factors affecting the voluntariness of a party's participation is whether

they have options outside of the mediation process, as for example litigation, which they can fall back on if the negotiations fail. Parties with outside options may choose to enter into mediation for a variety of reasons. For some parties participation in the mediation process is a gesture of conciliation or a means of improving communications and future relations with the other parties. Agreement to negotiate by parties with a fall back position can also be a strategic decision aimed at cultivating political or public support.

The option of pursuing a solution outside of the mediation process provides a certain amount of leverage or power that can improve a party's negotiating strength and position. In contrast, a party without the financial resources or legal standing to pursue other avenues for settling a dispute is in a position of relative weakness. For organizations in this position the decision to pursue mediation, although technically still voluntary, is in reality a choice between either compromise through negotiation or continuation of the dispute.

In cases where a party's fundamental principles or philosophies are at stake, compromise may not be an option. However, it has been argued that by refusing to negotiate an issue a party is not proceeding on good faith. During the negotiations over areas where short-term logging could continue in Clayoquot Sound, Tofino members refused to compromise with respect to approving logging in areas which they considered to be environmentally sensitive. As a result of Tofino's decision to refuse to negotiate these issues, the provincial government reassumed decision-making power for decisions involving short-term logging. There were some Task Force members who felt the decision by Tofino to refuse to negotiate amounted to an attempt to derail the process.

Ideally, resolving the dispute should be sufficient incentive for parties to agree to negotiate in good faith. However, another reason for agreeing to negotiate in good faith, even for parties with outside options, is the advantage of mediation over alternatives such as litigation. Litigation involves an element of risk because the outcome is a win/lose decision based on points of law. Because litigation does not address the underlying

causes of a dispute, the 'loser' of a legal action often has little incentive to give up the fight. In some instances the 'loser' of a court action may actually benefit from an unfavourable decision by receiving public support. As an example, multi-national forestry companies are often seen as goliaths when they seek court injunctions to stop protestors from interfering with logging operations.

By choosing to participate in mediation, parties are aware that not all of their demands will be met. However, they are also assured that they will not leave the table having made all of the concessions. Mediation is neither a win/lose nor a win/win scenario; instead it is based on compromise, and with this understanding parties are more likely to negotiate in good faith than if faced with a "winner-take-all" scenario.

While the objective of the Task Force as a whole was to resolve the dispute and prepare a sustainable development strategy each member sought to protect and further his or her own and his or her constituents' interests. One of the primary objectives of the members representing the communities of Ucluelet and Port Alberni and the Clayoquot-Alberni Regional District was to protect their communities from the social and economic impacts of increased unemployment. This meant opposing any action or initiative that could reduce the amount of forest harvesting and hence affect existing or future employment levels. There was also a strong incentive for the elected representatives to show their effectiveness during the negotiations because of the potential political implications (including re-election if they were tough negotiators). While this did not preclude the members negotiating in good faith it does raise the question of whether the appointment of elected officials was appropriate.

The District of Tofino delegation was also in a questionable position with regard to negotiating in good faith. The problem stemmed from the attempts by the delegation, consisting of three members representing the divergent views of their constituent groups, to portray a unified position at the negotiating table. At times the internal struggles of the Tofino delegation were obvious as the members were required to caucus in order to

try to reach agreement on positions. Eventually, the District of Tofino sought the services of a spokesman to resolve some of the internal conflicts and assist in developing a cohesive position.

There is reason to question whether the necessity of providing a unified position undermined the ability of the District of Tofino members to negotiate in good faith on behalf of their constituents. However, given the length of the dispute and recognition that the Task Force represented possibly the only chance for reaching a settlement the Tofino delegation had a strong incentive to negotiate in good faith.

While MacMillan Bloedel Ltd. and Fletcher Challenge Canada Ltd. had an interest in seeing an end to the confrontations, their incentive as far as negotiating in good faith is less clear. On the one hand, as the Clayoquot Sound dispute intensified, the economic costs to the companies as a result of delays in having logging plans approved and in gaining access to areas was increasing. The companies were also being negatively affected by the publicity generated over their logging practices and the threat of boycotts of their products. Based on these reasons the companies would appear to have had a strong incentive to finding a compromise solution. However, there was also a disincentive to the companies' reaching an agreement based on compromise. The deterrent to reaching an agreement was the precedent it would set for similar negotiations in other areas where logging was a contentious issue. Even concessions such as introducing alternative logging practices could have far reaching effects on operations and profit margins.

A second possible advantage to the forest companies from not negotiating in good faith and seeing the negotiations fail was the knowledge that decision-making responsibility would revert to the provincial government if a consensus agreement could not be reached. If this occurred the forest companies could rely on the Task Force members representing the IWA, the communities of Ucluelet and Port Alberni, and the Alberni-Clayoquot Regional District, as well as their constituents to lobby the provincial

government to uphold previously approved logging plans.

The Nuu-Chah-Nulth Tribal Council (NTC) and the Native bands had little incentive to participate in the Task Force. From the outset the NTC was concerned that participation on the Task Force could jeopardize the land claims currently before the courts and covering much of the area of contention. Subsequently, one of the conditions for participation by the Native representatives was an understanding with the provincial government that any agreement reached by the Task Force would not threaten the land claims negotiations. In view of these concerns there was little overall motivation for the Native members to participate.

For the most part the role played by the Task Force members representing government agencies was that of advisors and facilitators. Assuming a neutral role was important to the credibility of the government members and was successfully maintained by sensible 'good faith' negotiating on their part. Credibility was a characteristic the government was anxious to portray in light of Meares Island, criticism of its handling of the dispute in the national media and the generally sceptical view of its ability to make balanced decisions when critical resource allocation issues are at stake. Through the Task Force the provincial government was provided with opportunities for improving its image including:

1. appearing to be acting in a responsible and progressive manner by attempting to resolve the dispute through mediation.
2. taking the initiative of allowing the parties to the dispute to assume responsibility for the problem (the Clayoquot Sound dispute).

Although the provincial government appeared to be devolving responsibility for resolving the dispute to the Task Force, it retained very close control over the process by the following means:

1. if mediation failed decision-making responsibility reverted to the government,
2. if the Task Force proved successful credit for the initiative would reflect on the provincial government,

3. by using a task force structure the government was not required to make public or act upon any recommendations,
4. appointing two deputy ministers to the Task Force,
5. giving the Task Force a one year time frame which allowed the government to look for alternative solutions as the issue faded from public attention.

As suggested, the provincial government not only had an incentive to set up a task force but to do so with the assurance that it retained control over the process.

The issue of power is also central to mediation and has an influence on whether the parties are committed to good faith negotiation. Power can take various forms. In the mediation process one of the sources of power, as discussed earlier, is whether a party has an alternative or outside option. Other sources of power include knowledge, financial resources, and political or public support. In the case of the Task Force all three of these sources of power were in evidence. However, the power was not equally distributed which is a requirement for mediation to be successful. For example, the forest companies had extensive resources, both financial and human, enabling them to undertake research that in turn provided information to support their positions on forest inventories. Without the resources to undertake similar studies the other parties were at a disadvantage by not being able to confirm or challenge the results of the studies funded by the forest industry. Whether the forest companies inventories were accurate or not should have been corroborated by an independently funded study. However, the resources available to the Task Force could not support research nor was there adequate time for undertaking these types of studies.

Public opinion and political pressure can also be effectual forms of power during negotiations as was evidenced during the Task Force proceedings. Without the public support both locally and from outside the region it is unlikely Tofino could have persuaded the provincial government to consider its sustainable development strategy proposal in the first place. Similarly, without strong public support it is questionable whether Tofino would have been able to withstand the combined forces of the Task Force

members in favour of maintaining the status quo forest harvesting plans. Even with this public support a Tofino resident acknowledged, "The Tofino representatives are under a great deal of pressure to approve further clear-cut logging and keep the status quo happy while the Task Force is in session," (Alberni Valley Times, Nov. 03, 1989:4).

As noted previously the government also retained substantial power during negotiations by setting the regulatory, political and economic parameters of the process. In making all of the critical decisions with respect to who was to be involved and appointed, what process was to be used, the objectives and issues to be resolved, the time frame, the selection of the Chairman/ Mediator, the resources available, and when and if the recommendations would be implemented, the province ensured it retained overall control of the process.

In summary, the answer to the question of whether the parties were committed to good faith negotiations is complex and can only be determined in the context of the parties' incentive, power and voluntariness in taking part. One of the issues most mediators agree on is the need for a balance of power among the disputants or the ability to exert some influence over each other. Although the parties involved in the Clayoquot Sound Task Force dispute were in a position to exert some pressure on each other there was an inequitable distribution of power. While delays in reaching agreement on the short-term logging issue might adversely affect forest company operations these set backs could be weathered easily. In fact the delays benefitted the forest companies in so far as they provided a reason for the companies to threaten layoffs with the attendant economic consequences to the communities within the region. These threats resulted in additional pressure to provide concessions to the companies.

The forest companies also had a fall-back position through the courts because they were in a position to seek compensation from the provincial government for any withdrawals from their TFLs. However, seeking legal redress would only be necessary if the provincial government deviated from the status quo in favour of protecting the

environment. This was unlikely given the potential impacts on the economies within the region and the political pressure from the IWA, and two of the three communities within the region.

5. Has a realistic deadline been set for the negotiations?

The terms of reference stated the Task Force had three months to resolve the short-term logging issue and one year to prepare a sustainable development strategy and report back to the Ministers of Environment and Regional and Economic Development. While there was disagreement among Task Force members over the interpretation of the terms of reference concerning when the three month and one year periods began - i.e., whether from the time of the establishment of the Task Force in August 1989 or beginning with the first meeting in October 1989 - it quickly became apparent that both the three month and one year periods were insufficient. As the Task Force continued to struggle with the short-term logging issue in September 1990, eleven months after the first meeting, the provincial government's misreading of the complexity of the issues and overly optimistic expectations as to the length of time required to resolve the dispute and prepare a sustainable development strategy were obvious.

The time frame imposed on the Task Force in the terms of reference reflected a lack of understanding of the issues by the provincial government. First, the suspension of the normal forest planning processes and the devolution of this responsibility to the Task Force did not take into account the repercussions of such a decision and the conflict that would result from the Task Force having to make these types of decisions. Second, the complexity of defining and translating the concept of sustainable development into a practical strategy by means of consensus was grossly underestimated. Third, there was a failure to anticipate the need for additional research because of discrepancies and disagreements resulting from the lack of reliable resource inventories. Fourth, the logistical problems of convening Task Force meetings were not considered, particularly

concerning members who were volunteers, i.e., those individuals who were not participating as paid employees of an agency or organization, or those who had seasonal employment commitments. Based on these reasons the time frame imposed on the Task Force was unrealistic. While time horizons are required as a means of preventing a party from gaining an advantage through delay tactics more flexibility should have been built into the process in anticipation of problems, particularly because of the experimental nature of the Task Force initiative and the complexity of the objective of preparing a sustainable development strategy.

6. Are there reasonable assurances that affected governmental agencies will cooperate in carrying out an agreement if one is reached?

Ultimately the decision to implement any of the recommendations developed by the Task Force rested with Cabinet rather than a specific government agency. However, in response to the question, there were reasonable assurances that affected governmental agencies would cooperate in carrying out an agreement if one was reached. The primary reassurance came as a result of the inclusion of the Ministry of Forests on the Task Force, since this agency had the most influence over the implementation of any agreement or recommendations. Although, as previously mentioned, the Ministry of Forests could not prevent the implementation of an agreement or recommendations they had the capability to stall the process.

The direct participation of the Deputy Minister of Environment and a representative for the Deputy Minister of Regional and Economic Development on the Task Force also contributed to the expectation that recommendations or agreements would be implemented. As pointed out in the *Westerly News* (Nixon, 1989:3) it is not common for the provincial government to appoint "such high level civil servants" to a local task force. It would therefore have been imprudent for the government to refuse to implement recommendations approved by these senior bureaucrats.

7. Does the mediator operate from a base that is independent of both the immediate parties and the decision makers with jurisdiction over the dispute?

Based on observations and the mediator's reputation, it appears that the chairman\mediator's independence was not an issue with the Task Force members with one exception. The Nuu-chah-nulth Tribal Council raised the question of the mediator's independence and questioned whether he was working for the forest industry during the early discussions surrounding the NTC's participation in the Task Force. However, the issue was not raised at subsequent meetings and it is assumed the NTC were satisfied with his independence.

The question of the mediator's appointment by the provincial government did, however, raise questions. Described as a "high pressure dispute resolution lawyer known for his work in labour problems", (Lawson & Lawson, 1990:14) the mediator's appointment by the provincial government instead of being selected and approved by the Task Force was raised. This approach is contrary to the recommended practices for choosing a mediator discussed as outlined in Appendix 2.

8. Do all parties involved trust the mediator to carry messages, when appropriate, and to honour confidential remarks?

The Task Force participants are the only ones who can respond to this question. However, the issue of the mediator having the trust of the Task Force members did not arise at any of the meetings. Criticisms of the mediator in the local newspapers focused on some of the procedures he introduced (Smith & Morrison, 1989:1 & 3) and with regard to his consent allowing the use of outsiders to advise Task Force members.

4.4.1 Summary

On the basis of the responses to Cormick's (1982) questions there is sufficient evidence to conclude that the use of mediation was inappropriate at the time and under the circumstances surrounding the establishment of the Task Force. This would have been apparent had the provincial government conducted an assessment of the dispute before proceeding with the announcement of the establishment of the Task Force. In neglecting to conduct an assessment of the dispute the government failed to observe the criteria necessary for conducting a successful mediation effort, including:

1. identifying all of the parties to the dispute,
2. determining if there was an incentive for the parties to negotiate an agreement,
3. determining if there was agreement among the participants as to the scope of issues,
4. determining if the issues were amenable to negotiation,
5. determining if there were power inequities between the parties,
6. determining if the parties were committed to negotiating in good faith to reach a consensual agreement,
7. determining if the negotiators for each party were able to speak for their constituents,
8. determining if the negotiations could be concluded within a realistic time frame.

Proceeding with mediation prior to determining whether the process was appropriate was a serious miscalculation on the part of the Ministers of Environment and Regional and Economic Development. The reasons for their decision to proceed was due either to a lack of understanding of the requirements necessary for a successful mediation effort or, in the event the government was aware of these requirements, the decision to proceed was calculated to result in the failure of the process.

4.5 A Review of the Clayoquot Sound Task Force

To understand the provincial government's decision to proceed with the creation of the Task Force it is necessary to examine the structures and approaches and how these influenced the outcome of the mediation effort.

4.5.1 Terms of Reference

The purpose of terms of reference is to provide focus and define the scope of a study. Generally, this includes a description of the specific issue or problem to be examined as well as particulars with respect to time frames, objectives, approaches, structures, number and titles of participants, reporting relationships, format for presentation of results, and level of funding.

The terms of reference developed for the Task Force by the Ministers of Environment and Regional and Economic Development contained all of the aforementioned information. Mediation, however, is a process that derives its uniqueness from not only being adaptable to the conditions of a specific dispute but also in its ability to change with the circumstances as the dispute resolution process unfolds. Hence, the description of mediation as all process and no structure. By having confined the process within the conditions outlined in the terms of reference the government severely restricted the flexibility of the process. Rather than terms of reference, procedural guidelines are usually established to guide a mediation effort. These are formulated and agreed to by the parties to the dispute, and designed to fit the specific circumstances.

As discussed earlier, the stipulation as to the agencies and organizations with the right to participate as members of the Task Force created serious problems and on several occasions threatened the continuation of the negotiations. Other issues contained in the terms of reference either of a contentious nature or which created confusion,

included: 1) the selection of the mediator, 2) the inclusion of the short-term logging issue, 3) the time frame, 4) the operation and functioning of the Task Force, 5) the amount of funding, and 6) the priority for dealing with issues.

As suggested, the terms of reference were ill-conceived from the standpoint of conducting a mediation effort as well as from the perspective of the participants who had to work within these guidelines. The fact that the original Task Force members were willing to take part in the mediation effort and abide by the terms of reference suggests a lack of understanding and knowledge of mediation by these participants.

4.5.2 Education and Evaluation Prior to Initiating Mediation

A decision by parties in a dispute to agree to participate in mediation is usually made on the basis of an understanding of the mediation process and the roles and responsibilities associated with participating. Educating the participants is one of the mediator's key responsibilities and occurs in advance of a decision by both the mediator and the parties to proceed with the process. It is also during these meetings that the mediator and parties to the dispute undertake a mutual evaluation. Besides educating the participants the mediator, during these preliminary discussions, attempts to determine whether:

1. the parties and their representatives have reasonable expectations of the mediation process.
2. the parties are prepared to enter into negotiations in good faith.
3. the parties have an element of power that can be applied against the other parties.
4. settlement of the dispute is a priority for the parties.
5. the parties are entering into the process on a voluntary basis.

In the case of the Clayoquot Sound dispute the mediator was not appointed until after the decision had been made to proceed with mediation. The agencies and organizations identified as being able to appoint members to the Task Force were

therefore not provided with the opportunity of meeting with the mediator in advance. As a result the mediator was subsequently required to explain the mediation process to the participants suggesting there was minimal understanding of the structure and process of mediation by the participants at the time they agreed to participate. This raises the question of what incentive was used by the provincial government to persuade the groups to participate in a process they knew little or nothing about.

Attempts by the mediator to educate the Task Force members about the mediation process took several forms, including briefing memorandums, journal articles, and discussions. However, as indicated by the mediator's need to continue to explain his actions and the procedures used, these efforts at education met with limited success and Task Force members were left with an incomplete understanding of the process in which they were engaged.

The limited understanding of the mediation process at the critical time when negotiations on the short-term logging issue were underway was a contributing factor to the failure of Task Force members' to develop confidence in the process or to build trust in each other. This became evident when the mediator was called to task because of the suspicions of some members surrounding the legitimacy of the proceedings and the mediator's neutrality, as for example, 1) during the period when separate negotiations were occurring between Tofino, the forest industry members and the IWA; 2) when the mediator suggested the use of a spokesperson by the Tofino members; and 3) on occasions when the mediator assumed the role of devil's advocate.

In January 1990, five months after the Task Force was established and following the difficult and often acrimonious negotiations involving the short-term logging issue, a seminar was held on the mediation process and its application to the Clayoquot Sound dispute. However, by the time the Task Force members finally began to understand the nature of the mediation process the damage had already been done in terms of acrimonious relationships and sceptical attitudes towards the mediation process. This

attitude was reflected by one of the Task Force members who was quoted as saying the Task Force was "manipulated" and "undemocratic" (Alberni Valley Times, Dec. 06, 1989:1 & 3).

4.5.3 Appointment of the CSSD Task Force Chairman/Mediator

Responsibility for the success or failure of the mediation process depends to a large extent on the skills and experience of the mediator. Selection of an individual who is credible, impartial, with a flexible personality, and likely to earn the respect and trust of all the participants is critical. It is therefore necessary for the parties to the dispute to be given the opportunity to meet with and evaluate the potential mediator as well as for the mediator to assess the participants. This mutual evaluation occurs during face to face meetings and is part of the dispute assessment stage.

As previously stated, in the case of the Task Force the selection of the chairman\mediator did not follow the prescribed course. Instead, the provincial government appointed Mr. Alan Hope as the chairman\mediator without any prior consultation with the parties and without providing either the parties or the mediator the opportunity to assess each other.

Failure to involve the parties to the dispute in the selection of the mediator violated one of the fundamental principals of mediation. The results of this oversight became evident during a meeting between Native leaders and Mr. Hope. As Mr. Hope noted following the meeting, Native leaders had raised the question as to whether he was representing the interests of the logging companies on the Task Force (Hope, Briefing Memorandum No. 2:6). This is a clear example of the consequences of the participants not being provided with the opportunity to meet with the mediator. It is also an indictment of the provincial government for appointing the mediator without first providing the opportunity for a mutual assessment. As an experienced mediator Mr.

Hope's acceptance of the appointment as the Chairman/Mediator without first meeting with the parties or evaluating the dispute is also questionable.

4.5.4 Defining the Dispute

The Task Force had both the responsibility and the right to define the dispute in any terms, as long the following conditions were met: 1) the dispute was defined in terms amenable to resolution, 2) there was a consensus on the definition of the dispute, and 3) government approval was obtained. However, difficulties were encountered in defining the dispute because of the divergence of opinion among the members with respect to the issues. As stated in Briefing Memorandum No. 6 (Hope, 1990:3) "in this dispute, as in many disputes in which consensus is the dispute resolution process adopted by the parties, the issues go beyond the question of legal rights and involve interests less objective in nature and more difficult to isolate and define."

Recognizing the diversity of opinions among Task Force members concerning the definition of the dispute the mediator suggested starting with a question, "How should the principles of sustainable development be applied to the development of Clayoquot Sound?" (Hope, Briefing Memorandum No. 6, 1990:3). By using this approach the problem of having to differentiate between where the dispute ended and the preparation of a sustainable development strategy began was avoided. It was also hoped that further delays and perhaps failure by the members to reach agreement on the issues would be avoided as a result of combining strategy development and dispute resolution. To a large extent this approach was also necessary because of the mediator's appointment after the decision had already been made by the provincial government to proceed with mediation. The mediator was therefore unable to ascertain if there was at least general agreement among the parties with respect to the issues as would normally have been done during the assessment of the dispute.

4.5.5 Committee Structure

A two-tier committee structure was established by the mediator as a means of beginning the process of defining the dispute within the larger context of preparing a sustainable development strategy. The first tier consisted of a group of committees to deal with the logistical requirements of the Task Force. The committees in this category included: computer modelling, finance, community and press relations, round table liaison, agreement committee, procedural committee, and data development. Interest group committees comprised the second tier of the structure and included: aquaculture, environment, forest industry, fishing industry, government, heritage, jobs, mining industry, and tourist industry.

The purpose of the interest group committees was to facilitate the development and definition of interests related to the issues and to "permit the evolution of a process for pursuing an agreement on those issues" (Hope, Briefing Memorandum No. 6, 1990:7). The interest group committees were comprised of both Task Force members and non-member volunteers representing constituencies, e.g., commercial fishermen) whose interests were not represented on the Task Force but who had a community of interest in the subject of the committee (Hope, Briefing Memorandum No. 6, 1991:5). One of the reasons for employing the committee structure and particularly the interest group committees was to increase participation by providing opportunities for a broader representation of the affected interests within the Clayoquot Sound region. This approach circumvented the problem of the Task Force having to reach consensus on membership since there was no requirement for the volunteer committee group representatives to be members of the Task Force.

While one of the goals in establishing the interest group committees was to provide for broader representation, a second objective was to define the interests of the constituents represented by each sectoral committee. In theory, once a committee had succeeded in defining its interests it could meet with other committees to discuss their

mutual interests. Together the two committees could then begin to consider what options were available to them in pursuing consensus on their mutual interests and subsequently the interests of other negotiating group committees.

Only following preliminary identification of issues and alternatives affecting their particular constituencies could committees initiate negotiation and interaction with other committee groups. The overall objective was to narrow the issues to those which the interest group committees were unable to negotiate and for these to be addressed by the Task Force as a whole. As stated in Briefing Memorandum No. 7 (Hope, 1990:6),

"The expectation is that if this process is pursued with a degree of patience and persistence, the result will be a reasonably clear articulation of interests in a context in which both common ground and areas of disagreement will be identified. The Task Force will then be in a position to move on to the next phase of negotiations which will see a merger of the negotiating groups and a refinement of the issue."

Throughout the negotiations between the committee groups, facilitators were available to assist with the negotiations. Operating principles were also established for the negotiating committees vis a vis a formal set of "Negotiating Committee Procedures." The procedural ground rules covered: the structure of the negotiating committees; the process for the negotiating chairperson to convene meetings; the tasks of the committees; interaction with the Task Force; recording and reporting the results of the negotiating committees; the method for contacting and working with the other negotiating committees; and the clerical and research support available to negotiating committees. The committees were not intended as a decision-making structure, rather they served as a resource from which the Task Force could develop the necessary structure and process to address the dispute. The committees were ultimately accountable to the Task Force.

Essentially the purpose of the committee structure was to serve as a vehicle for pleading the issues that constituted the dispute as well as to facilitate the development of the issues in such a manner as to permit the Task Force to negotiate these. For the most

part, however, the committees did not meet these objectives due to the animosity generated by the short-term harvesting issue which affected subsequent negotiations. As noted in the Task Force's report (Clayoquot Sound Sustainable Development Task Force, 1991:14) participants had difficulty "identifying interests apart from positions," the positions having been entrenched during the short-term logging issue negotiations which were still ongoing during the committee negotiations. The committee groups were also a casualty of logistical difficulties in organizing and coordinating meetings between members who lived in Victoria or Vancouver and those who resided in the communities within the study area.

The advantage of the committee structure approach is that it provided the opportunity for a broader representation of affected interests in defining the dispute and developing interests. The approach appeared to offer a solution to the deadlock surrounding the issue of participation of the many interests excluded when the Task Force was first established. Had it not been for the short-term logging issue which polarized the Task Force from the outset and commanded members' attention for almost an entire year, the committees may have proceeded beyond the stage of developing sectoral objectives, the one success of the committee group structure process. While some of the committee groups proceeded to the next step of exchanging interests and attempting to reach agreement on shared objectives, the results at this stage were mixed.

4.6 Short-term Logging Issue

As outlined in the terms of reference, the Task Force was instructed to identify areas where timber harvesting could continue during the planning period, i.e., the period during which the Task Force was preparing the sustainable development strategy. Other factors affecting the short-term logging issue that the Task Force was required to take into account, included: 1) disruption to the logging industry was to be minimized, 2) resolution of the short-term logging was required prior to the Task Force proceeding on

to the main objectives, and 3) the time frame for resolving this issue was within the first three months. Failure to reach consensus on the short-term logging issue within three months would result in decision-making for forest planning in the short-term reverting to the provincial government i.e., the Ministry of Forests would continue to issue permits as per the status quo.

The provincial government's rationale for suspending the normal forestry planning process and requiring the Task Force to assume responsibility for forest planning within the Clayoquot Sound region was to remove or reduce the source of further conflict by allowing the Task Force to identify areas where logging could continue. Ideally, this was to be accomplished through negotiations and agreements between the Task Force members and the two forest companies, MacMillan Bloedel and Fletcher Challenge Canada (both of whom were also represented on the Task Force). The intent of the agreement was to enable forest harvesting to continue without disruption in areas of Clayoquot Sound that were not controversial or considered environmentally sensitive and thereby not foreclosing on options for future environmental protection. However, the Ministry of Forests interpreted the suspension of the normal forestry planning process as constituting a moratorium on all forest harvesting and required the Task Force to approve all permits.

The initial failure to reach consensus on areas where logging could proceed led to the formation of ad hoc negotiating groups consisting of Task Force members with key interests in the short-term logging issue. As stated in the Clayoquot Sound Sustainable Development Task Force report (1991:7) these committees would "clearly identify the issues that needed to be resolved, explore any reasonable options for resolution, and attempt to achieve consensus on the options proposed." During the December 1, 1989 Task Force meeting the short-term logging issue was partially resolved with an agreement assuring a fibre supply for MacMillan Bloedel and Fletcher Challenge Canada for the following year.

These agreements represented the first major issue resolved by the Task Force and served as an indication that the mediation process could succeed. However, a significant price was paid for the agreement in terms of the bitter negotiations and deterioration of relationships between the different factions on the Task Force.

While partial agreement was achieved on the immediate short-term logging issue the Task Force also had to reach consensus on areas where road construction and related pre-harvesting development could proceed in preparation for timber harvesting in the succeeding years. As a means of addressing these issues three committees were established by the Task Force: 1) an Alternative Harvest Committee to review different harvest systems to determine if these could be applied in the study area, 2) the Bedingfield Bay Committee to address Fletcher Challenge Canada's requirements for continued fibre supply and for maintaining employment levels, and 3) a committee to review MacMillan Bloedel's short-term logging requirements.

On May 25, 1990 the Task Force agreed the matter of the short-term logging issue with Fletcher Challenge Canada Ltd. had reached an impasse and should be referred back to the government for resolution. Agreement was eventually reached with MacMillan Bloedel on September 11, 1990 to adopt an Integrated-resource management Planning Process for Tofino Creek.

One of the reasons for the difficulties encountered in attempts to resolve the short-term logging issue was the responsibility for dealing with this issue within the first three months following the Task Force's establishment. As discussed earlier, Task Force members had limited understanding and no experience with respect to mediation at the outset of the process. Further problems were created by the statement in the terms of reference that the disruption to the logging industry was to be minimized. This was interpreted by some members of the Task Force to mean no disruption was to occur and employment levels were to be maintained. Conversely, other Task Force members felt that it was acceptable or even inevitable that some disruption to employment would

occur.

Although the Task Force was specifically instructed to deal with the short-term logging issue in the terms of reference, the mediator maintained the issue did not "form part of the objective defined in the Terms of Reference" (Hope, Briefing Memorandum No. 3, 1989:1). There are two reasons for the Chairman making this statement. First, it was the Chairman's contention (Hope, Memorandum No.4, 1989:4) that "mediation is not a decision-making process" and the task of identifying areas and planning where short-term timber harvesting could continue was essentially a decision-making process. Secondly, the Chairman was attempting to keep the highly contentious short-term logging issue from further polarizing the Task Force and affecting upcoming negotiations on the primary objective. As the Chairman (Hope, Memorandum No. 3, 1989:1) stated, "I am anxious to ensure that a failure of consensus on the short-term issue does not impede the Task Force in pursuing its objective."

The short-term logging issue continued to be part of the Task Force's discussions until September 1990, at which point the District of Tofino representatives stated they would no longer participate in any further discussions on the issue. The Tofino representatives' position was outlined in a statement to the Task Force. The statement noted the short-term issue had dominated the Task Force's agenda and compromised its ability to effectively address the issues of long-term sustainability and protection of the environmental values of Clayoquot Sound (Clayoquot Sound Sustainable Development Task Force, 1991:10). Tofino's refusal to continue negotiations on the short-term logging issue meant that consensus was no longer possible and responsibility for decision-making with respect to the outstanding short-term logging issue reverted to the provincial government.

The incongruity of having the Task Force act as a decision-making body for short-term logging while also being required to prepare a sustainable development strategy for the Clayoquot Sound region was not lost on some members of the Task Force,

particularly since some of the areas were controversial or considered environmentally "sensitive" by some constituency groups. The question was also raised of how it was possible for the provincial government to impose a moratorium on forest harvesting (based on the Ministry of Forests' interpretation of the terms of reference) within the region and simultaneously require the Task Force to ensure that logging continues without disruption.

4.7 Guidelines for a Successful Mediation Effort

The terms of reference were a serious impediment to the operation of the Task Force. Instead of facilitating resolution of the dispute and contributing to the preparation of a sustainable development strategy the terms of reference appeared to have been carelessly contrived with the sole intention of expediting the process. As a result many of the conditions considered fundamental to a successful outcome were either overlooked or deliberately omitted.

Widespread success resolving disputes through the use of mediation has led to an analysis of mediated disputes in an effort to uncover the conditions which contribute to a successful outcome. Based on the findings of these studies guidelines have been developed to assist those involved with mediation, including the parties to a dispute, mediators and decision makers in evaluating whether mediation is the appropriate mechanism given the specific circumstances surrounding a dispute.

With respect to the decision makers, the mediator must be aware of any constraints which may be imposed on the process. His or her responsibility is therefore to ascertain whether:

1. the process is voluntary, consensual and non-binding.
2. any conditions exist which could affect the ground rules.
3. there is procedural flexibility.
4. a mechanism exists for compromise, since power and political advantages

- are not eliminated by use of mediation.
- 5. there are any restrictions which apply to defining the dispute.
- 6. if conditions on the use of funding have been applied.
- 7. time horizons have been imposed and if these are realistic.
- 8. the use of delay tactics will benefit any party.

It is also extremely important that the parties to the dispute have confidence and trust in the mediator. Meetings between the mediator and the parties are therefore necessary to provide an opportunity for mutual assessment. The process of evaluating a potential mediator must include questions which attempt to establish the mediator's:

- 1. neutrality and impartiality.
- 2. experience and technical knowledge relating to the issues.
- 3. ability to bring the parties together.
- 4. availability, i.e., what other commitments do they have.
- 5. trustworthiness and ability to treat information in a confidential manner.
- 6. flexibility in terms of attempting different techniques and dealing with unique situations.
- 7. strength and ability to confront the values and assumptions of the participants.

The mediator, the parties to the dispute, and the decision makers have a stake not only in resolving the dispute but also in the implementation of the agreement. The resolution of the dispute must be considered in the context of an agreement which is feasible to implement. It is therefore necessary for all interests to consider the implementation of an agreement or recommendations from the standpoint of whether:

- 1. there is a method for holding the parties to their commitments.
- 2. there is the political will to implement an agreement.
- 3. there is a means of determining fair compensation and possible compensatory actions if required.
- 4. the agreement is mutually satisfactory and in the best interests of all of the parties.
- 5. the participants are convinced they have reached a fair settlement and are therefore willing to sell the agreement to their constituents.
- 6. the political and financial means are available to implement the agreement.

The preceding questions and statements can assist decision makers, mediators and the parties to a dispute to determine whether the mediation process is appropriate. These

statements also serve as prerequisites and guidelines for conducting a successful mediation effort. In the case of the Task Force however, those involved either ignored or were unaware of the relevance of these principles. Regardless of the reason the result was the same.

4.8 The CSSD Task Force Mechanism

Critics of task forces maintain they are often created with the intention of removing a highly controversial or politically sensitive issue from the public view. It has also been suggested that task forces enable governments faced with difficult issues to delay making decisions. To a large extent these criticisms are appropriate with respect to the establishment of the Task Force.

Through the establishment of the Task Force the provincial government succeeded in alleviating the political and public pressure to make a decision in what was essentially a no win situation. A ruling by the provincial government in favour of restricting forest harvesting within the Clayoquot Sound region would send a message to the environmental lobby that persistence and effective use of the media were strategies that could be used successfully against the government and the forest industry. The consequences of such a decision, if areas were to be withdrawn from a company's tree farm licences (TFL) or if there were a reduction in the annual allowable cut, could result in the government being liable for providing compensation to the forest companies for lost revenues. Perhaps more importantly the provincial government would also suffer the political repercussion of challenging the all-powerful forest industry lobby within the province, traditionally a strong supporter of the Social Credit government.

Conversely, a decision in favour of the forest industry would further undermine the already faltering credibility of the provincial government on environmental issues. With the world environmental conference Globe '90 scheduled for Vancouver in 1990,

and with forest harvesting practices in British Columbia being compared to the deforestation of the rainforests in Brazil, the provincial government was desperate to improve its image on environmental issues. An equally serious problem for the provincial government, as confirmed in a number of public opinion polls, was the momentum of change in public values. The strong emphasis on environmental protection and sustainable development initiatives, particularly among the urban population in areas of Victoria, Vancouver and the Lower Mainland was also of considerable concern to elected officials.

Creation of a task force was a politically astute manoeuvre conveying the impression that the provincial government was dealing with the Clayoquot Sound dispute in an equitable and innovative manner. Through a carefully worded news release (Ministers of Regional and Economic Development, and Environment, August 4, 1988) the provincial government attempted to convince the public of its commitment to the principles of sustainable development while portraying the government as a non-partisan facilitator with an obligation to balancing the competing economic and environmental interests. In essence the Task Force was the government's only hope for escaping from the unpopular position of having to make a decision over logging in the Clayoquot Sound region. However, there is evidence that some key civil servants had a genuine interest in seeing the Task Force and mediation process succeed. The Deputy Minister of Environment, for example was a strong supporter of the Task Force and mediation process and an active participant who attended most of the meetings. The Deputy Minister of Regional and Economic Development, however rarely attended the Task Force meetings even though the Ministry was also responsible for the Task Force.

The participation of the Deputy Minister of Environment on the Task Force gave credibility to the process and support to the belief that the government was making a legitimate effort to resolve the Clayoquot Sound dispute. As well, the government appeared to be showing an interest in developing an approach for resolving similar difficult environmental disputes in other parts of the province. Having a Deputy Minister

as a member of the Task Force further increased the expectations of the process. However, the involvement of the Deputy Minister on the Task Force had a number of implications for the provincial government. While it is unlikely that any radical departures from existing government policies or practices would emerge from the Task Force's negotiations involving the forestry dispute there was room for innovation through the preparation of a sustainable development strategy. If during the preparation of a sustainable development strategy new directions in government policy were determined by the Task Force to be necessary to achieve sustainability, the provincial government could potentially be in the position of requiring the Deputy Minister to withhold consensus if the initiatives which strayed from existing government policy had political implications. In the event this occurred the provincial government could be accused of being insincere and undermining the Task Force's mandate. If the Task Force was successful in resolving the dispute and preparing a sustainable development strategy with the Deputy Minister's involvement the provincial government would almost certainly have to follow through on the implementation of the strategy or risk another serious attack on its credibility and further deterioration of public confidence.

Settlement of the dispute would also have set a precedent for the resolution of similar disputes through mediation and expectations for government and industry to commit resources for these efforts. With several other confrontations between pro and anti logging interests in the province approaching the intensity of the Clayoquot Sound dispute, the possibility of public demands for similar approaches to resolving the disputes (task forces and environmental mediation) in these other situations would be likely. However, given the resources necessary to undertake mediation and the year or more delay in resolving disputes it is unlikely both government and industry were favourably disposed to setting this precedent.

As a means of avoiding setting a precedent, establishment of a task force offered a solution to the quandary of appearing to be legitimately interested in resolving the dispute and retaining control over the outcome of the process. By providing terms of

reference with objectives the Task Force could not hope to accomplish within the time frame available or with the resources provided the provincial government was assured the Task Force would at best have only limited success. Once the Task Force reached the end of its mandate the government was in a position to either extend its term, revise the terms of reference or structure of the Task Force or simply take over responsibility again for resource management in the region, depending on the political climate and state of the dispute.

In summary, from the provincial government's perspective a task force, because of its informal nature and the absence of a rigid structure or clear operational requirements was a means of removing the problem of the Clayoquot Sound dispute from media attention and delaying the need to make an unpopular decision. By using a task force the government was able to appoint the participants, provide terms of reference, and appoint the chairperson, all of which ensured a substantial measure of control over the process.

As a vehicle for conducting mediation the task force was less than ideal. The difficulties encountered over increasing the membership, the appointment of the chairperson, the objectives and conditions restricting procedural flexibility contained in the terms of reference, and the absence of a requirement for the government to make public the recommendations of task forces are reasons why this structure is less than satisfactory as a means for conducting mediation.

4.9 Public Participation and The CSSD Task Force

In June 1989, two months prior to the establishment of the Task Force the report of the British Columbia Task Force on Environment and Economy, entitled **Sustaining the Living Land** (1989), was released. This report repeated the recommendations of earlier reports concerned with the processes for establishing sustainable development and

reaffirmed the need to promote public participation as a key element in the formulation of sustainable development strategies. As stated in Sustaining the Living Land (1989:17) "local communities and the general public must be given increased opportunities to participate in economic and environmental decision making processes that affect their lives." The same emphasis on public participation is contained in the recent report by the British Columbia Round Table on the Environment and the Economy, Towards A Strategy For Sustainability (1992:71). As the report states, to be effective consensus-based decision making must meet the following criteria:

The full range of interested parties are involved early in the process, and thereby provided with the opportunity to participate in defining the problems and seeking solutions, rather than simply responding to those identified by government.

As illustrated by these two reports, public participation is recognized as a fundamental principle for preparing a sustainable development strategy. However, the approach taken by the Task Force was not one which encouraged public participation. In a newspaper interview shortly after the Task Force began meeting the Mediator was quoted as saying the task force is an "open meeting" but not a "public meeting" and that the public "may not participate in the process." (Richards, 1989). The Task Force meetings were subsequently closed to the public on the recommendation of the Mediator because "the presence of a large audience representing different constituencies of opinion has proven to be a distraction" (Hope, Briefing Memorandum No. 5:1989:1). The restricted access to the Task Force meetings also applied to the media.

While the public was excluded from the Task Force's meetings, a public meeting was held in each of the communities of Ucluelet, Port Alberni and Tofino. The purpose of these meetings was to inform residents of the progress being made by the Task Force. The public attending the meetings were given the opportunity to question the Task Force members. However, these meetings represented examples of non-participation according to Arnstein's (1969) criteria, displaying all of the negative characteristics that have led to criticisms of this form of public participation technique. Opposing constituent groups

stacked the meetings in Ucluelet and Tofino and used them as platforms to criticize each other and individual Task Force members. As one participant pointed out, "These meetings have been used by the "Share" groups as an opportunity for demonstrations involving hundreds of their members" (Hare, 1990:5). At times, the meetings threatened to erupt into violence because of the extreme frustration by residents. For the most part the anger was directed at the Task Force as a result of the minimal progress being made and the continuing uncertainty over employment for those working in the forest industry.

The anger and frustration demonstrated at the public meetings illustrated the shortcomings of the Task Force's policy towards public involvement. First, it showed a general lack of understanding of mediation by the public, and a failure to recognize that the process takes time and progress is not always tangible. This is evidence of the ineffectiveness of the Task Force members communicating with their constituents. Second, the failure to allow the public access to the Task Force meetings resulted in selective information dissemination by the members to both their constituents and the media. Eventually, the Task Force agreed any information released to the media was to be approved by the chair. Third, because of the exclusion of the media from the Task Force's meetings one of the primary sources of information dissemination was no longer available to many of the constituents. While some organizations, for example, the IWA, kept constituents informed through a newsletter the majority of constituents, particularly those represented by elected officials, received little if any information. The sense of secrecy had the effect of undermining trust among the public. Fourth, the Task Force did not represent all of the diverse interests within the communities. Nor was there a genuine attempt to provide a means for those who were not represented to express their opinions or concerns.

In summary, the Task Force sought to minimize direct contact with the public, depending instead on the members to communicate the proceedings to their constituent groups. This method was based on a number of false assumptions, including:

1. the existence of a two-way communication link between the Task Force

- members and their constituents,
2. the Task Force members would provide a timely, accurate and objective overview of the progress being made by the Task Force,
3. the Task Force members would reflect the views of the constituents in the negotiations.

The frustration and anger expressed during the public meetings confirmed the serious shortcomings of relying solely on Task Force members to disseminate information. Eventually the Task Force decided to hire a consultant to develop a newsletter for general distribution. However, only one issue was produced and this was not released until September 1990, three months before the Task Force was due to complete its mandate. As well, the newsletter contained little substantive information.

By minimizing public involvement the Task Force alienated the public and the media, raising suspicions with respect to the mediation process. As well, this approach directly contradicts the aims and principles of sustainable development strategy formulation where public involvement is an essential part of the process. In the event the Task Force had been successful in reaching an agreement it is unlikely widespread support would have been forthcoming since the public, for all intents and purposes, had been left out of the process.

5.0 CONCLUSION

As discussed in Appendix 2, measuring the success of a mediation process depends on the criteria used. If the outcome of the process is used as a measure of success, that is, whether or not an agreement was reached, then the Task Force failed. Agreement was not reached in the conflict involving forest harvesting within the Clayoquot Sound study area. If an improvement in the relationships between the parties is used to measure the success of the mediation effort, then once again the Task Force was unsuccessful. The efforts of the Task Force have resulted in further entrenchment of positions and increased polarization among the members rather than improved communications.

The provincial government's motive in establishing the Task Force is likely to remain unknown. However, faced with a no win situation in any decision affecting resource allocation within Clayoquot Sound and mounting public and political pressure to resolve the dispute it appears the provincial government chose a politically expedient course of action, that of establishing a task force. In essence a task force was the optimal solution to the problem. The government was able to retain control of the process by establishing the objectives, funding levels, membership, reporting responsibilities, and other aspects of the operation. At the same time the government's public image was improved by the appearance of having a legitimate interest in resolving the dispute using the environmental mediation process. The government would also be able to use the Task Force's failure as the rationale for resuming decision making responsibility over resource management and land use issues.

While the parties who chose to participate did so voluntarily, for some there was no recourse except continuation of the conflict. Somewhat surprising is the fact that individuals agreed to participate on the Task Force with little understanding of the process or their responsibilities. It is also noteworthy that an experienced mediator consented to undertake mediation of this dispute considering, 1) the lack of opportunity to assess the dispute and participants prior to the decision to proceed with mediation,

2) the conditions set by the provincial government and control they retained over the process, and 3) the exclusion of key representatives with a stake in the dispute. These are fundamental issues to the success of a mediation effort and consequently the probability for successful resolution of the dispute under these conditions was minimal.

The failure of the Task Force to succeed in resolving the Clayoquot Sound dispute was not unexpected. As experienced mediators are quick to point out, when inappropriately used, mediation can exacerbate a conflict. Therefore, determining if a dispute meets the criteria for attempting mediation is essential. In the case of the Clayoquot Sound dispute the fundamental first step of assessing the dispute was omitted. Whether this occurred as a result of an oversight, lack of understanding of alternative dispute resolution processes or a deliberate decision is unknown. Regardless, the failure to conduct an assessment of the dispute and the decision to proceed with mediation when the dispute did not meet the fundamental criteria for resolution through this process had a predictable outcome, failure to reach an agreement, increased animosity between the participants, and exacerbation of the dispute.

Exacerbation of the Clayoquot Sound dispute followed the dissolution of the Task Force. On March 11, 1993 a large group of demonstrators protesting against logging in Clayoquot Sound entered the British Columbia legislature, damaging property and causing personal injury to one of the Legislative security personnel. The national media have once again focused on British Columbia as protests and arrests for blockading logging roads in the Clayoquot Sound area have gained widespread attention and led to the condemnation of the policies of the provincial government with respect to resource allocation and management.

The Task Force objective of resolving the land use\logging dispute was inextricably linked to the objective of preparing a sustainable development strategy for the region. Under this dual mandate the failure of the dispute resolution process inevitably meant failure to prepare a sustainable development strategy. Even if the two objectives had not

been linked the likelihood of the Task Force succeeding in preparing a sustainable development strategy that took into account all aspects of present and future development in the Clayoquot Sound area was very small given the resources, time frame, absence of key representatives from several of the resource sectors, and exclusion of the public from the process.

In summary, the Task Force was destined to fail from the outset. Whether it was the intention of the provincial government to ensure the Task Force did not succeed or the result of inexperience and ineptitude will remain the subject of speculation. However, because of the failure of the Task Force it is unlikely that environmental mediation will be given a second opportunity in British Columbia. This is unfortunate because the mediation process has the potential, when employed under the proper circumstances, to facilitate the resolution of difficult environmental disputes. With an ever increasing number of these disputes occurring and on the horizon in British Columbia the social, economic and environmental costs will continue to mount.

BIBLIOGRAPHY

- ALBERNI VALLEY TIMES (1989). "Tofino Frustrated at Taskforce Process" Alberni Valley Times November 3, 1989.
- ALBERNI VALLEY TIMES (1990). "What Future, Janssen Asks as Port Alberni Faces More Uncertainty" Alberni Valley Times April 17, 1990.
- ALLBRECHT, D., BULTENA, G., HOIBERG, E., & P. NOWAK (1982). "The New Environmental Paradigm" Journal of Environmental Education Vol. 13, No. 3, 39-43.
- AMY, D.J. (1987). The Politics of Environmental Mediation Columbia University Press: New York.
- ANDREWS, R.N.L. & WAITS, W.J. (1980). "Theory and Methods of Environmental Values Research" Interdisciplinary Science Reviews Vol. 5, No. 1, 71-78.
- ARCURY, T.A., T.P. JOHNSON, & S.J. SCOLLAY (1986). "Ecological Worldview and Environmental Knowledge: The "New Environmental Paradigm", Journal of Environment Vol. 17, No. 4, 35-40.
- ARNSTEIN, S.R. (1969). "A Ladder Of Citizen Participation", Journal of the American Institute of Planners Vol. 35, No. 4, 216-224.
- ASHBAUGH, J. & J. SORENSON (1976). "Identifying the "Public" for Participation in Coastal Zone Management" Coastal Zone Management Journal Vol. 2, No. 4, 383-400.
- AXWORTHY, L. (1971). "The Housing Task Force: A Case Study", in The Structures of Policy-Making in Canada G.B. Doern & P. Aucoin [eds], Macmillan of Canada: Toronto, 130-154.
- BACOW, L.S. & M. WHEELER (1984). Environmental Dispute Resolution Plenum Press: New York.
- BASHEVKIN, S. (1988). "Does Public Opinion Matter? The Adoption of Federal Royal Commission and Task Force Recommendation on the National Question, 1951-1987" Canadian Public Administration Vol. 31, No. 1, 390-407.
- BERGER, T.R. (1977). Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry: Volume One Minister of Supply and Services Canada: Ottawa.

- BERNARD, T.J. (1983). The Consensus Conflict Debate Columbia University Press: New York.
- BINGHAM, G. (1986). Resolving Environmental Disputes: A Decade of Experience The Conservation Foundation: Washington.
- BINGHAM, G. & L.V. HAYGOOD (1986). "Environmental Dispute Resolution: The First Ten Years", The Arbitration Journal Vol. 41, No. 1, 3-14.
- BLALOCK, H.M.J. (1989). Power and Conflict Sage Publications: Newbury Park.
- BRIASSOULIS, H. (1989). "Theoretical Orientations in Environmental Planning: An Inquiry into Alternative Approaches" Environmental Management Vol. 13, no. 4, 381-392.
- BRITISH COLUMBIA ROUND TABLE ON THE ENVIRONMENT AND ECONOMY (1992). Towards A Strategy for Sustainability Queen's Printer: Victoria, B.C.
- BRITISH COLUMBIA TASK FORCE ON ENVIRONMENT AND ECONOMY (1989). Sustaining The Living Land Queen's Printer: Victoria, B.C.
- BRITISH COLUMBIA ROUND TABLE ON THE ENVIRONMENT AND THE ECONOMY (1992). Towards A Strategy For Sustainability Queen's Printer: Victoria.
- BRYDEN, K. (1982). "Public Input into Policy-making and Administration: The Present Situation and Some Requirements for the Future" Canadian Public Administration Vol. 25, No. 1, 81-107.
- BURCH, W.R. JR. (1976). "Who Participates-A Sociological Interpretation Of Natural Resource Decisions" Natural Resources Journal Vol. 16, 41-42.
- BURTON, T.L. (1977). "A Review And Analysis Of Canadian Cases In Public Participation" in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation pp 3-16, Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton.
- CARELESS, R. (1988). Tofino Regional Tourism Study, Unpublished draft report prepared for the Tofino and Long Beach Chamber of Commerce.
- CARPENTER, S.L. & KENNEDY, W.J.D (1980). "Environmental Conflict Management" The Environmental Professional Vol. 2, 67-74.

- CLARK, R.N. & G.H. STANKEY (1976). "Analyzing Public Input to Resource Decisions: Criteria, Principles and Case Examples of the CODINVOLVE System" Natural Resources Journal Vol. 16, 213-236.
- CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE (1991). Report to the Minister of Environment and the Minister of Regional and Economic Development Queen's Printer: Victoria.
- COCKLIN, C. (1988). "Environmental Values, Conflicts and Issues in Evaluation" The Environmentalist Vol. 8, No. 2, 93-105.
- COCKLIN, C., S. LONERGAN & B.SMIT (1988). "Assessing conflicts in the Use of Rural Resources: an Analytical Framework" Journal of Rural Studies Vol. 4, No. 1, 9-20.
- COLEBOURN, J. (1990). "Slim Chance for a Clayoquot Compromise" British Columbia Report April 02, 1990:15.
- COLEMAN, J.S. (1957). Community Conflict The Free Press of Glencoe: New York.
- CONNOR, D.M. (1977). "Models and Techniques of Citizen Participation" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 58-77, Environment Council of Alberta: Edmonton.
- CONNOR, D.M. (1979). "Design and Implementation of Public Participation Programs" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 39-62, Environment Council of Alberta: Edmonton.
- CORMICK, G.W. (1976). "Mediating Environmental Controversies: Perspectives and First Experience", Earth Law Journal Vol. 2, 215-224.
- CORMICK, G.W. (1982). "The Myth, the Reality, and the Future of Environmental Mediation" Environment Vol. 24, No. 7, 15-39.
- CORMICK, G.W. (1988). "Where, When and How to Use Mediated Negotiations: A Checklist for the Potential Participant", Canadian Environmental Mediation Newsletter Vol. 3, No. 1, 7-10.
- CORMICK, G.W. & L.K. PATTON (1977). "Environmental Mediation: Potentials and Limitations" Environment Vol. 18, 13-16.
- CORMICK, G.W. & A. KNASTER (1986). "Mediation and Scientific Issues" Environment Vol. 28, No. 10, 6-16.

- CREIGHTON, J.L. (1983). "An Overview to the Research Conference on Public Involvement and Social Impact Assessment" in Daneke, G.A., Garcia, M.W. and J.D. Priscoli [eds], pp 11-34, Public Involvement and Social Impact Assessment Westview Press: Colorado.
- CROSBY, N., KELLY, J.M. & P. SCHAEFER (1986). "Citizens Panels: A New Approach to Citizen Participation" Public Management Forum Vol. 46, No. 2, 170-178.
- CROSBY, P.B. & J.P. BARRETT (1988). "A Decision-Making Case Study for Community Forest Management" Northern Journal of Applied Forestry Vol. 5, No. 4, 254-258.
- CUPPS, D.S. (1977). "Emerging Problems of Citizen Participation" Public Administration Review Vol. 37, No. 5, 478-487.
- CURTIS, F.A. (1986). "Environmental Mediation for Development Disputes", Environments Vol. 18, Nos. 1&2, 14-27.
- DANEKE, G.A. (1983). "Public Involvement: What, Why, How" in Daneke, G.A., Garcia, M.W. and J.D. Priscoli [eds], pp 11-34, Public Involvement and Social Impact Assessment Westview Press: Colorado.
- DARLING, C.R. (1991). In Search of Consensus: An Evaluation of the Clayoquot Sound Sustainable Development Task Force University of Victoria Institute for Dispute Resolution: Victoria.
- DARLING, J.D. & KEOGH, K.E. (1990). Clayoquot Sound Biological Diversity Study Literature Review Unpublished - prepared for Conservation International, Western Canada Wilderness Committee.
- DEGROVE, J.M. & W.J. DEHAVEN-SMITH (1987). "Resource Planning And Management Committees: A Tool For Intergovernmental Coordination And Conflict Resolution" in O.T. Magoon [ed], pp. 2213-2227, Coastal Zone '87 Coastal Zone Foundation: San Francisco.
- DICKERT, T., & J. SORENSON (1974). "Social Equity in Coastal Zone Planning" Coastal Zone Management Journal Vol. 1, No. 2. 141-150.
- DILLMAN, D.A. & J.A. CHRISTENSON (1974). "Toward The Assessment Of Public Values" The Public Opinion Quarterly Vol. 38, No. 2, 206-221.
- DIOTTE, R. (1989). "Chair Wants Taskforce Blacked Out" Alberni Valley Times December 06, 1989:1 & 3.

- DIOTTE, R. (1989). "Janssen Says Company Taskforce Would Have Been Better Than What Premier's Set In Motion" Alberni Valley Times November 17, 1989:1.
- DIOTTE, R. (1990). "Time Passing Much Too Quickly for CS Taskforce" Alberni Valley Times April 17, 1990.
- DOERR, A.D. (1981). The Machinery of Government in Canada Methuen: Toronto.
- DOERR, A.D. (1982). "The Role of Coloured Papers" Canadian Public Administration Vol. 25, No. 3, 366-379.
- DORCEY, A.H.J. & RIEK, C.L. (1987). Negotiated Settlement of Environmental Disputes: An Analysis of Canadian Experience Canadian Environmental Research Council: Hull.
- DUNLAP, R.E. & VAN LIERE, K.D. (1978). "The 'New Environmental Paradigm'" Journal of Environmental Education Vol. 9, No. 4, 10-19.
- DUNLAP, R.E. & VAN LIERE, K.D. (1984). "Commitment to the Dominant Social Paradigm and Concern for Environmental Quality" Science Quarterly Vol. 65, No. 4, 1013-1028.
- DURRANT, P. (1990). "Alberni's Frustrated Over Forest" Province April 29, 1990:28.
- EIDSVIK, R in PARENTEAU, R. (1988). Public Participation In Environmental Decision-Making Federal Environmental Assessment Review Office, Minister of Supply and Services Canada: Ottawa.
- ERTEL, M.O. (1979). "A Survey Research Evaluation of Citizen Participation Strategies" Water Resources Research, Vol. 15, No. 4, 757-762.
- ESTRIN, D. (1977). "The Public Is Still Voiceless: Some Negative Aspects Of Public Hearings", in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton, 83-87.
- FANNING, O. (1979). "The World's Newest Profession" Environment Vol. 21, No. 7, 33-38.
- FISHER, R. & W. URY (1981). Getting to Yes: Negotiating Without Giving In Houghton Mifflin: Boston.
- FOREST PLANNING CANADA (1989). "National Survey of Canadian Public Opinion on Forestry Issues" Forestry Planning Canada Vol. 5., No.4, 12-13.

- FORTMANN, L. (1988). "Predicting Natural Resource Micro-protest" Rural Sociology Vol. 55, No. 3, 357-367.
- FOLBERG, J. & A. TAYLOR (1984). Mediation: A Comprehensive Guide to Resolving Conflicts Without Litigation Jossey-Bass Inc: San Francisco.
- FREEMAN, D.M. & R.S. FREY (1986). "A Method for Assessing the Social Impacts of Natural Resource Policies" Journal of Environmental Management Vol. 23, No. 3, 229-245.
- GOLDBERG, S.B., GREEN, E.D. & F.E.A. SANDER (1985). Dispute Resolution Little, Brown and Company: Boston.
- GOLTEN, R.J. (1980). "Mediation: A "Sellout" for Conservation Advocates, or a Bargain" The Environmental Professional Vol. 2, 62-66.
- GRANT, J. (1989). "From "Human Values" to "Human Resources": Planners' Perceptions of Public Role and Public Interest" Plan Canada Vol. 29, No. 6, 11-18.
- GREGORY, C. (1989). "On Forests, Tourism, and Economic Development" Forest Planning Canada Vol. 5, No. 4, 14-15.
- GRENFELL, P. (1987). "Multiple-Interest Problem Solving at Cascade Ranch" in O.T. Magoon [ed], pp. 2761-2771, Coastal Zone '87 Coastal Zone Foundation: San Francisco.
- GREGORY, R., NIEMI, E., & R. MENDELSON (1989). "A Model for Evaluating the Impacts of Forest Management Regulations", Journal of Environmental Management Vol. 29, No. 2, 129-144.
- GRIZZLE, G.A. (1984). "Developing Standards for Interpreting Agency Performance: An Exploration of Three Models" Public Administration Review March/April, 128-133.
- GUSMAN, S. & V. HUSER (1984). "Mediation in the Estuary, Coastal Zone Management Journal Vol. 11, No. 4, 273-295.
- HARE, S. (1990). "Clayoquot Sound: Task Force Okays Clearcutting" New Catalyst Spring 1990:5).
- HARRIS, B.S. & A.D. MEISTER (1983). "The Use of Recreation Analysis in Resource Management: A Case Study" Journal of Environmental Management Vol. 16, 117-124.

- HEBERLEIN, T.A. (1976). "Some Observations On Alternative Mechanisms For Public Involvement: The Hearing, Public Opinion Poll, The Workshop And The Quasi-Experiment" Natural Resources Journal Vol. 16, 197-212.
- HEIMAN, C. (1989). "Task Force will Tackle Clayoquot Land-use Conflicts" Times-Colonist Victoria, August 05, 1989, pg. A11.
- HENDEE, J.C., R.N. CLARK & G.H. STANKEY (1977). "A Framework for Agency Use of Public Input in Resource Decision Making" in R.R. Kruger & B. Mitchell [eds], Managing Canada's Renewable Resources pp. 91-102, Methuen Publications, Toronto.
- HENDERSON, G.F. (1967). Federal Royal Commissions in Canada 1867-1966 University of Toronto Press: Toronto.
- HILTS, S. & J. FITZGIBBON (1989). "Sustainable Development and Rural Resource Planning: the Challenge of the Future in Rural Canada" Plan Canada Vol. 29, No. 2, 19-27.
- HODGETTS, J.E. (1981). "Government Responsiveness to the Public Interest: Has Progress Been Made" Canadian Public Administration Vol. 24, No. 2, 216-231.
- HOPE, A. (1989). Briefing Memorandum No. 1 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1989). Briefing Memorandum No. 2 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1989). Briefing Memorandum No. 3 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1989). Briefing Memorandum No. 4 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1989). Briefing Memorandum No. 5 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1990). Briefing Memorandum No. 6 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1990). Briefing Memorandum No. 7 unpublished, Ministry of Regional and Economic Development: Victoria.

- HOPE, A. (1990). Briefing Memorandum No. 8 unpublished, Ministry of Regional and Economic Development: Victoria.
- HOPE, A. (1990). Briefing Memorandum No. 9 unpublished, Ministry of Regional and Economic Development: Victoria.
- HUSER, V.C. (1982). "The CREST Dispute: A Mediation Success" Environment Vol. 24, No. 7, 18-36.
- INGRAM, H.M. (1973). "Information Channels and Environmental Decision Making" Natural Resources Journal Vol. 13, 150-169.
- JACQUES, R. & FRASER, G.A. (1989). "The Forest Sector's Contribution to the Canadian Economy", The Forestry Chronicle Vol. 65, No. 2, 93-96.
- JEANES, T.G. (1987). "Multiple Use in the Man-made Forest" The Forestry Chronicle Vol. 63, No. 2, 18-26.
- JEFFERS, J. (1988). "Decision-thinking about land use" Land Policy January 1988, 75-78.
- JEFFERY, M.I. (1988). "Science and the Tribunal" Alternatives Vol. 15, No. 2, 24-30.
- KAVANAGH, J. (1989). "Top Mediator Named to Lead Logging Panel" Vancouver Sun September 1, 1989.
- KERR, M.K. & KING, H.W. (1984). Procedures for Meetings and Organizations Caswell Legal Publications: New York.
- KINSEY, D.N. (1980). "Organizing a Public Participation Program: Lessons Learned from the Development of New Jersey's Coastal Management Program" Coastal Zone Management Journal Vol. 8, No. 1, 85-101.
- KUBASEK, N. & G. SILVERMAN (1988). "Environmental Mediation" American Business Law Journal Vol. 26, 533-555.
- KURE, L. (1977). "The Need For Public Hearings", in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton, 88-90.
- LAKE, L. (1977). "Mediating Environmental Disputes" Ekistics September, 164-170.
- LAKE, L. (1980). Environmental Mediation, A Search for Consensus Westview Press: Boulder, Colorado.

- LAMER, A. (1977). Commissions of Inquiry Minister of Supply and Services Canada: Hull.
- LANG, R. (1986). "Achieving Integration in Resource Management" in R. Lang [ed], Integrated Approaches to Resource Planning and Management pp. 27-51, The University of Calgary Press: Calgary, Alberta.
- LAWSON, S. & LAWSON, S. (1990). "Task Force Compromises Future of Clayoquot Sound" The Essence Spring Equinox, pg. 14.
- LEMONS, J. (1989). "The Need to Integrate Values into Environmental Curricula" Environmental Management Vol. 13, No. 2, 133-147.
- LIEPMANN, K.L. (1986). "Confidentiality in Environmental Mediation: Should Third Parties Have Access to the Process" Environmental Affairs Vol. 14, 93-129.
- LILLY, J. (1988). Resolving Conflict: A Case Study Environment Council of Alberta, Edmonton.
- LOTZ, J. (1977). "Community Development And Public Participation", in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton, 49-60.
- LUCAS, A.R. (1976). "Legal Foundations For Public Participation In Environmental Decision-making" Natural Resources Journal Vol. 16, 73-102.
- MANUS, A.T. & T.J. MERTENS (1979). "Recreational Planning and Decision Making in the Coastal Zone: A Case Study of Mustang Island State Park" Coastal Zone Management Journal Vol. 5, Nos. 1/2, 35-59.
- MACDONNELL, L.J. (1988). "Natural Resources Dispute Resolution: An Overview" Natural Resources Journal Vol. 28, Winter, 5-19.
- MCALLISTER, D.M. (1982). Evaluation In Environmental Planning MIT Press: Massachusetts.
- MCCARTHY, J.E. (1976). "Resolving Environmental Disputes", Environmental Science & Technology Vol. 10, No. 1, 40-43.
- MCCRORY, J.P. (1981). "Environmental Mediation - Another Piece for the Puzzle" Vermont Law Review Vol. 6, No. 1, 49-84.
- MCKAY, P.T. (1989). "Task Force Ill-equipped to Make Forestry Decisions" Alberni Valley Times November 29, 1989.

- MEARES ISLAND PLANNING TEAM (1983). Report of the Meares Island Planning Team Province of British Columbia, Ministry of Forests unpublished.
- MERNITZ, S. (1980). Mediation of Environmental Disputes Praeger: New York.
- MEMON, P.A. (1989). "Decision Making for Multiple Utilization of Water Resources in New Zealand" Environmental Management Vol. 13, No. 5, 553-562.
- MERNITZ, S. (1980). Mediation of Environmental Disputes Praeger Publishers: New York.
- M'GONIGLE, M.R. (1989). "The Unnecessary Conflict: Resolving the Forestry/Wilderness Stalemate" The Forestry Chronicle Vol. 65, No. 9, 351-358.
- MILLER, A. (1983). "The Influence of Personal Biases on Environmental Problem-solving" Journal of Environmental Management Vol. 17, 133-14 2.
- MINISTERS OF REGIONAL AND ECONOMIC DEVELOPMENT, AND ENVIRONMENT (1988). "News Release - Task Force for Clayoquot Sound, Ministry of Environment Public Affairs and Communications, Victoria.
- MINISTRY OF CROWN LANDS (1989). Nootka Coastal Resource Interests Study Queens Printer, Province of British Columbia, Victoria.
- MINISTRY OF ENVIRONMENT (1989). Coastal Recreation and Conservation Issues and Opportunities Planning and Assessment Branch, Unpublished Report.
- MINISTRY OF FORESTS (Brochure - no date). Integrated Resource Management Queens Printer, Province of British Columbia, Victoria.
- MINISTRY OF FORESTS AND LANDS (1987). Forest Management Review Queens Printer, Victoria.
- MINISTRY OF FINANCE AND CORPORATE RELATIONS (1990). British Columbia Municipal Population Estimates unpublished document.
- MITCHELL, B. (1986). "The Evolution of Integrated Resource Management" in R. Lang [ed], Integrated Approaches to Resource Planning and Management pp. 13-27, The University of Calgary Press: Calgary, Alberta.
- MITCHELL, B. (1976). "Decision-making and Consultation in Resource Management: The B.C. Salmon Fishery" Journal of Environmental Management Vol. 4, 211-223.

- MOHAI, P. (1987). "Public Participation and Natural Resource Decision-Making: The Case of the RARE II Decisions" Natural Resources Journal Vol. 27, No. 1, 123-155.
- MORGENSTERN, J., J. DURLAK & P. HOMENUCK (1979). "Making the Evaluation of Public Participation Programs Feasible" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 121-139, Environment Council of Alberta, Edmonton.
- MORRISON, D. (1989). "CS Taskforce Wrestles With Adding More Membership" Alberni Valley Times December 20, 1989:1.
- MULDOON, F.C. (1979). Advisory and Investigating Commissions Minister of Supply and Services Canada, Hull.
- MULDOON, P. (1988). "The Fight for an Environmental Bill of Rights" Alternatives Vol. 15, No. 2, 33-39.
- NIXON, B. (1989). "Forestry Backgrounder" Westerly News October 18, 1989:3.
- OFFICE OF THE OMBUDSMAN (1988). "A Magna Carta of Integrated-Resource-Management Rights" Forest Planning Canada Vol. 5, No. 4, 22-23.
- O'RIORDAN, T. (1971). "Citizen Participation in Practice: Some Dilemmas and Possible Solutions" in W.R.D. Sewell and T.L. Burton [eds], Perceptions and Attitudes in Resource Management Ottawa: Information Canada.
- O'RIORDAN, J. & T. (1979). "How Can Citizen Input Best Be Utilized by Decision Makers?" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 80-106, Environment Council of Alberta, Edmonton.
- O'RIORDAN, J. & T. (1979). "How Can Citizen Input Best Be Utilized by Decision Makers?" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 80-106, Environment Council of Alberta, Edmonton.
- O'RIORDAN, T. (1976). "Policy Making And Environmental Management:Some Thoughts On Processes And Research Issues" Natural Resources Journal Vol. 16, 55-72.
- O'RIORDAN, T. (1977). "Decision Making and Environmental Quality" in R.R. Kruger & B. Mitchell [eds], Managing Canada's Renewable Resources pp. 84-90, Methuen Publications: Toronto.

- OSWALT, D. (1987). "State-Federal Gorda Ridge Task Force As a Conflict Resolution Mechanism" in O.T. Magoon [ed], pp. 2802-2814, Coastal Zone '87 Coastal Zone Foundation, San Francisco.
- PAEHLKE, R. (1987). "Participation in Environmental Administration: Closing the Open Door" Alternatives Vol. 14, No. 2, 43-48.
- PARENTEAU, R. (1988). Public Participation In Environmental Decision-Making Federal Environmental Assessment Review Office, Minister of Supply and Services Canada, Ottawa.
- PEARCE, P.H. (1976). Timber Rights and Forest Policy in British Columbia Report of the Royal Commission on Forest Resources, Volume 1, Victoria.
- PERKS, W.P. & TYLER, M.E. (1991). "The Challenge of Sustainable Development: Planning for Change or Changing Planning" Plan Canada Vol. 31, No. 3, 6-14.
- PETRILLO, J.E. (1987). "How To Save A Resource Negotiated Development" in O.T. Magoon [ed], pp. 2783-2792, Coastal Zone '87 Coastal Zone Foundation, San Francisco.
- PFUND, R.T. (1985). "Analysis of Fishery Management Decision Making in Hawaii: The Application of a Dogmatism-Rigidity Model" Public Administration Review Vol. 45, No. 5, 593-601.
- PINKERTON, E. (1989). "Rural Resource Planning in Coastal British Columbia: Can Fishing Communities Plan the Future of Their Fisheries?" Plan Canada Vol. 29, No. 2, 80-86.
- PRAXIS (1988). Public Involvement: Planning and Implementing Public Involvement Programs Praxis, Calgary.
- PRISCOLI, J.D. & P. HOMENUCK (1986). "Consulting The Publics" Integrated Approaches to Resource Planning and Management R. Lang [ed], The University of Calgary Press: Alberta.
- PUGET SOUND WATER QUALITY AUTHORITY (1986). Public Involvement In Water Quality Policy Making Puget Sound Water Quality Authority, Seattle, Washington.
- RAIFFA, H. (1982). The Art and Science of Negotiation Harvard University Press: Cambridge.

- REDBURN, F.S. & Y.H. CHO (1984). "Government's Responsibility for Citizenship and the Quality of Community Life" Public Administration Review Vol. 44, 158-161.
- REISEL, D. (1985). "Negotiation and Mediation of Environmental Disputes, Journal on Dispute Resolution Vol. 1, No. 1, 99-110.
- RETTIG, R.B. (1974). "Some Economic Aspects of Conflicts Over Land Use in the Coastal Zone" Coastal Zone Management Journal Vol. 1, No. 3, 291-303.
- RICHARDS, M., (1989). "Share Clayoquot Army Marches - But No Battle" Westerly News November 29, 1989:1.
- ROBBINS, R.L. (1977). "Organizing for Involvement: Citizen Participation Groups in Great Lakes Decisions", in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton, 23-28.
- ROBERTS, R. (1988). "Public Involvement: A Canadian Government Manual For Planning And Implementing Public Involvement Programs" Environmental Impact Assessment Review Vol. 8, 3-7.
- ROSE, A., STEVENS, B. & G. DAVIS (1989). "Assessing who gains and who loses from natural resource policy" Resources Policy Vol. 15, No. 4, 282-291.
- ROSENER, J.B. (1982). "Making Bureaucrats Responsive: A Study of the Impact of Citizen Participation and Staff Recommendations on Regulatory Decision Making" Public Administration Review Vol. 42, No. 4, 339-345.
- ROSENER, J.B. (1978). "Citizen Participation: Can We Measure Its Effectiveness?" Public Administration Review September/October, 457-463.
- SADLER, B. (1979). "Editor's Introduction: Public Participation and the Planning Process" Plan Canada Vol. 19, No. 1, 8-13.
- SADLER, B. (1979). "Towards New Strategies of Public Involvement in Environmental Management" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 1-14, Environment Council of Alberta, Edmonton.
- SALTER, L. & D. SLACO (1981). Public Inquiries in Canada Minister of Supply and Services, Hull, Quebec.

- SAMPSON, C. (1979). "The Environmental Mediator" Environment Vol. 21, No. 7, pg. 35.
- SCHELL, S.R. (1987). "Resolving Permit Conflicts in Oregon's Coastal Zone" in O.T. Magoon [ed], pp. 2741-2760, Coastal Zone '87 Coastal Zone Foundation, San Francisco.
- SELMAN, P.H. (1982). "The Use of Ecological Evaluations by Local Planning Authorities" Journal of Environmental Management Vol. 15, No. 1, 1-13.
- SEWELL, W.R.D. (1977). "Broadening the Approach to Evaluation in Resources Management Decision Making" in R.R. Kruger & B. Mitchell [eds], Managing Canada's Renewable Resources pp. 67-83, Methuen Publications, Toronto.
- SEWELL, W.R.D. & PHILLIPS, S.D. (1979). "Models for the Evaluation of Public Participation Programs" Natural Resources Journal Vol. 19, 337-358.
- SEWELL, W.R.D. & T. O'RIORDAN (1976). "The Culture Of Participation In Environmental Decision-making" Natural Resources Journal Vol. 16, 1-21.
- SHABMAN, L.A. (1974). "Toward Effective Public Participation in Coastal Zone Management" Coastal Zone Management Journal Vol. 1, No. 2, 197-206.
- SHAFER, E.L. & J.B. DAVIS (1989). "Making Decisions about Environmental Management When Conventional Economic Analysis Cannot Be Used" Environmental Management Vol. 13, No. 2, 189-197.
- SHRYBMAN, S. (1986). "Environmental Mediation" in R. Lang [ed], Integrated Approaches to Resource Planning and Management pp. 81-99, The University of Calgary Press: Calgary, Alberta.
- SMITH, B. (1991). "Mill Town Faces Uneasy Future" Times-Colonist Victoria, April 28, 1991, pp. A1, A7.
- SMITH, D. (1979). "Citizen Participation: Re-asserting the Human Spirit" Plan Canada Vol. 19, No. 1, 74-77.
- SMITH, L.G. (1982). "Alternative Mechanisms for Public Participation In Environmental Policy-Making" Environments Vol. 14, No. 3, 21-34.
- SMITH, L.G. (1982). "Mechanisms for Public Participation at a Normative Planning Level in Canada", Canadian Public Policy Vol. 8, 561-572.

- SMITH, L.G. (1984). "Public Participation in Policy Making: The State-of-the-Art in Canada" Geoforum Vol. 15, No. 2, 253-259.
- SMITH, S. L. (1982). Regulating the Regulators Minister of Supply and Services, Hull.
- SMITH, S.N., & MORRISON, D. (1989). "No Consensus - Tofino Plays Power Position Circumventing Taskforce" Alberni Valley Times December 01, 1989:1 & 3.
- STATISTICS CANADA (1986). 1986 Census Government of Canada, Minister of Supply and Services.
- STEERING COMMITTEE OF THE DISTRICT COUNCIL OF TOFINO AND THE TOFINO-LONG BEACH CHAMBER OF COMMERCE (1989). Sustainable Development Strategy for Clayoquot Sound: A Project Proposal unpublished document.
- STEIN, R.E. (1980). "Disputes: Towards a System of Flexible Dispute Settlement" Environmental Affairs Vol. 9, 283-309.
- STEIN, R.E. & WEINSTEIN, A. (1980). "Towards a Theory of Environmental Dispute Resolution" Environmental Affairs Vol. 9, 311-357.
- STEWART, A. (1977). "Practical Limits to Effective Participation Lessons From National Park Planning" in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton, 38-48.
- SUSSKIND, L. (1981). "Environmental Mediation and the Accountability Problem" Vermont Law Review Vol. 6, No. 1, 1-47.
- SWANSON, G.C., J.L. SEYMOUR & R.B. DITTON (1978). "An Alternative Perspective on Common Property Resource Allocation Decisions in the Coastal Zone" Coastal Zone Management Journal Vol. 4, Nos. 1/2, 25-45.
- TALBOT, A.R. (1983). Settling Things: Six Case Studies in Environmental Mediation Conservation Foundation, Maryland.
- THE WESTERLY NEWS (1989). "C.S. Task Force Tension Growing" The Westerly News November 16, 1989:6.

- TEETER, L.D. & A.A. DYER (1989). "Group Utility Indifference and Resource Management Decision Making" Environmental Management Vol. 13, No. 1, 15-22.
- THOMPSON, A.R. (1979). "A Disciplined Framework for Public Participation" in B.Sadler [ed], Public Participation In Environmental Decision Making: Strategies for Change pp. 15-30, Environment Council of Alberta, Edmonton.
- TWIGHT, B.W. & J.J. PATERSON (1979). "Conflict and Public Involvement: Measuring Consensus" Journal of Forestry Vol. 77, No. 12, 771-776.
- TYLER, E.J. "Planning Public Participation" in Involvement and Environment, Proceedings of the Canadian Conference on Public Participation Volume 2, B. Sadler [ed], Environment Council of Alberta, Edmonton, 17-22.
- VENTRISS, C. (1985). "Emerging Perspectives on Citizen Participation" Public Administration Review Vol. 45, No. 3, 433-440.
- VINING, J. & H.W. SCHROEDER (1989). "The Effects of Perceived Conflict, Resource Scarcity, and Information Bias on Emotions and Environmental Decisions" Environmental Management Vol. 13, No. 2, 199-206.
- WANG, M., K.W. HIPEL & N.M. FRASER (1988). "Resolving Environmental Conflicts Having Misperceptions" Journal of Environmental Management Vol. 17, No. 2, 163-178.
- WECKSTEIN, D.T. (1988). "The Purposes of Dispute Resolution: Comparative Concepts of Justice" American Business Law Journal Vol. 26, 605-624.
- WENGERT, N. (1976). "Citizen Participation: Practice In Search Of A Theory" Natural Resources Journal Vol. 16, 23-39.
- WEATHERBE, S. (1990). "Carmanah for Political Gain" Monday Magazine March 29 - April 4, 1990:4.
- WIGMORE, J.A. (1980). The Inquiry Process: Comprehensive Review of Resource Proposals? The West Coast Oil Ports Inquiry, A Case Study M.A. Thesis, Department of Geography, University of Victoria, Victoria, B.C.
- WILKINSON, P. (1976). "Public Participation In Environmental Management: A Case Study" Natural Resources Journal Vol. 16, 117-135.

- WILSON, V.S. (1971). "The Royal of Royal Commissions and Task Forces", in The Structures of Policy-Making in Canada G.B. Doern & P. Aucoin [eds], Macmillan of Canada, Toronto, 113-130.
- WOLFE, J. (1979). "Evaluation of Objectives: A Case Study and Commentary on Public Participation" Plan Canada Vol. 19, No. 1, 38-48.
- WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT (1987). Our Common Future Oxford University Press: Oxford, New York.
- WOOD, C.B. (1976). "Conflict In Resource Management And The Use Of Threat: The Goldstream Controversy" Natural Resource Journal Vol. 16, 137-158.
- YOUNG, R.A. (1981). "Reining in James: The Limits of the Task Force" Canadian Public Administration Vol. 24, No. 4, 596-611.

CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE

TERMS OF REFERENCE

The Terms of Reference and composition of the Task Force were announced on August 4, 1989 as follows:

- The Task Force will comprise twelve members plus a chairman. The members will represent the following agencies and organizations:

Alberni-Clayoquot Regional District
 City of Port Alberni
 District of Tofino (3 members)
 Fletcher Challenge Canada
 International Woodworkers of America
 MacMillan Bloedel Ltd.
 Ministry of Environment
 Ministry of Regional and Economic Development
 Nuu-Chah-Nulth Tribal Council
 Village of Ucluelet

- A neutral chairman skilled in techniques of mediation and consensus building will be appointed to lead the Task Force.
- The objective of the Task Force will be to prepare a sustainable development strategy for Clayoquot Sound ensuring that all aspects of present and future development are addressed, including social concerns, aesthetics, and economic development opportunities and requirements of all the resource sectors including forestry, mining, tourism, fishing and aquaculture. The Task Force will produce recommendations which will promote long-term economic development in Clayoquot Sound while safeguarding the integrity of the local environment.

- The Task Force will report to the Ministers of Environment, and Regional and Economic Development within one year.
- Within the first three months the Task Force will identify areas where timber harvesting can continue in the short term so that disruption to the logging industry during the planning period is minimized.
- The normal forestry planning process will not commence until after the Task Force has made its recommendations to the ministers.
- Subsequent forestry planning will be carried out within the framework of the recommendations made by the Task Force and approved by Cabinet.
- The Task Force will function as a dispute resolution mechanism and will operate on a consensus basis. Members will be asked to endorse and abide by a set of procedural ground rules.
- The Province will pay the expenses of the chairman, and provide up to \$50,000 for joint inventory and research activities.

Source: Ministry of Regional and Economic Development and Ministry of Environment (1989)

APPENDIX 2

2.0 CONFLICT & DISPUTE RESOLUTION

2.1 Conflicts and Disputes

As outlined in the terms of reference (Appendix 1) the Clayoquot Sound Sustainable Development Task Force was instructed to function as a dispute resolution mechanism operating on a consensus basis. The purpose of this appendix is to provide an understanding of the nature of environmental disputes and the prerequisites for undertaking an alternative dispute resolution process such as mediation.

Differentiating between the terms "conflict" and "dispute" has itself precipitated disagreement among researchers who often use the terms interchangeably or adhere to strict definitions. Folberg & Taylor (1984) note a distinction between conflicts and disputes, with the latter applying to an interpersonal conflict that is "communicated or manifested". The former term is reserved for situations when the internal conflict is not communicated to "someone in the form of a perceived incompatibility or a contested claim." (Abel, in Folberg & Taylor, 1984). Blalock (1989:10) however, applies quite a different interpretation to the term conflict, which he defines in terms of "actual or threatened negative sanctions.", implying that external individuals or groups of individuals are party to the dispute.

It is evident that the distinction between conflicts and disputes remains ambiguous and the inter disciplinary nature of the subject may be a contributing factor. Folberg & Taylor (1984:19) comment on the lack of common concepts in the discussion of conflict, noting "each discipline and profession has contributed to a better understanding of conflict in specific terms, yet few works have been aimed at understanding conflict as an entity." Since conflict and dispute are used interchangeably in the literature, in the absence of a consensus of opinion on a definition of these terms, they will be used

interchangeably in this document as well, unless noted otherwise. As a general working definition for this study, conflicts and disputes can be thought of as existing "when people are engaged in competition to meet goals that are perceived as, or actually are, incompatible" (Moore, 1986).

The disputes and conflicts with which this study are concerned are commonly referred to as social conflicts or social disputes. A social conflict is defined by Coser (in Blalock, 1989:8) as "a struggle over values and claims to scarce status, power and resources." It is apparent from this definition that most conflicts can be labelled as social conflicts. Even in cognitive conflicts, as in the case of scientific inquiries, there are often scientific experts on each side to refute the claims made by the other side. The view that factual and scientific disputes are ultimately value-centred and involve value-based judgements is held by Horowitz (in Liepmann, 1986:102) and Susskind (1980:324). Blalock (1989:1) also sees social conflicts as pervasive, when he says "Social conflicts are ubiquitous, come in many forms, and involve vastly different kinds of parties, ranging from individual persons to large macro units such as nation-states".

Within the broad definition of social conflicts, distinctions are often made between types of conflicts based on specific characteristics. The criteria used for distinguishing between conflicts include the number of parties involved; the number and type of issues; the means available for resolving the conflict. The classification of conflicts, their life cycles, and causes and effects, continues to be the subject of research as social scientists work towards developing explanatory models and general theories of conflict.

2.1.1 ENVIRONMENTAL CONFLICTS AND DISPUTES

The assertion that the term environment is all-inclusive is substantiated by the number and diversity of issues labelled environmental. As a means of categorizing the types of disputes emerging from environmental issues, researchers have developed

several classification systems. Bingham (1986) in a study of mediated environmental disputes, devised six broad categories; land use, natural resource management and use of public lands, water resources, energy, air quality, and toxins. A similar system lists water sources and uses, solid waste and sewage, toxic waste and hazardous substances, noise, mining, drilling, and the exploitation and allocation of all natural resources as contested environmental issues (Folberg & Taylor, 1984).

Environmental disputes can also be classified on the basis of whether they revolve around the allocation of fixed resources, the setting of public policy priorities, or the setting and enforcement of environmental standards. Allocation of resources is another primary cause of environmental disputes as is the regulation of appropriate levels of environmental quality, or the siting of facilities. An additional distinction or classification often made is based on whether a dispute is site-specific or regulatory. Site-specific refers to a dispute resulting over a specific problem and the application of a law or regulation to that problem. The term is also applied to visible physical problems. Regulatory is applied when the dispute originates over the setting of environmental standards.

Policy disputes also are listed as a category of disputes. This classification is reserved for cases involving a "type of resource that is present in many areas, such as all rivers, or the designation of an affected area by political boundaries, such as state borders" (Kubasek & Silverman, 1988:538). The term generic problems is sometimes used to classify natural resource policy development and the regulations for administering the policies. A simple categorization of environmental disputes is to divide them into one of two categories: enforcement or permitting. Enforcement disputes involve questions about compliance with a law that specifies environmental standards. A permitting dispute could occur, for example, over the planned construction of a new nuclear power facility.

Efforts to classify and categorize the types and causes of environmental disputes have revealed the diversity and pervasiveness of the issues, and the tendency for disputes

to recur. What is not apparent is how complex and difficult environmental disputes are to resolve because of the underlying differences in values, attitudes, belief systems, perceptions and the self-interests of the individual and groups with a stake in the outcome. Amy (1987:44) labels these sources of environmental disputes as: a) psychosocial disputes "that revolve around such things as overheated emotions and negative stereotyping, b) data disputes "that centre around scientific disagreements," and c) interest disputes "that involve competing or different interests."

The view of environmental disputes as scientific disputes or data disputes by some decision makers and the general public has contributed to the belief that impartial third parties can decide the technical issues and make the 'right' decisions. As noted earlier, a difference of opinion exists surrounding the view of environmental disputes as being "value" free. However, there is general agreement as to the necessity of understanding the technical issues, and a need therefore exists for accurate and consistent data.

The quantity of technical information involved in most environmental disputes can lead to an inequality of information which is often a characteristic of these conflicts. Since it is unlikely all parties to a dispute have access to equal resources and because of the great expense of obtaining and analyzing data, there is an inevitable inequality of information. Conversely, large quantities of technical data can also be used by opponents as a strategy referred to as "The Snow Job" (Amy, 1987:103). The "snow job" consists of giving the opponent masses of information, more than they could possibly look at carefully, and containing "deliberate errors, self-serving assumptions, and contradictory material." (Amy, 1987:103).

The effect of scientific and technical data on the outcome of environmental disputes is often determined on the basis of interpretation of available data. Disagreement among the interested parties as to the interpretation of data in itself can lead to conflict. According to Bacow & Wheeler (1984:7) "Even when people are looking at the same data (or anecdotal information), they may come to entirely different conclusions about

their meanings." In many instances it is the complexity of the problems and issues at stake and the inability of environmental science to predict accurately the environmental costs and benefits which is at the centre of these disputes. Bacow & Wheeler (1984), Susskind & Weinstein (1980:325), MacDonnell (1988:7), Cormick & Patton (1977:14), Sampson (1979:35) and others view "uncertainty", "unpredictability", "irreversibility" and "irrevocability" of the consequences of actions on the environment as a fundamental issue in environmental disputes. Different assessments of the probabilities of an action leading to an environmental catastrophe has led to environmental groups being described as averse to risk when potential negative environmental impacts are at stake. On the other hand pro-development groups are often considered to be willing to take risks as far as the environmental impacts of development are concerned.

Unlike most other social disputes, for example labour-management, where there are two known and comparatively balanced adversaries, environmental disputes are characterized by the involvement of a number of parties of varying status and power. In a study of 115 environmental disputes, Bingham (1986:45) identified the parties involved as environmental groups, private corporations, government agencies, Indian tribes, citizens/property owners and multiple interest groups (i.e., business, labour, fishing, commercial recreation). Many environmental disputes involve a variety of interest groups and government agencies with differing values and perceptions of the problem, and finding an equitable solution is a complicated process, particularly since many of the interests may wish to be included in determining the outcome of the conflict. Resolving environmental disputes becomes even more difficult when opposing groups claim that their interests represent those of the broader public. As Susskind (1980:334) states, "Once a question is cast in terms of support for the public interest, rather than in terms of balancing or accommodating the interests of various publics, compromise becomes difficult." The intransigence and animosity which follows leads to the characterization of groups and individuals as good or bad and issues as right or wrong.

Although often described in terms of the scientific and technical complexity of the

issues, environmental disputes are a combination of both disputes over conflicting values and scientific controversies. In fact it can be stated that conflicting or differing values are invariably at the root of environmental disputes. According to Andrews & Waits (1980:71) a value is a "statement of a relationship, an estimation of worth of some object to an individual or in a particular situation." It can be seen from this definition that differing values underlie environmental disputes. Values are also important as the key to understanding social change and for the role they play in legitimizing social, political and economic institutions and practices.

The emergence of the New Environmental Paradigm (NEP) and the decline of the Dominant Social Paradigm (DSP) suggests a gradual shift in values relating to environmental issues among North Americans. (Albrecht et al, 1982; Dunlap & Van Liere, 1984) and is a contributing factor to the increasing number of environmental conflicts. As noted earlier, environmental conflicts can develop over competing or different interests. Environmental disputes can be seen to occur because various publics find their self-interests in conflict and due to the contrary philosophies espoused by environmental and pro-development groups. Amy (1987:174-5) however disagrees stating, "there is a real difference between seeing environmental disputes as conflicts of interest or as conflicts of principle."

The difference between conflicts of interest and conflicts of principle is important from the perspective of a mediator and the parties involved. As Cormick (1976:218) points out, in disputes where values and philosophies are the underlying issue "there is no possible area of accommodation and no scope for good-faith negotiation and mediation." Interest-based conflicts, however, do provide room for accommodation. This is due in part to the distorted view of interests which tends to focus almost exclusively on conflicting interests while ignoring the other two kinds of interest; different interests and common interests. The distinction between different or divergent interests and conflicting interests is also important, since it is conceivable for two parties to have different interests which are complementary rather than incompatible. Equally

important is recognizing common or shared interests. The difficulty however, in discovering where differing but complementary interests or shared interests lie is in getting behind the positions taken by the parties. Fisher and Ury (1981:45) outline the difficulties in identifying the interests when they state "A position is likely to be concrete and explicit; the interests underlying it may well be unexpressed, intangible, and perhaps inconsistent."

As the foregoing discussion indicates, environmental disputes, whether emerging as conflicts of principle, conflicts of interest or data disputes, are multi-faceted, complex and recurring. Although there have been suggestions that environmental disputes are fundamentally political disputes which have technical elements and usually involve decisions to be made in the political arena, as Amy (1987:43) notes "when environmental disputes are addressed in the context of traditional political institutions, they are often framed in ways that inhibit their resolution." Similarly, the courts and judiciary have also encountered difficulties when faced with decisions involving environmental disputes. The problem of arriving at a "right" decision in a value-centred environmental dispute has led to a reappraisal of litigation as a means of resolving environmental conflicts.

2.2 LITIGATION

Efforts to avoid or resolve environmental disputes have continued to increase, following the virtual explosion of environmental litigation in the U.S. resulting from the passage of the National Environmental Policy Act (NEPA) and associated environmental legislation, (e.g., the Clean Air Act Amendments (1970), the Clean Waters Act Amendments (1977)). Considered one of the most important and controversial pieces of environmental legislation ever proclaimed, NEPA recognized citizen environmental rights and personal environmental obligations and established for the first time the rights of citizens to sue developers on environmental grounds. The large increase in the number of environmental suits initiated in federal courts was overwhelming and diminished the

ability of the courts to settle the cases in a timely and efficient manner.

An increase in environmental litigation resulted from the liberalization of the rules of standing and NEPA's requirement for all federal executive agencies "to take every possible environmental consideration into account when contemplating any kind of action" (O'Riordan, 1976:284). The ambiguous wording of NEPA and the vagueness surrounding the key interpretive issues of the legislation created problems for the federal agencies who had the major role of implementing, monitoring and enforcing the new environmental legislation. This became evident when the decisions of these agencies came increasingly under judicial review. Individuals, groups and agencies began to exercise their expanded rights to a more readily accessible court system as a means of challenging decisions. The courts thus became the interpreters of NEPA's legislative intent, which they proceeded to do through a number of rulings.

The court challenges and controversies sparked by the adoption of NEPA in the U.S. were not lost on Canadian legislators who took a characteristically cautious approach to importing EIA into Canada. In Canada, the Environmental Assessment and Review Process (EARP) was initiated by the federal Cabinet in 1973, and formally established in 1984. EARP's goal to ensure that new federal projects and activities are assessed early in the planning process for potential adverse effects on the quality of the natural environment, continues to be widely criticized for its fundamental shortcomings, such as the non-legal nature of the process, the failure to include a constitutionally guaranteed right to environmental quality and the lack of standing or right to sue in civil court.

The adoption of EARP did not lead to an explosion of environmental litigation in Canada, as it did with the introduction of NEPA in the U.S., because of the "standing" issue. The right of a plaintiff to take a case before the courts is governed by the rules of standing which restrict the rights to sue in civil courts to an "individual who has a proprietary interest and who can prove that damage to his property or his person is

peculiar to himself and unreasonable" (O'Riordan, 1976:272-3). In essence, the standing rules do not accept the legitimacy of the "ideological plaintiff" thus excluding "many interested parties from direct participation in the courtroom, even though they may represent significant concepts and could furnish information and insights that might assist in resolving larger issues in dispute" (Susskind & Weinstein, 1980:319).

The narrow interpretation of the standing rule in Canada, particularly in environmental disputes where many groups or individuals are often affected by an action, has led to technical injustices. An environmental bill of rights has been proposed which would ensure access to the courts and removal of the standing barrier. Under current legislation the attorney general must initiate an action to deal with public nuisances where large numbers of people are affected but none has any proprietary property interest. However, as O'Riordan (1976:272) points out, "Naturally, as a politician, he (sic) is usually reluctant to prosecute unless the case is extremely clear-cut."

While the belief persists that every problem has a legal solution, dissatisfaction with the judicial system as a means for settling environmental disputes replaced the initial elation over the improved access to the courts. As Chief Justice of the United States Warren E. Burger (in Fanning, 1979:34) noted "a large part of all the litigation in the courts is an exercise in futility and frustration...." With the number of civil cases filed in federal district courts increasing from 59,284 in 1960, to a record 241,842 in 1983, the level of frustration over litigation as a process for settling environmental conflicts increased proportionately (Kubasek & Silverman, 1988:539).

Opinion remains divided as to the advantages and disadvantages of litigation as a means for resolving environmental disputes. When litigation is reviewed in terms of the expenses, increasing delays in scheduling and holding trials, the distrust associated with formal and confrontational proceedings, and the no-compromise "winner take-all" outcomes, the drawbacks appear to outweigh the benefits of this process. Dissatisfaction and frustration also stem from the requirement to tie arguments to specific points of law,

leading to the underlying real issues being sidestepped or overlooked.

Traditional adversarial approaches are designed to 'decide' an issue rather than 'resolve' the differences between conflicting parties and, according to Amy (1987:33), "... simply making a decision often does little to end a dispute". It is not surprising therefore to have the 'losers' in a decision continue their efforts to delay or obstruct the implementation of decisions, which has led to litigation being described as ineffective as a method for settling the real issues at stake in environmental disputes.

Whether the criticisms levelled against litigation as a more costly and slower process than alternative forms of dispute resolution are accurate is point of contention. Bingham (1986:12), in a study of 161 documented environmental disputes, found little empirical evidence to support the assertion that alternative forms of dispute resolution are faster and cheaper than litigation. In part, this is due to the fact that there has been no systematic attempt to test the claim that litigation is more expensive and time consuming. Rather, it was simple repetition that led to this notion becoming an accepted fact. Bingham (1986:12) observed, "A lawsuit that goes to trial may take a very long time, but few lawsuits go to trial." It has also been noted that litigation often can be more time and cost efficient for the resolution of public disputes; the additional benefit of litigation as a means to empower ad hoc organizations who have little established political power has also been mentioned.

In instances where parties are dissatisfied with a decision or outcome, attempts to prolong the dispute through administrative appeals, litigation, and political action often occur. As Bingham (1986:10) noted, the problem with litigation usually is not that decisions are not reached, "but that those decisions are frequently appealed." Winning by attrition thus becomes the strategy of the 'loser', as additional time and expenses are incurred through appeals and delay tactics. Delays are both counterproductive and costly, leading to the continuation of destructive environmental practices and adding to the expenses of projects. As Susskind & Weinstein (1980:315) point out "Both

environmental and business interests have borne substantial costs directly attributable to the delays caused by extended litigation and regulatory reviews."

Despite the criticisms and disadvantages, litigation will continue to play an important role in the settlement of environmental disputes. The variety of environmental issues and the specific objectives of the parties involved in a particular dispute reduce the likelihood of a single dispute resolution process being developed which will work in all situations. For example, in instances where the purpose of the action is to establish a societal norm or precedent, a judicial ruling is the only means of establishing or legitimizing a precedent. Litigation or the threat there-of is often a necessary prerequisite in forcing a party to participate in alternative dispute resolution processes. Reisel (1985:101) summarizes the continued need for environmental litigation when he states some "controversies are important because environmental, governmental, or industrial interest groups may decide that the environmental impact, precedential value, or symbolism of the dispute justify the expense and effort of a courtroom confrontation. Many environmental disputes thus have importance to adversaries far beyond the immediate resolution of the present dispute." For these reasons litigation can be considered as a "vital social instrument for the resolution of environmental disputes" (Lake, 1977:165).

In determining whether or not litigation is the most effective or efficient means of settling environmental disputes, careful consideration must be given to questions such as: what alternative means of settling the dispute are available?; is the effectiveness and efficiency of the process measured solely in terms of time and expenses or is the outcome more important?; what are the prospects for harmonious future relations between the parties?. In some views, efficiency is not enough when searching for alternative dispute resolution processes. Rather, the parties should also be looking for processes that are "more effective in producing satisfactory outcomes." (Bingham, 1986:128). In attempting to balance the efficiency of a process with the best results, the courts have been unsatisfactory. Stein (1985:286), states that "while the courts did an excellent job

of assigning rights, they were not successful at solving problems." The failure of the courts to satisfactorily resolve disputes occurs when the search for truth is obscured by vast quantities of technical facts and experts used by each side to buttress its position. As noted earlier the underlying substantive issues often remain unresolved because as Reisel (1985:101) remarks "factual ignorance can be masked behind formal and procedural facades." There is little surprise, therefore that critics have questioned the ability of the courts to deal with the complexities of broad social, economic, and technical problems that characterize environmental disputes and instead have likened litigation to "rolling dice" or "trial by fire" (Golten, 1980:62,66).

2.3 ALTERNATIVE DISPUTE RESOLUTION

2.3.1 DEFINITION

Alternative dispute resolution generally refers to various cooperative processes which attempt to shift the perspective to more positive problem solving from the more common negative opposition. Bingham (1986:xv) describes environmental dispute resolution processes as referring collectively, "to a variety of approaches that allow the parties to meet face to face to reach a mutually acceptable resolution of the issues in a dispute or potentially controversial situation. Although there are differences among the approaches, all are voluntary processes that involve some form of consensus building, joint problem solving, or negotiation. Litigation, administrative procedures, and arbitration are not included in this definition ... because the objective in those processes is not a consensus among the parties."

Bingham's (1986) description of alternative dispute resolution processes reveals that there is not just a single alternative approach, but there is a range of dispute settlement options available to help settle a particular dispute. The choices of conflict management and resolution approaches are described as following a continuum with

options varying as to the formality, privacy, people involved, authority of the third party (if there is one), the type of decision which can be expected and the amount of coercion employed by or on the parties. The likelihood of a win-lose outcome increases as the personal control of the people involved in the dispute decreases. Simkin (in Mernitz, 1980:40-41), identifies a range of alternative dispute resolution options (Figure 3) and stresses the levels of third party intervention which range from "most passive" with conciliation to "most active" with binding arbitration.

Alternative processes can be categorized on the basis of whether or not an impartial third party is involved or whether the parties approach the issue independently of outside assistance. Negotiation is the most frequently employed approach where only the principal parties participate. Described as a method for "consensual dispute settlement" (Susskind & Weinstein, 1980:314), negotiation is defined by Rubin and Brown (in Dorsey & Riek, 1987:9), as a process where the parties attempt to "settle what each shall give and take, or perform and receive, in transaction." Negotiation is also described as a voluntary process where the parties establish a temporary "bargaining relationship" designed to "educate each other about their needs and interests" in order to achieve a consensual resolution of the issues or dispute (Moore, 1986:6).

While negotiation is a distinct process, it is also the foundation and an integral element of other alternative dispute resolution processes. As Susskind and Weinstein (1985:286) noted, "Negotiation is a broad term that encompasses a variety of techniques whereby the parties themselves find an acceptable solution to their dispute." One of the techniques employing negotiation is mediation, which has been described as an extension and elaboration of the negotiation process (Moore, 1986:6).

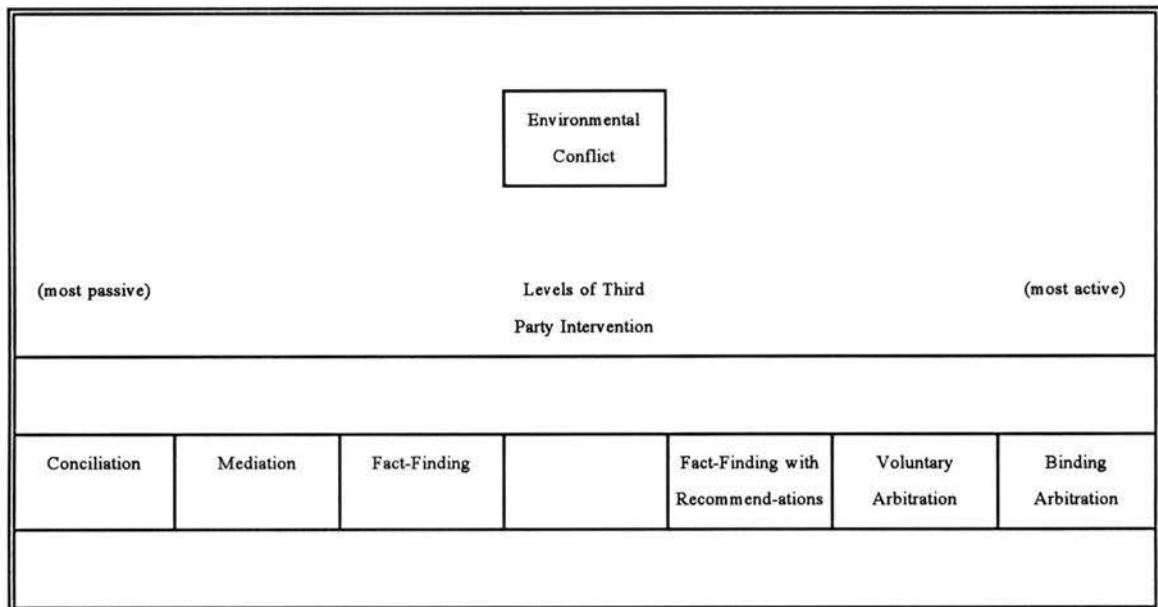


Figure 3 Levels of third-party intervention as applied to environmental conflict. (Simkin, in Mernitz, 1980:41)

As previously noted, negotiation is a voluntary and consensual dispute resolution process involving only the principal parties to the conflict. Mediation is likewise a voluntary and consensual process. However, mediation is distinguished from negotiation by the presence of a neutral intervenor or mediator.

Definitions of mediation often include specific reference to the role of the mediator. "To define fully the nature of mediation it is necessary to consider the role of the mediator, the mediator's relationship with the disputants and the manner in which mediators operate" (McCroly, 1981:53). In defining mediation and the mediator role, the function of the mediator as a facilitator without any power over the parties and without decision-making authority is often stressed. Cormick (1977:14), one of the earliest proponents of mediation, defines the process and role of the mediator in the following terms:

"Mediation is a voluntary process in which those involved in a dispute jointly explore and reconcile their differences. The mediator has no authority to impose a settlement. His or her strength lies in the ability to assist the parties in resolving their own differences. The mediated dispute is settled when the parties themselves reach what they consider a workable solution."

Folberg and Taylor (1984:7-8) emphasize the procedural rather than the functional aspects of mediation when they state "Mediation is first and foremost a process that transcends the content of the conflict it is intended to resolve". This view of mediation is also captured in Folberg and Taylor's (1984:7-8) definition of mediation as "...the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs." In other definitions, the terms informal and flexible are also included, to underline the procedural flexibility of the process.

While these definitions of mediation provide some insight into the characteristics of the process and how it functions, there is an inherent difficulty in arriving at a precise definition. As Folberg and Taylor (1984:7) observed, there is a spectrum along which the practice of mediation falls and the "specifics of mediation depend on what is being mediated, the parties in dispute, who is doing the mediating, and the setting in which mediation is offered." The ability of mediation to be flexible and responsive to differing circumstances therefore precludes a precise definition. Individual cases must be viewed with an awareness of the influence of the elements listed by Folberg and Taylor (1984) on the techniques employed and the effects, in turn, on negotiations.

In part, the attraction of mediation as an alternative dispute resolution process for environmental conflicts can be attributed to the flexibility of the process. This is evident not only in the use of the process in a diverse range of environmental disputes but also in the adaptation of mediation from international disputes and more recently as a tool for resolving labour disputes.

2.3.2 HISTORY & GROWTH OF ENVIRONMENTAL MEDIATION

From an historical perspective, environmental mediation is still in its infancy, having first emerged in the mid-1970s with the swell of environmental disputes initiated after acts such as the National Environmental Policy Act of 1969, the Clean Air Act Amendments of 1970, and the Clean Waters Act Amendments of 1977 passed in the U.S.

Expanding interest in environmental mediation followed from several notable successes where mediation was employed in the resolution of complex and long-standing conflicts. The first and perhaps most significant case, because of its precedent setting success and the promise it held for subsequent attempts at alternative dispute resolution employing mediation, was based on the agreement reached over a proposed flood-control dam on the Snoqualmie River in Washington State. In 1974, following seven months of negotiation, Gerald Cormick and Jane E. McCarthy succeeded in facilitating agreement among more than twelve interested parties in a 15-year old dispute (Cormick, 1982; McCarthy, 1976; Bingham & Leahwood, 1986).

This initial and widely-documented mediation effort was followed by several other well-publicized cases where mediation was successfully employed to resolve environmental disputes in the United States. With support from the Ford Foundation and the Rockefeller Foundation, an Office of Environmental Mediation was established at the University of Washington in 1975. From these sporadic but noteworthy early efforts, environmental mediation has grown into a new and developing field with environmental dispute resolution services being offered throughout the United States and Canada.

Evidence of an environmental mediation movement is apparent in the number of cases in which mediation was employed; 9 at the end of 1977, and 160 by the end of 1984 (Bingham, 1986:xvii). More recently, environmental mediation also has been included within government legislation. For example, the Canadian government's new

(1990) National Transportation Agency's strategy "Freedom To Move" provides for the use of mediation as a process for resolving disputes.

Approval and adoption of environmental mediation as an alternative dispute resolution process has proceeded rapidly, primarily because the process offered a means for solving problems to everyone's relative satisfaction, which Cormick (1982:15) noted was "an appealing one." Judging from the results of Bingham's (1986) documentation and analysis of 160 cases where mediation was used between 1974 and 1984, there was reason for optimism concerning the ability of mediation to resolve environmental disputes. Bingham's (1986) study revealed agreement was reached in 78 percent of the 133 cases where that was the parties' objective. With this relatively high success rate it is not surprising that mediation was perceived as having a great potential for resolving environmental disputes and received widespread attention.

2.3.3 MISCONCEPTIONS & MISPERCEPTIONS

Hailed by Fortune Magazine (in Amy, 1987:98) as "a refreshing example of applied good sense," the popularization of mediation contributed to unrealistic expectations and inappropriate use of the process. Aware of the problems imminent in the future use of mediation if expectations were overly optimistic, Cormick (1982:15) cautioned, "This popularity has been accompanied by claims for mediation and suggested applications of the process that appear to be beyond reasonable expectations." McCrory (1981:66) similarly noted that "Ignorance and misunderstanding of the mediation process is probably a major factor inhibiting its use in resolving environmental disputes."

In part, the absence of analysis of the effectiveness of mediation contributed to the fallacies and unrealistic expectations surrounding the use of the process. While Bingham's (1986) study is the most comprehensive to date, she acknowledges there has been little empirical evidence to support claims of mediation's superiority as a dispute resolution

technique. In response to claims of mediation being cheaper and faster than litigation, Bingham (1986) reports that the information is incomplete and is definitely not comparable or too sparse to report with any confidence.

The need for an in-depth examination of the impact of mediation is obvious, since it may potentially lead to reduced expectations which in turn, may improve the effectiveness of the process by causing parties to consider the circumstances under which mediation is most likely to bring about a successful resolution to the dispute. Until such time as evidence to the contrary is revealed by a careful study and comparison of mediation and more traditional dispute resolution processes, the belief in mediation as a panacea for resolving environmental disputes will prevail. In the meantime it is likely that certain misconceptions and misperceptions regarding the mediation process and its application will persist and contribute to the inappropriate use of the process and failure to settle disputes.

The misconceptions and misperceptions noted by Cormick (1982) were based on a lack of knowledge and understanding of the mediation process. Dispelling these misleading views is necessary if the process is to be employed in the appropriate circumstances and to increase the likelihood of success.

A) Resolving differences

Contrary to belief, mediation does not attempt to resolve differences between conflicting parties. Instead, mediation "socializes the disputants" to the diversity of opinion which is inevitable in diverse sectors of society and seeks to educate parties as to the legitimacy of the various opinions and the need for compromise (Lake 1977:165).

Huser (1982:20,36) recognized the basic philosophies of the parties did not change but their positions did, when he states "philosophical positions were not changed by the negotiating process, and often the improved communications merely showed the parties how divergent their values really were." Similarly, Cormick (1982:36) notes, a mediated

agreement "cannot be construed as an indication that two or more conflicting parties have resolved their divergent priorities or reconciled their differing perceptions. Rather, it is an indication that, in the immediate situation which confronts them, they have found a solution upon which they are able to agree despite their differences."

B) Mediation & Conflict Avoidance

Mediation as a technique for conflict avoidance is a divisive issue among mediators. Using the terms "conflict anticipation," "conflict avoidance" or "conflict management" interchangeably to denote "intervention early in the cycle", (Mernitz, 1980:53), mediators supporting the role of mediation as a conflict avoidance technique view early intervention as a means of reducing the severity of the conflict and minimizing the significant costs associated with resolving a protracted dispute where the parties have become polarized.

The opposing view contends that a conflict must be "ripe," that is, an impasse must have been reached in the negotiations for mediation to be effective, since it is "the conflict that provides the awareness of the problem," as well as the initiative to find a solution that is "other than unilateral" (Cormick, 1982:37). Additional reasons for avoiding early intervention are the "strong pressures" necessary for mediation to be effective in leading to a settlement, particularly when a deadline exists. Intervening too early in the dispute or avoiding the conflict "not only makes negotiation unlikely in the short-run but may also serve to delay and make more painful the ultimate confrontation" (Cormick, 1982:37). Kubasek & Silverman (1988:549) also point out that if mediation begins prematurely, "all sides may not have completely developed their positions, and thus the mediation may proceed with some potentially interested groups unrepresented."

A third view on the conflict avoidance issue is provided by Lake (1977:165-6), who contends the timing of intervention is "circumstantial" and based on the specific situation surrounding the dispute in question. McCrory (1981:55) similarly observes that

while "mediation is most often thought of as a procedure to be used when parties have reached a stalemate or impasse in negotiations. Mediation has been successfully employed as a preventative measure to defuse potential disputes."

C) Mediation as non-adversarial

Another misconception is based on the belief that mediation is non-adversarial when in fact mediation is founded on the premise that the best agreements are achieved and have the greatest hope of implementation when the parties negotiating are established adversaries aware of and promoting their self-interests. Amy (1987:82-87) discusses the adversarial - non-adversarial controversy surrounding mediation in terms of the "hot-tub school of mediation" and the "hard-ball school of mediation" and points out that the most experienced mediators answer an "emphatic 'no'" when asked if mediation is really about establishing trust and cooperative relationships. Instead, experienced mediators such as Howard Bellman portray environmental mediation not as an "encounter session but an intensely adversarial and combative process, where each side tries to get the most for itself and only compromises when it is forced to." Huser (1982:36) summarizes this relationship when he says, "The parties entered mediation as adversaries and came out of it the same way."

D) Mediation as an Alternative to Litigation

Initially perceived as an alternative to litigation, mediation is slowly becoming recognized as a complement to litigation. Underlying the assertion that mediation would replace litigation was the belief that mediation was more time and cost efficient. However, to date, there is little empirical evidence upon which to base such claims. Rather than being viewed as an alternative to litigation it would be better to view mediation as an additional tool that might or might not be more effective or more efficient depending on the circumstances.

Litigation or threatened litigation often precipitates mediation, serving as a source of power and influence to bring the parties to the table and to mediation. As Liepmann

(1986:99) states, "The possibility of impending court action or a stalemate in the courts often precipitates mediation." There is little evidence to suggest that mediation will supplant litigation as the dominant form of dispute resolution until such time as constituencies are provided with some other basis for their power and influence (Cormick, 1982). Litigation will also prevail in situations where cases are deemed too important to mediate, as for example when a legal precedent is being set or an interpretation of a statute is necessary.

E) Mediation as a Process for Encouraging Trust and Friendship

Advantages often cited in respect to mediation relate to the ability of the process in building trust, leading to improved relations both short term and long term, and opening the door for future communications between the parties. In fact, mediation does not attempt to lead to negotiators learning to like or agreeing with each other; indeed these co-operative interactions can be detrimental to agreement. While there is a need for the parties to have sufficient mutual trust to negotiate in good faith, overt familiarity can lead constituents who have not been privy to the negotiations to perceive a sell-out. As Cormick (1982) points out, "agreement among the negotiators is only the beginning," and ratification of any agreement by the constituents is also necessary. Without the constituency being up to date with the negotiations and in agreement with their representatives' positions, there is the possibility that the leadership may progress so far ahead of its constituency that there is little chance of achieving ratification of the agreement.

F) Mediators as Technical Experts

The question of whether mediators require expert knowledge or an understanding of the central issues of the conflict is an area of disagreement among practitioners. Cormick (1982:38) believes that mediators with technical expertise may be less effective because they tend to rely on their own "assumptions and values, rather than allowing the parties to 'teach' them about the dispute." Cormick also sees an "expert mediator" as filtering information based on his or her independent assessment of the facts. There is

also the possibility of the mediator "leading" the parties to an agreement rather than allowing them to arrive at one themselves, which may reduce their commitment to its implementation. A final problem with the expert mediator is that the agreements reached may be technically appropriate without the underlying values and perceptions having been addressed. The danger here is that the solutions do not represent a real accommodation of the more basic value differences and the agreement may subsequently be discarded and the conflict rekindled.

Contrasting with these views, Susskind (1981:42) believes environmental mediators should possess an adequate knowledge about the environmental and regulatory issues at stake. In comparing environmental mediators with labour-management mediators, it has been suggested that the American Arbitration Association and state agencies providing mediation services appoint mediators on the basis of their knowledge of labour law and their experience in collective bargaining. "As a practical matter, the quality of the mediation effort should be improved where the mediator has at least general knowledge about the subject matter of the dispute and the issues involved" (McCrory 1981:57).

The discussion of misconceptions and misperceptions which surround the mediation process also illustrates the divergent opinions of the mediators concerning appropriate techniques. While two decades ago mediation was considered "The World's Newest Profession," (Fanning, 1979) the intervening years have seen a growth in the use of mediation and attempts to define the process and establish guidelines for its application. However, because of the requirement for flexibility in mediation approaches necessary to address the various types of disputes, different mediators have developed various criteria or pre-conditions for judging if and when a dispute is amenable to mediation.

2.3.4 DECISIONS LEADING TO THE USE OF MEDIATION

The impetus to resolve conflicts can come from both internal and external sources. Although all parties involved may desire to settle a stalled dispute which is continuing to drain resources, fears of appearing weak can inhibit requests by the parties themselves for outside assistance. It is therefore not uncommon for authoritative or influential outside sources to encourage or exert pressure on the parties to seek third party assistance in resolving the dispute. Whatever the source of the motivation, a variety of means are available for resolving disputes and the decision as to which method is most appropriate in a specific dispute is of critical importance. This is particularly true in the case of environmental disputes where only an estimated ten percent of disputes are amenable to successful mediation (Bingham, 1986).

Agreement that not all environmental disputes are amenable to mediation has led to efforts to establish criteria for determining when mediation is the most appropriate technique. Because mediation is a voluntary process and "obtains many of its benefits from that voluntary nature, it should never be forced on disputants" (Kubasek & Silverman, 1988:552). Therefore, before the process begins the parties must agree to participate and a mediator must be selected who is acceptable to all the parties.

Whether the mediator is appointed by government or selected by the parties, he or she serves the parties and therefore must be impartial and have the respect of all parties. As well, the mediator must be competent, have a flexible personality and style, be innovative and credible. If the mediator is unacceptable to any party for whatever reason, they will be unable to serve effectively.

An appraisal or assessment of a dispute and the participants is of primary importance and the initial step in determining whether a dispute is suitable for mediation. Bingham (1986:xxii) attributes the relatively high success rate of dispute resolution efforts to mediators conducting "dispute assessments at the beginning of each case as a first step

in helping the parties decide whether to proceed with a voluntary dispute resolution process and, if so, what the nature and ground rules of the process should be." As an accepted component of the practice of mediation, the initial assessment of the dispute is also seen as a particularly important reason for the relatively high success rate of mediation in resolving environmental disputes.

The assessment stage has several purposes. It is an opportunity for the mediator to meet individually with all of the parties and to educate them about the mediation process and the mediator's role. Identifying the key factors or issues in the dispute and potential obstacles is also undertaken during this stage, as is the process design which according to Bingham (1986:92) is "frequently a prerequisite to the decision by each party about whether to participate."

Cormick (1982:16-17) suggests eight questions which must be addressed by the parties to the dispute and the mediator to determine whether to use mediation:

1. Are all parties who have a stake in the outcome of the negotiations represented? Is any party excluded that could prevent an agreement from being carried out?
2. Have all of the parties reached general agreement on the scope of the issues being addressed?
3. Are the negotiators for each party able to speak for their constituency? Is there a reason to believe that, if the negotiators reached an agreement the agreement will be honoured by the groups they represent?
4. Have the immediate parties and the eventual decision makers committed themselves to a good faith effort to reach a consensual agreement?
5. Has a realistic deadline been set for the negotiations?
6. Are there reasonable assurances that affected governmental agencies will cooperate in carrying out an agreement if one is reached?
7. Does the mediator operate from a base that is independent of both the immediate parties and the decision makers with jurisdiction over the dispute?

8. Do all parties involved trust the mediator to carry messages, when appropriate, and to honour confidential remarks?

2.3.5 FACTORS AFFECTING THE LIKELIHOOD OF SUCCESS

A decision by the mediator and the parties to proceed following the initial assessment of the dispute is made on the basis of the likelihood of success. While individual mediators have specific criteria developed through previous experience, the conditions listed below are generally accepted as necessary (Susskind, 1981; Cormick, 1982; McCrory, 1981; Stein, 1985; Golten, 1980; Fanning, 1979; McCrory, 1981; Sampson, 1979):

1) The parties must have an incentive to negotiate an agreement.

For mediation to be acceptable to the parties involved in a dispute a commitment to the process is essential. If parties are capable of achieving their ends through other means, (e.g. the courts), the incentive to negotiate or agree to a settlement involving compromise does not exist. However, in pursuing a unilateral decision there is always uncertainty, and a choice between a zero sum or win outcome can serve as an incentive to pursuing negotiations. This is not intended to suggest that disputants will automatically choose mediation as an alternative. McCrory (1981:81) observes that disputants will not use mediation unless "they believe they have something to gain and that their interests will receive full and fair consideration by the mediator."

2) A balance of power between the parties is required.

Mediators appear to agree unanimously on the requirement for a balance of power among the disputants and cite a disparity of power as a major drawback affecting the quality of the outcome. Potential sources of power include money, organization, membership, legal expertise, scientific expertise, political influence, legal standing, negotiating skills and favourable publicity. In the absence of an equality of resources those "without," which tend to be environmentalists and others representing the public interest, are at a disadvantage at the negotiating table, since "Power and political advantage are not eliminated by the use of mediation" (Kubasek & Silverman, 1988:549-550).

The emphasis placed on the need for equal access to resources by mediators underlines the significance of this component for the success or failure of the mediation process. Susskind (1981:14) believes a mediator should probably refuse to enter a dispute when the power among the parties is unequal because a "mutually acceptable agreement is unlikely to emerge." Similarly, mediation is not feasible until a balance of power exists; as Amy (1987:30) states, "dialogue, persuasion, and understanding are likely to play a central role in negotiations only when no party can easily overpower the other."

3) Arrangements for cost-sharing must be agreed upon prior to intervention.

A separate but related concern surrounding the inequity in resources is the question of funding the mediation process. Whereas in the judicial settlement of disputes the 'loser' pays the costs, a mediated dispute relies on all parties agreeing to participate and therefore it would follow that the costs would be born equally among the participants. McCrory (1981), Lake (1977), Bingham and Haygood (1986) and others have raised the issue of the inability of some parties to participate on a cost sharing basis. As an

alternative, proposals to have governments fund the process and hire mediators have been suggested. McCrory (1981:68) believes linkages with government are mandatory and without a broader base of government support the use of mediation for environmental disputes will "remain limited."

4) Disputed issues must be amenable to negotiation.

Mediation is founded on the premise that a resolution to a conflict can be achieved through negotiations and compromise. Each issue must therefore be negotiable for mediation to proceed. Some issues, however, are not amenable to compromise. For example issues involving nuclear power can be non-negotiable with some groups refusing to negotiate because of philosophical or ideological opposition. As Golten (1980:65) notes, parties on both sides must be 'reasonable' and the dispute has to centre on facts rather than "philosophy or values." Compromise is also difficult in situations when an environmental statute may have been drafted in a manner that precludes compromise: without a mechanism for compromise, mediation is at the very least difficult.

5) All parties with a stake in the outcome of a dispute must be identified and represented in the negotiation process.

Ensuring representatives of all the parties with an interest in a dispute or those potentially affected by the outcome of a dispute are represented during the negotiation process is one of the first and most critical responsibilities of the mediator. Decisions on representation are left to the mediator to ensure the selection of participants is fair and representative. It is incumbent upon the mediator to include decision-making authorities or groups who could potentially undermine an agreement through claims of being excluded. Without the representation of government agencies with decision-making authority, an agreement may contravene current government policy; this lack of political

acceptability may result in the rejection of the agreement. As Bingham (1986:xxiv) observed in an analysis of mediated disputes, one of the most significant factors affecting the success of the process is that those with the authority to implement an agreement were present at the negotiating table.

6) A deadline must be established and agreed upon.

The success of the mediation process depends upon the establishment of deadlines in order that the disputants do not benefit from the use of mediation as a delay strategy. Cormick (1976:215) discusses the misuse of mediation by persons in positions of authority who might be tempted to use mediation "to postpone difficult decisions to some future - but never to arrive - more propitious time." As well, local and public interest groups might use mediation to "stall development sufficiently to render it uneconomic" (Shrybman, 1986:85). Incentives (or disincentives) may be required to assist participants in establishing and meeting deadlines to ensure disputes are settled in a timely manner.

7) Parties must agree to negotiate in good faith.

The requirement for parties to negotiate in good faith is interrelated with the preceding criteria of participants not using mediation as a delay strategy. Cormick's (1976:217-223) description of mediation in terms of the "essence" of the process being compromise and seeing mediation as a "fragile process built on trust" underlines the requirement for negotiating in good faith. Disputants entering mediation with the intention of attempting to take advantage of other groups by using less than ethical tactics can undermine the process. Suspicions of mediation as a form of co-optation and as a "sophisticated ploy intended to pacify environmental groups and to distract them from pursuing more troublesome approaches to environmental litigation" (Amy, 1987:99) are not unfounded. Amy (1987:102) in a chapter entitled "Mediation as Seduction" discusses

various "less - than - ethical tactics" that have been employed in negotiations. While the mediator bears some responsibility for exposing unethical negotiating tactics, he or she cannot force the parties to negotiate in good faith. The mediator has the difficult task of attempting to create an "atmosphere of cooperation and understanding and build a foundation of confidence and trust" (Curtis, 1986:16) not only in the process but also among the disputants.

8) An agreement must be feasible to implement and binding.

By definition and through principled practice, agreements resulting from mediation must be the product of the informed consent of the parties to the dispute if they are to be ratified and implemented (Shrybman, 1986:86). It is therefore necessary for the parties to know at the outset of the mediation effort that the means and authority to implement the agreement are available. If responsibility for the execution of the agreement rests with the mediating parties, they must have the authority and technical resources to implement the settlement. Alternately, if the responsibility for implementation or approval of the agreement rests with a regulatory agency, the commitment of the decision-making authorities is needed. As Bingham & Haygood (1986:13) observe, "The most significant, measurable factor in the likelihood of success in implementing agreements appears to be whether those organizations with the authority to implement the decisions participated directly in the process."

9) Participants must keep their constituents informed.

Logistical and practical considerations dictate that not every individual can directly participate in the negotiations. Representatives are therefore chosen or appointed to negotiate on behalf of constituent groups. Through direct participation in the negotiations the constituent representatives go through a learning experience where they begin to

understand the other side's viewpoint. This leads to a "perennial problem" since the constituency does not have the same opportunity for "intensive and cooperative interaction" (Cormick, 1982:37). This difference in understanding the other parties' position as understood by the representative and his or her constituent group has led to accusations of "selling out" and repudiation of agreements. It is therefore necessary for participants to keep constituents informed and to constantly confirm their support as positions alter and new information is developed. As Shrybman (1986) states, "Representatives must appreciate the necessity of keeping current their instructions and understand the importance of ensuring those instructions represent a realistic and realizable consensus of opinion within their client groups."

10) Mediation sessions must be kept confidential.

During negotiations, the need to keep constituents and others with a stake in the dispute informed must be balanced against the need for confidentiality. Confidentiality during the mediation sessions allows participants to feel out alternatives which might ordinarily be opposed by constituents. Participants are also more likely to engage in frank discussions if they are not in fear that statements will be made public. A confidential relationship is also essential between the mediator and the various parties to the dispute.

Using these criteria as guidelines has assisted mediators in their efforts to assess disputes and guide the mediation process. However, while useful, these guidelines do not guarantee success.

2.3.6 CRITERIA FOR EVALUATING A MEDIATION EFFORT

The question of what measure is used to evaluate a mediation effort is of importance in gauging the success or failure of the process. An objective evaluation of mediated disputes is needed as a means of avoiding the inappropriate use of the process and as a tool for mediators to use in understanding the issues. However, there are difficulties in measuring the success or failure of a mediation effort. As Sampson (Environment, 1979:36) states, "Because of the multi-faceted role of a neutral intervenor in a dispute situation, it is difficult to 'count cases' and to measure success or failure. When does mediation actually begin? Has it failed if certain issues are resolved but not all?" In assessing the success of a mediated dispute there are also questions surrounding the reliability of process-oriented criteria for judging a single mediation effort. As McCrory (1981) notes, "substantive standards" to judge the quality of the mediated agreement are difficult to establish.

While mediators acknowledge the problems of establishing objective criteria for measuring the success or failure of a mediation effort, several criteria are currently used. The simplest measure of the success of an alternative dispute resolution process is whether an agreement was reached, if this was the stated objective of the process. In the study conducted by Bingham (Bingham & Haygood, 1986:9) of mediated disputes, three categories of objectives were noted - "to reach a decision, to agree on recommendations to a decision-making body not directly represented in the dispute resolution process, and to improve communications."

Reaching an agreement was the most commonly stated objective, comprising 132 of a total of 162 cases examined by Bingham (1986) while improving communications was the objective in the other 30 cases. Gauging the success of a mediated dispute on the basis of whether or not an agreement has been reached requires a careful examination of the agreement to see if the real issues in the dispute have been addressed. The extent to which the parties supported the agreement through the implementation process has

been used as a test of how well the agreements reached have resolved the real issues in dispute. As well, it is during the implementation stage that other problems can surface, as for example, issues of concern to unrepresented parties.

In judging the success of environmental mediation efforts, Susskind (1981:16-18; based on R. Fisher, unpublished paper), uses seven criteria: 1) the outcome or results of the dispute resolution effort must appear fair to the community; 2) the outcome must reconcile the interests of the parties; 3) the outcome should be "consistent with principles reflecting pre-existing practice"; 4) the agreement should set a precedent; 5) the agreement should be "reached quickly at low cost"; 6) the relationships among the parties should be improved rather than exacerbated; and 7) the results of the negotiation ought to be readily acceptable to the parties.

2.4 SUMMARY

The preceding discussion has focused on the benefits and constraints on the use, of mediation as an alternative dispute resolution process for resolving environmental conflicts. As noted, mediation is a feasible alternative to litigation when specific pre-conditions pertaining to the mediator, parties, issues and conflict are present. Mediation is not a panacea for all environmental conflicts and must not become either a short circuit or another hoop in the decision-making and planning processes. Instead, mediation must remain an extraordinary process for resolving environmental disputes.

When inappropriately applied, mediation can exacerbate a conflict. This underlines the necessity for conducting an assessment of a dispute prior to proceeding with mediation. The lack of evidence supporting claims that mediation has a higher success rate or is cheaper and faster than litigation should not discourage the use of this process where appropriate. The most compelling reason is that the process addresses the underlying issues and leads to win/win, consensus-based agreements created by the

parties, for the parties. By having the disputants resolve the dispute themselves through face to face contact, communication and education occurs which can lead to better long-term relationships.

APPENDIX 3

3.0 PUBLIC PARTICIPATION

3.1 Background

Public participation figures prominently in the study of the Task Force's efforts to resolve the resource allocation dispute and prepare a sustainable development strategy for Clayoquot Sound. Citizen participation is recognized by the British Columbia Round Table on the Environment and the Economy (1992) as fundamental to the preparation of a sustainable development strategy. In addition, as the following overview of the concepts and techniques of public participation seems to indicate, the task force mechanism has evolved from a government advisory body to a public participation mechanism with a number of inherent advantages and disadvantages. Other reasons for the significance of public participation with respect to the Task Force and this study stem from the unprecedented approach (and contradictory to the original intentions of the task force mechanism) by the Task Force of all but eliminating any opportunities for meaningful public involvement. The Task Force accomplished this by limiting representation on the Task Force, holding meetings in camera, denying media access to the proceedings (relying instead on carefully scripted press releases to inform the public) and holding only three public meetings.

Public participation emerged as a popular political and social movement during the 1960s when unrest and a general dissatisfaction with changes in social structures and political institutions was reflected in a lack of confidence in political institutions and elected leaders. Confrontations and persistent demands by the public for a more active and participatory role in policy planning and decision-making started what became known as the "participation explosion" (Almond & Verba, in Wengert, 1976:23).

Originating at the neighbourhood level in response to large-scale inner-city redevelopment projects, public demands for input into decisions gained momentum and diffused to other issues. Early predictions that the torrent of public participation of the 1960s was only the tip of the iceberg have proven accurate, with public participation having reached the stage where today it is considered "an accepted fact of life" (Smith, 1982:1).

3.2 Defining Public Participation

Since its inception, public participation has attracted sufficient widespread support to become a legitimate part of the process of policy, planning and decision making. Although it is accepted to the point of being a requirement in nearly every program which uses federal funds, it remains ill-understood, in terms of both content and context (Daneke, 1983). In part this can be attributed to the absence of an easily defined or practical basis for participation (Thompson, 1979:1). The view of public participation as a goal in its own right rather than as a means of serving various philosophical and practical goals is a result of the lack of understanding as to the purpose and meaning of public participation.

While public participation has become legitimized, in so far as it is legislated and institutionalized, acceptance of the concept is often determined by the definition used. In the absence of a standardized definition, the meaning of public participation has tended to vary according to the situation and the organization or individual doing the defining. Smith (1984:253-4), for example, defines public participation as "any action taken by an interested public (individual or group) to influence a decision, plan or policy beyond that of voting in elections." Based on this definition, public participation can be viewed as encompassing an extremely wide range of actions.

Wilkinson (1974, in Parenteau, 1986:6) on the other hand, discusses public participation in a much narrower context, defining it as "the involvement of members of the affected publics in the process of formulating the specific policies, programs, and projects of different organizations, in so far as these policies, programs, and projects affect their lives". Two important characteristics of public participation emerge from this definition. First, public participation is linked to the involvement of the public in the process of formulating policies, programs and projects. Second, the connection is made between participation and the involvement of the publics whose lives are potentially affected by the policies, programs and projects.

As suggested by these two definitions, interpretations of the purpose and practice of public participation can be quite distinct. Until a widely accepted definition is established, the meaning of public participation will continue to fluctuate according to individual understanding and motives. To avoid this situation and for the purposes of this study, Wilkinson's (1974) definition will be used, because of its narrower focus and inclusion of characteristics cited by other researchers.

3.3 Perception of Public Participation

Establishing a common definition of public participation is the first step in dispelling the misperceptions that have built up around the concept. Perceptions of participation vary between those in favour of and those against the process, depending on the individual's "position and status, whether they are in power or out of power, their responsibilities, their constituencies, their overt and covert goals" (Wengert, 1976:25) and many other factors. Because perceptions are linked to motivations it is often impossible to determine the motives for participation from the perspective of either initiating or taking an active role in the process. However, there is a need to examine the motivation for participation and to try to understand the reasons behind it because of the influence on the success or outcome of the process.

Wengert (1976:25) identifies five motives for initiating a public participation program: 1) Participation as policy, i.e., as a goal to be sought because it is "simply a matter of sound and desirable policy"; 2) Participation as strategy, i.e., for gaining legislative support and political support; 3) Participation as communication, i.e., to improve inputs leading to responsive decisions; 4) Participation as conflict resolution, i.e., to reduce tensions and resolve conflicts; and 5) Participation as therapy, i.e., to provide a means for minorities and disadvantaged groups to have a voice, as in social therapy. While the list suggests perceptions of participation are clear-cut, more often the perceptions are intermixed and thus less readily discernable.

Even the institutionalization of public participation has not been successful in changing some of the long standing perceptions of the process. Views of public participation as creating needless delays in the decision-making process, increasing costs, exacerbating the issue at hand, making decisions more difficult, and of usurping the power of elected officials and experts, persist. While many of these criticisms are not unfounded, the process has evolved to the stage where many of these perceptions are proving to be less valid, particularly as knowledge and experience increase.

One of the perceptions of public participation that is both accurate and enduring is the notion of the process as an agent of change and therefore "a deliberate threat to existing decisional (power) arrangements" (Wengert, 1976:39). In some cases agencies have attempted to thwart the incorporation of public participation into existing decision-making structures by undermining the process. These efforts to subvert the public participation process have led to the development of a classification and labelling of public participation processes based on the various levels of power accorded to the public to influence decisions.

3.4 Levels of Participation

Arnstein (1969) was the first to develop a model for interpreting the level of participation. Arnstein's model defines the various levels of power the public is accorded to affect the outcome of a decision. Using a ladder as an analogy, with manipulation as the lowest rung and citizen control as the top rung (Figure 1), Arnstein (1969:217) was able to describe public participation programs based on the public's power or influence over decisions.

The two lowest levels of participation, manipulation and therapy, are represented by the first two rungs, which Arnstein contends are examples of 'nonparticipation'. These serve primarily as a means for decision makers to avoid genuine participation by attempting to educate or cure participants. Rungs three to five consist of informing,

8	Citizen Control	Degrees of Citizen Power
7	Delegated Power	
6	Partnership	
5	Placation	Degrees of Tokenism
4	Consultation	
3	Informing	
2	Therapy	Non Participation
1	Manipulation	

Figure 1 A LADDER OF CITIZEN PARTICIPATION

Source: Arnstein (1969:217)

consultation and placation. While informing and consultation involve an exchange of information, there is no assurance the advice and opinions provided by the public will be incorporated into the decision-making process. Placation is similar, in so far as the public has the right to advise. However, those with power retain the right to decide.

Rungs six through eight are termed "degrees of citizen power" and comprise the most powerful levels of participation. Consisting of partnership, delegated power, and citizen control, these levels represent true participation through citizen power. The concept of citizen power is introduced at the partnership level where negotiation and trade-offs are made with traditional powerholders. At the delegated power level the degree of influence increases as citizens command a majority of decision-making seats. The ultimate level of participation is achieved when full control over decisions is exercised by the citizens, which Arnstein (1969) appropriately labels "citizen control".

A similar model for evaluating participation was developed by Eidsvik using an analytic grid (Figure 2). The two axes of the grid represent the initiating agencies'

Decision-Making Power ----->

Information	Persuasion	Consultation	Cooperation	Control
The decision is made and the public is informed.	The decision is made and an effort is made to convince the public.	The problem is submitted, opinions are collected, the decision is made.	The limits are defined, the decision is shared with and made together with the public.	The decision is made by the public, which assumes a role of public responsibility.

Public Participation ----->

Figure 2 ANALYTIC GRID OF PUBLIC PARTICIPATION

Source: Eidsvik (1978, in Parenteau, 1988:7)

"decision-making power" and "public participation". According to Eidsvik (1978 in Parenteau, 1988:7) there is a range of possible roles for the public in the decision-making process extending from information through persuasion, consultation, and cooperation to control at which point the public becomes the decision-maker.

Both Arnstein (1969) and Eidsvik (1978, in Parenteau, 1988:7) recognized the outcome of a participation process was directly related to the degree of influence or power participants were able to exercise during the course of the process. Accordingly, the greater the level of power exerted by participants, the greater the likelihood the outcome reflects their desires and wishes. Consequently, the benefits of public participation from the participant's view are directly related to the degree of citizen power. However, in addition to the degree of influence or power exercised by participants, a number of other inter-related factors also can affect the outcome of a particular public participation program, including; the level of commitment of the agency coordinating the program, whether the process is based on cooperation or adversarial roles, and the political commitment.

3.5 Benefits of Public Participation

A successful public participation effort occurs when the involvement of new ideas and alternative viewpoints results in "a higher level of planning or at least more acceptable decisions" (Priscoffi & Homenuck, 1986:70). For example, through public consultation better "technical" decisions can be developed than decisions based strictly on a technically oriented decision process. More acceptable decisions can be interpreted as those that genuinely take into consideration and reflect public values, attitudes, goals, and preferences. While this is a general benefit that can be expected to a greater or lesser extent as the result of any legitimate public participation process there are also specific benefits, including: legislative and political support and legitimation i.e., bestowing legitimacy on the content of the decisions made; increases in the

representativeness and responsiveness of administrative and political institutions; and increases in the public's awareness of political efficacy (Robbins, 1977; Wengert, 1976; Cupps, 1977; Creighton, 1983). As well, decisions affecting issues of a qualitative nature, i.e., those that do not normally enter into economic analysis, are more likely to be discussed and given fair consideration during the course of a public participation program (Thompson, 1979:17).

Public participation also provides opportunities for interests without economic power to influence the exercise of political power. By redressing these power imbalances public participation contributes to the sense of social justice (Thompson, 1979). As an educative process, the participation process encourages the exchange of information, reducing the alienation between governments and the public and leading to a more informed populace.

3.6 Public Participation Program Objectives

Priscolli and Homenuck (1986:70) have compiled the following list of six objectives for agencies developing a public participation program;

1. to build credibility in the decision making processes and with the decision makers with those who will be affected, those who will pay and those who will use a project (insofar as the input provided by these stakeholders is used in the decision making process).
2. to identify public concerns and values.
3. to develop consensus among the impacted parties, users and those who pay.
4. to create the greatest number of unsurprised apathetics.
5. to produce better decisions.
6. to enhance the democratic practice.

The similarities between the list of objectives and the benefits discussed previously (section 2.5) is apparent. The objectives can also be seen as a reminder of the expectations of a public participation program. For this reason defining and ranking the

objectives in consultation with the participants is one of the first steps in planning a participation program.

3.7 Problems and Limitations in Planning a Public Participation Program

Planning a successful public participation program begins with a genuine commitment to the process by the coordinating agency. If and when it is determined that such a commitment exists, the initial stage of program development begins. The first stage consists of three important and inseparable tasks: identifying the publics, defining the issues, and specifying the objectives (Ashbaugh & Sorenson, 1976).

3.7.1 The Public

The definition of public participation by Wilkinson (in Parenteau, 1988:6), recognized the process as being based on the involvement of members of the public whose lives are affected by specific policies, programs and projects. Agencies initiating a participation program have encountered a number of problems associated with identifying the public and their involvement in a public participation program.

1. Many distinct groups make up the public.

The public is not homogeneous. Instead it is comprised of a number of distinct groups. Priscooli & Homenuck (1986:68) have identified five categories of publics: 1) the organized public, consisting of an organization formed by residents to comment on a project or issue, existing community organizations, or local self-interest groups; 2) the general public, individuals not associated with any organized group; 3) politicians, both outside and within the community; 4) public interest groups, who have a particular

interest in one or more aspects of the project or issue; and 5) local experts, whose interest is in the technological or scientific issues.

While it is possible to further differentiate among the publics, as for example between those directly affected and those indirectly affected, there is a limit to the number of interest groups and individuals that can be directly involved in some types of public participation programs.

2. Too many publics.

Related to the difficulty of identifying all the affected publics is the problem of over-representation. This occurs when an issue draws a large number of diverse special interest groups and individuals demanding the right to participate. In some situations, as for example when the objective of a participation program is to function in a problem-solving context, there is a limit to the number of participants that can be included and still be effective. Thus, when there are too many publics it may be necessary to limit participation to a manageable level, or a different participation technique may be required. There also is the possibility for groups with similar interests to select a single representative.

A second approach to the issue of who participates is offered by Thompson (1979:21) with the suggestion that participation should be based on whether or not the individual "has something significant and material to say concerning the problem". Thompson (1979) also believes there is no reason to restrict access to individuals or groups that desire to participate by submitting a written or oral brief.

3. Non participation.

In dealing with the issue of limiting the number and diversity of participants it is critical for the initiating agency to recognize the potential for non participation. Even a concerted effort to identify and contact stakeholders does not guarantee participation. Reluctance or refusal to participate is not uncommon for reasons ranging from lack of interest and mistrust to a shortage of time and resources. Among certain ethnic groups and minorities, language, an unwillingness or fear of becoming involved, and unfamiliarity with the process may be barriers to participation. An issue that contradicts the ideological principles of a public, as for example an anti-nuclear coalition being asked to take part in the siting of a nuclear generating station, also is a basis for refusal to participate. As well, groups already involved in other public participation programs may not have the resources or qualified personnel to devote to a second process.

Although identifying the public at first appears to be a relatively straightforward task it is in actuality a complex process involving several critical steps and decisions. Beyond identification, program managers must contend with the possibility of an unwillingness to participate on the part of some publics, as well as be able to discern when groups are not representative of the affected public.

3.7.2 Issue Definition

Following the identification of the publics, the next stage in the program-planning process is reaching a consensus on the definition of the issues. Until recently, the definition of the problem was not considered part of the participation planning process and little attention was given to this task. However, experience has shown that failure to adequately and explicitly define the issues at the outset and with the involvement of all parties can result in confusion, waste time, reduce the opportunities for new solutions and lead to misunderstandings and further conflict.

One of the primary reasons for explicitly defining the issues with all interests involved is the likelihood of different perceptions among the stakeholders of the issue or problem. According to Stewart (1977), planners, interest groups and members of the public each have a different understanding of issues and by involving all interests in the problem definition there is an opportunity for new thought. Clearly defining the issues at the outset can also avoid time wasted on non-related issues and the possibility of important issues being overlooked.

Responsibility for decision making is also established at the time the problem is defined. This is particularly important when the issue or problem is reduced to an "instrumental question", as for example, a go/no go decision. In these situations some groups may not be willing to participate or be implicated in the outcomes of these types of decisions. With the issues explicitly defined and agreed upon there is less likelihood for confusion and conflict as the participation program progresses. Participants can then focus on the task of addressing the issue or problem without having to return and re-define the scope of the program, a costly and frustrating setback.

3.7.3 Funding

A contentious issue in the development of public participation programs is the question of participant funding. The need to provide participant funding was first recognized during the MacKenzie Valley Pipeline Inquiry. Realizing that without adequate financial support for research many native and environmental groups would be unable to participate, Mr. Justice Thomas Berger, the chair of the MacKenzie Valley Pipeline Inquiry, set a precedent by providing \$2 million to assist groups and individuals to participate in the Inquiry.

Providing financial assistance to participants has not become an established or customary practice. However, without assistance the existing inequity between

inadequately funded interest groups and individuals on one hand, and government agencies and corporations on the other, affects the ability of the 'publics' to participate in a meaningful way. Cases where proponents have spent millions of dollars and years preparing technical reports and collecting data in advance of a public hearing or meeting, while the public, without financial or other assistance is expected to respond on several weeks notice, are not unheard of. Situations such as these undermine public confidence in the validity of the participation process. A suggested remedy is to set aside a percentage of the capital cost of projects for funding public participation. Organizations such as the Canadian Environmental Law Association, the Canadian Labour Congress, and the Canadian Nature Federation have endorsed intervenor funding as a necessary part of the public participation process (Estrin, 1977).

An obstacle to funding participants is the development of criteria for determining distribution of funds. Guidelines established by Mr. Justice Thomas Berger for public interest funding during the early stages of the Mackenzie Valley Pipeline Inquiry included:

1. a clearly ascertainable interest.
2. a necessary and substantial contribution be made.
3. an established record of concern and demonstrated commitment.
4. a demonstrated need for financial resources.
5. a clear proposal as to the use of the funds.

Safeguarding against abuse of an assistance program through a screening process, where a "substantial burden" in terms of time, effort, and money on the part of those who claim the right to extensive involvement can be demonstrated, is advocated by Thompson (1979:23). However, lack of funding should not become a constraint or eliminate opportunities for participation.

3.7.4 Time

In most cases, the resources for developing and implementing a participation program are limited, therefore establishing deadlines is essential. A time frame also serves to reduce the opportunity for the process to be used as a delay strategy. In some instances, opponents of projects have used public participation programs as a stall tactic in the hope that project costs would escalate and force cancellation.

While it has been noted that a lengthy participation program does not necessarily lead to better decisions, sufficient time is essential to adequately address complicated issues with potential non reversible affects on a community or region; unravel complex scientific and technical data; hold meetings or workshops; gather missing data or carry out additional research; and make allowances for participants who have other duties and responsibilities beyond participating in a program. As well, a public participation program must have the flexibility to provide for extenuating circumstances, as for example, the participation of newly-identified stakeholders.

3.7.5 Institutionalization

The increased demand for participation has led to legislative changes, institutional reforms, and administrative reorganizations providing greater opportunities for input into decision-making processes through this mechanism. While there is general agreement that a carefully planned and executed public participation program can lead to benefits, as for example more informed decision-making, there is a need to evaluate each situation to determine if a public participation program is warranted or necessary. According to Cupps (1977:478) "public participation which is automatic, unrestrained, or ill-considered can be dangerously dysfunctional to political and administrative systems."

In each case, a critical review of the specific issues is necessary to determine

whether public participation is appropriate. As a means of evaluating whether an issue is amenable to resolution through the participation process, Thompson (1979:29) suggests the appointment of a permanent body to act as a screening agency and to advise, when a public participation process is required, what type should be used, procedures, funding, and terms of reference. This agency would be comprised of citizens committed to public participation outside government who are also aware of the demands and costs of the process.

Institutionalization of public participation has several advantages and drawbacks. Following institutionalization, public participation can more readily be invoked, thus presenting the opportunity for misuse of the process as a shortsighted political response to particularly vocal or persistent citizen movements. In these situations public participation becomes a delay tactic for politicians unwilling to make an unpopular decision.

Public participation as policy also raises questions surrounding the usurping of the bureaucratic and political decision-making processes. Issues of representation, the legitimacy of the process and its role in the larger democratic process have led to the observation that society has moved from representative democracy, where constituents elect a candidate to represent their views, to participatory democracy where constituents seek direct involvement in the process (Naisbett in Daneke, 1983). Problems and costs are associated with this change, i.e., representation and the question of responsibility over fiscal accountability. A costing analysis of policies and programs proposed by interest groups is therefore required to compare alternatives and develop fiscally responsible solutions.

Institutionalization also raises concerns over the motives of participants. On occasion these have been seen as inappropriate and self-serving, rather than contributing to better decisions. Critics of public participation as policy hold the view that interest groups who abuse public participation will be given additional opportunities to be

obstructive, creating excessive delays of the administrative and judicial processes. There are also beliefs that participants often contribute little positive information. Instead, they make their case by attacking the contribution of others. In addition, there are allegations that interest groups do not aid in defining and analyzing policy options because of their limited perspective. Due to this narrow focus interest groups are accused of discouraging agencies from analyzing and evaluating the possible consequences and alternatives.

A final consideration concerning the institutionalization of public participation relates to the resources and time involved in actively participating. As Salter (in Thompson, 1979:21) states "Participation in all inquiries involving issues directly impinging on people's lives would constitute a full time job ... for someone with an unending supply of resources and faith in the inquiry process."

3.7.6 Evaluation

A close examination of the advantages and disadvantages of institutionalizing public participation often leads to awareness of the lack of understanding of the effectiveness of the process. Although large sums are spent on participation programs, research and critical analysis have been largely neglected. To some extent this oversight or reluctance to evaluate the effectiveness of the process is due to the complexity and multi-faceted nature of public participation. Like other complex social programs, the values and value biases inherent in public participation, together with the subjective judgements and measurement procedures, compound the difficulties of evaluation. As well, what little knowledge exists about successful and unsuccessful participation programs is often "fragmented and unreliable" (Rosener, 1978:457).

Contributing to the shortage of reliable research into the effectiveness of participation programs is the fundamental question of whether it is the product or the process that should be evaluated. Vague and ambiguous participation mandates often

lead to the view that the process is an end in itself. Evaluation of programs by practitioners subscribing to these views is often based on non analytical information, as for example, the number and kinds of people involved, the frequency of involvement, time invested and measurement of attitudes. While this information serves as evidence of having fulfilled a mandate to undertake public participation it does not provide any insight as to the effectiveness of the program or the outcome.

Increasingly, evaluation of the effectiveness of involvement is measured in terms of policy impact, or "changes in strategy and/or mitigation of adverse consequences" (Daneke, 1983:24). This emphasis on product rather than process is contrary to what most researchers believe is the purpose of public participation. According to Daneke (1983:24) "it is not the purpose of public involvement to make the decision, but rather to merely improve decision making."

Achieving improved decision making entails the building of trust and cooperation, and opening communication channels between participants. A public participation program that succeeds in attaining these objectives will have a greater likelihood of the process communicating the content, resulting in a more informed or better decision. However, evidence indicating that better decision is the result of improved communication is difficult if not impossible to find, particularly if there is no noticeable impact on a project or policy. As Sewell and Phillips (1979:358) state "Without such evidence, public involvement programmes are bound to be viewed with some cynicism". It is when participation is viewed as a means to an end leading to more informed decision making, that evaluation is most necessary and simultaneously most difficult.

3.7.7 Evaluation Criteria

One means of evaluating effectiveness involves measuring the changes in the program against clearly articulated goals and objectives. With the goals and objectives

stated at the outset, the participation process is assessed in terms of how it contributes to the achievement of these goals and objectives (Rosener, 1978:462). Rosener (1978) developed a "Participation Evaluation Matrix" for determining whether a cause and effect relationship exists between a participation program and the achievement of its goals and objectives. The matrix requires the goals and objectives and desired outcomes be clearly specified at the beginning of the program, a condition Rosener (1978) admits is uncommon. One of the other problems encountered with the use of the matrix stems from the lack of knowledge concerning the cause and effect relationship between goals and objectives, and outcomes. Although use of the participation assessment matrix is limited by the pre-conditions, the technique can be used as a guide for the development of a public participation program because it requires that explicit assumptions be made about the evaluation of the participation program, as for example what it is meant to accomplish and who is to be served by the program. The matrix also enables an assessment of a participation program's reliability given its design and characteristics.

3.7.8 Agency Evaluation

The problem of potential bias also must be addressed if the coordinating agency undertakes to evaluate the public participation program. As Sewell and Phillips (1979:346) note, the various participants in a public participation process have "different perceptions of the objectives of participation and the criteria to be used and, thus, they draw differing experiences about the process." These differing experiences can lead to different interpretations as to the effectiveness of the program. It is therefore necessary to establish criteria for evaluating the program's effectiveness in achieving the goals and objectives through consultation with the stakeholders and prior to the initiation of the participation program.

Following an analysis of 22 case studies, Sewell and Phillips (1979:352) identified three components of evaluation: the goals, the criteria employed for evaluation and the

conclusions drawn. The study led to the conclusion that if public participation is to continue to play a meaningful role in decision-making, there is a need for independent evaluation, ongoing evaluation, a broader basis for evaluation and resolution of legitimate concerns.

3.8 Public Participation Techniques

In the early stages of planning a public participation program the coordinating agency is faced with selecting one or more techniques as a means for implementing the process and achieving the objectives. There are at least 37 public participation techniques for practitioners to choose from (Table 1). Selection of the appropriate technique from among this wide range of possibilities is dictated to a large extent by the objectives and expectations of the particular program. Other factors influencing the decision on the techniques employed involve the number of stakeholders and the resources and time available. The importance of matching the appropriate technique to the program is emphasized by Thompson (1979:29) when he states "There is no greater commandment than that the public participation process must suit the case."

3.8.1 Public Meeting

Over the years several techniques have come to be considered synonymous with public participation. Foremost among these is the public meeting, described by Connor (1977:68) as "the last of the blood sports." This view is not unfounded as attested by those having witnessed a contentious or emotional issue contested at a public meeting. Rather than providing a forum for the exchange of ideas, the public meeting is more often a forum for the exchange of accusations that invariably lead to further polarization and entrenchment of positions.

Table 1

Catalogue of Public Participation Techniques

- | | |
|--|--|
| 1. Advocacy Planning | 20. Hotline |
| 2. Arbitrative and Mediative Planning | 21. Interactive CableTV-Based Participation |
| 3. Charrette | 22. Media-Based Issue Balloting |
| 4. Citizens' Advisory Committee | 23. Meetings - Community-sponsored |
| 5. Citizen Employment | 24. Meetings - Neighbourhood |
| 6. Citizen Honoraria | 25. Meetings - Information |
| 7. Citizen Referendum | 26. Neighbourhood Planning Council |
| 8. Citizen Representatives on Public Policy-Making Bodies | 27. Ombudsman |
| 9. Citizen Review Board | 28. Plural Planning |
| 10. Citizen Training | 29. Policy Capturing |
| 11. Community Planning | 30. Public Hearing |
| 12. Community Technical Assistance | 31. Public Information Programs |
| 13. Computer-based Techniques Teleconferencing, Polling, Games, Interactive Graphics | 32. Task Force |
| 14. Co-ordinator or Co-ordinator Catalyst | 33. Value Analysis |
| 15. Design-in and Colour Mapping | 34. Workshops |
| 16. Drop-in Centre | 35. Delphi |
| 17. Fishbowl Planning | 36. Focused Group Discussions |
| 18. Game Simulations | 37. Survey of Citizens' Attitudes and Opinions |
| 19. Group Dynamics Conflict Utilization Opinionaire, Empathy, Feedback, Relations Diagramming Video-Taped Group Interview, Brainstorming, Force Field Analysis, Nominal Group Process, Role Play, Synectics, Thrust Problem Analysis | |

Source: U.S. Dept. of Transportation (1976) in D. Connor (1977)

Moderates and voices of reason are seldom heard at public meetings because as agency presentations and special interest groups monopolize the question period and often intimidate more moderate voices (Connor, 1977). The prospect of having to speak in public can also be intimidating, particularly when addressing a hostile audience. It is therefore not uncommon for only a few outspoken individuals accustomed to this type of format to take an active part at public meetings, thus limiting the usefulness of this public participation technique.

Criticism of the public meeting also stems from the use of this technique as a form of cooptation. In this context the public meeting is a forum where participants vent their anger and complaints to an unresponsive agency. As Heberlein (1976:200) suggests, by attending and presenting their case the opposition is "unwittingly coopted into serving the goals of the agency." The public meeting is also criticized for serving a "ritualistic function" as for example, when it is required by law or policy (Heberlein, 1976).

While the preceding discussion characterizes the public meeting as a technique counter-productive to meaningful public participation, it can be an effective technique when used for informing citizens about the nature of a project. However, when attempts are made to extend this role, for example, in an effort to learn what the public want, this technique seldom produces the intended results. The reason for this lack of success is the failure of the public meeting to attract a cross-section of the general public. As Ertel (1979:762) discovered in a survey of public meetings, attenders tended to be relatively affluent, well educated, and had a strong tendency toward environmental issues.

Heberlein (1976) suggests there is a set of sociological and psychological factors, primarily knowledge and motivation, which influence the biased representation at public meetings. The individual Heberlein (1976:201) refers to is one who believes that "the issue affects him, has knowledge of the time and location of the hearing, is free from competing demands, views himself in a responsible role, is knowledgeable about the project and believes his presence will have an impact."

3.9 Task Force

3.9.1 Background

The task force is a public participation mechanism that was originally designed to serve as an advisory body and inter-agency information gathering mechanism for major policy decisions. The task force concept was developed and popularized in the United States during the Kennedy administration in the early 1960s. From the outset, task forces were favoured because they combined "intellectuals, aware of the practical constraints of government, with civil servants and other knowledgeable private citizens" (Wilson, 1971:122),

Introduced to Canada in 1963 during the Pearson administration, the task force was first used by Walter Gordon, Pearson's Minister of Finance, as a means for obtaining outside expert advice and "bold", "new" and "imaginative" ideas (Wilson, 1971:122). In succeeding years task forces were established to investigate and report on national social problems, such as housing (Task Force on Housing and Urban Development), and Canadian unity (Task Force on National Unity). The use of task forces was based on the preference of the administration of the day. During the Trudeau administration task forces were regularly employed because the political executive could exercise greater control over this type of investigative body. Task forces were popular also because they made greater use of intra-governmental and extra-governmental advisers, and were seen as requiring less time and being less costly than royal commissions.

Early task forces, occasionally referred to as committees, were distinguishable from royal commissions, because of several unique characteristics, including: informal appointment by the executive, reliance on outside expertise, inexpensive funding and prompt reporting. One of the more controversial characteristics which remains a contentious issue is the absence of any statute or convention requiring a task force to

publish or make accessible any of their recommendations, reports or research studies (Wilson, 1971:124). The confidentiality or secrecy surrounding task force reports refers not only to the public, but may also extend to senior bureaucrats. As Schindler & Lanphier (in Wilson, 1971:124) note, task force reports "may not even reach the eyes of persons beyond the Cabinet and a few senior civil servant cadres."

3.9.2 Types of Task Forces

Functional flexibility is one of the key characteristics of the task force and has resulted in this mechanism being adopted for use as a public participation technique. However, because of this flexibility, defining and describing task forces in a general context is problematic. Attempts have been made to categorize and label task forces based on characteristics such as membership, function, and purpose in an effort to distinguish between the types of task forces.

A functional definition is provided by Smith (1982:27), in an effort to differentiate between the two main types of task forces: inter-agency task forces, primarily used for gathering information, and outside task forces for securing new ideas for policy. Wilson (1971:123) takes a different approach and distinguishes between task forces on the basis of whether their primary concern is intra- or extra-governmental. The function of both of these types of task forces is basically the same according to Wilson (1973) in that they are geared to facilitate long-range planning and the control of government by the political executive.

A variation on the functional description of task forces is supplied by Graham (in O'Riordan 1976:249) with the application of the term problem-solving. According to Graham, a problem-solving task force refers to a group of community leaders, professionals, and politicians that suggest and assess policy options with planners and resource managers. A membership-based description of task forces has also been

proposed as a means of classification. O'Riordan (1976) uses the term citizen-professional task force to describe task forces comprised of both committed citizens and professionals (O'Riordan 1976:251).

As indicated by the attempts to label and classify task forces, the purpose and function of each is as unique as the issue or problem for which it is established. Specific elements such as the terms of reference, level of public involvement, powers, membership, level of funding and support, and reporting relationships are determined by the agency establishing the task force. These factors are in turn determined by the significance or urgency of the issue or problem, and the political climate.

3.9.3 Federal and Provincial Task Forces

A fundamental distinction between task forces is whether they are the creation of the federal government or provincial government. Task forces dealing with issues of national (or international) importance, as for example the Task Force on Canadian Unity and the National Task Force on Environment and Economy, can differ substantially from provincial task forces. In accordance with the national importance of the issue, federal task forces can be granted powers under the federal Inquiries Act with members appointed by the Governor-In-Council. As well, federal task forces are provided with research and support staff, and a suitable budget.

Provincial task forces can be granted powers under provincial legislation, as for example the British Columbia Inquiry Act. However, in most cases this power is not extended and the task forces are established on an ad hoc or informal basis. Appointments to provincial task forces also tend to be less formal. A noticeable difference between federal and provincial task forces exists in the area of funding, with provincial task forces often suffering from inadequate funding, particularly for research.

3.9.4 Decisions Influencing the Establishment of a Task Force

A variety of considerations can influence the decision to establish a task force as the means for addressing a specific issue or problem. One reason is the preference of the government leader to use a mechanism with close ties to the political executive, as previously mentioned. Task forces are also established as a reactive measure when an issue or problem does not lend itself to resolution by conventional mechanisms, as for example issues or problems which are complex, highly technical, contentious, or multi-disciplinary. Also issues or problems of national importance or those considered extraordinary, are often the subject of task force efforts. In many of these cases the creation of a task force can be interpreted as a reactive measure where a government has limited alternative options for dealing with the issue or problem.

3.9.5 Terms of Reference

Once the decision is made to establish a task force, a mandate or terms of reference is provided. In most cases the terms of reference are formulated by the government. Depending on the circumstances the terms of reference can range from vague statements left to the interpretation of the task force to concise instructions with little opportunity for exercising judgement. In cases where the terms of reference are vague the chairperson can have a major influence on the interpretation and subsequently the outcome or recommendations of the task force. As Axworthy (1971:136) noted, Paul Hellyer, the chairperson of The Task Force on Housing and Urban Development, made several decisions, based on the latitude of the terms of reference, which were "highly important in shaping the outcome of the operation."

While the possibility exists of a task force straying from its mandate because of ill-defined terms of reference, a more serious problem emerges when the terms of reference are too exact or explicit. Without some discretion to interpret or modify the

terms of reference, there is the potential for the task force to disregard or overlook critical information. An example of excessively restrictive terms of reference is instructing a task force to examine the economic and technical aspects of an issue while ignoring the social or ethical considerations. Other factors contained in the terms of reference which can have an influence include: setting limits on, or defining, the manner of public involvement; interpreting federal-provincial jurisdictions; directing the task force on the process to be used (e.g., public hearings, meetings, workshops) and the product expected (e.g., policy recommendations, report, strategy).

3.9.6 Advantages of the Task Force Mechanism

Since governments are under no obligation to make public the reports or recommendations produced by a task force it is free to challenge, criticize or otherwise expose weaknesses in existing policy and programs. A task force is also free to offer new or radical alternatives, particularly when a government is faced with having to make non-routine decisions. Non-routine decisions are required in situations where a problem is "unprecedented, complicated, or where it requires cooperation with other individuals and organisations" (O'Riordan, 1976:248). In these situations, a task force unencumbered by the fear of government retribution or of being subjected to a public critique, can suggest innovative solutions and policy recommendations.

One of the merits of the task force lies in developing programs and policy that are topical, thereby overcoming one of the shortcomings of typical government procedures, i.e., the time lag between identification of the problem and implementation of a solution. The effectiveness of a task force therefore depends upon producing recommendations within a specified period of time, in most cases six months to one year (Robbins, 1977).

Task forces are also preferred in circumstances where a departure from the incremental decision-making processes, typical of most government bureaucracies is

necessary, i.e., where change is needed. As Axworthy (1973:146) points out, task forces can tap the opinion, wisdom and experience that "rarely penetrates the closed system of decision making that is endemic with modern government" and reach conclusions beyond those ordinarily reached during the course of day-to-day government activity. In so doing task forces can serve as a source of innovation and agent for social change.

Generalizations concerning whether task forces do in fact lead to innovative decisions or merely incremental policy outputs are difficult to substantiate because of a shortage of research (Bashevkin, 1988). However, the longevity of the task force model and the resurgence of interest in the mechanism suggests there is some benefit derived from their continued use.

3.9.7 Criticisms of Task Forces

Critics of task forces focus on the motives for their establishment, accusing governments of using them as a means of avoiding or delaying making difficult decisions. These same critics maintain that when a task force is created to examine a highly controversial or politically sensitive problem the result is to remove the issue from the immediate political agenda, thereby relieving the pressure on government officials and allowing policy to remain undefined.

Another criticism of task forces concerns the time frame for reporting back to government. The ability to collect information and make recommendations within a specified period is a factor in the decision to establish a task force. However, while it is imperative to have new ideas within a limited period of time there are also drawbacks to imposing time constraints. One of the most dangerous is the failure to take into account the fundamental complexities in problem solving, which can lead to exacerbating rather than resolving the problem. This occurs from not fully understanding the issue or basing recommendations on inadequate data because of insufficient time to conduct

research.

The ideas and recommendations produced by a task force must be viable in terms of being capable of conversion into a program or policy. For this to occur the task force must have political support, or "the chance to force such support by mobilizing the public and interested groups" (Young, 1981:610). Political support is also attainable by the appointment of a cabinet minister or other prominent government representative to the task force. In the case of the Hellyer task force the involvement of the cabinet minister indicated that the task force had not only the power to recommend, but also presumably to act.

A second prerequisite for the conversion of task force ideas and recommendations into policy and programs is public support. As Bashevkin (1988:394) notes, "the more the general public approves of a particular policy position, the more likely governments are to act accordingly." When public attitudes are polarized there is a tendency to limit the adoption of a task force's recommendations.

The selection and appointment of members to a task force continue to be a controversial issue. While descriptions and definitions of task forces often make reference to the appointment of a variety of individuals, including academics, civil servants, knowledgeable private citizens, and experts outside of government, appointments are sometimes seen as elitist or politically motivated. Appointing task force members can therefore be a delicate problem. Obvious political favouritism can undermine the recommendations of a task force as can the appointment of non-experts. In the latter case, senior bureaucrats may feel snubbed or question the ability and experience of laypeople, and block efforts to implement policy or programs. With issues of national importance, regional representation may play a more important role in the choice of members than skill or experience. Representation is also an issue for organizations or interest groups with a direct stake in the issue. The problem then becomes one of identifying an individual who is an opinion influential within the

particular social structure. A balance must be reached between experts with knowledge of the problem or issue under investigation, representatives of primary stakeholders, and political and/or senior bureaucrats if a task force is to be seen as credible. However, the task force must also be able to function in a cohesive manner and not be paralysed by internal conflict.

Because of the ability of the task force to be flexible with respect to changing circumstances, a variety of techniques are used in the course of researching and collecting data. Public meetings, community sponsored meetings, neighbourhood meetings, public hearings, workshops, citizen representation on public policy-making bodies, and group discussions are some of the techniques commonly used by task forces.

The claim that opportunities for effective public involvement in policy-making are created through the use of task forces is described by Smith (1982:27) as "fallacious". The basis for this criticism is the belief that groups appearing before the task force do not necessarily represent a cross-section of the public, and the task force as a mechanism does not provide the opportunity for dialogue. O'Riordan (1976:70) believes widespread citizen participation is neither feasible nor functional as a part of a task force's mandate, while Bryden (1982:90) argues there is no doubt that task forces have opened up the policy process to public input.

The Hellyer task force on housing illustrates the lengths some task forces have gone to in order to solicit public input. In reviewing the Hellyer task force on housing, Axworthy (1973) notes the guiding principle of the task force was to talk to people. Evidence of the vigour with which the Hellyer task force pursued this principle is apparent. According to Axworthy (1973) the Hellyer task force visited 27 communities, read 500 briefs, listened to 250 oral presentations, attended a number of public meetings, held discussions with a number of government officials, and participated in a "multitude of gatherings in public housing projects, walking tours of urban renewal areas, conversations on doorsteps, large open public meetings, and lunches with citizens

groups" (Axworthy, 1973:145). While the task force on housing appears to have been exhaustive in its quest for public input, the issue remains as to how or if this information was subsequently incorporated into the task force's report and recommendations to government.

3.9.8 Evaluation of the Task Force Mechanism

The divergent opinions concerning the effectiveness or utility of task forces reflect personal experience and opinions rather than empirical research. Because each task force is unique, both in structure and how it functions, any evaluation or assessment based on standardized criteria is likely to be misleading. Compounding the difficulty in evaluating the task force is the ability for government to withhold reports and recommendations. Without access to this information it is impossible to measure the success of a task force on the basis of whether the objectives and goals were met. An evaluation or assessment of task forces must therefore consider both the process and the outcome. Evaluating the outcome requires access to the reports or recommendations prepared by a task force. To assess the process requires a review of the terms of reference and the techniques employed.

3.9.9 Conclusion

Developing a public participation program is more than simply applying the appropriate techniques. It is an involved process requiring:

1. careful planning and the flexibility to change plans as circumstances dictate.
2. the ability to communicate effectively and work cooperatively with wide-ranging and often conflicting interests in order to resolve the legitimate concerns of participants.
3. feedback at every step to monitor the effectiveness of the program.
4. a long term commitment. Public participation is an ongoing process

5. continuing beyond the decision-making stage.
independent evaluation.

Public participation is increasingly recognized as being both necessary and desirable. It is an opportunity for the public to regain control over events affecting their lives, while also presenting decision makers with the opportunity to achieve more informed decisions. In time, public participation may facilitate a change from the present cynical and suspicious attitudes of the public towards decision making processes and institutions to one of cooperation. However, for this to occur misperceptions concerning public participation must be replaced by realistic expectations and a sincere effort to make the process work. The means of achieving this objective lie in education.

In the final analysis, public participation is not a panacea for decision-makers. For all of the benefits of public participation it will not make the decision for the manager. As Cupps (1977:481) states, "sensitivity to citizen demands is no substitute for independent, carefully reasoned, professional judgements". In other words, managers and decision makers must also apply their knowledge and technical expertise when making decisions. However, participation can ensure that agencies are aware of the public's needs, reassure the public their interests are being considered and hopefully lead to a higher level of quality in decision-making.

If the current momentum behind the public participation movement, as evidenced in the move towards institutionalization for example in formulation of sustainable development strategies, is any indication then public participation will play an increasingly larger role in future decision making processes. For this reason there is a need to construct a theory and knowledge base of public participation. Grounded in empirical research, an assessment of the effectiveness of public participation techniques and evaluation of the methods should be undertaken. New and innovative approaches should also be encouraged and carefully scrutinized, with the objective of elevating public participation from an experimental process to an effective process leading to more

informed decisions.

The Task Force had the opportunity, if not the obligation, to develop an innovative public participation program. According to the terms of reference (see Appendix 1) the Task Force was responsible for ensuring all aspects of present and future development within Clayoquot Sound were addressed. How this could be accomplished without involving the public/stakeholders within the Clayoquot Sound area is uncertain. However, as discussed in Chapter 4, Section 4.9, the Task Force excluded the public from any legitimate participation in the process.

APPENDIX 4**CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE**
PAIR-WISE COMPARISON SURVEY

The statements listed below were chosen as illustrative of the fundamental issues which the Clayoquot Sound Task Force has been discussing. Each issue or statement is paired with every other issue and requires a choice be made between the alternatives. The choices may not be mutually exclusive, as for example;

a) Allocate competing resources equitably.

or

b) Encourage mineral exploration.

As indicated by the example, either choice does not necessarily preclude the other. It is understood that in most cases the respondent would find it difficult to choose between two statements without a great deal more information. However, as a Task Force member you have been involved in discussions concerning these issues and have an understanding of the implications of the various alternatives. For the purposes of my study, a choice must be made between the two alternatives. Therefore, please choose according to your knowledge and preference for the outcome, by circling either a) or b) as the favoured response and return the survey in the self-addressed stamped envelope, by November 30.

CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE
PAIR-WISE COMPARISON SURVEY

- 01 a) Establish a process for increasing community input and control over resource decisions.
or
b) Protect fisheries habitat from competing uses.
- 02 a) Establish ecological reserves.
or
b) Encourage mineral exploration and mine development.
- 03 a) Maintain the current forest land base and employment levels.
or
b) Encourage mineral exploration and mine development.
- 04 a) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
or
b) Protect fisheries habitat from competing uses.
- 05 a) Encourage "share the forests" policy.
or
b) Establish a process for increasing community input and control over resource decisions.
- 06 a) Encourage mineral exploration and mine development.
or
b) Encourage "share the forests" policy.
- 07 a) Maintain the current forest land base and employment levels.
or
b) Protect fisheries habitat from competing uses.

- 08 a) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
or
b) Establish a process for increasing community input and control over resource decisions.
- 09 a) Maintain the current level of visitors and tourism employment.
or
b) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
- 10 a) Encourage "share the forests" policy.
or
b) Protect fisheries habitat from competing uses.
- 11 a) Increase the current level of visitors and tourism employment.
or
b) Establish ecological reserves.
- 12 a) Maintain the current forest land base and employment levels.
or
b) Encourage a "share the forests" policy.
- 13 a) Increase the current level of visitors and tourism employment.
or
b) Protect fisheries habitat from competing uses.
- 14 a) Encourage mineral exploration and mine development.
or
b) Establish a process for increasing community input and control over resource decisions.
- 15 a) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
or
b) Establish ecological reserves.

- 16 a) Maintain the current forest land base and employment levels.
or
b) Maintain the current level of visitors and tourism employment.
- 17 a) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
or
b) Encourage mineral exploration and mine development.
- 18 a) Establish ecological reserves.
or
b) Establish a process for increasing community input and control over resource decisions.
- 19 a) Maintain the current forest land base and employment levels.
or
b) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
- 20 a) Establish ecological reserves.
or
b) Protect fisheries habitat from competing uses.
- 21 a) Increase the current level of visitors and tourism employment.
or
b) Encourage "share the forests" policy.
- 22 a) Maintain the current forest land base and employment levels.
or
b) Establish a process for increasing community input and control over resource decisions.
- 23 a) Establish ecological reserves.
or
b) Encourage "share the forests" policy.

- 24 a) Encourage mineral exploration and mine development.
or
b) Protect fisheries habitat from competing uses.
- 25 a) Increase the current level of visitors and tourism employment.
or
b) Establish a process for increasing community input and control over resource decisions.
- 26 a) Maintain the current forest land base and employment levels.
or
b) Establish ecological reserves.
- 27 a) Increase the current level of visitors and tourism employment.
or
b) Encourage mineral exploration and mine development.
- 28 a) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
or
b) Encourage "share the forests" policy.
- 29 a) Maintain the current level of visitors and tourism employment.
or
b) Encourage mineral exploration and mine development.
- 30 a) Maintain the current level of visitors and tourism employment.
or
b) Establish ecological reserves.
- 31 a) Establish a process for increasing community input and control over resource decisions.
or
b) Maintain the current level of visitors and tourism employment.

- 32 a) Maintain the current level of visitors and tourism employment.
OR
b) Protect fisheries habitat from competing uses.
- 33 a) Recognize the legitimacy of native land claims and rights to a greater share of the resources of the region.
OR
b) Increase the current level of visitors and tourism employment.
- 34 a) Increase the current level of visitors and tourism employment.
OR
b) Maintain the current forest land base and employment levels.
- 35 a) Encourage "share the forests" policy.
OR
b) Maintain the current level of visitors and tourism employment.
- 36 a) Maintain the current level of visitors and tourism employment.
OR
b) Increase the current level of visitors and tourism employment.

APPENDIX 5LETTER FROM FLETCHER CHALLENGE CANADA LIMITED

Fletcher Challenge Canada Limited
6th Floor • 815 West Hastings Street
P.O. Box 9502
Vancouver, B.C. Canada V6B 5K9

Coast Wood Products
(604) 654-4400
Telex 04-51166
Cable BEFORPROD



FLETCHER CHALLENGE CANADA

November 28, 1990

Mr. Bert L. Spek
c/o Geography Department
University of Victoria
Box 1700
Victoria, B.C.
V8W 2Y2


Dear Mr. Spek:

We have given your questionnaire considerable thought and quite frankly we cannot respond to it due to the wording used. We cannot choose between the two positions available when one of the choices assume the outcome of an issue which can only be settled by the highest level of government and/or the courts, ie: "recognize the legitimacy of native land claims and rights to a greater share of the resources of the region." If the wording had been "should native land claims be addressed and settled by the government and courts," we could fill out the questionnaire.

This is a critical issue which must be settled at a much higher level than the individuals in our task force. The events at Oka, other blockades, and demonstrations across Canada point out the sensitivity of the issue.

If the wording on the land claims issue can be changed we will be happy to respond. Unfortunately, we believe the wording used in your questionnaire can only lead to polarized responses and will not be a reflection of the members willingness to work with consensus based decision-making processes.

Yours truly


D.G. Hoffman
Manager of Engineering & Forestry

/sg

APPENDIX 6

**CLAYOQUOT SOUND SUSTAINABLE DEVELOPMENT TASK FORCE -
A CHRONOLOGY**

1989

- August 4 Announcement by Ministers of Regional Economic Development and Environment of establishment of the Clayoquot Sound Sustainable Development Task Force
- August 31 Allan Hope appointed Chairperson/Mediator of CSSD Task Force by the provincial government
- October 1 Meeting of CSSD Task Force (not all members appointed)
- October 10 Three representatives chosen by the District of Tofino
- October 11 Task Force meeting in Tofino.
- October 19 Task Force meeting in Ucluelet.
- October 25 Meeting between Nuuchahnulth Tribal Council and native leaders from bands, and Chairperson, the IWA, MacMillan Bloedel, and Fletcher Challenge Canada
- November 2 Natives write to Premier concerning their participation on the Task Force.
- November 9 CSSD Task Force meeting scheduled to be held in Port Alberni postponed until December 1, in part because of lack of consensus on short-term logging.
- November 19 Task Force requests provincial government resolve short-term logging issue.
- December 1 Task Force meeting in Port Alberni.
- December 1 Agreement between IWA, Fletcher Challenge Canada Ltd. and Tofino representatives reached on areas where immediate harvesting can continue.

Agreement with MacMillan Bloedel reached to continue to allow logging in specific cut blocks with provision for alternative logging methods to be explored.

December 19 Task Force meeting in Port Alberni.

The Task Force reaches consensus on the term of its mandate - the end of 1990.

Agreement on representation from 5 Native bands, the Deputy Minister of Forests, a representative from the Ministry of Tourism, a representative from the Ministry of Agriculture and Fisheries.

Parties given opportunity to review procedural ground rules for process.

1990

January 12 Mediation workshop held in Nanaimo for Task Force.

February 13 Task Force meeting in Port Alberni.

March 13 Task Force meeting in Port Alberni.

April 10 Task Force meeting in Port Alberni.

May 11 Task Force meeting in Opitsat, Meares Island.

May 12-13 Tourism Workshop in Tofino

May 25 Special Task Force meeting in Port Alberni because of impasse over Fletcher Challenge Canada Ltd. road construction requirements. Task Force reaches consensus and refers issue to the provincial government for a decision.

June 12 Meeting in Ucluelet followed by public meeting where 120 people attend.

July 30 Agreement to develop an integrated-resource management planning process for Tofino Creek.

- August 14 Task Force meeting in Port Alberni. Tofino representatives withdraw because of concerns over Task Force's ability to develop sustainable development strategy. Public meeting in the evening with only 20 people attending.
- August 21 Special Task Force meeting in Port Alberni without Tofino.
- September 11 Task Force meeting in Ucluelet. Tofino delegates refuse to take part in any further discussions on short-term logging issue.
- October 15 Task Force participates in 3 day retreat in Parksville to explore sustainable development principles and strategy. Agreement to set up a Steering Committee to carry on with the development of a sustainable development strategy after the Task Force's mandate ends.
- November 20 Final Task Force meeting to review the report to be presented to the Ministers of Regional and Economic Development and Environment.

1991

- January 31 The Clayoquot Sound Sustainable Development Task Force Report, presented to the Minister of Environment and the Minister of Regional and Economic Development.

VITA

Surname: Spek
Birthplace: Rotterdam, Netherlands

Given Names: Bert Leonard
Date of Birth: 27/04/1954

Educational Institutions Attended:

University of Victoria	1989 to 1993
Trent University	1976 to 1979

Degrees Awarded:

B.Sc. Trent University	1979
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Title of Thesis: IN PURSUIT OF CONSENSUS: The Clayoquot Sound Sustainable Development Task Force

Author

BERT LEONARD SPEK

APRIL 27, 1994