OVERCOMING OBSTACLES TO IMPLEMENTING COMMUNITY-BASED COLLABORATIVE GOVERNANCE OF NATURAL RESOURCES:

THE CASE OF THE CLAYOQUOT SOUND CENTRAL REGION BOARD

by

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ABSTRACT

Global concerns over the negative impacts of human activities on the environment have precipitated calls for dramatic social and economic changes in the way we manage our natural resources. Innovative institutional designs are required to cope with the risks and research needs associated with scientific uncertainty and to address demands for greater social equity and political and corporate accountability. New governance models must be found that feature the sharing of power, responsibilities and accountabilities, the use of creative and adaptive problem solving, and an ability to generate mutual and sustainable benefits. This study analyses the implementation of one such model, which I argue has taken a significant step toward introducing and institutionalizing these aspects. My case study focuses on the Clayoquot Sound Central Region Board (CRB) on the West Coast of British Columbia's Vancouver Island. The CRB is mandated to manage resources cooperatively between two principle parties - the Provincial Government and Clayoquot's First Nation's (the Nuu-chah-nulth) – and a host of stakeholders including local resource-dependent non-aboriginal communities. This study examines both the obstacles faced by the CRB in implementing its mandate during its six year's of existence, and the strategies the Board has employed in attempting to overcome these barriers. I conclude that despite considerable obstacles, the CRB has succeeded in influencing five important areas related to resource management decision making at both operational and policy levels. Recommendations to the main parties for improving CRB operations are also included. Theoretically, I situate my research in that part of Common Property Resource theory that pertains to co-management. However, to better analyze the CRB's complicated nature and scope of operations, I draw on concepts from the emerging fields of collaborative governance and interorganizational collaboration. The analysis leads me to conclude that the CRB's complicated model of power sharing can be characterized as community-based collaborative governance. I end my research by generating 15 middle range theoretical propositions identifying general conditions, which favour the successful implementation of community-based collaborative governance.

<u>Acknowledgments</u>

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Chapter 1

Introduction

Clayoquot Sound, located on the West Coast of Vancouver Island, British Columbia is a region of abundant natural beauty, cultural importance and commercial significance (see Figure 1). It has an area of 262,000-hectares composed of a complex network of undeveloped watersheds, islands, channels, fjords, and old growth forests. Some of the Sound's watersheds represent the few remaining intact examples on Vancouver Island of the coastal temperate rain forest ecosystem with its unique old growth characteristics. In addition to its natural beauty and tourism potential, it possesses significant resource wealth. 93% of the land base is forested and almost completely claimed by the Province as Crown land. Approximately 70% of these forests are commercially productive and offer valuable old growth timber. The Sound is also home to the Central Region Tribes of the Nuu-chah-nulth First Nations whose combined population numbers approximately 3,000. The Nuu-chah-nulth live predominantly in villages on federal Indian reserve land located on islands in the Sound or mainland portions of the Sound. The Nuu-chah-nulth have long demanded recognition of and jurisdiction over their traditional territory, which encompasses all of the Sound (Scientific Panel, 1995). The non-native population of Clayoquot Sound is also estimated at 3,000, with residents living in and around the two main towns of Tofino and Ucluelet. While Ucluelet is officially just outside of Clayoquot Sound, many of its residents have strong economic, social and cultural ties to the Sound's population and resource base.

Until 1994, the history of land use and resource management in Clayoquot Sound was filled with controversy and conflict, primarily involving forests on Crown land. In general, those parties mostly interested in large-scale industrial production of fibre were pitted against others who viewed the forests and forest habitat as irreplaceable sources of ecological, recreational and spiritual values. At the centre of this struggle were the Nuu-chah-nulth First Nations who were contesting the Provincial Government's claim to ownership of Clayoquot's lands and resources. Equally important, the Nuu-chah-nulth were demanding that an equitable share of the economic benefits generated by use of the

Sound's resources remain in the local communities. The crisis came to a head during the summer of 1993. Thousands of people from around the world assembled in Clayoquot to protest continued clear cut logging and, from the environmentalists' point of view, insufficient creation of protected parks as allocated in the Province's Clayoquot Sound Land Use Decision (Ingram, 1994; BC, 1993). Over 900 people were arrested in the largest act of civil disobedience in Canadian history (Ingram, 1994). At the same time, the Nuu-chah-nulth First Nations unleashed a powerful international campaign for greater recognition of their aboriginal rights in land use and resource management decisions. Faced with a strong environmentalist-First Nation's coalition, the Provincial Government sought to contain the conflict by negotiating an agreement on shared decision making with the Nuu-chah-nulth. The agreement took the form of an Interim Measures Agreement (IMA), which would protect key Nuu-chah-nulth values while broader treaty negotiations were still in process. The Provincial Government and the Nuu-chah-nulth's hereditary chiefs from the region (the Principals) concluded the Clayoquot Sound IMA in March 1994 after "40 days and 40 nights" of tense, often acrimonious negotiations. Continuous pressure from the chiefs and environmentalists ensured that the IMA contained measures to strengthen the protection of ecological and First Nation's values in resource management. A key achievement was the establishment of a joint decision-making process for the management of all land and resources in the region. The Principals created the Clayoquot Sound Central Region Board (CRB) as the body responsible for administering the implementation of this shared management process. They forged a mandate for the Board, which prioritized the conservation of ecological values, the diversification of the local economy and the protection of Nuu-chah-nulth socio-economic and cultural interests. The Board's main vehicle for implementing its mandate was through the Province's referral process for reviewing resource use applications.

Figure 1: Map of the Clayoquot Sound Study Area
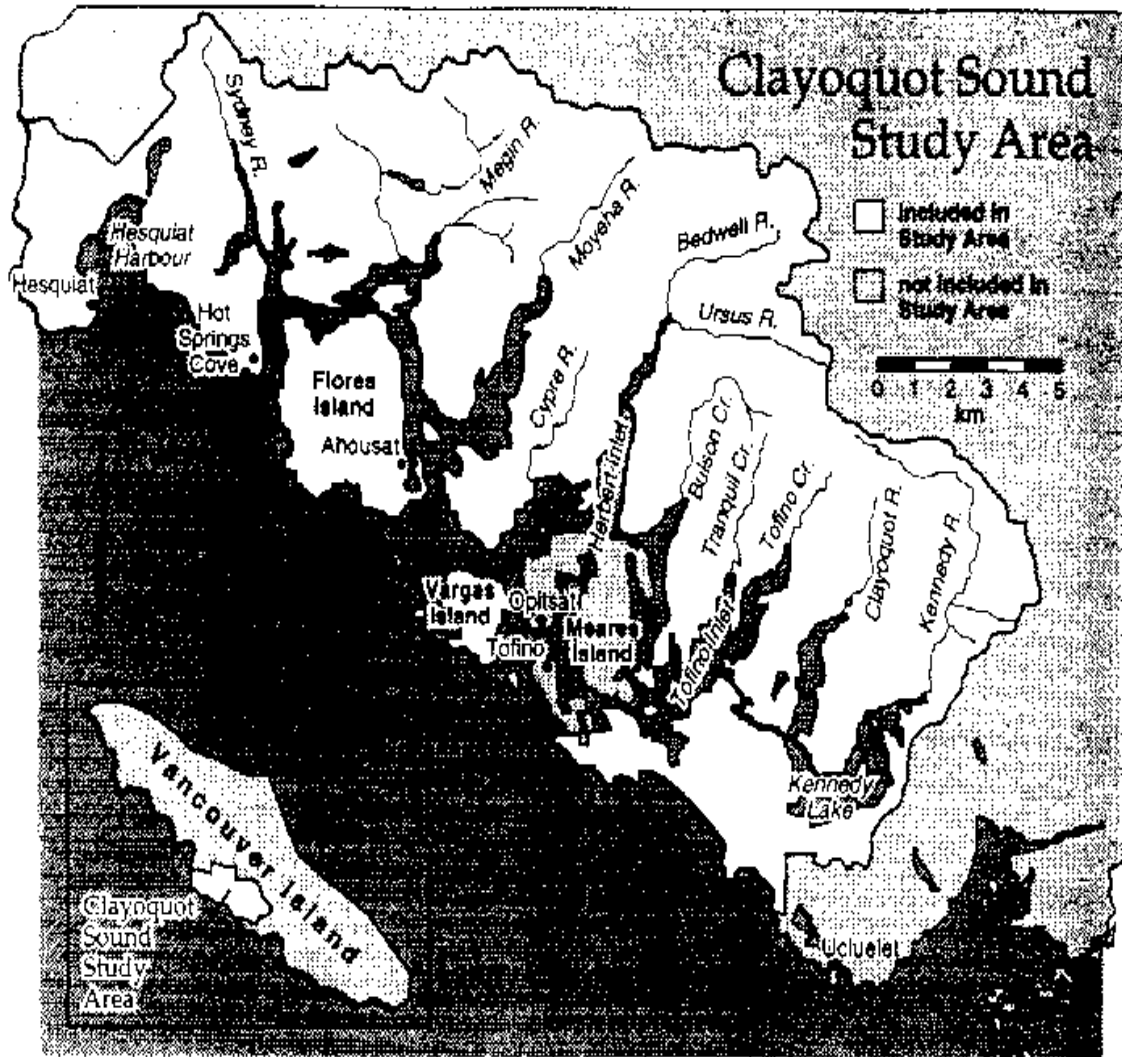
Source: Province of British Columbia (April 1993) Clayoquot Sound Land Use Decision: Key Elements.

The CRB's emerging role in the governance of the region's resources

With the introduction of the Scientific Panel Recommendations for Sustainable Forest Practices in Clayoquot Sound (1995) in July 1995, the Board's policy authority to establish and regulate on-the-ground practices grew. [1] However, Board members quickly found that problems at the operational management level were inextricably linked with broader issues of public policy. Resolving technical issues in resource-use applications frequently required a critical examination of existing government policies. Furthermore, as the Board began implementing more areas of its mandate, it increasingly engaged in wider public policy debates. For example, it deliberated on the respective roles of government, First Nation's, community groups and other parties in shaping and attaining overall social and economic goals for the region linked with resource use. It also concerned itself with the framing of technical analyses, the sharing and generation of management information, and the need for local technical and organizational capacity building. Thus, despite its origins as an administrative body, the Board quickly found itself immersed in matters of governance, forging new pathways in public policy making. In particular, the Board began to combine public deliberation and scientific analysis to make informed decisions and shape policy. This, however, led to considerable resistance from the Provincial Government, the major resource corporations and organized labour. This trio had historically formed a corporatist-style power structure, which dominated resource policy making and management practices. As Board operations continued to open up decision-making and policy formation processes to more meaningful public involvement, the trio increasingly perceived the CRB as a threat to their power and influence. Consequently, they have erected considerable barriers to the implementation of the Board's mandate and precipitated a struggle to define the nature of the CRB's role.

From a theoretical perspective, my research seeks to refine existing theories on the institutional design for and practice of managing common property resources (CPRs) by a

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[1] The Scientific Panel for Sustainable Forest Practices in Clayoquot Sound was a blue ribbon panel of experts from a number of disciplines, e.g. hydrology, forest ecology, and had four eminent Nuu-chah-nulth academic and community leaders. The report was released in July 1995. It prioritizes aboriginal interests and information systems in forest policy making and management in Clayoquot Sound and introduces

cooperatively managed body. I study obstacles to and strategies for advancing the implementation of a co-management agreement in a complex social and ecological system. To frame my analysis and discussion, I draw on the literature from the co-management of CPRs, interorganizational collaboration, and collaborative governance. My research reflects efforts in the CPR literature to develop institutional design principles in concert with and supportive of the larger movement toward ecosystem-based management. For example, Memon and Selsky (1998) call for more complex institutional arrangements to manage natural resource systems possessing complicated social and ecological dimensions. Roling and Wagemaker (1998) have also pointed out the need to create and test mechanisms for decision making on scales appropriate to the ecological systems and particular environmental issue involved. My study provides an example of one such institution operating at a higher level of geographical and social aggregation: the CRB works at a sub-regional level where there are numerous interdependent resource systems, multiple resource uses and a variety of jurisdictional authorities. Accordingly, my research also builds on previous work done by Pinkerton and Weinstein (1995) who examined co-management arrangements in complex ecological and institutional contexts. Moreover, my study responds to Steins and Edwards' (1999) appeal for research that highlights the influence of broader political-economic factors on the behaviour of collective management systems. By examining the CRB process from the different perspectives of those involved, I identify which contextual and internal factors affect the CRB management system and how they do so by influencing individual and organizational behaviour. Based on this, I propose general conditions, which favour the implementation of a collaborative system of governance. The depth of these insights is gained largely as a result of studying the implementation phase of the joint management process. Few authors aside from Pinkerton (1992) have studied this stage in detail, particularly the on-going negotiations that occur both explicitly and implicitly over power sharing. As a result, the perspective of the co-management body itself is also lacking: the literature is sparse on the types of internal organizational impediments such an entity may face, as well as the nature of the obstacles

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strong, conservation-oriented forest practices based on ecosystem management. There are more than 120 recommendations.

in its external, operating environment. Strategies pursued by the co-management body for overcoming these obstacles have also not been well documented. My analysis aims to fill some of these information gaps by introducing and integrating more explicitly various frameworks and theoretical propositions involving the negotiated power sharing process. Therefore, this research provides valuable case study information to help refine CPR and co-management theory and practice.

Despite considerable resistance, during its six-year existence the Board's operations have continued to expand, encompassing both management level decision-making as well as broader governance issues. Since it has maintained a commitment to consensus building, the sharing of responsibilities and cooperative problem solving, I study the CRB from the perspective of collaborative governance. Furthermore, since its structure and operations reflect a strong community orientation, I examine the Board as a model of community-based collaborative governance. Thus, the CRB experience is unique on many accounts: B.C. First Nation's exercise an unprecedented degree of decision-making power on issues effecting resource and land use in their traditional territories, local communities exert considerable influence on operational and policy decisions, and ecological values are prioritized alongside more traditional economic ones.

My study begins with a brief background on the Board, providing a historical, organizational and institutional context. I outline significant steps in the CRB's evolution, its key structural and operational characteristics, and important aspects of its operating environment. I then present the results of my literature review in Chapter 3, drawing upon theories from the management of common property resources, interorganizational collaboration and the emerging field of collaborative governance to better understand the nature of the Board. I generate two analytical frameworks to assess obstacles the Board has faced in implementing its mandate and strategies employed to overcome these. In Chapter 4, I discuss the methodology I used to conduct the field work portion of my research. Chapter 5 presents a discussion of my results from applying the two analytical frameworks to my field data. My discussion closely examines the nature of the CRB, the many obstacles the Board has faced in trying to implement its mandate, and strategies the

Board has employed in trying to overcome these obstacles. Chapter 6 concludes my study and is presented in two parts, one practically oriented and the other theoretically oriented. First, I list five areas where the CRB has succeeded operationally despite considerable barriers. Second, I formulate 15 middle range theoretical propositions that identify general conditions under which the successful implementation of co-management agreements is more likely to occur. Nine of these propositions support existing concepts advanced by co-management scholars, and six propositions I advance as new theoretical contributions to the field. Finally, in Appendix 2, I offer 20 detailed recommendations to the principal parties in Clayoquot Sound for improving the work of the CRB so that it can better serve a greater variety of interests.

Key findings from my research indicate that the Board's obstacles and strategies can be categorized into 5 central policy areas: power sharing, building organizational and technical capacity, improving communications, enhancing monitoring/accountability and planning for sustainability. Of these, the issue of power sharing with the Provincial Government and major resource corporations has predominated. Government agencies and major corporations have generated on-going resistance to many Board operations, draining much of the CRB's time and resources. Consequently, the Board has been severely limited in its ability to explore and realize the benefits offered by a committed partnership.

Overall, the Board's experience with implementing a system of community-based collaborative governance is of great significance for those involved with designing and testing more cooperative and ecologically sustainable forms of natural resource governance both in British Columbia and abroad. Research is still new in this area, and the Board's process is on the cutting edge. Moreover, the Board's experience is especially timely and vital for Canadians: concerns for the local environment and the growing recognition and use of aboriginal title in recent court decisions sends a strong signal to governments to experiment with community-based forms of collaborative governance.

Chapter 2

Background

> **"It's a learning process to be involved in this newly evolving form of governance. The fact that it is painful is a great sign of health, shows that people take this extremely seriously. What else do you want from people when they are dealing with the gravity of governance and trying to make it equally responsible or more responsible than what we have seen before?"**
>
> **Senior B.C. Government Official**

A legacy of conflict

Until recently, confrontation and extremism dominated the history of resource management and land use planning in Clayoquot Sound. On the one hand, political and economic power in the forestry sector was concentrated in a few hands. The Provincial Ministry of Forests, the major forest corporations and the forest industry unions enjoyed a corporatist domination of the province's forest policy. Their major objective was the large-scale industrial production of wood fibre to generate high government revenues, healthy corporate profits and well-paying jobs. On the other hand, environmentalists and First Nations were fighting to introduce broader social, cultural and ecological values to the management of forest lands and ecosystems. Lertzman *et al.* (1996), Hoberg & Morawski (1998) and Ingram (1994) have documented the resulting struggles over core values in the forestry sector in Clayoquot and other parts of British Columbia. They have highlighted the tensions created by the emergence of ecosystem paradigms in resource management and the historical exclusion of First Nations from the governance of natural resources in their traditional territories. In 1991, the New Democratic Party came into power and took three key steps to end the "war in the woods" waging in many parts of the province. First, they introduced a Forest Practice Code to regulate harvesting operations. Field level decisions were to be handled as a technical matter and were handed to foresters and scientists to resolve. Second, a regional planning process (the Commission on Resources and the Environment (CORE)) was established to make land allocation decisions. It emphasized wide stakeholder participation and consensus

building. Decisions over which areas of land would be slated for logging and which would be protected were managed as a public issue. Third, the new government initiated a Forest Sector Strategy to plan the industrial development of the forest sector and address forest tenure issues. Those with major economic interests dominated the forum: the Provincial Government, industry and organized labour. Thus, decisions over the distribution of property rights among citizens, license holders and the provincial government were being treated as an economic issue (Salazar & Alper, 1996).

While the government's new policy vehicles quelled some areas of protest, they had little effect in Clayoquot Sound. The legacy of mistrust among parties ran deep, exacerbated by an ongoing legal battle by the Nuu-chah-nulth and environmentalists to stop MacMillan Bloedel from logging Meares Island. From the late 1980s, the various parties in the region had learned to block, disrupt and delay processes rather than negotiate, build relationships and adopt collaborative approaches. Two attempts at multi-stakeholder land-use planning had foundered due to a large extent on the failure to address participants' mistrust of one another. In 1989, the Clayoquot Sound Task Force, hampered from the start by sharp sectoral divisions among its members, ended its 12-month existence without reaching agreement on either process-related or substantive issues. Its final report reflected this inability to build common ground. In the end, the Task Force could only recommend that another process be set up in the hope that it would prove more effective. Moreover, disagreements among Task Force members prevented them from introducing a new model of representation: with distrust and fear of exclusion running high, members resorted to using the same sectoral approach as had undermined their own initiative. Thus, when the Clayoquot Sound Steering Committee was established, it possessed the same structural problems as its progenitor. Indeed, from the outset, the Committee was plagued with members boycotting the process. Moreover, when presented with a number of options for pursuing regional sustainable development, members were never able to reach a consensus on which direction to take.

Movement toward forming a broader social consensus on forestry management was, however, making progress on other fronts. For two decades, citizen-led initiatives across

B.C. had been developing the concept of community-based forestry (Wilson, 1998). This approach prioritized stronger ecological values, First Nation's rights and perspectives and the optimal utilization of wood fibre. This movement led to the establishment in 1988 of the Tin Wis Coalition in Tofino. Nuu-chah-nulth First Nations, labour unions, small businesses, environmentalists and academics joined together to seek a united approach for changing forest practices. By integrating perspectives from ecosystem-based management, First Nation's territorial rights, and community economic development, the Coalition forged a common vision for reforming forest management. This was articulated in the Tin Wis Forest Stewardship Act of 1991. Among many features, the Act highlighted the need to establish local community forestry boards for land use planning (Pinkerton, 1993). Nuu-chah-nulth political leaders and other parties advocating for a greater involvement of local communities in resource management later used this concept in designing the CRB. However, at the time of its release, the Forest Stewardship Act was given little attention by the Provincial Government and major forestry companies. This aggravated tensions in Clayoquot Sound considerably.

The situation finally came to a head when, based on the failure of the Clayoquot Sound Task Force and Steering Committee to reach consensus on forestry planning, the Provincial Government took matters into its own hands. In April 1993, it announced the Clayoquot Sound Land Use Decision (CSLUD). The Nuu-chah-nulth were outraged that they had been excluded from government deliberations leading up to the CSLUD and environmentalist felt the government had severely limited the amount of area that would be protected from harvesting. Both parties were furious that the government had done little to reform clear cutting in the Sound. Frustrations and suspicions exploded that summer, resulting in the largest civil disobedience action in Canadian history. Confrontations and conflict dominated the social and political landscape. At the same time, the Nuu-chah-nulth hereditary chiefs from the five Central Region Tribes (CRT) launched a campaign to seek international recognition of their aboriginal rights.[2] By enlisting key political figures, such as Senator Ted Kennedy, the chiefs pressured the

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[2] The five Nuu-chah-nulth Central Region Tribes whose traditional lands are within or closely connected to Clayoquot Sound are the Tla-o-qui-aht, Ahousaht, Hesquiaht, Toquaht and Ucluelet First Nations.

Canadian and B.C. government to begin discussions on protecting aboriginal rights in Clayoquot Sound.

The 1994 Interim Measures Agreement and creation of the Clayoquot Sound Central Region Board

After little initial headway with either the federal or provincial government, the CRT hereditary chiefs came to Victoria and announced they would not leave until they had successfully concluded an agreement with the Provincial Government. "40 days and 40 nights" of intense, often adversarial debate ensued, reflecting the general climate of mistrust and hostility existing in Clayoquot Sound. Eventually a desire for stability, forward movement and relief from international media scrutiny won out: in March 1994, the Hawiih (hereditary chiefs) of the five Nuu-chah-nulth Central Region Tribes and the Government of British Columbia signed an Interim Measures Agreement (IMA) covering two years.[3]

Despite initial resistance from the Provincial Government, the Nuu-chah-nulth succeeded in negotiating and signing the IMA on a government-to-government basis. This gave the hereditary chiefs much greater influence in establishing a broader scope and content for the IMA than if they had only negotiated with one resource ministry. As a result, the IMA contained two significant parts: an economic development fund for the Nuu-chah-nulth and the creation of a "joint management process" for "all land use and resource extraction in Clayoquot Sound" (B.C., 1994). This joint management process gave the Nuu-chuh-nulth an unprecedented role in management decisions over land and resource use in their traditional territories. The Clayoquot Sound Central Region Board (CRB) was created in this section of the IMA: it was to act as the key administrative body for implementing the cooperative management process. Given its origins in the IMA, the Board therefore, derives its legal status and political legitimacy from the broader context of provincial treaty negotiations. In March 1996, the IMA and the Board's mandate were renewed for

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[3] IMAs are bilateral agreements to protect aboriginal rights by restricting or precluding development. They are used as part of the provincial treaty making process to temporarily satisfy immediate concerns that, if unanswered, may jeopardize on-going negotiations. The use of IMAs was recommended by the B.C. Claims Task Force and adopted by the Provincial Government in December 1991.

another 3 years under the Interim Measures Extension Agreement (IMEA) (B.C., 1996). Since April 1999, the Provincial Government and the Central Region Chiefs have been negotiating a new IMEA.

The CRB structure and key objectives

The CRB is composed of five aboriginal representatives (one from each of the five Central Region Tribes), and five representatives appointed by the Province.[4] It also has two co-chairs, one from the Nuu-chah-nulth and one from the provincial government. The CRB has had two full time staff members in the past. Presently, it has a three-member secretariat: a director, one secretary and one research coordinator/analyst. The Board's key objectives focus on diversifying the local economy and increasing the sharing of benefits from resource use among Clayoquot's communities with special attention to reducing Nuu-chah-nulth unemployment. The objectives also prioritize ecological sustainability and the preservation of cultural values. The Board's conservation mandate was strengthened with the signing of the IMEA in March 1996: the renewed agreement mandated the CRB to oversee the implementation of the Science Panel Recommendations for sustainable forestry in Clayoquot Sound.[5] This provided additional authority for the Board's management approach, which stresses First Nations' perspectives and ecosystem-based planning incorporating a wide variety of socio-economic values.

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[4] The provincial representatives were drawn from the local municipal and regional governments. However, in the November 1999 municipal elections, the mayors of Tofino and Ucluelet and the counselor from Tofino lost their seats. Thus, the provincial representatives and their titles are now as follows: the former mayors of Tofino and Ucluelet, a former Tofino counsel member, a Tofino chamber of commerce member (also appointed as a representative of environmental interests), and a member of the Port Alberni-Clayoquot Regional government. The town of Tofino was given the most seats since, unlike Ucluelet and Port Alberni, it lies directly within Clayoquot Sound.

[5] The Scientific Panel for Sustainable Forest Practices in Clayoquot Sound was a blue ribbon panel of experts from a number of disciplines, e.g. hydrology, forest ecology, and had four eminent Nuu-chah-nulth academic and community leaders. The report was released in July 1995. It prioritizes aboriginal interests and information systems in forest policy making and management in Clayoquot Sound and introduces strong, conservation-oriented forest practices based on ecosystem management. There are more than 120 recommendations.

CRB operating practices and key rights

The Board is mandated to make decisions using a double-majority vote: the majority of the First Nation's representatives is required to pass a decision, in addition to the majority of all CRB members. This mechanism was adopted from an idea proposed in 1991 by the Tin Wis Coalition. However, early on, the Board took advantage of an option within the IMA to employ a consensus-based model of decision-making instead of the double-majority rule. The bulk of CRB decisions occur during its review process described as follows. Any plan, application, permit, decision, report or recommendation relating to resource management or land use must come before the Board. Board members then have 30 days from receiving the document to reach consensus on one of three actions: accept, propose modifications to, or recommend rejection of the document. The sponsor of the document, i.e. a Ministry, agency, or panel, then has another 30 days to implement the Board's decision to the Board's satisfaction. The ability to hold sponsors accountable to Board modifications or to recommend rejection constitutes a key CRB right. This right is implemented by the Board's ability to refer its decisions to Cabinet when its recommendations are not satisfactorily followed. If this referral to Cabinet creates a disagreement between the Board and the Cabinet, the hereditary Chiefs of the Nuu-chah-nulth Central Region Tribes can invoke their own overarching right to convene a Central Region Resource Council composed of the Chiefs and Ministers of British Columbia to try to settle the dispute. The Government of B.C. can also refer disputes to the Council. Considering that the Board is composed of a number of the hereditary Chiefs, and/or aspires to act in the Chiefs' interests, the overarching right to convene the Council can also benefit the CRB.

The Board holds one other key right granted under the IMA and IMEA, which enhances its influence in Clayoquot Sound: unprecedented access to government information. Clause 11 of the IMEA states the policy of the government is to ensure the Board will have access to "sufficient information to make informed decisions". The rights detailed above set the CRB apart from other B. C. Government-First Nation's-community initiatives, which are essentially advisory in nature.

Mapping the Board's key contacts within the provincial government reveals links with a number of senior bureaucrats (i.e. Deputy and Assistant Deputy Ministers), high level politicians (Cabinet Ministers) and local and regional agency staff. These individuals are mostly within the Ministries of Forests, Aboriginal Affairs, Environment, Lands and Parks, and Small Business and Tourism. However, given the broad scope of the Board's mandate, other ministries have increased in importance, e.g. the Ministry of Fisheries and the Ministry of Energy and Mines.

The evolution of the CRB

From a historical perspective, it appears the Board has experienced three major stages of development, although elements from each stage can be found in other ones. During the period of the original IMA (1994-96), the Board was mostly in a political phase. Easing extreme tensions among the parties and allowing the Nuu-chah-nulth and local communities to build a knowledge base were the primary concerns. The Board's second phase during the IMEA (1996-99) was predominantly characterized by outward activities designed to strengthen economic diversification in the region. The creation of the joint venture in the IMEA between MacMillan Bloedel and the Nuu-chah-nulth is an example. The Board is presently in its third stage: it is emerging as a central institutional bridge to building a successful treaty and regional governance structure. The Board's recent shift to more strategically oriented actions encompassing a longer-term vision exemplifies this evolution.

Chapter 3
Theory and Literature Review

To better understand the nature of the Central Region Board and the complicated context, within which it operates, I draw upon the following theoretical perspectives: common property resources, collaborative governance in public policy and interorganizational collaboration. I use management concepts from these theories to characterize the Board's purpose, functions and operating environment and to generate two analytical frameworks: first, to examine obstacles the CRB faces in implementing its mandate, and second, to better understand the strategic orientation the Board has adopted to overcome these barriers.

Common Property Resource and co-management theory

Theories on managing common pool resources provide an excellent departure point for understanding the nature of the Central Region Board. Due to their inherent biophysical nature, common pool resources share two key characteristics that are problematic from a management perspective: they exhibit nonexcludability and the joint use of the resource involves subtractability. Nonexcludability makes controlling access of users to the resource either prohibitively costly or virtually impossible, and subtractability means each user reduces the benefits derived from the resource for subsequent users (Ostrom, 1990; Schlager and Ostrom, 1992; Memon & Selskey, 1998). Examples of common pool resources are water, fish, forests, shellfish and rangelands. These resources are typically governed by one or a combination of four basic property rights regimes: private, state, communal or the default option, open access (Berkes *et al*., 1989). When a property rights regime is applied to a common pool resource, the term common property resource (CPR) is used to characterize the situation, signifying the intersection of natural and institutional dimensions (Pinkerton and Weinstein, 1995). CPR theory has been developed from case studies of various governance arrangements aimed at sustaining the resource and benefit flows to users, and in so doing, avoiding Hardin's (1968) "tragedy of the commons" (Feeny *et al*., 1996; Ostrom, 1990; Feeny *et al*., 1990; Pinkerton, 1989).

Co-management is one such governance arrangement found in the literature. Drawing on Pinkerton's (1992) and Memon & Selsky's (1998) descriptions, **co-management can be generally defined as power-sharing in the exercise of resource management between a government agency and a community or organization of stakeholders designed to improve resource sustainability and advance socio-economic goals**. Parties share power by participating in management decisions that have impacts on their communities or organizations. The scope of this power depends on the number of management activities included in a co-management agreement and the degree to which a party can control or influence decisions for each activity. On this basis, a co-management body's degree of influence can be situated along a broad spectrum of power distribution ranging from exclusive community control on one end to complete government dominance on the other (Pinkerton and Weinstein, 1995). Its positioning may vary, depending on the management activity being considered. For example, communities may have more decision making power on monitoring issues, research agendas and habitat restoration, and less influence on resource allocations, creation and enforcement of sanctions, habitat protection, and funding levels. The co-management body can also be conceptualized at a point along the power continuum according to some aggregate measure of the balance of power.

Institutional design

Institutional design principles for creating productive co-management bodies have been derived from an extensive body of literature linked to the organization of collective action for resource management (Hanna *et al.*, 1995; Oakerson, 1992; Schlager and Ostrom (1992); Ostrom, 1990). Attention is paid to various aspects, e.g. membership definition, conflict resolution mechanisms, monitoring, sanctions and enforcement, links with other governing systems and distribution of authority, effectiveness and adaptability. However, as Steins and Edwards (1999) observe, CPR theory and co-management concepts are most often applied to cases derived from single-use resources and lacks strong links to the wider political economy, which often significantly influences participants' behaviours. Memon and Selsky (1998) have also indicated the need for case studies on implementing co-management in complex CPRs. They define **complex CPRs**

as situations where there are multiple, overlapping and conflictual uses in a context of institutional and scientific uncertainty. Their work shows the importance of both global and local factors in influencing users' behaviours. Indeed, the growth of global political and economic forces, the evolution of ecosystem-based management, shifting social values, changing notions of governance, and the growing legal powers of aboriginal groups call for the development of CPR theory. As Roling and Wagemakers (1998) point out, communities and governments are "scaling up" the geographical scope and extending the temporal horizons of their planning for and management of natural resources. Thus, CPR and co-management theory also needs to "scale up" its search for effective, robust institutional designs at higher levels of social aggregation. Pinkerton and Weinstein (1995) provided a significant step along this path by generating applied principles for the successful co-management of community-based fisheries. Their research included case studies where planning and management occurred at the watershed level, revealing the complexity of operating with interdependent ecological systems, multiple jurisdictions and multiple users. Moreover, they called attention to the heterogeneity of the community side of the co-management equation, identifying a variety of parties based on different uses of the resource(s) and ethnicity.

To build on Pinkerton and Weinstein's work and to further the search for effective institutional designs for complex CPRs, it is valuable to study the implementation stage of co-management agreements. Conflicts over power sharing are often most intense during implementation when participants' commitments to the terms of the agreement are put to the test. These conflicts reveal underlying features of the local situation and the larger socio-economic and political environment, which provide both incentives and disincentives for individuals and organizations to pursue collaborative management. Thus, studying the implementation phase of a co-management agreement provides an excellent opportunity for examining factors that both support and discourage collective action. Yet, few authors aside from Pinkerton (1992) have studied the implementation stage in detail. Information is particularly absent from the perspective of the co-management body itself: the literature offers little detail on internal organizational factors and the nature of external multi-party relationships that impede or support the implementation of agreements. As a result, the dynamic nature of co-management – the

on-going negotiations over power sharing that occurs in both a formal context and implicitly in daily operations – has yet to be sufficiently documented.

Collaborative Governance

Evolving theories on collaborative governance in public policy and the use of a network mode of governance also provide useful concepts for understanding the nature and operations of the CRB. Public policy scholars observe the increasing use of multi-party arrangements by governments for problem resolution and policy implementation. This is in part due to fiscal constraints as well as recognition of the limitations to the government's and the market's ability to solve multi-faceted, complex issues involving shifting social values, multiple interests and scientific uncertainty (Kooiman, 1993; Rhodes, 1996). These authors point to such multi-party arrangements as examples of a new model of governance where government is but one of many influential actors. Governance, in this sense, is a pattern of relations and/or structure emerging from both the processes and outcomes of state-society interventions and interactions. Armstrong & Lenihan (1999), O'Toole (1997) and Rhodes (1996) document how new models of governance are moving away from centralized hierarchical structures of authority toward more dispersed and flexible "network" arrangements characterized by multi-party interdependence and diffused authority. O'Toole (1997) points out that participation in governance networks can be mandatory or voluntary and motivated by a variety of reasons, for example to influence policy or law making and administration, share in government program implementation, exchange technical information, realize cost savings on resources, or market products. With different levels of autonomy and authority among network participants, coordination and order in pursuit of social goals emerge from a mixture of market mechanisms, state authority and social values institutionalized in local policies and rules. In these situations, relations of trust, reciprocity and shared goals play a primary role in creating cooperation and maintaining network "integrity". Many of these issues parallel those from CPR theory, since a network mode of governance can be viewed as appropriate for common pool resource situation where power is shared: the quality or integrity of communications and information are the

resources to be managed in a collective manner. The network model brings a useful way to conceptualize the relationships among co-managing parties.

Analytical framework for studying CRB obstacles

To fill gaps in our understanding of the kinds of obstacles co-management bodies confront during their implementation phase, I construct an analytical framework based on an evolving body of literature on collaborative governance in public policy. I use this tool to investigate the kinds of obstacles the CRB has faced. Friedman's (1997) work on collaborative processes in U.S. environmental regulation, and case studies of Canadian government-community partnerships (New Economy Development Group Inc., 1996) form the basis for the following categorization of obstacles.

1. **Unbalanced Power Distribution among Interests.**
   Specific interests dominate policy and planning processes, such as agenda setting, information access and management and research priorities due to their influence on economic and/or political factors.

2. **Government Resistance to Power Sharing.**
   Loosening of control on decision-making power and processes is opposed. This reflects government's concern with protecting the general public interest, as well as a bureaucratic behaviour that resists change and protects an agency's "turf", i.e. its program areas and funds, status and staff.

3. **Adversarial Context**.
   If a legacy of mistrust exits from previous interactions, it can make the formation of a collaborative culture extremely difficult. This is particularly relevant at the outset of a new relationship, but can also be the case during later stages when stressful situations can lead participants to revert to former beliefs and attitudes.

4. **Lack of Clear Purpose.**

A lack of a shared vision can lead to a profusion of broad objectives with vague roles and responsibilities for the implementing body. This can reduce commitment to long-term comprehensive planning and the support necessary to attain objectives.

5. **Insufficient Time Allowed for Establishing and Maintaining Collaborations.**

Participants often require considerable time to learn new roles and responsibilities associated with the sharing of power and influence in systems of shared authority. Training is frequently required in consensus building and identifying the appropriate scope of issues. Mutual understanding and trust also require time to develop, especially when the collaboration has to accommodate a diversity of cultural and moral dimensions in terms of norms and values, protocols and discourses. This can also make effective communication channels difficult to create and maintain. The need for time becomes more critical when participants change, as is often the case with personnel in government agencies. These lengthy process requirements frequently conflict with political, economic and bureaucratic demands for immediate quantifiable results. Thus, different time horizons, exigencies and expectations often undermine attempts to secure sufficient time for developing and maintaining collaborative relationships.

6. **Lack of Participants' Organizational Capacity.**

Roles and responsibilities for participants in collaborations may overwhelm their organizational capacity. This creates a domino affect, which reduces their ability to participate in and carry out effective work in many spheres of operations.

7. **Lowering of Standards Due to Consensus Decisions.**

Without the establishment of clear criteria and standards to guide research efforts and pursue problem solving, a consensus process can degenerate to accepting the lowest common denominator of agreement. This can often produce vague, general principles that are subject to multiple interpretations and difficult to implement.

8. **Dependency on a Limited Base of Government Funding**.

   Collaborative ventures dependent on government funding are vulnerable to cut-backs. This dependency can also hinder the creation of more autonomous administrative and financial mechanisms that can provide greater flexibility and cost recovery for the entity.

9. **Tenuous Lines of Accountability.**

   Collaborations are often plagued by unclear accountability relationships. This raises a number of obstacles. For example, governments will focus on legal and financial liability and their political exposure. This will lead them to adopt a risk-adverse approach. Without strong accountability mechanisms like open forums and performance evaluations, community groups and other interests will question the degree of their representation and influence and thus, the legitimacy of the process. Moreover, in the absence of performance evaluations, members of the collaborative initiative will miss opportunities for learning and improvement.

10. **Lack of Continuity in Government Actors.**

    Inter/intra-organizational dynamics can lead to internal changes in policy, strategy or circumstances that may influence the collaborative initiative's original structure or orientation. For example, new budgets, legislation, mandates or managers can create unfavourable changes to the initiative's previous financial, legal or policy context.

11. **Fragmentation or Duplication of Efforts.**

    Poor coordination and limited sharing of information among participants can create weaknesses in meeting joint objectives and/or waste scarce resources.

Analytical framework for studying CRB strategies

Implicit in co-management studies has been a connection between the degree of successful negotiation of power sharing – both formally and through ongoing operations - and the level of successful implementation of agreements. However, the literature lacks a strong analysis of this crucial linkage. Greater attention is needed on the kinds of

strategies and strategic approach co-management bodies use to strengthen and maintain their negotiating power. Thus, I have drawn from theories on interorganizational collaboration and collaborative governance in public policy to construct an analytical framework that explicitly links strategies used by a co-management body with attempts to implement a collaborative initiative.

A good deal of the literature on collaboration has been based on Gray's (1989) work on interorganizational initiatives. She defines collaboration as a "process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible". Gray (1990) points out that successful collaborative processes and outcomes depend on the ability of participants to establish a negotiated order among themselves. Freeman's (1997) work on collaborative governance in the context of multi-party environmental regulation also underlines the importance of negotiated orders or protocols for the creation of durable solutions. Nathan and Mitroff (1991) define a negotiated order as an agreement reached through multi-party negotiations that establishes the new terms under which the parties will conduct future interactions. A negotiated order allows diverse entities to work cooperatively together in a predictable fashion over time and toward common ends. The process of establishing a negotiated order focuses first on participants' creating shared meanings and a common understanding of the existing order, e.g. who the participants are, the nature of their relationships, what tasks, plans, operations and challenges exist, etc. Upon reaching agreement, the parties can then design various cooperative devices such as informal and formal agreements and joint ventures as mechanisms to develop a new, and potentially more mutually satisfactory order. Ideally, the negotiated order encompasses the issues and parties required for durable solutions. A negotiated order may develop through deliberate planning, but many facets may take unexpected directions due to changes in the policy regime, actors and external events impinging on a situation. Therefore, a negotiated order can have both emergent and planned elements, influenced by both formal and informal interactions among the actors. As such, the terms of a negotiated order are continually reconstituted as required; they may not be simple modifications of an older, existing order. Based on case

studies from Freeman (1997), Gray (1989; 1990) and Nathan & Mitroff (1991), the following general strategies have been shown to support the establishment of successful negotiated orders:

1. **Use a Problem Solving Approach that Promotes and Relies on Open Inquiries and Mutual Learning**

   Multi-stakeholder forums are used where parties can build stronger working relationships based on a sharing of perspectives and mutual respect for differing values. A culture of learning that prioritizes inclusiveness is fostered that can forge longer lasting commitment to problem resolution to overcome protracted conflicts.

2. **Establish Information Orders**

   An information order is a formal agreement on how to collect, process and share information. Criteria and standards for data quantity and quality, information collection, processing and dissemination are included. Information orders form the basis for high quality research and decision-making in a collaborative setting. They lead to coordinated actions, efficient use of resources and trust building.

3. **Use Provisional and Adaptive Solutions**

   Collaborative agreements take place in a dynamic operating environment where both scientific and institutional uncertainty exists. On-going operations need to be closely monitored and examined to ensure responsiveness to changing ecological and socio-economic factors.

4. **Establish Joint Accountability Among Participants**

   Collaborations must be based upon meaningful participant involvement where input from parties is accounted for and decision-making processes are transparent.

5. **Encourage Creativity and Flexibility in Processes and Outcomes**

   Rapid change in participants and/or participant priorities, as well as in the external operating environment requires innovative approaches to problem solving. A culture of experimentation and creativity is fostered to overcome complex and often long-standing problems. A combination of flexibility and continuity in both process structure and expected outcomes allows for adjustments that can maintain multi-party commitment.

Friedman (1997) observes that when participants use these general strategies, the collaborative governance process can encompass greater diversity and more contradictions than formal state hierarchies. The resulting negotiated order has been used to develop and test effective monitoring and emergency response systems, conflict resolution strategies and methods to integrate participants' value differences and organizational cultures (Friedman, 1997; Nathan & Mitroff, 1991). Thus, a focus on establishing negotiated orders forms a strategic orientation to promote collaborative governance agreements.

The following chapters present the results of my field work. I begin with my research methodology and then discuss in detail the results of applying my two analytical frameworks to better understand the nature of the CRB, the obstacles it has faced and the strategies it has employed in trying to implement its mandate.

Chapter 4
Methodology

This study is based on data collected over a one-year period, from June 1998 - 99. The results are based on interviews with 36 individuals, on the monitoring of CRB and Clayoquot Sound (forestry) Planning Committee meetings (including meetings with ministers and deputy ministers), and on a document analysis from CRB files. People interviewed were CRB members, co-chairs and staff, residents of Clayoquot communities, staff and senior officials of government agencies, political leaders and informed observers. I selected interview subjects by starting with CRB members and key government officials and asking them to identify other important actors in the CRB process past or present. The selection of interview subjects was intended to capture a wide range of perspectives. While my sample does not include every single viewpoint on the CRB experience, those I interviewed represent key points on the spectrum of opinions.

The interviews were semi-structured (Berg, 1995; Merton *et al*., 1990) and generally lasted one hour. All subjects were asked about their involvement in the CRB process to gauge their familiarity with and role in the Board's history. I then asked interviewees to describe their understanding of the Board's mandate and to identify key obstacles the Board has faced in trying to implement this. I immediately discovered that the opinions of the interviewees on the Board's mandate varied. I assumed this was because the Board's mandate may not have been clear, and that people may have had different understandings of what the term mandate meant. Thus, I began to ask interviewees about the kinds of activities or initiatives the Board should be or was engaged in. Here I found general agreement, and interviewees' responses did in fact correspond with the list of responsibilities mandated to the CRB under the Interim Measures Agreement. Focusing on CRB activities and operations led interviewees to identify many operational obstacles facing the Board. There was considerable common ground here. Finally, interviewees were asked to identify and comment on activities or strategies the Board has used to overcome the stated obstacles. There was also significant agreement on this topic. I used

convergent interview techniques (Dick, 1990), including probes, interview summaries and on-going data review to explore the salience of obstacles or strategies respondents did not mention on their own and to progressively identify and clarify key obstacles and strategies that emerged over the course of my field work.

Much of my research is based on retrospective accounts of smaller personal and larger public events. Since individual recollection can be influenced by subsequent events and by cognitive limitations on recall, this method has its drawbacks. To offset these limitations I used historical documents and cross-referenced interviews to verify accounts.

With over one hundred pages of transcribed interview text, I used a grounded theory approach to draw out central themes and issues (Glaser & Strauss, 1967). Using this approach, key concepts concerning the Board's evolution emerged during my data analysis, rather than in advance of my examination. Each interviewee's comments were categorized according to the type of obstacle, strategy or historical insight provided. Through iteration, these categories were grouped into more abstract categories that identified central issues. To ensure that my own pre-conceptions and judgments were not creating biased results, I cross checked emerging themes in subsequent interviews: I looked for similarities in the subject's comments or I used probes to attain direct feedback on my hypothesized themes. This method, plus on-going critical re-examination of my analysis increased my ability to remain sensitive to the true meanings emerging from the data. Glaser (1992) has referred to this process as maintaining theoretical sensitivity.

Chapter 5
Discussion of Results

Based on in-depth interview analysis and primary documentation, I have identified five key, interrelated policy areas that dominate the CRB's attempt to implement its mandate: power sharing, building organizational and technical capacity, improving communications, enhancing monitoring/accountability and planning for sustainability. Obstacles within each policy area that impede the Board's progress towards implementing its mandate were documented. A total of 19 obstacles were found. Eleven of the obstacles coincide with impediments found in my analytical framework generated from the literature review. Strategies devised by the Board to overcome the obstacles in each policy area were investigated. 18 strategies in all were identified, closely linked with the five general strategies found in my analytical framework. The strategies reflect the Board's general orientation toward creating collaborative negotiated orders to better organize and respond to its complex policy domain.

Given the complex and highly interrelated nature of the problems in Clayoquot Sound, the obstacles and strategies within each policy area are closely interconnected. For example, a strategy for building organizational capacity can be responding to a number of the obstacles listed in this policy area. Likewise, an obstacle found in a policy area, e.g. power sharing, may have generated a number of the strategies included in the power sharing policy area. Moreover, obstacles and strategies in one policy area may also relate to other policy areas. So, for example, obstacles and strategies for improving communication can also enhance accountability, and the CRB's strategic planning can serve to overcome many different obstacles in the five policy areas. However, I have attempted to list the obstacles and strategies in the policy area they are best related to. Appendix 1 provides tables of CRB obstacles and strategies according to the policy areas.

The nature of the CRB

An examination of the Clayoquot Sound Central Region Board, its history, structure, mandate and operations reveals the complexity and difficulty of implementing a model of community-based collaborative governance for natural resources. Problems have arisen with definition of purpose and scope of authority. Originally, the CRB was designed to assist the Provincial Government and Nuu-chuh-nulth First Nations to cooperatively manage Clayoquot Sound's natural resource base. As a result, the CRB began with and later developed many aspects of a community-based and intergovernmental co-management body. For example, the Board has the power to influence management decisions falling under its broad mandate through review and planning processes. The Board also has multi-party representation that includes Clayoquot's aboriginal and non-aboriginal communities, and members from municipal and regional governments. Despite these, aspects, however, it is only in the forestry sector that the CRB shares considerable decision-making authority with the government on operational management decisions (e.g. harvesting practices). This is due to the government's commitment to implement the Science Panel Recommendations. Yet, even here, the Board does not have the regulatory power necessary to create sanctions or enforce rules. The Board, therefore, has used the rights it does possess (access to information and role in the permit review process) and its extensive mandate (including the responsibility for building collaborative processes) to influence both management decisions and broader government policy making. In so doing, the CRB has evolved into a forum for the collaborative governance of the region's resources. It tackles key governance issues beyond operational management concerns, such as the nature of public and interest representation in policy making and implementation, the setting and attainment of broad social and economic objectives and the structuring of roles, responsibilities and accountabilities in resource use decision-making. The CRB's work helps the Clayoquot communities and Provincial Government redefine and move toward broad social, economic and political goals for the region. Since the Board's model of collaborative governance includes significant local government and non-aboriginal representation, it is an example of community-based collaborative governance. Consequently, the Board can be viewed as an institutional experiment in

community-based collaborative governance for the sustainable management of natural resources.

The struggle to define the CRB's governance role

The Board acts at two levels of governance: an operational and a strategic policy level. Regarding the latter, the Board influences resource sectors through strategic policy-making. This can include, for example, the role of resource use in meeting broad social and economic goals and the role of different parties in determining both broader goals and field level management rules. This is a higher level of governance since these kinds of resource policies determine the general context in which operational decisions at field level are made. However, to ensure the ecological integrity of resource use, the Board's decisions often go beyond the setting of general directions; field level operations, e.g. harvesting, are frequently directly effected. This is most apparent in the forestry sector with the implementation of the Scientific Panel Recommendations. However, the Board's involvement in aquaculture and backcountry recreation development has drawn members' focus to site-level issues. The CRB's influence at both governance levels has created technical, economic and political challenges for all involved, fueling considerable resistance to Board operations. The Board's key struggle both internally and externally has been to define the nature of its governance role: at what levels should it operate and what amount of decision-making power does it require to ensure the fulfillment of its mandate? From the Provincial Government and resource corporations' point of view, Board operations are an encroachment on their territory and involve a direct loss of their power. They see the CRB as giving citizens unprecedented access to information on their operations as well as institutionalizing the means to affect resource management decisions. They have reacted by defending their decision-making autonomy and formal property rights as a means to resist the Board's influence. This has heightened the mistrust felt among the parties. In contrast, the Board has been promoting a collaborative approach to governance as a means to share power and operate effectively at both field and policy levels. Contrary to previous policy and decision-making procedures that were dominated by government and industry, the Board has been establishing more inclusive processes that bring community members into strategic dialogues. Joint learning,

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collaborative problem solving and mutually beneficial outcomes are all emphasized. This strongly reflects the Board's managerial strategy to bridge geographic and social boundaries and to identify and resolve problems from the community level upward.

A key CRB challenge from a network perspective and a "negotiated order" response.

The Board's commitment to an inclusive, community-based system of governance raises a key issue best understood from the perspective of a networked model of governance. Due to the fluid movement of participants and ideas and an emphasis on long term, norm-based relationships, a network context is inherently complex and can be unpredictable in direction. The key is to find optimum combinations of shared purpose collaborations, authority ties and exchange relations to create both the long-term stability and flexibility necessary for effective governance (O'Toole, 1997). Reducing complexity and uncertainty in governance is a major challenge for the Board. Its decision-making involves complex value-laden judgments under conditions of imperfect knowledge in the context of a democratic society and increasing First Nation's legal power. These factors place considerable pressure on the Board. It must offer an alternative governance system to large state hierarchies – a system which is capable of generating both the stability and social and technological innovations required for ecological and socio-economic sustainability. The Board has tried to do this through the establishment of negotiated orders among the parties. These collaborative working protocols are negotiated during the Board's review of resource use permits, as well as in Board-sponsored multi-party planning and information exchange forums. The Board promotes more coordinated research and the open sharing of information, as well as joint problem solving and decision-making. In establishing new negotiated orders, the Board aims at striking a more dynamic balance between the traditional values of economic efficiency and investor security with more qualitative values emphasizing resilience, stability, social equity, joint learning and provisional solutions. The Board works with parties to incorporate these values into a combination of formal property rights and procedural assurances governing changes to those rights. Locally appropriate policies and operational agreements are sought through combinations of technical analyses and the collective consideration of public issues. The CRB aims to build on shared interests, integrate objectives, clarify and

share decision-making processes and distribute the costs and benefits associated with sustainable resource use. It tries to reduce operational uncertainty by unifying expectations concerning management process and outcomes. The rationale underpinning this negotiated order approach is that a flexible, contestable, accountable, adaptive governance system capable of responding to scientific uncertainty and shifting social values will produce better results than the Sound's previous resource management regime. As such, negotiating orders is a key policy making tool, based on the emerging belief that effective policy making in the context of scientific uncertainty requires two fundamentally different ways of acquiring knowledge, building understandings and reaching agreements. The two elements of sound policy making are analysis based on the scientific method, and collaborative deliberation among all knowledgeable, interested and affected parties are both essential (National Research Council, 1996). Optimally, these two processes should be constantly informing each other in a seamless combination throughout the entire policy making process. The CRB's analyses ensure that the maximum amount of relevant knowledge is brought to the task, and its deliberations continually frame the analyses, for example, by deciding what constitutes "relevant" knowledge and how it is to be used. This approach is in stark contrast with the traditional view that policy making is the sole domain of technical experts and politicians (Webler & Tuler, 1999). Indeed, both the Interim Measures Agreement and Interim Measures Extension Agreement were themselves new negotiated orders responding to shortcomings in previous policy making processes and a crisis of legitimacy in the former political and social order. The creation of the CRB marked the institutionalization of a new order between the Provincial Government and the Central Region Tribes. It was mandated to further organize and, to some degree, regulate the Sound's operational environment. Thus, the CRB is what Trist (1983) has called a referent organization, established as a more permanent body to implement for the principal parties the terms of their new negotiated order and develop effective policy responses. The Board carries this out by clarifying and rebuilding relationships among the parties and interests in Clayoquot Sound as required.

The CRB creating public policy integration.

In the B. C. Government's view, the Board was essentially created as an administrative body to have a "second look" at agency decisions affecting Clayoquot Sound. In so doing, the Board was expected to diffuse potential conflicts locally before they escalated and landed on senior bureaucrats' or politicians' desks. However, in carrying out this and other joint problem solving aspects of its mandate, the Board was quickly thrust into Clayoquot's controversial policy arenas. As a result, the CRB evolved as a central player in coordinating and shaping new relationships and interactions among Clayoquot's Sound's actors, institutions and ideas. Hoberg and Morawski (1997) refer to this latter trio as the components of a policy regime and their interactions as producing particular policy. Thus, in Clayoquot Sound, the CRB has been deeply involved in re-shaping policies in the many regimes that make up the overarching domain of resource management, e.g. aquaculture, forestry, First Nations, intergovernmental relations. Moreover, ideas emphasizing the interdependence of social, ecological and economic factors have gained greater currency in the separate regimes. This has created a trend toward policy integration that the CRB both reflects and promotes. Given its multi-sectoral, collaborative mandate and veto power, the Board came to occupy an influential position for supporting the long-term integration of policy regimes across many dimensions, for example, employment generation, watershed restoration and planning, intergovernmental relations. The result of this integration has created an overlap of actors and institutions that Hoberg and Morawski (1997) refer to as a policy intersection. Originally arising from the intersection of forestry and aboriginal policy regimes, the Board has since catalyzed further regime intersections in Clayquot Sound, e.g. among aquaculture, recreation and tourism, municipal affairs, mining, etc. We now find many regimes sharing both the CRB as a common institutional component, and Board members as common actors. Valuable knowledge, experience and perspectives have been brought to the development of a number of policy regimes in this way. The Board has also expanded many policy regimes by institutionalizing the participation of formally peripheral actors, e.g. environmentalists, local governments and First Nation's, and introducing untested ideas, e.g. collaborative resource governance. By engaging new

parties and seeking to generate fresh ideas, insights and arrangements among actors, the Board has evolved as an important catalyst for policy change.

CRB has had some success in establishing new negotiated orders. For example, formerly warring parties are engaging in open dialogues to seek collaborative outcomes, rather than immediately mounting legal challenges or civil disobedience campaigns and international media protests. However, as Nathan & Mitroff (1991) point out, numerous factors can interfere with the creation of negotiated orders and especially their maintenance over time. Multi-party collaborations are often fragile, frequently due to different interpretations of agreed upon terms and inaccurate or insufficient understandings of the problems involved and interests at stake. This can be due to a mixture of poor process, frequent changes in participants and resistance to implementation stemming from shifts in prevailing power relationships. Unforeseen contingencies or external events can also destabilize relations. These factors have all formed obstacles for the Board over time. To counteract these, the CRB has undertaken a number of strategies to strengthen its internal unity and augment its influence in the regional resource governance networks. Some strategies focus directly on rule making for on-the-ground operations, while others are at a higher, constitutional level, which determines the composition and powers of the Board itself. Principally, however, the Board's strategies have targeted the policy making level, creating processes and parameters to guide field level operations.

The remainder of this chapter provides an in-depth analysis of the key obstacles the Board has faced in implementing its mandate and the central strategies its used to overcome these. The discussion is organized according to each of the five key policy areas dominating the Board's agenda.

POWER SHARING

OBSTACLES

1. *Provincial Government and Corporate Resistance to Power Sharing with First Nations*

British Columbia's economy is heavily reliant on external investors financing export-oriented primary resource industries. Interviews revealed a strong, cautious approach on the part of the provincial government toward cooperative forms of resource management with First Nations, which might confuse jurisdictional authorities. Cooperative models containing jurisdictional overlaps were seen as perpetuating the existing climate of uncertainty and doing little to reduce First Nations' legal challenges.

> "Continuing the present climate of uncertainty around aboriginal rights is not good for the B.C. economy. There's too much risk. And local, non-aboriginal people worry about their future. As a government, we've got to be concerned with this. We want a complete expression of aboriginal rights and where those rights can be exercised. We don't want a First Nation with their treaty land plus their original aboriginal rights that they can exercise anywhere they want off of their treaty lands. The negotiations are about determining aboriginal rights off of future treaty lands … we are not prepared to trade greater management influence for smaller treaty lands. Why waste time working toward a treaty settlement which won't eliminate any of the present problems?"
>
> Senior B.C. government official

The possibility of sharing resource management jurisdiction with future aboriginal governments, potentially in alliance with local governments, has created resistance from the government to committing to the CRB's form of power sharing.

> "The CRB presents a model for the sharing of authority outside of future Treaty Settlement Lands. Some kind of co-jurisdiction that, frankly, terrifies the government, especially when court interpretations of *Delgamuukw* and aboriginal title back First Nations claims to some kind of enhanced authority across their traditional territories. If the CRB can present a positive model, government and industry would find it difficult to alter or dismantle it in the future."
>
> Government treaty negotiator

The Board's operations have been particularly frustrated by the continuing reluctance of the Ministry of Forests to work cooperatively with First Nations in understanding the meaning of aboriginal title and its potential impact on forest tenures and land use arising from the 1997 *Delgamuukw* decision (*Delgamuukw,* 1998). Rather, Ministry policies remain focused on avoiding or justifying infringement of site-specific aboriginal rights through consultation processes (B.C., 1999). This neglects broader interests concerning shared decision-making authority, resource ownership and benefit flows. Tollefson and Wipond (1998) have also pointed out that a site-specific frame of reference fails to address the long-term cumulative impact of ongoing resource development across traditional aboriginal lands. Resistance at the senior ministerial level can undermine Board efforts at the local level.

> "The government is intent on fighting word-for-word over *Delgamuukw* instead of acting in good faith and working with First Nations in the spirit of the decision. High level resistance can undermine the Board's work."
>
> Government treaty negotiator

2. *Provincial Government Resistance to Power Sharing with Local Communities*

Government resistance to power sharing with local communities is an overarching challenge for the Board in achieving its mandate. M'gonigle (1998) has documented how historical patterns of governance in B.C. generally marginalized communities living closest to and dependent on the landscapes and resources in question. Centralized government decision-making ensured that the state and corporate interests reaped the greatest benefits from resource use. Thus, initiatives like the CRB, which attempt to reverse this pattern, challenge significant vested interests and are met with considerable resistance.

> "No government willingly gives up power."
>
> Nuu-chah-nulth political leader

> "It (Clayoquot Sound) started off as an old growth issue, but has grown to encompass aboriginal and non-aboriginal community involvement in governance of the resource and land base on which it

> depends. I've seen that make a lot of people in the 'dirt' (natural resource) ministries very nervous. The Board fundamentally challenges the way things have been thought about and done around here."
>
> Senior official, Ministry of Aboriginal Affairs

Government concerns

Interviews with government officials and informed observers revealed the government's perspective. They have a number of concerns about devolving greater power to community bodies:

- The loss of ministerial status and influence

- The loss of economic returns and other benefits from licensees and tenure holders (secured through longstanding contractual obligations)

  > "I can't let you guys take away my last lever [by stopping logging]. I won't let them (MacMillan Bloedel) off the hook."
  >
  > Minister, MOF during 1999 CRB meeting.

- The balkanization of the province's regions into separate uncoordinated jurisdictions

- Defining community boundaries and ensuring fair representation of community interests

- The inability to directly protect province-wide strategic interests such as regional economic equity and population stability.

Individually and collectively, these concerns have created a defensive attitude within government that has prevented the finding of collaborative solutions with the Board. Instead, the Board finds itself unable to innovate and respond effectively to key concerns. It is hindered, for example, by restrictions on decision-making in key areas, such as tenure allocations and watershed planning. Most of this authority has remained within government bureaucracies.

Bureaucratic resistance and the Clayoquot "containment" strategy

Indeed, many interviewees pointed out that the provincial bureaucracy is the source of the strongest resistance within government to the CRB.

> "Everything the CRB does infringes on bureaucratic turf. We can recommend refusal [in the review process] and if the community backs us, the government would be hard pressed to over turn our decision. Besides, we can appeal. Ultimately, even the Deputy Minister's authority is removed."
>
> CRB member

The CRB's influence in decision-making challenges the hierarchical authority of the bureaucracy. A large body of literature documents similar cases of government bureaucratic resistance to power sharing in the context of resource management (Berry *et al.*, 1998; Yaffee, 1997). "Turf protection", tight control and risk avoidance were rewarded in these bureaucracies, since preserving agency or ministry status and power was given highest priority. These sets of values resulted in competitive behaviour with parties outside the agency, and generated short-term thinking, inflexible policy objectives and an obsession with political image. In Clayoquot Sound, similar patterns have emerged. Bureaucratic resistance to power sharing with the CRB was strongly reflected in my interviews with government staff and senior officials. "Containing" the Clayoquot experiment was a goal they repeatedly stated.

> "Within a year of the IMA, the government started talking about 'containing' Clayoquot and the CRB. The MOF was the strongest proponent."
>
> Senior government official

The objective has been to limit further transfers of decision-making authority to the CRB and prevent it from influencing other jurisdictions in the province. An early example of this "containment" strategy was the government's attempt to reduce the role of the Board to little more than a "rubber stamp" at the end of the government's referral process. Agencies pressured the CRB to limit its intervention by pointing to the backlog of permits and applications already within government, and by insinuating that existing

government approvals were sufficient. Another attempt to limit the Board's power in the referral process has emerged recently with respect to the crown agency British Columbia Assets and Land Corporation's (BCAL) land and foreshore tenure bidding process. Interviews revealed that the Board has received tenure applications for approval (e.g. for aquaculture, recreation use) that are essentially "done deals" between BCAL and bid "winners". Thus, even though these applications may not reflect community concerns (e.g. the length of leases), at the referral stage, the Board has little power to change key terms since modifications would have legal and administrative consequences. Other attempts to marginalize and disrupt the CRB's reviews were evidenced by poor government and industry cooperation with permit preparation and information sharing. Board minutes reveal this has been a longstanding problem, specifically with the MOF. Some interviewees suggested that over the past years, resistance to power sharing among government agencies and with the CRB have increased. They attribute this to job stress from major cuts in agency budgets and staff (especially to the Ministry of Environment) and to a change in political leadership that focused on centralizing decision-making.

Resistance from the MOF

Interviews revealed that over the years the MOF has been particularly resistant to developing a collaborative relationship with the CRB. The creation of the Board has introduced an unprecedented sharing of the MOF's power, shifting significant local policy and decision-making influence outside of its control. CRB minutes reveal that right from its first years, Board members began to immediately inject First Nation's and environmental perspectives into cut-block reviews. Moreover, the Board's influence in forestry planning and operations has been significantly strengthened and legitimized as a result of its primary responsibility to implement the Science Panel Recommendations (SPRs). Interviewees also pointed out that the use of the SPRs and the CRB process has created power shifts within government that affect the MOF's dominance of land and resource issues. For example, for the first time ever in the province, the MOF could not proceed with any forest activity without first obtaining signatory approval from the Ministry of Environment, Lands and Parks (MELP). MELP gained this authority because many of the Scientific Panel Recommendations - governing all forestry operations in

Clayoquot Sound - fell directly under MELP's mandate. The expansion of MELP's role was also attributable to an extension of the government's policy direction to strengthen environmental protection, most directly expressed in the Province's 1994 Forest Practices Code (FPC). However, since the SPRs are broader and more stringent than the FPC, MELP's influence has been significantly enhanced. For example, the agency has the authority to ensure compliance with stricter criteria for the protection of biodiversity and the preservation of wildlife habitat in both higher level and site level planning. In comparison, the FPC limits MELP's input to higher level plans, and environmental standards are weaker. Interviewees also noted that the CRB process has generated government inter-agency committees that require MOF to sit down with MELP, Aboriginal Affairs and Tourism and Small Business to discuss operational and policy matters. Although the MOF still wields the most weight when decisions are made, these ministries - especially MELP - have gained a greater voice in the Sound's resource management and land use issues.

Despite an administrative re-organization within MOF and MELP that created a special team of dedicated individuals (the Clayoquot Sound Implementation Team) to work with the CRB, resistance at the senior levels of MOF continues. Field staff reported feeling trapped at times between community expectations fueled by government promises of collaboration on the one hand and mixed signals coming from senior officials on the other. This is not surprising: the CRB process represents a major departure from "business as usual". Lertzman *et al* (1996) have documented that ecosystem-based management and the devolution of decision-making authority constitutes a direct threat to the MOF's core values. The resistance from the MOF and the major forest companies has occurred through the suppression of valuable information. For example, the presentation of the Steamer Cove Interim Watershed Plan to the Board lacked the stipulated documentation and format necessary to assist members in their analysis (CRB, 1998d). Moreover, in at least one instance, the MOF has attempted to directly subvert the CRB process, and by association, the IMEA. In late 1998, the agency allowed the forest company holding Tree Farm License 54 to sign a replacement tenure agreement without formal CRB referral (CRB, 1998a). This was a direct breach of protocol of section 9 of

the IMEA (B.C., 1996). Cases of similar conflicts where government agencies' values and organizational goals have dominated decision-making and taken precedence over conservation and community goals are well documented (Grumbine, 1992; Yaffee, 1994; Houck, 1993). MOF bureaucrats have also tried to contain the Board's influence by limiting the scope of CRB recommendations. Interviews revealed that bureaucrats are not accepting CRB recommendations if they don't fit within the agency's compartmentalization of its work or within a particular legislated framework. For example, Board recommendations have been refuted because they did not directly relate to the Forest Practices Code or the Science Panel Recommendations. This ignores the breadth of the Board's mandate to consider current world-class forestry standards, which may go beyond existing standards.

The cost of resistance to power sharing

The government's resistance to power sharing also motivates CRB members to hold onto the few levers of influence they possess. Principally, this is their ability to recommend rejections in the referral process based on an examination of operational level activities. This represents a concrete and significant tool of power for community members to balance government power and agency control over information. However, the CRB's concentration on operational details has its costs: it limits the Board's ability to move to a more strategic level of decision-making.

> "We spent a fair bit of time trying to create an environment where the Board could refocus its energies. Unfortunately, we weren't successful: it was important for individuals around that table not to let go of specific decisions since they were a mode of power. As long as they could say no and influence significant decisions, they had more levers and influence in discussions with government and resource companies in a host of different lights. For example, this has helped in part in (First Nation's) negotiation with MacMillan Bloedel to get where they are with the joint venture. At the very least, permit reviews forced people to listen to First Nation's communities for the first time. That has contributed to the Board's inability to step back from it, because people recognize that the specific decision-making role (in permit reviews) is of strategic importance."
>
> Ross MacMillan, Former Provincial CRB co-chair

This leverage has also held particular symbolic and practical importance for the hereditary chiefs of the Central Region Tribes who have finally gained a degree of power to influence decisions pertaining to resources in their traditional territories.

3. Corporate and State Dominance of B.C.'s Forestry Sector

95% of the forested land base in B.C. is claimed by the Provincial Government to be publicly owned Crown land. This amounts to two-thirds of the province (Scientific Panel, 1995). According to a survey conducted in 1994, the forest industry represented the single largest component of the provincial economy (Price Waterhouse, 1994). Thus, management and use of B.C.'s public forests are an important part of the government's financial health and the Province's economic wealth. Yet, despite the high proportion of state forest land, lease agreements with major timber companies have given these corporations an overwhelming majority of the timber supply. According to MOF figures, 25 of the largest companies control 74.8% of the province's harvesting rights (MOF, 1995).

Corporate, government and organized labour concentration of power

Drushka (1993) and Wilson (1998) have documented that corporate concentration of timber resources developed from the 1940's onwards when the government of the day began forging a strong state-industry alliance. Lertzman *et al.* (1996) indicate that this state-capital partnership was based on the belief that the rapid liquidation of mature forests and their conversion to productive, even-aged stands was the best use of the province's forests. This sustained yield policy promised to generate significant economic benefits for B.C.'s citizens and to launch robust regional economic development. Since successful implementation of the policy required significant long term capital investment and certified experts to solve technical complexities, state actors accepted that considerable control over the resource had to be delegated to the industry and to the forestry profession. In return, the state collected tax and stumpage revenues and played a central role in formulating and enforcing management guidelines. The terms of this state-capital bargain were established in a tenure system and through licensing arrangements,

which were based on high volume timber extraction. Even though issues of tenure length, levels of taxation and appropriate management supervision were occasionally debated, the state-industry alliance succeeded in producing significant economic benefits. Over time, the liquidation of the province's mature forests generated larger and larger budgets for the Ministry of Forests, enhancing its status and power within the Provincial Government. The corporate concentration of industrial logging also fostered the growth and strength of forest sector labour unions.

Over time, the Ministry of Forests has centralized control over forestry policy-making and administration to better advance its own interests and those of the major forest companies and organized labour (Wilson, 1998). However, since forested area has accounted for at least two-thirds of provincial lands, the MOF's control has extended into a majority of provincial land-use planning and decision-making processes. Pinkerton (1998) and Wilson (1998) also point out that forest corporations have been able to use their economic power and political resources to strongly influence, if not dictate in some cases, MOF policy making and regulatory functions. Labour unions representing forestry workers have also frequently allied themselves with industrial logging interests in pressuring the MOF to maintain volume-based harvesting policies. These three interests, i.e. major forest corporations, forestry union workers and the MOF, have benefited most from the economic and policy context of the Province's forest sector.

Challenging the dominant power structure

The CRB's existence and operations directly challenge the domination by the major forest companies, organized labour and the MOF of the province's forestry sector. By exercising its review function of forest plans and operations, the Board disrupts the privileged status historically held by these three.

> "The CRB's situation is much more complicated and nasty than other provincial-community cooperative management boards because forestry is involved."
>
> Senior official, MELP

Information networks organized and managed by the CRB expose existing power relations, governance arrangements and management objectives to public scrutiny. The Board's policy and decision-making networks hum with collective debate on the social, economic and ecological objectives linked to the region's resource system. The Board's mandate prioritizes the protection of aboriginal interests related to forests and forest habitat and the development of sustainable forestry based on ecosystem integrity and enhanced community control. Thus, the CRB threatens a long-term institutionalization of power sharing capable of breaking the MOF-corporate dominance. Indeed, according to most interviewees, the significance of this perceived threat sparked the introduction of a containment strategy for Clayoquot Sound. This meant, for example, that significant changes to forestry operations would only be permitted in the Sound. Thus, shortly after the government accepted the Science Panel Recommendations (SPRs), which called for the strengthening of ecological and community values in forestry operations, the Province announced that their application would be limited to the Clayoquot region (BC, 1995).

> "What have we learned from the CRB experience? 'Never again!' I hear it all the time around here."
> > Senior official, MOF

Misinformation campaigns and scapegoating the CRB

Some interviewees also believe the major forest companies and the MOF retaliated against Board operations by using, or tacitly supporting misinformation campaigns to discredit the CRB. For example, when the government accepted the SPRs in July 1995, rumours were widely circulated that the Board would demand their full implementation within 6 months. This would cause severe disruption to the industry and hardship for local forest workers and businesses. In truth, the Board engaged in extensive consultations with the MOF, Science Panel members and forest companies and produced an set of interim guidelines that laid out a more measured rate of implementation (CRB, 1995a). Potential impacts on local employment levels were of key importance to the Board as it weighed these concerns with SPRs calling for hydroriparian protection and reduced rates of watershed cut (CRB, 1995b). Yet, according to interviewees, exactly 6

months after the introduction of the SPRs, cutting permits coming before the Board had stopped.

> "It's interesting that exactly when the major forestry companies said the CRB would start applying all the Science Panel Recommendations to forestry operations (by January 1996), cut-block permits stopped coming to the CRB. They just dried up. It made it look like we were to blame for everything."
>
> CRB member

Contrary to suggestions that the Board was trying to stop further logging, the CRB had been warning the government as early as November, 1995 of a potentially significant slow down in operations due a falling off of harvesting proposals submitted by tenure holders (CRB, 1995b.).

The major forest companies have continued to label the Board as "obstructionist", e.g. creating obstacles to economic development in the region. For example, even though a number of complex, global factors underlie the sharp downturn in B.C.'s forest economy since 1996, this slump has been used to scapegoat the Board. Business and labour's political and economic resources have been used to forcefully articulate a negative image of the Board to the government and public.

> "The Board has had to deal with considerable negative publicity from the forestry sector. But I don't go along with blaming the Board for everything."
>
> Staff member, MOF

> "You see the (forestry) corporations pointing fingers as the CRB all the time. Yes, there are things the Board can improve on, but there are many reasons the forestry companies are having trouble. It's lazy and simplistic to just blame the Board."
>
> Former staff member, forestry corporation

The behaviour of the forest companies reflects a pattern documented by Yaffee (1997) and Ostrom (1998). Interests opposed to cooperative initiatives try to disrupt the process

by ascribing "malignant intent" to their "opponents", exaggerating differences and attacking reputations. This sets off a series of negative effects that diminishes trust in the process and among participants. Hard-won gains can easily unravel. As LaPorte and Metlay (1996) have recently observed, trust is a crucial but fragile commodity, even within relatively stable and transparent processes.

4. Lack of Clarity of Purpose for the CRB

Provincial and corporate resistance to power sharing with the Board has made it difficult for the Nuu-chah-nulth and the Government to reach agreement on the Board's core purpose. This has generated uncertainty on the CRB's overall goals, powers and direction. Without agreement in these areas, long term commitment for the CRB process from senior government levels has been hard to obtain.

> "In a nutshell, the question was: do we want the CRB to focus on setting broad priorities for the area, engaging in a more general public planning process and overseeing implementation or do we want them to look at and act on specific approvals and issues coming forward from government ministries? We never resolved this."
>
> Senior official, MELP

> " 'Get it [Clayoquot Sound] off the front page!' That was the most important purpose people had for the Board initially. After that, there was confusion and disagreement."
>
> Former senior official, MAA

A legacy of tension and uncertainty

Both Nuu-chah-nulth hereditary chiefs and the government differed in their beliefs regarding appropriate powers, focus and direction for the Board, e.g. whether the Board was a long-term resource decision-making body or an elaborate, short-term advisory process. Specific to forestry, parties were unclear if the Board was a short-term crisis intervention measure, an intermediate term community forest initiative, or a valuable experiment in developing long-term regional management. Within the provincial government, there was no consensus beyond the hope that the CRB would orchestrate a

cease-fire to the "war in the woods", allowing logging to continue and problems to be contained locally. The government was also desperate to show some success with its newly introduced multi-party approach to regional planning. Yet, ministries like the MOF were not "on board" with augmenting community influence in planning and management. The resulting conflict within government over the design, powers and purpose of the Board weakened its effectiveness and institutional linkages. For example, the government's "containment" strategy for Clayoquot Sound meant the Board remained cut-off from Vancouver Island's Inter Agency Management Committee (IAMC).[6] This deprived the Board of valuable input and assistance on strategic and operational issues linked to regional land and resource use. Lack of role clarity for the Board has also left its relationship with the municipalities of Tofino and Ucluelet poorly articulated. For example, First Nation's interviewees expressed dissatisfaction that the Board has no input on resource management issues within municipal boundaries, while municipalities have a major voice in the CRB process and thus, in land-use decisions within traditional aboriginal territories.

The Central Region chiefs were also unclear on the specific roles and powers the Board should have. First Nations themselves were in the early stages of developing their own internal governance structure and policies. Coupling this uncertainty with a high level of distrust of government created a tense climate during both rounds of IMA/IMEA negotiations. According to participants, any indication of unilateral action or perceived violation of trust by the Province blew up into a major issue. This tension made it difficult to discuss specifics about the CRB and thus, important issues were poorly developed. The lack of clarity persisted during the implementation phases of both the IMA and IMEA. Neither the Government, nor the Nuu-chah-nulth seemed willing to commit to a joint process to move the Board in a more constructive and unified direction. The parties had to manage new and complex arrangements for which they had little

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[6] The IAMC is composed of senior managers from a number of provincial government ministries, including Forests, Environment, Agricultural, Energy and Mines, Tourism and Small Business and Transportation and Highways. It is a strategic policy body that establishes priorities for land use planning, oversees the government's land and resource management process, and manages the government's protected area process. It is presently responsible for coordinating the long-term implementation, monitoring and review

previous experience. Both sides focused less on imposing their own concrete definition of the Board's purpose and level of authority, and more on preventing the other's definitions from gaining prominence. This continued lack of clarity has had serious implications for the Board: the CRB's attempts to enforce its decisions have been undermined. For example, during 1999, the Board was roundly criticized for not playing a stronger role in preventing a blockade of logging operations on a CRB-approved cut-block. In fact, roles and responsibilities for dealing with this situation were unclear but should have been shared by a number of parties including the government. The experience, according to interviewees, has decreased some Board members' willingness to risk further controversial decisions.

> "I am aware that government actions outside of the process have left some Board members feeling "burnt". They feel like they stuck their necks out and the government wasn't there to back them up."
>
> Bob Peart, CRB provincial co-chair

With an uncertain role in the referral process and continued government and industry resistance to stronger environmental standards and community input, the Board's operations became *de facto* more regulatory in nature. However, lack of agreement between the government and the Central Region chiefs on this direction for the Board has prevented commitment of adequate resources and legal regulatory status. The resulting confusion and fragmentation of responsibilities and authorities has led to slow, and at times, inconclusive decision-making during the CRB's review of permits.

Lack of clarity among CRB members

My research also indicates that the Board has been blocked from moving forward since members' perspectives still vary widely on its role and level of authority. Some see the Board as a quasi-regulatory body, promoting change through pro-active decision-making and local policy formation and implementation. Others see it as an advisory body, capable of blocking projects, but not guaranteeing their implementation. Another opinion sees the Board as a release valve on a pressure cooker: local interests blow off steam,

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of the Vancouver Island Summary Land Use Plan. Since Clayoquot Sound has its own planning and management process, it is not included in the Vancouver Island Plan.

which allows the government to manage conflicts quietly. Interviews and CRB meetings revealed that the lack of role clarity constrains risk taking and problem exploration by members. Moreover, confusion over the Board's role and powers extended into defining appropriate roles for the provincial appointees. They received little guidance from the government as to how to integrate perspectives from the local to the provincial, and how much decision-making authority they could exercise. This ambiguity may have reduced members' confidence in approaching community residents. The provincial government's letters of appointment to CRB members focused primarily on ensuring equitable representation from all Clayoquot communities and a balance of these interests in decision-making. There was no indication of what the Provincial interests were and how best to represent these in a community-based forum, apart from the CRB acting as a type of honest broker in discussions and decisions (BC, 1997b). Many interviews and documents stressed that the government needed to provide the provincial representatives much earlier on with a clearer understanding of what its expectations were. Even after two years, the Board was still having special meetings with senior officials to clarify this issue. As two government officials concurred,

> "We didn't give our provincial co-chair, nor our reps any direction."
>
> Former senior official, MAA

> "We should have spent more time up front saying here's your roles and responsibilities, and here's what we think you should do. Now use your discretion and begin to represent your interests as more than just a local constituency. Adopt a corporate view. Government brought this problem on itself."
>
> Senior official, MELP

Without appropriate guidance, and in response to the urgent, ongoing need for a more rigorous local review process, Board members lost connection with Clayoquot communities as they became immersed in referral details.

Only in the last year has a consensus and a willingness begun to emerge among the Provincial Government, the Central Region Chiefs and Board members to see the CRB incorporate more pro-active strategic planning into its operations. Yet the question of the

Board's role in regulating resource activities remains unclear, as does its relationship with the municipalities of Tofino and Ucluelet.

5. *Difficulties in Establishing Information Orders: Power Sharing Issues*

At the heart of a collaborative venture is an agreement on how to collect, process and share information. Criteria and standards for data quantity and quality, information collection, processing and dissemination must be jointly established. Case studies point out that high quality research and decision-making depend on these information protocols or "orders". Information orders form the basis for coordinated actions, efficient use of resources and trust building (Nathan & Mitroff, 1991; Gray, 1990). Yet, the Board has faced significant difficulties in establishing these. Scientific uncertainty, multiple and often divergent interests and power struggles complicate efforts. There are often diverse perceptions, assumptions and agendas influencing problem-definitions, trust levels, research priorities, funding allocations and information management.

> "We don't know our own house. We still don't know the way information comes in our doors, moves through our rooms, and goes out of our house."
> CRB and Planning Committee member

The following details a number of challenges related to power sharing that the Board has faced in trying to establish information orders.

a) **A Regulatory Vacuum**. Struggles over sharing provincial decision-making authority with the Board have resulted in weak or absent regulatory frameworks in two key resource areas. First, in forestry, the Board had to function during its first two years without revised operational standards to guide its reviews of cutting permits. Even after the government accepted the Scientific Panel Recommendations (SPRs) in July 1995 as a new standard for forestry practices, uncertainties in interpretation, e.g. of wildlife habitat, have bogged down the creation of an information order. Without clear guidelines, not only have Board reviews been slowed down, but tenure holders have also been slow to create new Forest Development Plans. Moreover, since the government has not given the

SPRs legal status, parties must also ensure compliance with the provincial Forest Practices Code. This complicates the creation of a unique information order.

> "We've been trying to interpret the Scientific Panel Re-commendations in way too much detail. We've all fallen down on the job, not just the CRB. We need some agreement on how far to go."
>
> Senior official, MOF

Second, in the area of finfish aquaculture, the government's moratorium on open-pen operations and inability to decide on changes to the existing regulatory environment has left the sector in limbo. The Board has been concerned that, in facing tenure renewals, it has been asked to make recommendations on aquaculture issues without sufficient information on siting criteria (CRB, 1998b). Any initiative it makes to implement locally appropriate policies may contravene future government regulations.

b) **Professional Elitism.** A productive working relationship where people can admit to their errors and seek assistance to fill knowledge gaps is essential for strengthening information orders. However, the relationship between Board members and government and industry staff is strained by mistrust. Suspicions of negative intent are reinforced when information is not shared freely with the Board. According to interviewees, a major source of tension at CRB meetings is derived from the watershed planning process where conflicts between CRB community representatives and the Ministry of Forests and Environment are at their highest. Poor relations from this venue spill over to the CRB process. This reflects LaPorte and Metlay's (1996) observation that an erosion of trust from one experience can easily undermine trust building in other processes.

Underlying these tensions is a fundamental cultural difference and power struggle between resource professionals and community members. This dynamic has been well documented by Flyvbjerg (1998), who details the way professional associations and government agencies seek to protect and enhance their interests

by controlling information production and management. Berry *et al.* (1998), in their studies of forestry and rangeland planning processes in the U.S., have also documented how top-down agency actions are justified by claims of scientific objectivity, which "become tools in a contest to exert or regain control over 'unreasonable' or 'uninformed' 'opponents' ".

> "With all due respect, the CRB goes into a level of technical detail that's not appropriate for 'lay people'. They have to start accepting that this is objective scientific information … we aren't looking to trick them. We need clearer guidelines for CRB information requests and for the (watershed) planning process."
>
> Government staff member

The Board's meetings and workshops force professionals to share their information with less highly trained individuals. This has exposed gaps in the professional's work that can threaten the status of both the professional and his/her employer. An open sharing of information may also expose resource professionals and their agency and industry employers to demands for changes involving undesirable or uncertain trade-offs. According to interviewees, the culture of professional elitism is particularly insulting to the Nuu-chah-nulth who have a strong tradition of information sharing.

6. Exclusion of the CRB from Provincial Policy Making

The Board has often had to struggle to remain "in the loop" of relevant provincial policy discussions. According to interviewees, this is a direct result of the government's "containment" strategy for Clayoquot Sound; the Board was cut-off from the Vancouver Island regional planning process. This weakened the Board's ability to form policy alternatives that could address broader regional issues and thus, gain broader support. The Board's isolation from regional planning forums also limited recognition for its work and successes. Moreover, within government offices in Victoria, the Board is still seen as an administrative body by many ministry personnel. Thus, it faces the traditional bureaucratic problem of crossing over into another department's "turf".

> "There's a big separation between the policy and operations divisions in the provincial government. Policy people create this sub-culture that isolates them from the real world. So, they're less likely to listen to the Board."
>
> Former provincial policy analyst

The Board may also be excluded from provincial discussions for strategic reasons, or simply passed over due to geographic distance.

7. Lack of Clear Guidance from the Central Region Chiefs

The CRB process has given the Central Region Chiefs an unparalleled degree of power sharing with the provincial government on land and resource use. To guide all participants, the Nuu-chah-nulth have evoked their holistic approach to resource management expressed as, *Hishuk ish ts'awalk* – "everything is one", promoting mutual respect for all people and all life forms. This philosophical emphasis has helped to install cooperative values at the core of the Board's structure and activities. For example, the Nuu-chah-nulth have never used the double majority provision for CRB decisions, choosing instead to build consensus among all CRB members. Moreover, during the Board's creation, Nuu-chah-nulth leaders pressured the government to ensure that the CRB's provincial representatives came from Clayoquot's non-aboriginal residents, instead of government bureaucrats or technical experts. Yet, according to interviewees, the CRB's collaborative process has also created significant challenges for the Nuu-chah-nulth. The chiefs and their associated political structure, the Central Region Tribes (CRT) must also define how best to relate with the Board to ensure that the CRB's operations and influence support their own economic and cultural aspirations. The issues are complicated and in the early stages of development: Ingram (1994) points out that two centuries of political disenfranchisement and neo-colonialism severely hindered B.C. First Nations from developing they're own modern governing systems with policies relating to resource management and power sharing. The Provincial Government's ambiguity regarding the Board's core purpose has also complicated matters. Thus, the chiefs have not always been forthcoming with clear policy directions for the Board.

> "Initially, we saw the Board as a way to stop the removal of our resources. We also wanted the Board to help us explain our concerns and perspectives to the white community. This has happened. But now we and the Board are dealing with complicated problems that take time to resolve."
>
> Central Region Chief

Beyond the initial vision for the CRB, there has been little guidance to Board members to help create a unified vision and common direction. In fact, it has been, in part, the evolution of the CRB that has stimulated the CRT into working out aspects of its political structure and policies. According to First Nation interviewees, both the negotiation and implementation of the IMA and IMEA have provided key opportunities for the five Central Region Tribes to evaluate and organize their individual and collective political structures and processes.

> "We have to look at a lot of issues when we work together. Culture and history play a big part. We had chiefly kingdoms in this part of B.C. Now, we have to make sure the chief has enough control so he can support his people again."
>
> Central Region Chief

Contentious issues arise regarding the costs and benefits for each of the tribes in cooperating in a regional structure rather than acting on their own behalf, i.e. on resource management initiatives or in joint business ventures. For example, historically the governance system over land was self-contained to a large degree. Land was held in chiefly kingdoms, sometimes covering large amounts of territory. A chief had an obligation to ensure the well being of his people by exercising his authority over the use and conservation of resources in his territory. For the present-day tribes, they must find ways to balance the continued desire for a degree of chiefly autonomy with the need to forge strategically beneficial collaborative relationships among themselves and with other non-aboriginal parties.

Tensions from differences in political culture

Tensions also arise when Board members try to balance organizational and democratic goals with values emphasizing respect for differences in political cultural. For example,

the chronic absence of a First Nation's representative from Board meetings constituted a significant problem for the CRB. Technical training and informed community input requires regular participation. Yet, this problem persisted for at least three years. It took a long-term change in the larger political context of the community involved to replace this member. Some interviewees also expressed concerns that the increasingly complex and growing information demands on Board members is overwhelming the ability of one of the First Nations elders to cope. Other tensions have arisen when the Board's open debate has revealed internal differences within and among First Nation's communities, e.g. in the area of fin fish aquaculture. First Nation interviewees indicated that this kind of exposure has been uncomfortable for some of them, since it challenges their traditional political culture of non-interference. There were also concerns that others may exploit signs of internal disunity to the detriment of their communities. These kinds of issues require time and appropriate mediation to resolve, allowing for the emergence of a new joint political culture.

The development of Nuu-chah-nulth institutions

The development of the Nuu-chah-nulth's political and economic institutions is presenting another challenge to the Board's model of community-based collaborative governance. Some non-aboriginal community members think there is a wavering of commitment to the CRB process as the Central Region Tribes develop other avenues for asserting their rights. Indeed, since the Board's creation, the Nuu-chah-nulth have taken major steps in increasing their influence in local economic development initiatives through the treaty process and through the start-up of the Ma-Mook Development Corporation and Iisaak Forest Resources Ltd. These financing and business ventures have their origins in the economic development agreement that formed an important part of the IMA and IMEA. Recent rulings from Canadian native law cases have also strengthened the Nuu-chah-nulth's hand to influence resource management decision-making in their traditional territories (*Delgamuukw*, 1998). During my interviews, some non-aboriginal interviewees were concerned that the First Nation's would use their newly found power and the treaty process to by-pass the CRB in meeting their political and economic objectives.

> "On occasion in the meetings, one of our lines of questioning was stopped dead in its tracks because one of the First Nation's members said it was an internal matter that the Chiefs had to resolve. I respect their concerns, but the CRB will only function if there is open discussion. So when this happens a couple of times, it's a bit worrying. All parties need to decide what's appropriate for open discussion, what should go into camera, and what should go to the chiefs. Otherwise, it creates doubt for us."
>
> CRB member

My research also revealed that non-aboriginal communities fear the Board could end up marginalized with little power to influence resource management decisions. In this scenario, the Board would become irrelevant, with little influence on shaping the Sound's economic and social future.

> "The Board was totally by-passed in the Nuu-chah-nulth-MacBlo joint initiative. The communities have to first come to agreement amongst themselves on governance, ownership and allocation. The CRB can help in this. Then they can go to the government and corporations. The way things are happening now, the process has lots of back doors that prevents commitment by First Nations and industry to channel issues through the CRB where economic development promoting all residents would be debated."
>
> Director of Clayoquot-based organization

In a recent address to a multi-party forum in Tofino on creating sustainable forestry, Dr. M'Gonigle, the Eco-Research Chair in Environmental Law and Policy from the University of Victoria pointed out that the new challenge for the First Nations is "to make the transition from gaining power to distributing power" in order to revitalize both native and non-native communities (CRB, 1999f). First Nation's interviewees have sought to allay these concerns, stating they are dedicated to the CRB process and see it playing a central role in how they define resource management in terms of their own needs and perspectives. However, the perception of flagging Nuu-chah-nulth commitment to the CRB process creates a major challenge to the Board's credibility.

1. Create a Collaborative Culture on the Board

From the Board's inception, the co-chairs and government supporters knew that in order to gain a share of decision-making power with the Provincial Government, the Board had to forge a unified voice among its disparate members. Despite a careful selection of people who appeared able and willing to work together, feelings still ran high coming into the first CRB meeting. The most apparent tensions existed between some aboriginal and non-aboriginal members, and between environmentalist and those supporting industrial logging. The co-chairs moved swiftly to create a collaborative culture by employing four decisive tactics:

a) **Create a breathing space:** Earlier multi-stakeholder processes in Clayoquot Sound had failed due to a large extent on poor process. Participants' perspectives quickly hardened into polarized positions as they were forced to immediately deal with controversial logging permits before "ground rules" and long term goals had been established (Wilson, 1998). The CRB co-chairs sought to avoid this pitfall. They knew that antagonisms could be easily inflamed in the tense atmosphere of August 1994 when the CRB first met. Thus, the co-chairs worked with key government officials to obtain a general agreement to hold off from bringing specific decisions in front of the Board. As a result, CRB members gained a short breathing space of a couple of months during which they began forming a collective vision of the Board's overarching role and they started training in consensus decision-making.

b) **Foster team building:** The co-chairs moved quickly to build cooperation and trust among CRB members. They organized educational sessions to increase understanding of and appreciation for the consensus decision-making process and First Nation's perspectives These early sessions were key to breaking down entrenched patterns of isolation and misunderstanding between Clayoquot's aboriginal and non-aboriginal people. New understandings were forged among all members, as trust, mutual respect, and tolerance grew. Putnam (1993) has referred to these latter qualities as 'civic virtues', and

underlined the importance of fostering them to strengthen consensus-seeking democratic processes. Board members attested to their development of these virtues:

> "You'd be amazed. The same individuals who couldn't sit at the same table together a couple of years earlier are working cooperatively now. We still have our differences, but there's respect now and room for accommodation."
>
> CRB member

c) **Establish a "level playing field":** The Board was constituted to make decisions by majority vote. Although the double majority provision gave the First Nation's an important leverage with the Province, the co-chairs saw the majority voting system as potentially aggravating old, divisive patterns: interests could be excluded from or ignored in final decisions. Thus, the co-chairs worked with CRB members and the Nuu-chah-nulth leadership to adopt consensus as the Board's decision-making rule. Even though this form of decision-making honoured the Nuu-chah-nulth's own political traditions, there was initial resistance from some First Nation's members. They were reluctant to let go of their hard won voting privilege. However, the First Nation's co-chair provided strong leadership by convincing Nuu-chah-nulth political leaders of the benefits to be gained from forging a united voice at the community level through a consensus process. Moreover, the double majority provision would not be eliminated; it would remain as a measure of last resort.

d) **Build a solid track record:** The co-chairs' focused attention on meeting the 30-day time line for permit review set out in the Board's constitution (the IMA). In so doing, they helped Board members focus their energy on meeting a key performance indicator and gain confidence in working together. Indeed, despite capacity constraints and contrary to accusations that it obstructs review approval, the Board has achieved a near perfect record throughout its existence for completing referral reviews within its mandated 30-day period (CRB, 1999e). This, as admitted by government staff, is significantly faster

than many government agencies. Moreover, of the 88 referrals to the Board, 38 were approved outright (43%), 46 were approved with conditions (52%), and only 2 were rejected (2%) (another 2 were withdrawn by the applicant due to them being incomplete). Reviews that ended in conditional approval have occasionally been indecisive, requiring subsequent modifications and re-submissions. While some of these conditional approvals needed 6 months to a year for completion, on average, the Board has taken two months to finalize ongoing processes.

Over the years, the Board has continued to build trust among its members and foster learning and reflection. This has often resulted in members redefining their interests. As one member observed:

> "Over time, as the Board has grown in its experience, I have learnt a great deal about other communities other than my own. I now have a much better sense of what's needed for Port Alberni, Ucluelet, and Ahousaht, Hesquiaht, etc. I didn't start my experience on the Board with that knowledge. Now, however, I am bringing more of that knowledge to my decision-making, so that I'm attempting to represent as much as I know about all of those different interests. There is economic activity in all sorts of different sectors and I have to be cognizant and conscious of all those different sectors and how a decision I make on one thing will not only affect the people in that industry, but will have other repercussions at the community level. I try to make the best decision I can with all of those factors in my mind."
>
> CRB member

This success in overcoming acrimonious relations among Board members has also been noticed by others:

> "The board is much more mutually supportive than they ever were before. It used to be very polarized. The incentive to take part was weak. There was no sense of ownership, and there was fear and mistrust of other members. Now they say things like 'we think the board is working very well' and, 'we're here as the board to talk to you people of government about how to improve the Board'. We're even seeing the mayors of Tofino and Ucluelet working well together on a Board-sponsored project (the UNESCO Biosphere).

2. *Prioritize Aboriginal and non-Aboriginal Community Collaboration*

To bring a share of decision-making power to the community level, the Board has prioritized creating and supporting collaborative processes between the aboriginal and non-aboriginal residents of the Clayoquot region. This strategy has enhanced the CRB's legitimacy, influence and effectiveness.

> "The willingness on the part of the First Nations and the local communities to work together, not just on referrals, but to try to come up with some solutions to sustained problems that would work for the region as opposed to maintaining a division among the communities, was something that gave a life to the Board that the Province had not anticipated."
>   Senior official, MELP

From the start, the first co-chairs knew that joining First Nations' legal power and knowledge with non-aboriginal experience and resources could help local communities better pressure the government for desired changes. The Board's strategy was built on a foundation laid by the central region chiefs. The chiefs saw early on that Clayoquot's non-aboriginal peoples had more interests in common with the Nuu-chah-nulth than with the Province. They also saw that each party had complementary strengths that, when joined in partnership, could propel them farther than if they acted alone or in competition. Therefore, during the creation of the Board, the chiefs had advocated for the inclusion of community members as provincial representatives. As interviewees noted, this won the chiefs political capital in the eyes of the non-aboriginal communities. By fostering cooperative relations in a shared forum, interviewees also claimed the Board has provided a successful institutional alternative to the Technical and Regional Advisory Councils in the treaty process. These councils, operating in other areas of B.C., have been criticized for their inherently divisive structuring of non-aboriginal-First Nations relations. Interviewees believe that the Board has had greater success at resolving contentious resource-related issues than these councils.

3. Develop Multi-party Collaborations

With community and Nuu-chah-nulth backing, the Board knew it could present itself to the government as an effective alternative policy partner to the corporate sector. The CRB also clearly understood that pressure exerted on government from a number of sources toward the same end would more effectively influence policy, and thus, help the Board overcome many of its political obstacles. Both tactics win the CRB a greater degree of decision-making power in management processes. Thus, a central strategy of the Board has been to build community-based multi-party collaborations capable of generating joint solutions to public policy dilemmas and the collective pressure required to seize the government's attention. These initiatives have also involved government agencies and corporations. As interviewees observed, even in the face of government opposition, solutions supported by the majority of relevant parties are difficult for government to override.

> "The CRB has got to get proposals in front of the government that have the communities and business on side. The government would be hard-pressed to justify standing in the way of that. Community unity provides a strong democratic balance to ministerial 'paramountcy' in our parliamentary system. In fact, the demonstration of a strong local partnership can actually make the government's job easier."
>
> Provincial treaty negotiator

Using multi-party dialogues to build local collaboration

The Board has chosen multi-party dialogues as a principal form for building local collaborations. These dialogues bring formerly antagonistic parties together in structured forums. Here they learn about each other's values and concerns and seek ways to align their interests through the creation of common problem definitions, goals and objectives. Parties discover new ways to cooperate as they plan out action steps and make mutual adjustments. Joint learning and problem solving are used to reduce or manage risks and to maximize benefits, such as resource sharing and establishing information protocols. Knoepfel and Kissling-Naf (1998) underline the fundamental importance of social learning processes among diverse stakeholders to move them towards collaborative

outcomes. Pinkerton (1994) stresses the primary role of social learning among different stakeholders to discover new ways of working together and in so doing, moving beyond the "prisoners' dilemma". Braithwaite (1999) emphasizes the central role of "communities of dialogue" to better address public policy issues. Roling and Wagemakers (1998) refer to these processes as fostering a "learning community", and argue that establishing a "learning community" is a key objective for long term resource management. They point out that, when structured appropriately, these dialogues give rise to the ideas, technologies and social organization and efforts necessary for achieving sustainable resource use. The skills and social cohesion developed through such collaborative processes provide a community with the individual and group resources necessary to meet present and future environmental challenges.

Indeed, many informants attested to the CRB's success in creating new, more stable relationships and mechanisms in the region for tackling sustainability issues and common property resource dilemmas (e.g. conservation of watershed ecosystems, development of aquaculture). Although these processes are relatively new in the region, interviewees pointed out that CRB-sponsored multi-party dialogues have already broken down many stereotypes. Narrow, negative preconceptions of groups and individuals are being replaced by greater interpersonal knowledge, common understandings and positive working experiences. Through these efforts, trust has been building slowly. Ostrom (1998) has observed that reciprocity, positive reputations and trust are key qualities necessary for resolving common property dilemmas. O'Toole (1997) has also observed that long lasting collaborations succeed by establishing a sense of mutual obligation among participants to maintain and strengthen the process. The Board is achieving some success in this area: it is helping parties move forward based on a growing sense of individual, organizational and community responsibility for identifying joint problems and achieving shared objectives.

> "The CRB is getting people to work together in a sensible and constructive manner to deal with contentious issues: we can never forget how explosive things were in those days. The Board has done a remarkable job of continuing to work reasonably effectively internally and externally with all the parties. There's more stability and trust."
>
> Senior official, MELP

Using information workshops

A principal mechanism used by the CRB to implement its collaborative strategy has been the informational workshop. The Board has hosted numerous educational forums that have brought together a broad cross-section of interests in the areas of aquaculture, oyster and shellfish harvesting, cedar salvaging and sustainable forestry. For example, the Board's recent multi-party forum on sustainable forestry in Clayoquot Sound drew over 120 individuals representing local and First Nations' communities and perspectives from the provincial, national and international level (CRB, 1999f). Participants took the first steps in building a collective strategy for implementing sustainable forestry that would be both innovative and pragmatic. Opportunities, challenges, incentives, roles of participants and specific recommendations were identified, debated and presented. The Board is now tasked with formulating an action plan based on this input.

Supporting multi-party negotiations

A second mechanism the Board has begun to use is to support direct negotiations. It is acting as a mediator and catalyst in some resource conflicts, e.g. finfish aquaculture. The CRB is helping business groups view an increased level of cooperation with environmentalist and First Nations as a means for attaining their corporate interests.

> "Some businesses view working with the Board as an avenue for gaining greater official and social recognition. This gives them greater legitimacy with the community and can help them in later dealings with the Board."
>
> Management Consultant

The Board has taken a strong mediation role in the area of salmon aquaculture. Board members are directly involved in supporting negotiations among fish farm operators, First Nations and government. The CRB has provided a mutually agreed upon facilitator and administrative and organizational support to help create and operate a working group. The CRB is helping the government and parties scope out significant problems, set directions and establish a structure to implement joint plans and technical initiatives such as research. As a CRB staff member observed:

> "The Board provides a valuable storehouse of experience. We are able to get all the background politics worked out so that productive, positive outputs can be achieved."

The Board has received praise from all parties for being instrumental in establishing a working protocol and clear mandate for this group. Moreover, the government is funding research through this body, which gives it a degree of community approval not previously attained. The research can potentially help the government answer general questions for the rest of the Province. Thus, the Board's collaborative efforts are saving the government and other parties both time and money in terms of research coordination, the sharing of physical assets, conflict prevention and reduced communication costs

Becoming a community information resource

Building collaborations is fundamentally based on information sharing. Thus, part of the Board's strategy has been to develop its capacity to serve as a public memory bank and information resource. The Board produces, stores and disseminates information and knowledge related to sustainable resource management in general and to specific issues for Clayoquot Sound. This is shared among government, the public and the private sector in the form of mail-outs, open CRB files, an in-house library and a newly established web-site.

4. Serve as a Policy Broker

The Board has used its mandated rights and scope of operations to occupy more than just a spot in the provincial review process: it has positioned itself strategically at the centre of regional networks dealing with resource governance. O'Toole (1997) and Rhodes (1998) define governance networks as diverse structures of interdependence involving multiple organizations which debate, influence, make and/or implement public policy. Coordination and order in governance networks are created and sustained primarily through relations of trust, reciprocity and shared goals among participants. This is in contrast with the more traditional hierarchical mode of governance, which imposes order through state authority exercised by dominant bureaucracies. It also departs from market modes, which use exchange relations to coordinate actors (Rhodes, 1998). From this

central network location, the Board oversees and influences key policy intersections between Clayoquot Sound's communities on the one hand, and provincial, federal and global actors on the other. The Board exerts its influence by shaping the kind of information exchanged among parties and who meets with whom. The CRB also keeps apprised of debates and decisions occurring within government. In this manner, the Board couples problem definitions, ideas, solutions and political actors together at times when opportunities, or 'windows' for change occur. In this sense it acts as a policy broker (Kingdon, 1984). The Board uses this role to promote specific new policy outcomes that favour its collaborative agenda. The Board's active role in supporting the nomination of Clayoquot Sound as a UNESCO Biosphere is a good example of its policy broker role. The Board also brokered a new policy for shellfish aquaculture that ended the existing moratorium. By changing the government's perception of the issue and building local support, the Board was able to overcome ministerial fragmentation and turf wars at the bureaucratic level.

> "The government couldn't get beyond looking at this (shellfish) as part of the general moratorium on aquaculture. We finally changed their way of thinking about it by explaining the differences between the two and demonstrating local support for our idea. We showed them how they could stop walking into the wall and walk through an open door by adjusting their focus a little."
>
> CRB staff member

The CRB has also recently led the crafting of joint policies with three government agencies to exempt certain activities from the Board's review process. First, with the Ministry of Energy and Mines, a "minimal impact" mineral exploration policy was elaborated. Criteria for community and ecological values determine a "minimal impact" standard and the conditions under which exempt activities could occur, e.g. protection of hydroriparian areas, no road or trail construction, adequate First Nation's consultation, right of future permit review, etc. (CRB, 1999d). Second, the Board and the Ministry of Forests have worked out an agreement to exempt salvage permits from Board review. Finally, BC Parks and the CRB have agreed to a system whereby Parks will send an

annual summary of park use permits in the Clayoquot drainage to the Board, rather than have the Board review each permit application separately.

First hand knowledge of policy implementation

The Board's credibility as a policy broker is enhanced by its first hand knowledge at implementing policies. Discussions during CRB meetings and community workshops highlight constraints that prevent mutual benefits from emerging, e.g. fragmented approval processes, uncoordinated funding mechanisms, limited issue agendas. Freeman (1997) points out that the kind of dialogue collaborative governance fosters exposes legal or policy limits of an existing system and can indicate an appropriate scope for these dimensions that will support positive outcomes. By communicating such discoveries to Victoria, the Board's model of collaborative governance constitutes a valuable resource of information for the Province. However, the Board still faces considerable continuing opposition from resource agencies, principally the MOF, to its role as a policy broker. The Board's initiatives require a level of inter-agency cooperation and policy integration that challenges the MOF's traditional operating practices.

5. Use Access to Information Rights

Clause 11 of the IMEA, giving the Board access to "sufficient information to make informed decisions" constitutes one of the cornerstones of the Board's power and has enhanced its political status and influence.

> "Access to information puts the Board in a league of its own. That and its right to recommend permit rejections. It separates them from any other provincial initiatives with communities and First Nations. It's made a lot of people uncomfortable around here."
>
> Senior government official

In the early years of the Board, the right to information provided members with a critical lever to overcome weaknesses in local technical and procedural knowledge. By focusing on the operational details of permits, members built an information base that challenged

government and industry dominance of technical knowledge and, thus, decision-making. This was particularly important for the Nuu-chah-nulth.

> "Focusing on technical details created a breathing space for the Nuu-chah-nulth. They could begin to overcome historical and structural disadvantages to their training and education. Shared governance of resources has demanded an understanding of a broad range of issues over a longer period of time that taxes their capacity to participate effectively. Board members needed time to strengthen their expertise and knowledge so they could challenge industry or government data. Otherwise, the Nuu-chah-nulth probably would have resorted to adversarial options to serve their interests."
>
> Former government official

Clause 11 continues to provide the Board with an important lever for influencing the review process. For example, the Board has often faced considerable difficulties in adequately assessing applications within the 30-day timeline due to information shortages or poor government presentations. Recently, however, the Board invoked Clause 11 to justify setting the terms for when the clock would "start ticking". In a letter to key government agencies, the CRB notifies them that "the Board will not commence the 30-day review period until it has sufficient information to make recommendations" (CRB, 1999c). The Board then goes on to define the information content and processes necessary to meet the members' needs.

Additional advantages and a shortcoming

Even with the introduction of the Freedom of Information (FOI) Act in 1996, the Board's right to information access provides it with other advantages. Clause 11 represents a government commitment to information sharing that facilitates communication with the Board through formal as well as informal channels. As well, the CRB receives and can respond to information at more strategically important times than possible using FOI requests, i.e. during government policy formation. However, as Flyvbjerg (1998) and Pinkerton & Weinstein (1995) point out, information is an important source of management power; the Board's growing information base and research capacity challenges government agencies' work and policy rationales. Given the government is

obliged to provide information requested by the Board, government resistance has taken a different form. Board requests for help in generating new information have not been supported. For example, Board efforts to start monitoring logging activities on cut-blocks have been undermined. The government has failed to provide resources for the Board to carry this out directly, and it did not support the Board's efforts to persuade forest companies to carry out the monitoring. To date, little of this activity has occurred, despite the Board's early and repeated requests, as well as its offers of assistance to develop comprehensive research and monitoring plans (CRB, 1995a). Thus, access to information is not a sufficient strategy to guarantee the Board the information it requires.

6. Strategically Reposition the Board in the Referral Process

The government initially tried to relegate the role of the CRB to that of a "rubber stamp" by putting the Board at the end of the referral process. In this position, the Board found it difficult to exert its influence: it ended up prolonging reviews even further in the final stages when time and cost pressures were already running high for the applicant. In response, the Board repositioned itself in the referral process. According to interviewees, shortly after the Board began operating it informed the government - principally the MOF - that it was to be engaged at different points early in the referral process. This was to ensure that issues of concern to the Board could be raised and responded to in a timely manner. This strategy set the Board apart from other provincial-community resource management initiatives, e.g. community resource boards. By inserting itself in the initial assessment stages for proposals, the CRB has been able to more effectively influence outcomes.

However, in some cases, the Board's influence at the referral stage may still be limited. The CRB may not be able to incorporate changes to an application it receives whose terms have already been set in a previous process run by a government agency. For example, when B. C. Assets and Lands Co. (BCAL) conducts a bid and offers the winner a tenure (e.g. for fish farms or recreational development), it is based on criteria BCAL has elaborated. These criteria may not reflect the Board's perspective or encompass important community values.

7. Establish the Board as a Regulatory Body and the Scientific Panel Recommendations as a Higher Level Forestry Plan

The Board is attempting to gain the status of a regulatory body to legitimize and strengthen its ability to influence resource use. Regulatory status would officially recognize the Board's referral process as a legal review function over the issuance of licenses, permits, etc. and create an official appeal mechanism. Since Board decisions would become enforceable by law, they would hold more weight and likely be more readily implemented. Regulatory status would also provide the CRB with greater input at the strategic level of government policy and bill making and on regulations developed under certain Acts. For example, the Board could jointly define criteria and standards for resource uses with ministry staff. In so doing, the Board could ensure such processes are inclusive of community values and build a body of locally appropriate policies. The Board has requested that the Province and the Central Region Chiefs include regulatory status for the Board as a key issue during the IMEA re-negotiations. The Board states that it requires this status to fulfill its role as a bridge to a treaty settlement and future governance structure (CRB, 1998c).

The declaration of the Science Panel Recommendations (SPRs) as part of a higher level forestry plan for the Clayoquot Region would support the Board's move to regulatory status. As part of a higher level plan, the SPRs would gain legal status, establishing them as the official operating standards. Since the Board is mandated to implement these, by association, the Board would have a degree of regulatory authority. This would help it overcome government resistance to power sharing and provide it with the "teeth" sometimes necessary to bring parties to the negotiation table to fashion collaborative solutions (Braithwaite, 1999; Freeman, 1997).

8. Enlist Support from the Central Region Chiefs

Enlisting the support of the chiefs to bring pressure to bear on the Province has been an effective strategy for the Board. As a Principal to the IMEA and with the power to convene the Resource Council, they hold a key position of influence. The Board has

asked for the chiefs' support to help convince the Province of the merits of new resource policy proposals or operational modifications for the Board. For example, the chiefs' support was crucial in establishing a new direction for shellfish aquaculture policy.

BUILDING ORGANIZATIONAL AND TECHNICAL CAPACITY

OBSTACLES

1. Lack of CRB Organizational and Technical Capacity

Many of the CRB's weaknesses stem from its lack of organizational and technical capacity. Both the IMA and IMEA lacked detail on how the CRB was to carry out its specific responsibilities. The government and hereditary chiefs (the Principals) were also vague as to their expectations of the Board's performance. Thus, according to interviewees, the allocation of resources to create Board capacity was guided mostly by financial and political concerns, rather than by an organizational needs assessment and clear performance objectives. This problem continued over the years as the Board's operations expanded to meet growing local needs as part of its broad mandate. This has created a deficit in CRB organizational and technical capacity.

> "Just look at all their (the Board's) objectives, people's expectation of their performance, and how many resources they can actually bring to bear. There's a mismatch. Limited organizational capacity keeps the Board from meeting expectations. It holds them back from improving their handling of technical issues during meetings and from conducting adequate outreach to the communities. Capacity is key."
>
> Organizational Consultant

Lack of strategic planning

Shortfalls in organizational capacity have also prevented the Board from shifting its attention to a higher level of strategic planning from which to forge common actions. From early on, members were fully aware that comprehensive, long range planning was required to promote economic development and conserve public resources. Yet, during its first four years, members were inundated with a constant stream of referrals that demanded their time (CRB, 1999e). In the four-year period from 1995 to 1998, the Board reviewed and debated 88 referrals. 51% were forestry-related, 16% pertaining to finfish aquaculture and 16% from BC Lands for foreshore uses. This demanded significant time and energy from its members to learn the associated technical and management issues.

Moreover, the majority of this learning occurred in the absence of in-house technical staff and often, poor cooperation from the government and private sector.

> "We discussed strategic planning early on. But the constant stream of referrals took priority and occupied our time. How do you carry out referrals and focus on broader questions that in and of themselves would take a lot of energy and time for discussions?"
>
> Former CRB provincial co-chair

> "We've had major learning demands on us from day one. We've had to juggle this with the many hats we wear as representatives in other processes. And a lot of our technical learning happened before Craig (CRB research analyst) was here. It was tougher, too, because the ministries and forest companies weren't often helping us."
>
> CRB member

Furthermore, the information demands for the kind of ecosystem analysis the Board conducts is huge and expensive, stretching the Board's limited resources. Time constraints create further pressure on Board staff and members. Board members point out that more preliminary work by staff would help them reach decisions in a timely manner. However, interviews with the three CRB staff reveal that they are already hard pressed to meet the many informational and organizational demands required of them. Resource constraints will become even more severe as the Board tries to expand its activities and information networks in response to its shift to broader strategic planning and operations.

Lack of monitoring

The Board's lack of capacity also means it cannot properly carry out the monitoring of the impacts of its decisions. This has made it virtually impossible for the Board to evaluate its success in meeting many of its objectives such as assessing compliance with the Science Panel Recommendations, restoring and enhancing levels of fish and wildlife, protecting stocks and reducing First Nation's unemployment. Faced with important information gaps, Board members reported they are more inclined to adopt a precautionary approach to permit approvals. In so doing, they can reduce the risk of

undetected adverse effects or irreversible negative changes. This reflects the "precautionary principle" recommended by the Science Panel in the face of knowledge gaps (Science Panel, report 5, 1995). But, without government support to increase its monitoring capacity and thus, help close information gaps, the Board has become dependent instead on up front detailed technical reviews to reduce risks and exert some oversight control.

> "If we could do monitoring? It would make me more comfortable approving some of these permits. But who's going to do it? Our staff is already running to keep up with our present information needs. And we don't have the money for the kind of long term program necessary."
>
> CRB member

Communication gaps: Low awareness of scope of CRB operations

Capacity shortfalls have also prevented the Board from creating awareness in government of the broad scope and demanding nature of its activities. This has formed a barrier in mobilizing adequate political and resource support. Based on my interviews and government correspondence with the Board, there appears to be misperceptions or an underestimation of the range and complexity of CRB operations. This is based, in part, on a geographical and cultural gap between regions and political environments. The size of the gap became readily apparent to the present provincial co-chair when he first took on his new role. As he spent time in Clayoquot Sound working with the Board, he quickly came to appreciate the enormity of its mandate. He was impressed with the diversity and complexity of issues the Board was managing, and realized few government staff or politicians in Victoria shared the same awareness. Indeed, a review of the CRB meeting agendas and minutes reveal that it has dealt with at least 33 different issue areas pertaining to resource governance. While forestry has, indeed, been a primary focus for the Board, there have been many other resource sectors and policy areas demanding member's attention. These have included aquaculture, foreshore tenures, parks planning, mining, fisheries, watershed restoration, community economic development, community and First Nation's liaison, government, industry and union liaison, UNESCO Biosphere, and CRB organizational development. An analysis of the Board's meeting agendas and

follow-up action items from August 1994 to June 1999 reveals a strong diversification of the Board's operations since its inception. While forestry issues have consistently occupied a little over a quarter (26.8%) of the Board's time on a yearly basis, aquaculture issues have realized the greatest increase in importance, from 4% to 11.8%. Employment issues and community economic development experienced the second largest increase, from 2.5 to 7.5%. Special initiatives like the UN Biosphere and the implementation of new policies, e.g. the Crown Lands Backcountry Recreational Policy have also commanded significant member attention in particular years. CRB organizational development issues have occupied an annual average of approximately 10% of agendas.

Communication gaps: Weak connections between CRB members and their communities

A shortfall in CRB organizational capacity has meant that members are forced to spend a great deal of time immersed in technical work that draws them away from their communities. Due to their position, skills or motivation, CRB members are also engaged in other community processes. Thus, with only a limited amount of time and energy for Board-related work, members frequently choose to prepare themselves for CRB meetings, rather than engage in conversations with community members. As members work more and more outside of or disconnected from their communities, the perception that they are not serving community interests is reinforced.

2. Weak Local Community Organizational and Technical Capacity

> "Capacity is a very real issue for all parties … the CRB, the provincial government and the First Nations, but it is worse for the First Nations and this colours/hurts everything."
>
> Bob Peart, CRB Provincial co-chair

> "People have to understand that some of our (the Board's) work gets slowed down in the pipeline. Community input takes time when there are more and more factors."
>
> CRB member

Weak local community organizational and technical capacity has directly affected the Board's productivity in three ways. First, as detailed earlier, significant time has been

required for Board members to become educated in technical and policy areas. Second, attendance of First Nations' members at Board meetings has, at times, been weak. Third, the communities' ability to provide the Board with comprehensive input has been lacking. The strain on local institutions and individuals is especially evident in the First Nation's communities. Local aboriginal organizational capacity is often overwhelmed by demands from the many policy and planning processes occurring in the Sound. Skilled First Nations' members are still few, and competing demands have affected their ability to consistently participate in CRB meetings or watershed planning. Increasing judicial pressure on the government to consult with First Nation's on resource-related issues has also added to the demand on Nuu-chah-nulth human and organizational resources. This has, at times created an obstacle for the CRB in ensuring that meaningful First Nation consultation takes place with government and business interests.

3. Difficulties in Establishing Information Orders: Capacity Issues

As mentioned earlier under power sharing issues, high quality decision-making in a co-operative setting relies on agreements stipulating how information will be collected, processed and shared. These "information orders" create a coordination of effort that is fundamental for realizing cost-effective research and sound information management. However, participants negotiating and maintaining an information order require a base of knowledge and expertise from which to engage in effective discussions. Existing organizational and technical capacities among participants are quickly stretched to their limits when new scientific paradigms are introduced or previously marginalized communities are involved. The Board has faced both issues in trying to create more inclusive and comprehensive information orders. The following details the challenges facing the Board:

a) **Implementing a New Paradigm in Resource Management**. Knowledge to guide ecosystem-based management and the building of sustainable communities is only beginning to evolve. The Board's task is, thus, enormous. CRB members struggle with determining the quantity and quality of information they need to make informed decisions, e.g. for approving cut-block permits, or in contributing to watershed

planning. Case studies from other jurisdictions confirm that a large gap exists between the operational needs of ecosystem-based management and the knowledge required to meet those needs (Berry *et al.*, 1998).

b) **Integrating Different Systems of Knowledge.** Blending western scientific knowledge with local aboriginal and non-aboriginal knowledge of ecosystems is a process still in its infancy. In Clayoquot Sound, this process is central to the CRB's mandate. It adds an additional layer of complexity to creating an inclusive, acceptable, and easily understandable information order for all parties.

c) **Insufficient Local Technical Capacity**. A higher degree of community understanding of and involvement in technical issues is required for the CRB to build collaborative information protocols. This capacity requires time and resources to build. Aboriginal groups and local governments in Clayoquot Sound are hard pressed to commit the necessary human and material resources.

d) **Insufficient Technical Capacity**. According to interviewees, the information demands of a more comprehensive paradigm for forestry planning has overloaded the technical capacity of government and the private consulting sector. The provision of sufficient inventory information in GIS form to watershed planning groups has been very slow. Only in the last year have these groups been able to negotiate a common interpretation of the initial data. This delay was not foreseen by the parties involved and has hindered the production of watershed plans.

4. *Reliance on Provincial Government Funding*

> "The Board has cost us a bucket of money. There's got to be a payback."
>
> Former senior official, MAA

The overwhelming majority of interviewees agreed that reliance on government funding is a major challenge for the Board. Even though many people believed the government should shift more support to this emerging form of governance in recognition of the

benefits for both central government and local communities, economic downturns and changing political agendas would still leave the Board financially vulnerable. For example, a dramatic slow down in timber revenues has contributed to a general atmosphere of fiscal restraint in the Provincial Government. This exacerbates concerns over further spending in the Sound for forestry planning and for the CRB process in general. Government interviewees were quick to point out that significant amounts of money have already been spent to date without generating economic activity in the forestry sector. They argued that 48 million dollars had been invested in Clayoquot Sound since 1994, without reversing the major reductions in harvesting that have occurred during the same time period. Indeed, logging activities have plunged dramatically. From a pre-1993 cut level of 900,000 cubic meters/year, each year has seen major reductions in harvesting, with none occurring in 1998 and '99. However, my interviews revealed significant confusion regarding how money has been invested in Clayoquot Sound and, therefore, what kind of accountability is appropriate.

Funding allocations in Clayoquot Sound

Based on figures for program and activity funding related to resource management, fiscal year's 1994/95 – 97/98, a total of approximately 46 million dollars was spent in Clayoquot Sound (Table 1). However, the CRB's operating expenses during the same time period were 1.9 million, consuming only 4.2% of the total. The overwhelming majority of the money spent was by the Provincial Government's Forest Renewal B.C. (FRBC) programs, approximately 38 million dollars, or 82.8% of the total.

Table 1: Provincial Funding Allocations in Clayoquot Sound, 1994-98, related to the IMA, IMEA and Resource Management

Program	1994/95	1995/96	1996/97	1997/98	Totals
CRB operations	451,000	473,000	500,000	500,000	1,924,000
Economic Development	2,000,000	2,500,000			4,500,000
FRBC Activities	803,077	7,359,890	12,278,241	17,558,792*	38,000,000*
MOF/Planning Committee				275,000	275,000
MELP/Biosphere				10,000	10,000
Hesquiaht Living Harbour			100,000	100,000	200,000
Coop. Forest Mgmt.			1,000,000		1,000,000
Totals	**3,254,077**	**10,332,890**	**13,878,241**	**18,443,792***	**45,909,000***

*Estimated figures
  Source: Ministry of Environment, Lands and Parks and Aboriginal Affairs.

Figures for allocations during the last two budget years, 1998/99 and 1999-2000 were available for CRB and FRBC operations (Table 2). Thus, total spending by FRBC in Clayoquot Sound over the last six years (94/95 – 99/2000) is approximately 51 million. During the same time period, the government has spent approximately 3 million on operating the CRB, or approximately 6 % of the FRBC total.

Table 2: Estimated Provincial Funding Allocations to CRB Operations and FRBC Activities, 1998-2000 and 6 year totals

Program	1998/99	1999/00	2 Yr. Total	6 Yr. Total
CRB operations	500,000	500,000	1,000,000	2,924,000
FRBC Activities	7,900,000	5,000,000	12,900,000	50,900,000
Totals	**8,400,000**	**5,500,000**	**13,900,000**	**53,824,000**

 Source: Ministry of Environment, Lands and Parks and Aboriginal Affairs

Combining Tables 1 and 2, the total investment in Clayoquot Sound for six years (1994-2000) is approximately 60 million dollars (45.9 million for all categories from '94-'98 plus 13.9 million for FRBC and CRB operations from '98-2000). FRBC activities consumed 85% of the 60 million dollar investment, the CRB 4.85% and the remaining categories 10.15%. Given these figures, it is not clear what kind of accountability the government seeks and from whom. Clearly, the government would be hard pressed to hold the CRB accountable for over 85% of the money invested in Clayoquot Sound that was never under the Board's control.

Table 3 displays allocations of FRBC funds by program area. The largest recipient was watershed restoration activities at 36.7%.

Table 3: Estimated FRBC Expenses in Clayoquot Sound by Program Area, 1994-2000

Program	1994 to 1998	1998/99	1999/00	6 Yr. Total
Watershed Restoration	13,800,000	3,400,000	1,500,000	18,700,000
Inventory	6,300,000	3,000,000	2,500,000	11,800,000
Enhanced Forestry	7,200,000	1,500,000	1,000,000	9,700,000
Workforce	8,800,000	---	---	8,800,000
Community Futures	800,000	---	---	800,000
Recreation	500,000	---	---	500,000
Research	200,000	---	---	200,000
Other	400,000	---	---	400,000
Totals	**38,000,000**	**7,900,000**	**5,000,000**	**50,900,000**

Source: Ministry of Environment, Lands and Parks and Aboriginal Affairs.

Based on the above information, the government needs to articulate clear criteria for evaluating a "return" on its investment in Clayoquot Sound. From my interviews, an

assumption seems to exist that the standard is whether or not logging volumes and stumpage revenues have increased in the short run. Yet, achieving these goals does not match well with how the government has allocated its money. For example, much of the investment in Clayoquot Sound has gone to watershed restoration and inventory work, which require time to show results as measured by increased timber harvests. As well, at least 20% of the government's investment in the Sound has gone to activities that were not directly aimed at raising logging rates, e.g. community futures, recreation, and workforce. Thus, the government's investment strategy in Clayoquot Sound is not clear. Furthermore, the government has not studied the effectiveness of programs it has funded as an opportunity to make improvements, e.g. resource inventories, watershed restoration or the watershed planning process.

The Board's challenge

To date, the government's emphasis has been placed on the total money spent in Clayoquot Sound. This is, in part, a result of considerable public pressure for greater government fiscal accountability, especially given the foregone revenues to the government and forestry companies during tight fiscal times. According to one government interviewee, the majority of Cabinet members have grown increasingly reluctant to support the Board at current financial levels. This is due to some degree to changes in Cabinet ministers, which have brought new faces without an historical perspective on Clayoquot Sound and the CRB. For example, there is likely little awareness amongst cabinet members that 95% of the total money spent in Clayoquot Sound went to programs outside of CRB control. As well, new ministers are probably unaware of the costly policy options that faced the government had the CRB process not been initiated. A full cost accounting of policy alternatives would include the costs of resolving former conflicts, involving mass arrests and court cases. Thus, the absence of a comparative policy cost calculation, Cabinet changes and the continued emphasis on the total money invested in Clayoquot Sound have strengthened the hand of the Board's opponents within government who wish to cut the CRB's budget to reduce its capacity, and thus, power.

1. *Establish Guidelines to Streamline Board Referrals*

To cope with its capacity limitations and improve its effectiveness, the Board has been creating guidelines to streamline its referral process. The guidelines are elaborated as working protocols and information orders to improve coordination and cooperation among the relevant parties. Guidelines are being established in three areas:

a) **Develop Guidelines for Proposal Submissions:**

The Board has recently developed a checklist for government referral agencies notifying them of the Board's information needs and process requirements to formally review referrals (CRB, 1999c). The checklist lays out the steps that must be taken before making submissions to the Board. It also focuses on creating an information order for assessing the submissions: what information is required by the Board (e.g. materials, documents, supporting research), how the Board wants this information presented, and what additional information would help the Board to expedite decision-making. The development of these guidelines is a strong initiative to share responsibility for improving reviews. By making expectations explicit, the Board seeks to create predictability, enhance effectiveness, and thus generate greater confidence in the process.

b) **Develop Guidelines for Permit Exclusion from the CRB Process:**

The Board is seeking ways to simplify the referral process by setting minimum standards for its reviews. Activities that fall below a critical impact level will be exempt from Board review, although the CRB will continue with its oversight responsibilities. The Board has completed "minimal impact" agreements with three ministries: the Ministry of Energy and Mines for exploration activities, the Ministry of Forests for salvage operations, and B.C. Parks for park use permits. This new collaborative initiative is now being implemented.

c) **Develop Guidelines for Implementing the Science Panel Recommendations:**

The Board's technical staff is developing an implementation guide to clarify interpretations of the Scientific Panel Recommendations. This is essential for

speeding up permit reviews and for aligning current forest practices and planning operations.

2. *Utilize the Strengths of the CRB Co-chairs and Staff*

The CRB has effectively used the personal strengths, positions and status of its co-chairs and skills of its staff to meet various limitations in its capacity at different times in its evolution. For example, as many interviewees pointed out, when the Board required consensus building expertise in its early years, it could count on its initial co-chairs who were highly skilled in conflict prevention and coalition formation.

> "The leadership and collaborative vision of Nelson [Keitlah] and Ross [MacMillan] was critical. They helped CRB members and the Clayoquot communities cope with radical change. For example, forestry union members stopped demanding all the solutions from us and started helping in finding answers. The co-chairs inspired lots of people to start taking a greater measure of personal and collective responsibility for creating a new way forward."
>
> Senior government official

Subsequent co-chairs have offered a strong task orientation and multi-party mediation skills. The present provincial co-chair was also instrumental in catalyzing a strategic planning process for the Board during the spring of 1998. Over time, each of the Board's co-chairs has played a critical role in maintaining communications with senior provincial officials and keeping the CRB "on the provincial radar".

The CRB has also drawn upon the skills, knowledge and dedication of its staff to cope with its significant capacity constraints. The Board's director, secretary and research coordinator have all contributed considerable energy and overtime to ensure Board operations and Board-supported community processes receive the technical, administrative and financial support required.

3. Prioritize CRB Oversight of Provincial Government's Fiduciary Responsibility to First Nations.

Clause 9d of the IMEA assigns the CRB the responsibility for ensuring that B.C.'s fiduciary obligation to respect aboriginal rights is met. Since the government's resource and land-use referral process with First Nation's is intimately connected with this, and given the serious limitations in Nuu-chah-nulth organizational and technical capacity, the CRB prioritized its role as overseer of the referral process to ensure its integrity. By doing so, the Board has played a key role over the years in ensuring that informed consent on referrals has been obtained from Nuu-chah-nulth authorities. Interviewees noted that the CRB's oversight has brought a desirable degree of discipline and rigour to the process. This has helped the Nuu-chah-nulth counter government and industry resistance to power sharing and compensate for weaknesses in local aboriginal capacity. Interviewees stated that this has created a fairer and more comprehensive consultation process. The Board's authority to do this has been greatly enhanced by recent developments in Canadian native law cases, which strengthened government's fiduciary obligation to First Nation's by raising the standards for consultation (*Delgamuukw,* 1998). Given the lack of new aboriginal rights cases emerging from Clayoquot Sound and interviewees' comments, it appears this Board strategy has been successful. The Board has provided valuable assistance to the government and industry in meeting enhanced consultation standards and keeping contentious issues out of court.

In its oversight role, the Board has focused on providing useful guidance to project proponents, government agencies and First Nations. It has mixed the need for comprehensive consultation while also addressing government and industry's concerns for efficiency. For example, the Board recently provided the Ministry of Energy and Mines ideas for initiating an effective and efficient consultation process with Nuu-chah-nulth Band Councils for mineral exploration (CRB, 1999d).

4. Delegate Issues to Sub-committees

As the Board developed its capacity to work collaboratively, it increased its ability to delegate issues to sub-committees made up of Board members. This has proved an

important strategy in overcoming some capacity issues and has increased the effectiveness and efficiency of its meetings and activities.

5. Focus on Winning Collaborations

By taking a direct role in developing promising initiatives and getting community backing, the Board has focused much of its limited resources into areas with potential for short-term success. This has gained the Board greater overall credibility and faith in its capacity with the Provincial Government and other key parties. For example, the CRB has been instrumental in supporting the nomination process to have Clayoquot Sound declared a UNESCO Biosphere Reserve. Board members have worked extensively under the leadership of a local consultant to secure community and political support.

> "The Board's role in the Biosphere nomination is exactly the role we hoped it would take. It's helped to build political bridges back to the Board."
>
> Senior official, MELP

The Board's key role in developing the local shellfish industry is another win-win collaboration. Involvement with beneficial collaborations gives the CRB valuable knowledge and experience to improve relations in other more difficult policy areas.

IMPROVING COMMUNICATIONS

OBSTACLES

1. Adversarial Culture

The CRB was born in the tumultuous Clayoquot environment of 1993-4. Its meetings during those initial years often reflected the larger societal tensions and anxieties generated by the ongoing conflict and rapid change. Board members were faced with confronting their own entrenched perceptions and rigid beliefs, as well as those of their communities. A legacy of mistrust had poisoned communications. O'Toole (1997) has observed that the early stages of cooperative efforts involving parties without a history of routine interaction is often plagued with complexity and uncertainty. These tensions undermine attempts at constructing positive communications and forward movement. The CRB, however, had to deal with an even worse scenario: routine interactions among participants had been occurring but they had been characterized by intense antagonism. Overcoming poor communications was a major challenge during the Board's early years.

> "The Board was in a 'Mexican stand-off'. No one was willing to budge."
>
> Former senior official, MOF

Changing community, business and government perceptions through improved communication continues to be a major obstacle for the Board.

> "The Board inherited a mess: Clayoquot Sound has so many different players, so many hidden agendas, such poor communications and everything is so interconnected … we left them with a lot of things to sort out that the Government was unable to."
>
> Former senior official, MAA

> "This wasn't the Board setting itself up and then creating an impediment. It (the history of conflict) was an impediment before the Board was set up and the Board has tried to deal with it."
>
> Senior official, MELP

2. Lack of Continuity in CRB Members and Government Personnel

Many interviewees remarked that the Board's progress had been hindered by disruptions to communication links caused by changes in its membership, government agency personnel and political leaders. For example, changing the Board's composition during the first three years required time to reconstruct positive group communications.

> "The changing of provincial representatives on the Board during the first two years and then the replacement of Ross [MacMillan, CRB provincial co-chair] in the third year created setbacks. The First Nations' reps wondered what this all meant. It seemed to go against their idea of building community leadership and cultivating long-term relations on the Board. They questioned the government's commitment to the Board and were very reluctant to lose individuals with whom they had built a lot of trust. We got slowed down by this for a couple of months at least."
>
> CRB member

Further changes in subsequent years of the CRB's First Nation's membership and the departure of Nelson Keitlah, the First Nation's CRB co-chair, created additional challenges to maintaining strong communications within and outside of the CRB. Armstrong and Lenihan's (1999) research on Canadian government collaborations emphasizes the importance of continuity in the composition of key participants to avoid communication disruptions. Such disruptions create knowledge gaps and changing personnel can lower trust levels among participants. The ensuing time delays in re-building or solidifying a collaborative culture consume extra resources. While the introduction of a person with solid cooperative values can serve to strengthen the collaborative venture, adjustments for all concerned and the building of positive group dynamics require time.

Changes in government personnel

The CRB has also been hampered by changes in government staff and politicians. The associated switches in communication and management styles, policy priorities and systems of operation have hindered the Board from developing and capitalizing on the knowledge, reciprocity, trust, and efficient working protocols that characterize strong communication linkages and successful long term relationships. For example, changes in

government personnel in Victoria have made it difficult for the Board's Secretariat to readily streamline its administrative and financial functions.

> "There can always be a new face every couple of months. We end up having to explain everything again from scratch. Even the Deputy Ministers get involved."
>
> CRB staff member

The movement of senior officials and politicians has, at times, severed a historical knowledge of the Board, making the communication of the Board's perspective difficult.

> "The new staff and political leaders easily forget what it was like in Clayoquot Sound before we were here and how far the CRB has come. We have to bring them up to speed each time. It's easy for them to criticize us and not realize how bad it might be without us. One of the hardest points to make clear is that we are separate from the Planning Committee. We get associated with that mess all the time."
>
> CRB member

One interviewee pointed out that due to changes in the membership of the Provincial Cabinet since the signing of the Interim Measures Agreement in 1994, little historical understanding of the CRB exists. This weakens on-going support for the Board, especially in the crucial area of funding.

3. Communication Gaps Among and Within Provincial Ministries

The Board's integrated approach to resource management requires robust communications among relevant parties to enable policy integration and jurisdictional cooperation. This, for example, would facilitate cumulative impact assessments across large landscape units. It would also allow the Board to address a wide expanse of community goals in managing local resources. However, this kind of communication, integration and cooperation is weak among the provincial ministries, as well as within each ministry at the departmental level.

> "You'd be amazed at how often one hand (of the government) doesn't know what the other is doing. We end up wasting a lot of time and energy helping them sort things out."
>
> CRB member

For example, in the area of aquaculture, separate licensing procedures existed for foreshore leasing and for fish production. If the Board wished to influence one aspect, e.g. fish production, it cannot do so during the review of a foreshore tenure, despite their highly interrelated nature. Thus, the sequencing of permit approval, not community concerns, shaped resource management decisions. Interviewees also point out that CRB recommendations encounter bureaucratic resistance when they are perceived to exceed the agency's own legislated mandate or the CRB's. This perception is often based on compartmentalized and conservative interpretations of the mandates. Berry *et al*. (1998), Tollefson & Wipond (1998) and Yaffee (1997) have pointed out how collaborative initiatives often clash with traditional agency structures that have fragmented management responsibilities.

The Clayoquot Sound Deputy Committee

In response to the Clayoquot model of cooperative management, the government has made efforts to build inter-ministerial cooperation. A Clayoquot Sound Deputy Committee was formed, consisting of Deputy Ministers from four key ministries: Forests, Environment, Aboriginal Affairs and Small Business and Tourism. Recently, the Ministry of Fisheries was included. This group would meet internally three to four times a year and participate in the same number of meetings with the CRB. However, the Deputies' Committee has met only once in the past eighteen months with the CRB. Interest on the part of the government seems to have waned substantially due to shifting priorities and the relative quiet in Clayoquot Sound. Interviewees were concerned that gains in inter-ministerial cooperation with the CRB at the consultative level may be lost. Interviews with ministry staff and CRB members also indicated that good communication, cooperation and coordination is still lacking at the program level and requires senior official attention.

4. *Communication Gap Between CRB Members and CRB Co-chairs*

The CRB's co-chairs play a central role in determining the Board's performance. They are instrumental in building and enhancing a working atmosphere of trust, meaningful

and balanced participation, critical inquiry and collaborative problem solving. Moreover, they carry out vital work as liaisons and mediators with First Nation's governments and the Provincial Government. Their management and communication styles are key to improving the Board's internal and external operations. Interviewees also pointed out that the co-chairs must balance their facilitative and leadership roles between them in order to maintain both the perception and reality of equal provincial, community, and First Nation's influence in the CRB process. Consequently, an inability of members to openly discuss and resolve perceived problems with co-chair performance forms a barrier to developing higher levels of trust and stronger community-based collaborations. For example, two CRB members mentioned occasional difficulties with the present co-chairs' style. They felt some discussions had been brought to a premature end, producing forced decisions and a false consensus. However, the CRB co-chairs were not aware that these concerns existed, thus highlighting a communication gap.

STRATEGIES

1. Serve as an Interpretor to Improve Communication and Cooperation among Parties

Many of the challenges the CRB faces to building greater cooperation among parties stem from their misinterpretations and misunderstandings of each other. Thus, a key strategy for the CRB has been to play the role of interpretor to improve communications among groups. This has been especially vital when parties external to Clayoquot Sound have tried to work with those within the region and vice versa. Acting on its mandate to enhance cooperation, the Board has strategically positioned itself at the centre of the region's governance network concerned with natural resources. From here, the Board oversees key meeting points and guides communications between parties internal and external to the region. The Board helps each "side" interpret and understand the other's point of view and concerns. Scott (1998) refers to this role as a "local tracker". He points out the critical importance of this role for assisting governments to move "into and through the seemingly impenetrable thicket of thorny local issues". In this fashion, the CRB has helped the government and other external interests "read" the local cultural and political landscape. The CRB's perspective has allowed them to better gauge the level of

community support for an idea or to plan for local involvement more effectively. The CRB also translates technical data and advice received from government and industry so it serves community needs. This has reduced criticism of government and industry for imposing "outside expert advice" directly onto community issues.

Interpreting for Clayoquot communities

From the Clayoquot residents' position, the Board helps them map out the bureaucratic labyrinth of government and translate government regulatory regimes. For example, the Board has recently recommended government referral agencies submit their proposals for Board and public review in a way that facilitates general understanding. The Board has asked for non-technical synopses, definitions of key terms and acronyms and brief explanations of legislative contexts and regulations (CRB, 1999c). The CRB also helps local communities translate the complexity and diversity of their interests into a form that is simpler for government administrators and sufficiently in line with larger provincial interests to ensure senior level consideration. Moreover, in the context of the historical isolation of First Nation's people and the conflict among parties in Clayoquot Sound, during the early years of its existence, the Board also acted as an internal interpretor to increase understanding amongst Clayoquot's own communities.

Interpreting for the Central Region Chiefs

On internal CRB matters, the Board has interpreted and communicated its members' concerns to the Central Region Chiefs regarding the need for a clear purpose and for clarity on members' responsibilities. Through these dialogues, both parties have been better able to understand each other. Improved communications have resolved occasional difficulties with First Nation attendance or participation at CRB meetings and in activities like watershed planning.

Shaping a collaborative viewpoint

To further improve communication and coordination, the Board has used its role as interpretor to help shape the reference points of individuals and organizations to promote collaborative approaches. Although the Board cannot ultimately determine how individuals will view a situation, it has re-framed problems and perceptions to favour joint initiatives to problem solving. The Board also uses its central position in the region's governance network to promote, establish and maintain connections and dialogues.

2. Create Access to Key Senior Officials and Use Internal Supporters

As the Background section of this report indicated, the Board's key contacts within the provincial government are senior bureaucrats (i.e. Deputy and Assistant Deputy Ministers), high level politicians (Cabinet Ministers) and local and regional agency staff predominantly within the Ministries of Forests, Aboriginal Affairs, Environment, Lands and Parks, and Small Business and Tourism, and increasingly within the Ministry of Fisheries and the Ministry of Energy and Mines.

The Board has promoted its perspectives to government by maintaining a strong two-way flow of information through three principal channels: frequent briefings between the co-chairs and government officials, two – three yearly meetings between the CRB and Ministers and Deputy Ministers, and letter writing. To strengthen the channel between co-chairs and government officials, the present provincial co-chair negotiated a special status for his position within the Ministry of Aboriginal Affairs: he is able to by-pass regular bureaucratic channels of authority and have direct communications with senior officials. To further improve access to and communications with government authorities, the Board has used both meetings and extensive letter writing. For example, in the wake of a logging blockade on a CRB-approved cut-block site, the Board used a ministerial meeting to clarify responsibilities for enforcement of their decision and to request an immediate planning process to prevent similar confusion in the future (CRB, 1999a).

The Board also leverages its efforts by enlisting the help of its supporters within government to advocate its perspective. These internal "champions" have had some success in removing bureaucratic resistance to CRB initiatives, such as increasing its staff and furthering policy integration. However, internal supporters have faced stiffer resistance on such matters as the cost of the Board.

Continuing lack of awareness in government

Despite significant access to senior officials and internal supporters, my interviews reveal that this Board strategy has enjoyed only limited success. This is evidenced by the continuing lack of awareness of and appreciation for the challenges the Board faces. This also applies to a lack of recognition for Board achievements. For example, few officials recognized that delays in the CRB review process were often a result of poor preparations by forestry companies or the Ministry of Forests. This lack of awareness exists despite the fact that research by a top government official confirmed this obstacle and is documented in CRB's communications. Moreover, some officials were also unaware of continuing problems with information sharing between the CRB and government staff.

3. Take a Timely, Pro-active Role in Communicating CRB Priorities for the IMEA Re-negotiations

In contrast to the 1994 IMEA negotiations, the CRB took a pro-active role to communicate its priorities for policy discussions between the Provincial Government and the Central Region Chiefs (the Principals) in preparation for the April 1999 IMEA re-negotiations. Board members reached agreement on what strategic direction the CRB should take and the support that would be required. They brought this perspective to the Principals a full eight months before re-negotiations were to start (CRB, 1998c). By initiating discussions a full eight months in advance, the Board sought to avoid the kind of uncertainty and slow-down in its operations it had suffered during the first period of re-negotiation. This strategy has met with partial success. Although the Board succeeded in communicating its perspective to the Principals, the re-negotiations were still on-going in March 2000. The Board has had to operate a full year without certainty over its future role or existence.

ENHANCING MONITORING/ACCOUNTABILITY

OBSTACLES

1. Weak Accountability Mechanisms for CRB Performance

Many interviewees cited accountability as a major obstacle for the CRB. However, almost each person meant something different by this, as well as the kind of obstacle created. This is not surprising, since the concept of "accountability" is complicated when applied to a governance network such as Clayoquot Sound's where decision-making is shared and responsibilities interrelated. In the CRB's case, the lack of clarity on its core purpose has made it especially difficult to develop clearer accountability relationships.

> "The lack of clarity of the Board's purpose led to a weak specification of its responsibilities and, thus, accountabilities. So, when faced with uncertainty in decision-making, the Board has no clear imperative, like the generation of some economic activities to benefit communities. Thus, there is a tendency to go neutral or qualify its decisions to the point where they are rendered meaningless. Or it [the CRB] spends a lot of time spinning its wheels asking for more information. Yes, the Board may approve applications within 30 days, but often there are so many conditions attached, it's really no decision at all. They have to make the tough decisions. Otherwise, they pass the accountability back to the government. And a lack of feedback to the Board on the implications of its decisions, like on the engineering of a cut-block, has worsened the situation."
>
> Senior official, MELP

In the absence of effective accountability mechanisms, the Board is unable to build a positive reputation for itself nor enhance confidence in its abilities among government and Clayoquot communities over time.

A legacy of conflict and uncertainty

According to interviewees, the politically charged atmosphere and volatility of the IMA and IMEA negotiations meant that both the Provincial Government and the Central Region Chiefs (the Principals) sought to avoid introducing accountability mechanisms on the Board process that could have provoked further suspicions and tension. Key tasks such as defining a core purpose and an associated evaluative framework for the CRB

were not completed. Instead, the Principals relied mostly on behavioural norms to guide the Board, permitting members' significant operational discretion. This flexibility has had its advantages: it has helped the Board function in an uncertain technical and policy environment. Over time, however, this flexibility has become a bit of a liability. The Board has ventured into many fields without an assessment of its effectiveness. Moreover, as the Board's political and economic environment has changed, new, more specific expectations have been emerging demanding greater accountability for particular aspects of the Board's performance.

Accountability to First Nation's and Clayoquot communities

One such aspect of the Board's performance is its accountability back to the First Nation's and Clayoquot communities. A critical weakness exists here. This is largely due to the Board's origin as a government-to-government agreement. A political crisis led the government to intervene directly in the Clayoquot conflict. They carefully controlled the design of the CRB, including how its non-aboriginal membership was selected. Thus, in contrast to a community-generated initiative that develops strong lines of accountability between its representatives and constituents over time, in the case of the CRB, political leaders under conditions of intense conflict mandated it into existence relatively quickly. Despite the government's attempt to appoint non-aboriginal community representatives acceptable to local residents, mistrust of government, time pressures and local conflicts prevented these CRB members from gaining community support. Over time, a number of factors have combined to further weaken the connection between CRB members and the aboriginal and non-aboriginal communities: a poor definition of members' roles, a lack of priority accorded to community relations and organizational capacity constraints.

> "It's a fundamental flaw in the Board's structure and organizational capacity that prevents the Board from going through a necessary evolution to becoming a truly effective local resource management board. Right now, it's difficult to know how to interpret decisions that have led to the current management structure. Until you have some basic mode of accountability back to the communities who feel they have the biggest stake in the resources that are managed in the area, there will be questions around the credibility of the Board, the role it is playing and whose interests it serves. There is a lot of

> uncertainty around how decisions are made or can be influenced by the local community. I think their greatest weakness is a lack of meaningful dialogue with us."
>
> Tofino resident

Accountability to the Provincial Government

Government agency staff report that they are confused about the Board's accountability to the government. This leaves staff uncertain as to their own accountability in the CRB process, and how to report back to their own agency's structure. This sometimes leads to uncooperative or protective bureaucratic behaviour that can undermine the Board's performance, and thus, its ability to gain greater credibility. One senior government official voiced the opinion that there is resistance within government to demanding greater accountability from the CRB. From this perspective, bureaucrats and businesses do not want to upset existing political relations or draw public attention to performance issues since it may end up backfiring and reflecting badly on them.

> "Lack of accountability is also due to what I call the 'wimp factor'. Companies complain about the Board, but no one gives me details. Extracting accountability from the Board could also run afoul of political interests and focus unfavourable attention on government staff and agencies. Around here, the bureaucratic culture tells staff to 'manage the issue' to avoid public attention."
>
> Senior government official

2. Weak Provincial Government Accountability to the CRB and the Nuu-chah-nulth

Clayoquot residents, Nuu-chah-nulth political leaders and even some government officials pointed out that the CRB has little power to guarantee that the Provincial Government honours its resource and policy commitments to the CRB. Thus, Clayoquot residents and the Nuu-chah-nulth are left without a mechanism to ensure Provincial pledges of support to the collaborative process are fulfilled. This absence of a balanced system of accountability forms an obstacle to resolving critical implementation issues for the CRB. For example, weaknesses in the Board's permit review procedure or in its

communication and coordination work are due to a lack of organizational capacity. Without sufficient resources, CRB members are hard-pressed to ensure aboriginal and other community perspectives are included in management decisions. Yet, the Board has few means to persuade the government to provide sufficient resources that would assist the CRB in overcoming these problems. Furthermore, a deficiency in CRB capacity means that members must spend significant time understanding technical and policy issues, leaving little time to interact extensively with communities, First Nation leaders and the Provincial Government. Thus, a negative feedback loop is set in motion: weak Provincial support for meeting CRB organizational needs erodes the CRB's ability to be more accountable to the government. But without greater accountability to the government, bureaucrats and politicians are reluctant to maintain existing organizational support to the CRB.

STRATEGY

Create Honourary Seats on the Board for the Hereditary Chiefs

Given the importance of the role and knowledge of the First Nations elders to the region, the integration of their perspectives into CRB planning and operations is essential. So too is the promotion of young aboriginal leaders. The Board has sought to achieve both by creating honourary seats on the CRB for the Hawiih (hereditary chiefs) of the Central Region Tribes (CRT). This would ensure ongoing Board accountability to the CRT's hereditary political leadership, which is particularly important since it is the Hawiih, and not the band chiefs, who are the signatories to the IMEA. The creation of honourary seats would free up those Board seats presently occupied by hereditary chiefs allowing younger, emerging Nuu-chah-nulth leaders opportunities to sit on the Board and gain valuable experience. The Board has suggested that remuneration for honourary postings could be paid from the CRB budget. Despite its efforts, the Board has not succeeded with introducing honourary seats. Interviewees have pointed out the sensitive nature of this topic for the First Nation's as the likely cause.

PLANNING FOR SUSTAINABILITY

OBSTACLES

1. A Dysfunctional Watershed Planning Process

Watershed planning in Clayoquot Sound is, arguably, the key test for creating a "green" or sustainable regional economy that is cooperatively managed. Watershed planning lies at the heart of implementing the Scientific Panel Recommendations. However, to date, the process has been plagued with difficulties and lack of productivity. This has created major challenges for the Board. Even though the planning process is separate from the CRB, its dysfunction acts as a demoralizing force among Board members and prevents the CRB from realizing many of its key objectives. Moreover, since the CRB oversees the Clayoquot Sound forestry Planning Committee, it is generally perceived as having the power to influence it. My research indicates that the widespread dissatisfaction with the Planning Committee has clouded the government and communities' view of the CRB.

> "The hard part is that the CRB will be saddled with the collapse of the Planning Committee. There's not much public support for this planning process. There has never been much support for forestry planning in the Sound, this just further increases negative community opinion"
>
> Planning Committee member

A history of conflict: structuring the planning process

Since the watershed planning recommendations will determine the nature and level of forest harvesting in the future, control over the structuring of the process has been a key site for power struggles among industry, the government and the local communities. Two years of extensive debate between the CRB and the government occurred before the Planning Committee was established. According to a Ministry of Forests (MOF) official, the province was determined to avoid further interference with the MOF's legislated mandate to oversee forest management. Logging operations needed to be re-established as quickly as possible and the MOF's power to hold forestry companies to their tenure obligations had to remain intact. The government's subsequent behaviour, described below, reflects a classic bureaucratic strategy documented by Bolman and Deal (1997).

The authors found that when governments are faced with a process they do not favour, their bureaucracies establish parallel processes to by pass and marginalize the existing or planned one.

> "The government was not about to give this group [the CRB] who were seen as having no relation to these factors [forest companies' tenure obligations] the authority to hold the pen. And there were severe rumblings from various forestry interests that the Board did not represent their interests. So, the direction was to set up a process, not independent of the Board, but a different representation than the Board. It was to be a parallel process."
>
> MOF staff member

The Provincial Government, seeking to avoid a power sharing relationship similar to that with the Board, presented a planning process led by the MOF and Ministry of Environment and staffed with both agency personnel and CRB members. The CRB, however, argued against this since it seemed to establish a parallel process to the Board's that duplicated historical inequities in resource management decision-making. The Board cautioned the government that unless community-based institutions oversaw forestry planning, controversy and divisiveness would persist as the MOF and the forest industry would continue to be seen as driving the process (CRB, 1995b). Board members also knew that the planning process would need to incorporate non-timber values and potential cumulative effects and that this would meet with government and industry resistance. Thus, the Board responded to the government with two options: first, the CRB itself should act as the planning body or second, that a separate committee be established. This new committee would have administrative autonomy and final decision-making authority would be shared with the Central Region Chiefs. This framework was not acceptable to the government. After incorporating some minor changes, the Deputies Committee [7] overseeing this process unilaterally established the Planning Committee, keeping resources, administration and decision-making within the government's control (B.C., 1997a). The Board subsequently wrote a strong letter of protest to the government detailing its outstanding concerns around decision-making authority, resource

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[7] The Clayoquot Sound Deputies Committee was originally composed of Deputy Ministers from the Ministries of Forests, Environment, Lands and Parks, Aboriginal Affairs and Small Business, Culture and Tourism. The Deputy Minister of Fisheries was added during 1999.

commitments, community participation, and use of First Nations' and local expertise (CRB, 1997). The letter went unanswered: from the government's point of view, it had no intention of losing more control over forestry operations in the Sound.

> "I'm not supportive of the structure. The Planning Committee was not structured to be cooperative management. It was created as an attempt to marry the two different views of the world. But it's Government with all the information and resources laying that on the local people and trying to bring them along in some ways. I'm not putting down the people, they've tried to do their best, but they are coming from a different world view and perspective. They come from a tight bureaucracy that gets things done in certain ways and we have a whole new way of doing things out here, with some radical ideas. For instance, the Science Panel goes against what they were educated in. Bottom line is that local people don't have a sense of ownership in the Planning Committee; they feel alienated."
>
> CRB staff member

A history of conflict: Planning Committee operations

Although the Board was blocked in establishing a more collaborative structure for watershed planning, CRB members – all of whom were included as Committee members - hoped that positive personal relations could overcome a poor institutional structure. This was not to be; government control over key aspects of the process continued to be a source of conflict. Moreover, tensions were high right from the first meeting: the two years spent struggling over the formation of the Planning Committee had built up considerable pressure to produce watershed plans as soon as possible. Furthermore, the gathering and compiling of critical baseline data with inventories was already underway. Industry pressures and government funding concerns played a strong role in persuading the CRB to accept a government recommendation to begin forest resource and habitat inventories despite the absence of a planning process. According to interviewees, the government wanted to finance the inventories with its Forest Renewal BC (FRBC) funds, rather than commit other resources. Thus, inventories were designed in the absence of planning objectives with which to determine information needs. Their subsequent design has been criticized by interviewees as being biased towards meeting FRBC funding criteria, rather than based on sound scientific methodology and knowledge. Even though

some adjustments were made, the inventories were still weak on incorporating important Science Panel recommendations. For example, the fieldwork failed to address habitat linkages, species interrelations and natural processes key to understanding ecosystem integrity. In some cases, studies were too short to provide valid estimates of species abundance or reproductive needs (Friends of Clayoquot Sound and Forest Watch, 1998). Given the strong environmental bias of the Friends of Clayoquot Sound, this latter criticism may be exaggerated. However, many interviewees did state the opinion that research standards used for conducting the inventories had been lowered to meet short-term political and bureaucratic interests in producing outputs. Yaffee (1997) has documented how the use of short-term rationality is a common occurrence in government resource management agencies when the bureaucracy is faced with complex problems and pressures to produce tangible results. Decisions to save time and resources by limiting the examination of research methods and the inclusion of community input have proven counterproductive when end products failed to gain credibility among involved parties.

Low levels of trust and underlying power struggles

External pressures, as well as poorly facilitated and administered meetings severed any hopes of building group cohesion among the Planning Committee's diverse members. My observations of Committee meetings revealed poor information sharing by government, a lack of information protocols, mistrust among members, defensive attitudes and low morale. These symptoms point to underlying, unresolved tensions around power sharing and ambiguous definitions of responsibilities. O'Toole (1997) notes that a lack of clarity – in this case of roles and decision-making authority - feeds mistrust in an innovative policy process, resulting in a tendency toward diffusion of responsibility and sub-optimal performance.

> "You never know when things are happening, what decisions are being made, it is not structurally functional: government people aren't administrators nor do they have time. Poor structures don't last, they collapse ... Compared with the original plans, we got a compromise."
>
> Planning Committee member

A number of interviewees see the problems with the Planning Committee stemming from unwillingness on the part of senior MOF officials to share decision-making power.

> "The MOF drives the process. Look at how poorly information is shared and how weak public consultation has been. Yet the obligation to work with community members and the Nuu-chah-nulth means the present process is a thorn in their side. But if the Planning Committee should fail, the MOF could justify taking back full control."
>
> Former government official

Faced with recurrent information problems and government resistance to establishing community-based planning objectives, CRB members have felt little ownership in the Planning Committee process. The resulting inertia and flagging participation have been exacerbated by other demands on members' time.

> "There's not enough energy to move it, and there's not enough energy to change it."
>
> Planning Committee member

2. Insufficient Time Allowed for Establishing and Maintaining Collaborations

Planning for sustainability relies upon the development of collaborative norms, shared values and joint goals and objectives. However, since this requires significant time in Clayoquot Sound, it creates an ongoing challenge for the CRB when faced with pressures to produce more immediate tangible results. Different organizational cultures among government agencies, community groups and businesses must be bridged. Common ground must be found in dealing with issues such as devolution of decision-making, spending authorities, consultation and personnel practices, information collection and sharing, etc. Some interviewees believe it took the CRB its first two years to build positive relationships among its own members and with organizations in its operating environment. Others believe it is an on-going process due to the changing nature of the working environment.

> "Nothing comes quickly in Clayoquot Sound. Change in the traditional forest industry to where we are now and where we are going takes time, and people get frustrated with the time it takes."

"My advice to them (the CRB) is to get off your rocker. Make the tough decisions, realize you've got places to go … Up until now, they haven't been making the future. It's been making them."

Senior official, MOF

"Sometimes it feels like we go in circles. But we want to get all the interests on the table and find the best decision for as many as possible. We end up teaching government and business new attitudes, too. Consensus and real democracy is tough, but it's better than what went on here before. We're all on a steep learning curve."

CRB member

"I get frustrated at times and wish things would move faster. But, you know, this is the first time our opinions are being heard and respected. And I learn from others, too."

Nuu-chah-nulth CRB member

Time required for building collaborations and for institutional change

Gray (1989 & 1990) and O'Toole (1997) state that innovative, multi-organizational collaborations take time to build since they involve much more complex operational planning and relationship building than most other forms of coordination. Moreover, the CRB's emphasis on relational values, such as equality and respect for diversity, in addition to substantive values, such as outputs and efficiency, often requires changes and reform within and among the institutions with which it works. Research points out that institutional change of this sort requires time. Armstrong and Lenihan (1999) have consistently documented this in their recent case studies on intergovernmental and third party collaborations in Canada. Learning and changes have to occur on both on individual and organizational level. For example, my observations of the Clayoquot Sound Planning Committee confirm that there have been difficulties with government staffs' ability to facilitate meetings and carry out information sharing responsibilities. My research also revealed that the government initially underestimated the time needed to resolve problems within the region. They thought the Board would only need to meet a couple of

days a month, essentially acting as a "rubber stamp" to give a community seal of approval to the government referral process. This reflected a poor understanding of a community-based collaborative process. Both government and industry have found it difficult to allow the CRB the time necessary to resolve community tensions. These frequently revolve around the pursuit of economic objectives on the one hand, and the maintenance of long-term environmental health and positive social relations on the other. Siegler (1992) noted this about collaborative processes:

> **"Creative solutions to complex problems do not come easily to a group composed of representatives of diverse viewpoints. For each moment of inspiration, there are countless moments of turmoil and tedium"**

STRATEGY

Engage in Formal Strategic Planning

As the "Clayoquot logging juggernaut" slowed and the CRB built greater internal capacity and trust, the Board was better prepared to engage in strategic planning. They were also bolstered by the encouragement of the present provincial co-chair and a strong positive signal sent from senior government officials. From March – June 1998, the Board engaged in four internal strategic planning workshops. CRB members, staff and co-chairs clarified and prioritized the objectives mandated to them by the Central Region Chiefs and the Provincial Government (the Principals) in the IMEA. They also set out a year's work plan based on key activities. The exercise allowed the Board to focus on its direction, roles and responsibilities prior to the re-negotiation of the IMEA. This was a positive first step in establishing a common direction among its members and staff and communicating this to the Principals and the public. The Board has become more pro-active in the last year as a result. Evidence of its pro-active orientation can be found by comparing the annual average number of action items emanating from CRB meetings in its first complete year with more recent years. In 1995, Board meetings were producing, on average, 21 follow-up items. This grew slowly, with a considerable increase to 40 items during 1998 and in the first two months of '99. While some of the rise is

attributable to other factors, it appears the use of strategic planning has helped the Board broaden its role and expand its activities.

Chapter 6

Conclusion

Community-based collaborative governance in the context of resource management is still relatively new in Canada. Thus, my conclusion addresses both its practical and theoretical aspects. First, I present a few key findings arising from the Clayoquot Sound Central Region Board's six years of operations. This includes a section detailing five areas in which the Board has registered achievements despite considerable barriers. This provides insight into the successful practice of collaborative governance. Second, I present 15 middle range theoretical propositions, identifying general conditions favouring the successful implementation of community-based collaborative governance.

KEY FINDINGS FROM THE CRB EXPERIENCE

The experience of the Central Region Board (CRB) suggests that the greatest resistance to collaboration comes from those parties who perceive a loss of benefits and power. In the case of Clayoquot Sound, these parties are the Provincial Government and major corporations. Much of the CRB's time and resources has been dedicated to overcoming their resistance, rather than to expanding the benefits of a committed partnership. Thus, most of the CRB's obstacles (39% of those identified) and strategies (44%) are linked with power sharing issues. The CRB's history also highlights strong interrelationships among policy areas. Building community, organizational and technical capacity, for example, can be hampered by power sharing disputes, which limit information flow and reduce long-term financial commitment. Shortfalls in capacity in turn can hinder attempts to improve communications, accountability and strategic planning.

Despite considerable obstacles, I have found that the CRB has had considerable success in five areas related to its mandate. The Board's achievements are as follows:

1) **Provided ideas for resource management policy and practice.**
   The Board's operations and experiences has provided practical ideas and timely input to policy makers and practitioners to better address complex issues such as preserving ecological integrity, protecting First Nation's aboriginal rights and promoting

community economic development. The Board has used its strategic position at the community-government interface to assess and make the trade-offs necessary to arrive at socially acceptable solutions. For example, the Board has played a central role in establishing joint policies with three Provincial Ministries to expedite the review process without sacrificing community and ecological values.

2) **Generated social stability and mutual benefits.**

The Board's emphasis on multi-party dialogue and collaboration has yielded many joint benefits in the short term. The mass protests and social upheaval over logging issues that characterized the past has not occurred with the Board process in place. Key to maintaining this peace has been the Board's commitment to steadily improving the complex implementation of the Scientific Panel Recommendations in watershed planning and permit review. Furthermore, the success of the UNESCO Biosphere nomination process and the development of shellfish aquaculture are both directly attributable to the CRB's efforts. A Provincial treaty negotiator also pointed to positive spin-offs generated by the Board's presence:

> "The CRB has provided a benefit for us. The CRB is handling key issues that are normally brought to the treaty table. So our talks (with the Nuu-chah-nulth) don't get sidetracked by immediate concerns and conflicts. We can focus more on long term objectives."
>
> Provincial Treaty Negotiator

3) **Provided local capacity building.**

The Board's operations and activities have contributed significantly to local capacity building in three ways. First, they have increased local technical knowledge related to resource management issues. Second, they have strengthened Board and community members' capacity to work collaboratively to resolve problems. This is based on the building of positive social relations and use of effectively structured dialogues. Third, they have fostered leadership qualities and skills among younger aboriginal and non-aboriginal residents. Thus, the CRB's work is having a profound long-term effect: it

is helping to create a bank of technical, process and leadership skills, which the community and government can drawn upon for future use.

4) **Created greater certainty for the treaty process.**

The Board has assisted the Provincial Government and Central Region Chiefs (the Principals) create the certainty required for establishing and maintaining a successful post-treaty governance system. It continues to do this by developing the kind of public institutions and partnerships necessary for creating stability, predictability and fair process. Trist (1983) recognized this stabilizing role as essential for the success of collaborative initiatives over the long term. The CRB is a public sector example of what Brown (1989) referred to as a bridging organization, since it "spans the social gaps among organizations and constituencies to enable coordinated action." The Board's structure and operations have been instrumental in reducing the social and institutional gaps between Nuu-chah-nulth and non-aboriginal inhabitants of the Sound. Moreover, the Board serves as a bridge between First Nation's and larger external interests represented by environmentalists, scientists, government resource agencies, labour and industry. As a result, the Board is fulfilling a vital bridging role throughout the treaty negotiation process and beyond. Lessons learned from the CRB's experience and the Board's on-going input informs and refines the crafting and implementation of a successful future treaty settlement. Thus, the Board constitutes a valuable long-term investment for the Principals, whether or not the CRB's present form is used in a future governance structure.

5) **Provided a relatively low-cost process and policy option.**

The money spent directly on the CRB process is minor when compared to funding for other programs or activities in Clayoquot Sound. Moreover, the CRB's operating cost seems reasonable when compared to expenses the government could have incurred using other policy alternatives in Clayoquot Sound, e.g. large, interest-based round tables, continued litigation, prosecution of protesters or the creation of a park structure.

Thus, despite a number of complex challenges, the CRB's history shows that collaborative governance can deliver short term social and economic benefits: Clayoquot Sound is enjoying a social peace thought impossible 5 years ago, and more resource management and land use issues are being resolved locally through multi-party collaborations. The Board's experience also reveals that ecological and social values can be enhanced as long as decision-making power is exercised at both the strategic and operational levels of resource governance. Outcomes such as healthier local communities and sustainable economic development require a longer time horizon; fundamental structural changes in political and economic systems are required involving many more parties beyond the Board. However, the CRB experience indicates that an institutional presence at the community level is vital to effecting the transformation necessary.

Based on the benefits the Central Region Board has provided and continues to provide to parties participating in resource governance in Clayoquot Sound, I strongly suggest continuing the Board, incorporating recommendations where possible (see Appendix 2). The CRB's institutional presence at the community level is instrumental in discovering common interests and solving problems locally. The Board has helped to establish a greater degree of stability and shared benefits among parties than had previously existed. In so doing, the CRB has created greater certainty for the Provincial Government and the Nuu-chah-nulth in the problem solving and leadership capacity of the present governance system. Continuing the Board into the post-treaty environment promises similar benefits. From a historical perspective, the Board is entering a key, pro-active period where future gains in resource management and enhanced cooperation among all parties can be more readily realized. The key will be to maintain cohesion and trust among Board members and joint commitment to the collaborative process. This will be challenging, since changes in CRB membership and co-chairs is likely, and pressures to de-prioritize or weaken the Board's role continue to exist. The CRB model also provides features that could benefit other jurisdictions such as non-interest based community representation, strong First Nation's consultation, shared and committed leadership, collaborative problem-solving, joint decision-making, and support for ecologically sound economic diversification. Indeed, the CRB has evolved into a key player in the region's developing

institutional landscape. In the post-*Delgumuukw*, "green" economy era of the 21ˢᵗ century, the Board offers the Provincial Government, the Nuu-chah-nulth and the local communities a valuable model for developing a sustainable future in Clayoquot Sound.

Further research could explore regional governance structures and processes that support collaboration among First Nations, local, provincial and federal governments.

MIDDLE RANGE THEORETICAL PROPOSITIONS FOR IMPLEMENTING COMMUNITY-BASED COLLABORATIVE GOVERNANCE

In focusing on obstacles faced by the CRB and on strategies it has used to overcome them, I was led to formulate more general propositions concerning shared governance. Thus, 15 middle range theoretical propositions follow, which suggest general conditions favouring the successful implementation of community-based collaborative governance. I situate these theoretical contributions within the area of Common Property Resource theory, which deals with the co-management of natural resources. I begin with six hypotheses, which support existing middle range theoretical propositions advanced by Pinkerton (1989, 1992), for the successful implementation of co-management agreements. Of these six propositions, I add a corollary proposition to the first and extend Pinkerton's ideas in the next two. I then provide supporting evidence for the remaining three of Pinkerton's propositions. I then introduce my next three hypotheses, which support and reframe as propositions two of Pinkerton and Weinstein's (1995) applied principles for creating a successful co-managed fishery. Finally, I present six new propositions, which predict favourable conditions for implementing community-based collaborative governance for sustainable resource management.

Pinkerton's proposition: **Barriers to negotiating and implementing co-management agreements are greater in proportion to the power of other parties affected and the extent to which they have captured a government agency**.

My research documents that the most significant barriers to implementing the Board's mandate have been erected by the major forest corporations and organized labour. These

entities have held the greatest power in the forestry sector, dominating the Ministry of Forest's policy making and implementation processes. Their exclusive privileges are threatened by the CRB's model of community-based collaborative governance, and they have generated major resistance to CRB initiatives. This validates Pinkerton's proposition. However, my research shows that the Ministry of Forests has also been a source of considerable obstacles for the CRB. Professional foresters and bureaucrats in the Ministry, fearing a loss of power and prestige in the forestry sector and within the Provincial Government, have generated significant obstacles to the success of CRB operations.

Thus, my findings suggest a corollary proposition, which is that:

Barriers are also erected by a captured government agency in proportion to the perceived negative effect on the level of its own power.

This was evidenced by the behaviour of the Ministry of Forestry.

Pinkerton's proposition: **Barriers to implementing co-management are more easily overcome through alliances of stakeholders, non-governmental organizations, and agencies with complementary resources, especially when these parties form issue networks which generate new technical information and alternative models.**

The CRB's central strategic thrust has been the creation of locally based collaborations built upon strong policy making and technical information networks. This supports Pinkerton's proposition. This focus has helped the Board overcome many of its operational obstacles. For example, the CRB has developed multi-party forums for bringing a variety of stakeholders and First Nation's together to dialogue, discover shared interests, find complementary resources and generate new models for solving management conflicts, e.g. with salmon and shellfish aquaculture. These multi-party discussions introduce valuable additional perspectives beyond those normally brought by government and single resource user groups. The Board has also formed collaborations with community groups and organizations like the Long Beach Model Forest to generate

new technical information to overcome resistance to information sharing from government and industry. This support from external advisors in the Board's issue networks has also been key to strengthening the Board's consensus decision-making process. Board and community members perceive information from external advisors as freer from political and corporate interests than if it had originated from government or industry technical staff. With confidence in the impartiality and scope of the information they receive, Board members are better able to reach a consensus decision: members debate issues and seek a final "comfort level" amongst themselves knowing that their decisions are based on the best, most comprehensive information available. For example, the Board has consulted and/or directly contracted external consultants and original members of the Scientific Panel to help make impartial interpretations of the Scientific Panel Recommendations.

This proposition is also confirmed by earlier actions undertaken by environmentalists and First Nations to overcome barriers to power sharing in Clayoquot Sound. The Nuu-chah-nulth and environmentalists forged an alliance that pressured the Provincial Government into negotiating and signing the Interim Measures Agreement (IMA). The environmentalists provided financial, technical and organizational resources to the alliance, and the Nuu-chah-nulth provided critical legal power and a degree of political legitimacy. This coalition succeeded by forcing both policy reform and the implementation of policies that favoured their interests. The coalition brought public and government attention to existing policies that encouraged the exploration of new governance arrangements with First Nations and the introduction of higher environmental protection standards. For example, the government was called upon to honour its commitment to support the recommendations of the federal-provincial treaty task force, including the use of interim measures to protect First Nation's interests. The Nuu-chah-nulth also cited existing Provincial-First Nation's protocols, committing the parties to negotiate in good faith. This ensured that the IMA negotiations occurred at a government-to-government level, involving senior officials and politicians from a number of ministries. This framed the negotiations and the purpose of the CRB as an initiative in

joint governance, rather than as a shared management decision making process within a ministry's programs.

The use of existing policies to help overcome operational barriers has been an important, on-going tactic for the CRB. For example, Nuu-chah-nulth policies, which promote power sharing with local non-aboriginal communities and environmental stewardship, and the government's own policy support for Clayoquot Sound have been enlisted at various times to maintain and strengthen the parties' commitment to the CRB process.

> Based on the importance of the policy context for surmounting obstacles to power sharing, I advance an extension to this proposition**:**
>
> ***Barriers to community-based collaborative governance are also more easily overcome when alliances operate in a supportive policy environment***.
>
> This suggests that, in the presence of strategic pressure and a favourable policy context, innovative methods of community-based collaborative governance can exist without changing existing legislation.

<u>Pinkerton's proposition</u>: **Co-management is most likely to develop out of a real or imagined crisis in stock depletion, or a problem of comparable magnitude. (*I reframe this proposition as: barriers to implementing co-management are more easily overcome when a real or imagined crisis in stock depletion, or a problem of comparable magnitude exists*).**

Even though this proposition predicts a favourable precondition for a co-management agreement, my research indicates a protracted socio-economic crisis can also positively influence the implementation of a collaborative initiative. People and communities tired of conflict among different interests and experiencing a long term socio-economic crisis may be more prepared to seek collaborative solutions. In Clayoquot Sound, previous failures with multi-party negotiations based on sectoral interests and an on-going major

economic downturn generated a strong desire to test out the CRB's model of joint problem solving. The protracted nature of the crisis enlarged the scope of the problem definition beyond sectoral interests and attracted more resources from the government.

Based on this, I forward an extension to this proposition:

Barriers to community-based collaborative governance may be more easily overcome in proportion to the severity and protraction of a crisis, within certain maximum limits.

Further research could explore the nature and extent of those maximum limits.

Pinkerton's proposition: **Co-management operates most favourably where agreements are formalized, legal, and multi-year.** (*I reframe this as: barriers to implementing co-management are more easily overcome when agreements are formalized, legal, and multi-year*).

In Clayoquot Sound, the evolution of an appropriate legal framework to formalize a multi-year power sharing agreement was key to establishing and maintaining the CRB. The Interim Measures Agreement (IMA) was negotiated and signed on a government-to-government basis, giving it greater scope and formal authority than otherwise possible through an agreement with one ministry. The IMA's enhanced status has been central to maintaining the CRB's authority and influence in the face of persistent government and industry resistance.

Pinkerton's proposition: **Barriers are more easily overcome through the use of multiple sources of power, such as courts, legislature, public boards, and citizens' initiatives at strategic times, creating a spillover effect from one to another.**

The CRB has used many sources of power to overcome its obstacles, supporting Pinkerton's proposition. One of the strongest sources used by the Board has been the legal power of the Nuu-chah-nulth to protect their aboriginal rights. The CRB has leveraged the implicit threat of Nuu-chah-nulth court action to overcome government and

corporate resistance to comprehensive consultations with First Nation's on resource and land use. The Board has also invoked sections of the IMA/IMEA to strengthen government and industry cooperation with the CRB permit review or planning processes. Another key source of power for the Board has been the Science Panel Recommendations (SPRs) for sustainable forestry practices. Though not official regulations, the SPRs hold a special status based on the government's commitment to implement them. This has given the Board unprecedented authority in overcoming barriers to exercising CRB influence on operational level decisions. The Board has also used citizen's initiatives - e.g. the UNESCO Biosphere Reserve nomination and resource monitoring information from local organizations - to overcome barriers to incorporating community and ecological values into regional planning or resource management decision making. However, spillover effects from the use of multiple sources of power were complex. For example, while the Board's support for the Biosphere nomination process earned the CRB political capital for use in other areas, the Board's use of the SPRs in permit reviews hardened government and industry resistance to power sharing in forestry planning. Thus, I raise a cautionary note on what the nature of the spillover effects may be.

Pinkerton's proposition**: In situations of substantial power differential between parties, implementation of co-management agreements may be furthered by an appeal to the general public interest.**

This proposition is supported by actions taken before and after the establishment of the CRB. During the IMA negotiations, the environmentalists and Nuu-chah-nulth were able to highlight their common values with respect to environmental preservation and stewardship and present them as supporting the general public interest. This created more pressure on the government to accept the creation of the CRB. After the CRB's establishment, its non-aboriginal members emphasized their role in representing the general public interest and CRB aboriginal members underlined their commitment to provide representation to non-native voices as means to secure a greater share of decision-making power from the Province. Over the years, the CRB has also focused

considerable energy on generating wider community support for policy alternatives it brings forth to government.

<u>Pinkerton and Weinstein's applied principle</u>: **Management systems must have the ability to receive information, accumulate knowledge and learn about local resource and environmental relations.**

My research supports this principle. I have reformulated it as the following proposition**:** *barriers to implementing community-based collaborative governance are more easily overcome when the collaborative body possesses sufficient long-term organizational capacity*. Organizational capacity is required to train members and staff, generate and analyze data, share information widely and in a timely manner, monitor socio-economic and ecological impacts of decisions, plan strategically for the future, maintain member and staff motivation, build and maintain community connections and spearhead collaborative initiatives. My research indicates that the willingness of the CRB staff to work long hours and their dedication to community-based collaborative governance have been central to achieving many of these objectives and functions. However, continuing financial and staff constraints have limited the CRB's capacity to carry out and/or maintain more of these operations.

<u>Pinkerton and Weinstein's applied principle</u>: **Management systems must have the following mechanisms of accountability: common access to information on the status of the resource, shared agenda setting, publicly articulated standards for the evaluation of management actions, and clear feedback channels.**

My work supports this principle. I have reframed it as two propositions. First: *barriers to community-based collaborative governance are more easily overcome when there is guaranteed access to information on the technical and policy dimensions of the resource issue*. The CRB's right to receive information from the government is central to the Board's power. Access to information allows the Board to intelligently deliberate on site level issues as well as play a central role in policy formation and implementation. My second proposition states: *barriers to community-based collaborative governance are*

more easily overcome when accountability mechanisms operate effectively. An appropriate system of accountability not only helps parties assess performance against implementation goals, it can also generate greater commitment from senior authorities if it reduces perceived financial, legal and political risks. Moreover, procedures to monitor the effectiveness of the accountability system must also exist to ensure on-going system integrity and appropriateness.

Six new middle range theoretical propositions

My research has also generated the following six new middle range theoretical propositions, which favour the development and implementation of community-based collaborative governance for the sustainable management of natural resources.

1) Barriers to community-based collaborative governance are more easily overcome when champions and leaders exist within government and key parties.

A collaborative arrangement needs individuals who will promote its benefits and justify its costs to critics within their organizations. At critical times, individuals must also show leadership to help the collaborative initiative survive. In her research, Pinkerton (1989) highlighted the importance of dedicated people or groups who apply consistent pressure to advocate the cooperative process. My research builds on this insight by locating these individuals within the operational environment and by detailing the various ways they can support the collaborative process. For example, enlightened provincial bureaucrats were key actors in launching the Board on a collaborative course. They seized the opportunity to appoint Provincial representatives to the Board based on normative considerations, rather than through direct elections. They also steered the CRB member selection process through turbulent waters, resisting some local attempts to establish sectoral representation. This allowed local residents a chance to test out new coalitions between First Nation's and non-First Nation's residents and between environmentalists and logging interests. Moreover, during the course of the CRB's evolution, champions within government ministries supported Board strategies to counteract attempts by the

Ministry of Forests to by pass or marginalize the CRB process. For example, internal supporters facilitated requests by the CRB for access to important information. They also backed the Board's move to re-position itself in the referral process and to select member replacements based on collaborative skills. Leadership within Nuu-chah-nulth political structures has also been pivotal in maintaining provincial government and aboriginal support for power sharing with non-aboriginal residents of Clayoquot Sound. For example, Nuu-chah-nulth political leaders insisted that the original provincial appointees to the Board were community members, rather than government bureaucrats. Furthermore, an overwhelming majority of interviewees attested to the fact that strong, diplomatic leadership from Nelson Keitlah, the CRB's first Nuu-chah-nulth co-chair, was central to securing on-going First Nation's support for CRB operations. For example, Mr. Keitlah's status within the Nuu-chah-nulth community was pivotal in persuading aboriginal leaders to accept a consensus model for CRB decision making, rather than use a potentially divisive double majority voting system. Thus, my research strongly suggests that the Board may not have survived a year or maintained effectiveness, let alone grown in influence, without on-going support from within government and the Nuu-chah-nulth political leadership.

2) Barriers to community-based collaborative governance are more easily overcome when representation is based on the selection of individuals committed to considering the larger public interest in addition to sectoral interests.

Individuals willing to encompass a broad range of perspectives as well as present sectoral interests are needed to support collaborative efforts. This is made easier if representation on the collaborative body is primarily based on a commitment to cooperative norms and not on the ability to speak from a specific viewpoint. This frees representatives from rigid obligations to protect particular interests. For example, even though the government implicitly targeted certain non-aboriginal interests for representation on the CRB (i.e. loggers and environmentalists), the selection of the individuals from within these stakeholder groups was based on them possessing cooperative norms. Candidates were

chosen based on their willingness and ability to represent a broad range of interests, collaborate with a mixture of people, and at minimum, practice tolerance towards First Nation's people. This was a distinct departure from the two previous multi-stakeholder processes - the Clayoquot Sound Task Force and Clayoquot Sound Steering Committee - whose members had been primarily selected to speak for specific interests. The CRB's departure from this previous model of sectoral representation was a principal reason for its subsequent success in building a collaborative culture.

3) Barriers to community-based collaborative governance are more easily overcome when individuals can draw upon their knowledge of or experience with positive examples of collaborative processes.

The existence of positive models of collaboration can support further cooperative initiatives by providing parties with key information, such as "best practices", and by offering individuals the opportunity to participate in a well-functioning cooperative process. Key skills and knowledge for overcoming barriers to collaboration can be acquired as a result. As well, a past history of local people building social cohesion among heterogeneous groups can generate confidence in the ability to launch new collaborative initiatives. In Clayoquot Sound, for example, the parties designing and implementing the CRB process looked to a number of sources for ideas and inspiration. The Tin Wis Coalition was one of the more important of these. The Coalition was successful at establishing and maintaining a collaborative learning process and creating mutual respect among its members. It focused on integrating members' perspectives by identifying and developing shared values and common goals. This approach helped the Coalition overcome differences in members' technical and organizational capacities, and balance internal power relations. Through these efforts, the Coalition built a strong foundation of trust among its members from which its activities were developed and launched. These achievements not only furnished valuable information and insights for parties involved in designing the CRB, they also generated confidence in a local ability to forge new collaborations. Individuals involved with the Board also learnt from the experiences of other cooperative processes. For example, the CRB's original co-chairs,

Nelson Keitlah and Ross MacMillan, studied or were part of cooperative resource management and planning processes outside of Clayoquot Sound before their roles as co-chairs. This enabled them to bring practical knowledge and experience to the task of designing and implementing the CRB process. Moreover, the CRB process was significantly aided by the Nuu-chah-nulth members' long experience with consensus building as part of their own historical political culture.

4) Barriers to community-based collaborative governance are more easily overcome when coordination exists with other policy processes.

Any governance process is likely to overlap with a number of other jurisdictions and processes. Links between these can promote information exchange, conflict resolution mechanisms, program coordination and a more equitable sharing of costs and benefits. This allows an efficient and effective use of existing human, social, financial and physical resources for overcoming constraints to implementing collaborative governance. Close cooperation and coordination among processes is especially important since ecological systems and their interactions frequently overlap different organizational mandates. The Board's efforts to coordinate with government and community processes involving the Sound's resources – e.g. shellfish aquaculture tenures, park planning, forestry research, regional aquatic management, tourism and small business development - has led to the sharing of information, the building of positive working relations, reduced red-tape and cost savings on research. However, my research also suggests that coordination between the Board and both the Nuu-chah-nulth – Provincial treaty process and new Nuu-chah-nulth economic initiatives (e.g. the Ma-Mook Development Corporation and Iisaak Forest Resources Ltd.) needs to be strengthened. This will ensure that resource management decision-making and the costs and benefits of regional development are shared among all residents of Clayoquot Sound.

5) Barriers to community-based collaborative governance are more easily overcome when shared decision-making authority exists at both operational and policy levels.

Resistance to incorporating community values into decision making occurs at both the operational and policy levels of resource management. Thus, it is imperative that the collaborative governance body possesses sufficient authority to influence both levels for the resource sectors within its mandate. In the case of the CRB, resistance to power sharing in the forestry sector has arisen when both operational and policy issues have been debated. The Ministry of Forests and the major forestry corporations have frequently contested the CRB's application of the Science Panel Recommendations (SPRs) when strong conservation standards have been used for assessing both site level operations and long range plans. Thus, my research strongly suggests that the CRB's authority to implement the SPRs has been critical for protecting community and ecological values at both the watershed and regional level. If the CRB had only possessed the authority to influence policy level decisions (e.g. long term forest development plans), it would have proved insufficient for guaranteeing that the SPRs were both planned for and consistently implemented during harvesting operations. On the other hand, if the CRB could only influence site level plans (e.g. silvaculture prescriptions), community and ecological values at the broader landscape scale would not have been adequately protected. The authority to shape plans and activities at both operational and policy levels has been critical to the Board's success in promoting more ecologically sound and socially acceptable forestry.

In other sectors, tourism and recreation for example, the Board's influence at the policy and site level has ensured community interests and perspectives are being included in plans for commercial backcountry development. These include the generation of local employment and concerns for the protection of ecologically and culturally sensitive areas.

6) Barriers to community-based collaborative governance are more easily overcome when leadership is shared between the principal parties and there is a complementary mixture of leadership styles, substantive knowledge, and commitment to the collaborative process.

Barriers to sharing power in Clayoquot Sound have been more easily overcome since the Board's co-chairs represent the two principal parties in the CRB process: the Nuu-chah-nulth First Nations and the Provincial Government. This has given the CRB key access to government and First Nation decision-makers, which has helped to advance its interests. A governance body also requires a complementary mixture of leadership styles and attributes to ensure work flows smoothly and the needs of the collaborative body are continually addressed. Over the years, the CRB's four co-chairs have brought important qualities that allowed them to work well with each other and with the Board. For example, there has been complementary communication and work styles for leading meetings and conducting outside tasks. The co-chairs have provided both process and outcome oriented leadership styles to effectively guide the Board's meetings, activities and overall evolution. For example, the consensus-building skills of the first co-chairs were crucial to the building of trust and positive working relations amongst new CRB members. Both co-chairs had a process-oriented management style that complemented each other and served the Board well. In later years, a new provincial and Nuu-chah-nulth co-chair brought skills that helped the Board move more rapidly through its agenda and to complete special projects, e.g. skills to focus discussions, create efficient topic closure, delegate and follow up on tasks, etc. This helped the Board and its staff manage greater workloads as its information and policy networks expanded. With respect to the possession of substantive knowledge, the co-chairs' appreciation of the issues and policy environment has been critical. It has given the co-chairs the ability to provide informed perspectives to help guide and focus CRB deliberations. It has also allowed the co-chairs to better represent the CRB in discussions with the Provincial and First Nation's governments. Finally, a strong commitment to the on-going communication demands in leading a collaborative process is essential. Given that leaders are frequently engaged in other processes, there is the danger of a breakdown in communication and/or work burn-

out. Coordination demands and the often rapid unfolding of events has meant that, over the years, the co-chairs have had to devote a major portion of their working days to ensuring that Board issues have been adequately dealt with. This has involved considerable time cultivating contacts among involved parties. This supports Pinkerton's (1989) contention that the successful operation of co-management ultimately rests on establishing and maintaining high quality relationships among the people within the organizations making up the institutional environment. My research indicates that the success of the CRB has, to a large degree, been attributable to the dedication of at least one of the co-chairs to stay on top of CRB affairs and foster positive working relationships.

Appendix 1

The Central Region Board's Obstacles and Strategies with Recommendations According to Policy Areas

Power Sharing		
CRB Obstacles	**CRB Strategies**	**Recommendations**
1. Provincial Government and Corporate Resistance to Power Sharing with First Nations 2. Provincial Government Resistance to Power Sharing with Local Communities 3. Corporate and State Dominance of B.C.'s Forestry Sector 4. Lack of Clarity of Purpose for the CRB 5. Difficulties in Establishing Information Orders: Power Sharing Issues 6. Exclusion of the CRB from Provincial Policy Making 7. Lack of Clear Guidance from the Central Region Chiefs	1. Create a Collaborative Culture on the Board 2. Prioritize Aboriginal and non-Aboriginal Community Collaboration 3. Develop Multi-Party Collaborations 4. Serve as a Policy Broker 5. Use Access to Information Rights 6. Strategically Reposition the Board in the Referral Process 7. Establish the Board as a Regulatory Body and the Science Panel Recommendations as a Higher Level Forestry Plan 8. Enlist Support from the Central Region Chiefs	1. Clarify the Board's Core Purpose 2. Establish a Strategic Partnership Framework 3. Grant the Board Regulatory Status 4. Establish a Higher Level Plan for Clayoquot Sound based on the Scientific Panel's Report #5

Building Organizational and Technical Capacity

CRB Obstacles	CRB Strategies	Recommendations
1. Lack of CRB Organizational and Technical Capacity 2. Weak Local Community Organizational and Technical Capacity 3. Difficulties in Establishing Information Orders: Capacity Issues 4. Reliance on Provincial Government Funding	1. Establish Guidelines to Streamline Board Referrals 2. Utilize the Strengths of the CRB Co-Chairs and Staff 3. Prioritize CRB Oversight of Provincial Government Fiduciary Responsibility to First Nations 4. Delegate Issues to Sub-committees 5. Focus on Winning Collaborations	1. Build CRB Organizational Capacity for Improved Productivity 2. Enhance CRB Self-sufficiency 3. Create a Transition Strategy for the CRB 4. Clarify CRB Relations with and Support from the Federal Government

Improving Communications

CRB Obstacles	CRB Strategies	Recommendations
1. Adversarial Culture 2. Lack of Continuity in CRB Members and Government Personnel 3. Communication Gaps Among and Within Provincial Ministries 4. Communication Gap Between CRB Members and CRB Co-chairs	1. Serve as an Interpretor to Improve Communication and Cooperation among Parties 2. Create Access to Key Senior Officials and Use Internal Supporters 3. Take a Timely, Pro-active Role in Communicating CRB Priorities for the IMEA Re-negotiations	1. Create a Comprehensive Communications Strategy 2. Test Out a 'Continuum of Agreement' Model for CRB Consensus Decision-Making

Enhancing Monitoring/Accountability		
CRB Obstacles	**CRB Strategies**	**Recommendations**
1. Weak Accountability Mechanisms for CRB Performance 2. Weak Provincial Government Accountability to the CRB and the Nuu-chah-nulth	1. Create Honourary Seats on the Board for the Hereditary Chiefs	1. Strengthen CRB Accountability 2. Assess the Board's Progress on its Strategic Plan 3. Evaluate the Implementation of the IMEA

Planning for Sustainability		
CRB Obstacles	**CRB Strategies**	**Recommendations**
1. A Dysfunctional Watershed Planning Process 2. Insufficient Time Allowed for Establishing and Maintaining Collaborations	1. Engage in Formal Strategic Planning	1. Mandate the CRB to Directly Implement Watershed Planning 2. Include Forest Tenure Issues in the Board's Mandate 3. Strengthen the CRB Relationship with the UNESCO Biosphere 4. Mandate the Board to Conduct a Regional Socio-Economic Development Planning Process 5. Expand the Geographical Mandate of the Board 6. Explore Economic Incentives as Part of the CRB's Regulatory Responsibilities 7. Mandate the Board to Elaborate a Vision of Community-Based Collaborative Regional Governance

Appendix 2

Recommendations for the Provincial Government, the Nuu-chah-nulth First Nations and the Clayoquot Communities

Based on the results from applying my two analytical frameworks – concerning obstacles to and strategies for the successful implementation of a collaborative agreement - and the ensuing discussion of the CRB process, I have elaborated 20 recommendations to offer the principal parties for enhancing CRB operations. The recommendations are organized according to each of the five key policy areas, which dominate the Board's agenda. The recommendations focus on strengthening the Board's model of community-based collaborative governance to better serve all parties involved. A summary table of the recommendations organized under each policy area appears in Appendix 3.

POWER SHARING

1. Clarify the Board's Core Purpose

Clarifying the main purpose of the Board could help it overcome many of the longstanding challenges it faces to power sharing. The Board should be formally recognized as providing a vital bridge in establishing and implementing a future system of shared governance among First Nations, local non-aboriginal communities and the Provincial Government. The Board is helping to create the public institutions and partnerships necessary for successfully implementing future treaty settlements. As well, the Board serves as a model for developing a sustainable regional economy. From this perspective, the Board's core purpose could be as follows:

> **The Board provides valuable experience and information to guide present treaty negotiations and future treaty implementation. It also serves as an innovative and evolving model of regional collaborative governance for overseeing the sustainable management of natural resources at the community level.**

2. Establish a Strategic Partnership Framework

Based on the CRB's core purpose, a strategic partnership framework should be elaborated to guide future operations. Some elements that would require clarification would be:

- specific roles and responsibilities for supporting the partnership, e.g. decision-making authority, maintaining communications, funding, staff and material commitments
- appropriate accountability mechanisms
- sharing risks
- institutional linkages with regional planning bodies, i.e. the Vancouver Island Inter-Agency Management Committee, and with the municipalities of Tofino and Ucluelet

A partnership framework could more effectively promote joint social and environmental objectives. For example, the Government could still exercise a limited oversight role to foster social equity and environmental responsibility by setting minimum standards. It could devolve greater decision-making authority to the CRB to formulate and implement locally appropriate economic and environmental policies. The Board, in turn, would be responsible for establishing permit review guidelines, for example, focusing on community concerns regarding cumulative effects, monitoring and the greater local benefits.

3. Grant the Board Regulatory Status

I support the Board's position on receiving regulatory powers. Future gains in collaborative governance could be realized, since the Board would be better able to incorporate local community values into policy-making and implementation. Regulatory status would confer the legal backing – in the form of sanctions as well as discretionary authority - needed to motivate parties toward finding joint solutions. Official regulatory status would also mitigate effects on the Board's operations from future changes in government actors and policies.

However, further devolution of authority to the CRB needs to be carefully articulated. Associated responsibilities for the monitoring and enforcement of CRB decisions would need to be clarified, i.e. who conducts compliance monitoring and enforcement of sanctions if necessary and how is it carried out. Above all, greater devolution of authority to the CRB should be based on an expected improvement in its ability to achieve a mandated objective. Regulatory status is a means to improve effectiveness, not an end in itself. Enhanced authority will also require discussions on the sharing of legal and financial risks. This process may require a new interpretation or definition of "regulatory body". This should be encouraged within the framework of a new IMEA.

4. Establish a Higher Level Plan for Clayoquot Sound based on the Scientific Panel's Report #5

I support the Board's own recommendation that Clayoquot Sound be designated as a resource management zone and that Report #5 of the Scientific Panel be established as the zone's objective under the legal framework of the Forests Practices Code Act. This would provide the Board with a legal foundation from which to more effectively regulate and guide the development of a sustainable forestry sector. However, an emphasis on the Science Panel Recommendations, especially in the context of an IMEA should not limit the Board in providing additional recommendations that fall within the Board's broader mandate.

BUILDING ORGANIZATIONAL AND TECHNICAL CAPACITY

1. Build CRB Organizational Capacity to Improve Productivity

Even in these times of fiscal restraint, the Provincial Government would be wise to continue investing in the CRB process to enhance its productivity. For example, more Board staff could boost its interorganizational coordination role, technical capacity, monitoring functions and community linkages. To succeed with economic diversification and ecological sustainability, the region also requires a robust, integrated information management system. The Board is an ideal body to host this. Such a system would improve coordination, information sharing, public awareness and performance monitoring of initiatives. The Board can explore means of sharing costs for data base

storage, processing and printing capabilities with other organizations in the region without compromising data security and confidentiality needs.

Maintain and strengthen the Board's positive momentum

Organizational support for the Board would enable it to maintain and strengthen the positive momentum it has already built. It would also ensure timely, effective responses to new needs, for example, for a regional planning process or a re-analysis of the Scientific Panel reports. Adequate capacity will also be required to handle increased responsibilities and operations associated with an increase in the Board's authority.

As much as possible, the CRB should try to satisfy its growing technical needs with existing local capacity in the form of local organizations or programs, e.g. the Long Beach Model Forest. Priority should also be given to establishing linkages with the UNESCO Biosphere Reserve to strengthen the Board's monitoring, research and education operations. Any new hiring of Board staff should give priority to First Nation's from the Central Region Tribes. As an immediate first step, the hiring of a First Nation's trainee to work with the present research analyst is suggested.

2. Enhance CRB Self-sufficiency

> "The Board has to diversify its funding base. Sustainability has to include economic sustainability for the CRB. That means, as far as possible, getting off the government payroll."
>
> Senior official, MOF

> "If the Board wants its model to be used elsewhere, its got to find non-governmental sources of funding."
>
> Senior official, MELP

The CRB needs to contribute to its own revenue and find ways to improve its administrative cost-effectiveness. However, this initiative should complement, not replace, funding assistance from the Provincial Government. The government has an obligation to shift resources to what is an evolving form of governance, which provides benefits for the central government as well as for the local communities involved. As far

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as the CRB's contribution, many ideas already exist: the pooling of administrative services with other local organizations, gaining society status, and diversifying funding by tapping into foundations whose mandates include Board issues. The Board should also look at services it could offer to generate revenue, e.g. eco-certification for businesses. Moreover, government finance and administration policies should provide room for the CRB Secretariat to develop cost-effective operations and options.

3. Create a Transition Strategy for the CRB

A transition plan is needed to detail how the Board will actually take up any new powers and responsibilities as a result of the IMEA re-negotiations. Benchmarks could be used to ensure various capacity concerns are identified and addressed during the change process. This will give the parties an opportunity to clarify and unify their expectations of the Board, aligning them with Board capacity and accountability. Implementing changes in small, planned steps will likely decrease the perception of political and financial risk for the Province and the Central Region Chiefs and, therefore, likely increase their commitment. It will also help Board members, co-chairs and staff prepare for and adapt to any changes in status, structure and function on an individual and group basis. This will also help in communicating changes to the public.

4. Clarify CRB Relations with and Support from the Federal Government

The Board's comprehensive operations influence and encompass the management of many coastal areas. Thus, greater clarity regarding the CRB's relationship with and support from the federal government on marine and fishery resources would be appropriate. This could enhance the Board's capacity and performance in related areas, e.g. conservation of the Sound's coastal habitats and protection of salmon-bearing streams. Clarifying federal relations is particularly pertinent since the CRB has begun playing a key role in local efforts to start developing a successfully integrated coastal zone management system.

Moreover, if the Provincial Government and Nuu-chuh-nulth establish the core purpose of the CRB as a bridge to treaty, the federal government should logically be included in further CRB discussions. The federal government would need to recognize the central

role the CRB plays in carrying out crucial aspects of the federal mandate on First Nation's issues, i.e. developing human resources and economic opportunities. This should form the basis of federal policy and resource support for the Board.

IMPROVING COMMUNICATIONS

1. Create a Comprehensive Communications Strategy

It is strongly suggested that the Board develop a communications strategy designed to increase community understanding of the structure and operations of the Board. Equally important, the strategy should create regularized access for community members to the Board. Such a system will assist the Board in fostering a sense of personal and community responsibility for the achievement of the CRB's broader public goals. Priority groups should be identified, i.e. Nuu-chah-nulth elders and youth.

The communications strategy should also include steps to maintain and strengthen dialogue with various senior officials in government. Information gaps and errors are frequently the result of changes in political and bureaucratic actors, lack of inter-ministerial communication, biased reporting from other sources, or shifting priorities. Thus, stronger Board-government channels of communication are needed to overcome these impediments. For example, increasing senior level understanding of the breadth of the Board's mandate could help overcome resistance to policy integration and the comprehensive nature of Board recommendations.

2. Test Out a 'Continuum of Agreement' Model for CRB Consensus Decision-Making

To help improve internal communications and effective consensus decision-making, the Board should test out a continuum of agreement model. One simple yet effective method uses the number of fingers on one hand to indicate relative degrees of acceptance or rejection of a particular idea. Other methods use continuums drawn on flip charts to record members' positions more formally. The continuum model reflects more accurately the natural and important variations in agreement among individuals engaged in consensus building. Groups using these mechanisms have found that individuals are more

willing to express themselves since they can do so more fully without fear of blocking a majority opinion. Kaner's (1996) experience indicates that greater self-expression leads to an enhanced sense of self-respect and commitment to problem solving. This process helps to build inclusiveness and collaboration: individual differences are better accommodated by the group, rather than perceived as a threat to cohesion, stability and collective action. Groups have also found that this method of recording members' opinions facilitates further learning and discussion that can move the group toward greater unanimity. As a result, this method can lead to a more efficient and effective closure on issues.

ENHANCING MONITORING/ACCOUNTABILITY

1. Strengthen CRB Accountability

Enhancing the CRB's accountability is critical to the present and future success of collaborative governance in the region. As the Board's influence, and potentially its formal authority increase, so too will the government's and community's need for a well designed system of accountability. However, as Bachdach and Kagan (1982) warn, too many accountability requirements reaching into every aspect of operational life can diffuse a sense of responsibility, since everyone becomes accountable for everything. Braithwaite (1999) and Brennan (1999) have also observed that "accountability overload", when coupled with risk-adverse organizational cultures, can create a fear of the high cost for failure, leading to defensive individual and agency behaviour. Since excessive accountability requirements can stifle responsiveness, innovation, discretionary action, a sense of responsibility and efficiency, different combinations of checks and balances require exploration. There are no easy or final tests and an adaptive process is essential. Brennan (1999) suggests a risk management approach where the level of accountability rises as the risk of undesirable consequences from a system's failure increases. The following recommendations suggest different accountability mechanisms worth exploring.

I. Fortify Accountability Mechanisms of Board Operations

Based on their studies of Canadian intergovernmental and community partnerships, Radin and Romzek (1996) have recommend that complex collaborations use a combination of legal, fiscal, professional and democratic mechanisms to meet accountability goals. Finding the appropriate mix for the CRB will depend on its operating environment, its objectives and partners' needs.

a. **Legal accountability mechanisms:** Independent evaluations, and court or impartial administrative reviews of CRB decision-making processes should be considered.

b. **Fiscal accountability**: A program funding approach should be used, where the Board receives block funding from the government on a quarterly basis based on agreed upon performance outcomes. This mechanism would provide greater flexibility than an overly restrictive project-funding basis focused on inputs and outputs. Performance outcomes would be based on locally appropriate goals aligned with the implementation of provincial programs. Financial management systems and policies should be adapted to support the Board's operations where necessary.

c. **Professional norms:** A greater reliance needs to be placed on strengthening internalized norms of responsible behaviour for public and community representatives.

> "You have to have people who are internally accountable: integrity has to be a basic element of the people that you end up with on a board like that and you can't legislate integrity and I'm not sure you can elect it. That's the key issue, integrity, as opposed to trying only to figure out specific mechanisms around how to be accountable with this many meetings or that many meetings or this election or whatever. The Board has provided an opportunity to test out which qualities and what training may be more appropriate than others for individuals who seek to represent community interests in a collaborative process."
>
> CRB member

Even though the Board has been adhering to non-written rules of conduct, formally establishing a professional code tailored to the Board's needs would help to strengthen CRB operations. For example, clarifying and codifying productive group norms such as regular attendance, reciprocal cooperation, mutual respect, open and focused discussions, etc, could solidify member commitment and adherence. The Board's own code would be based on existing provincial guidelines for commissions on codes of ethics and conflict of interest. In addition, a written code would allow for an easier assessment of and feedback on individual and group conduct.

d. **Democratic accountability:** The CRB's responsiveness to the parties involved in Clayoquot's issues constitutes its democratic accountability. This could be enhanced significantly if the Board had the capacity to conduct a variety of monitoring and evaluation (M&E) operations. These are detailed as follows:

i. **M&E of Board Performance:** The CRB must monitor and evaluate the effectiveness of its processes, decisions, and activities to make appropriate corrections in meeting its mandate. This will enable continuous improvement through learning, a strategy that lies at the heart of successful organizations. This strategy is particularly critical for the Board since there are no standard solutions for dealing with the kind of complex implementation issues it faces. Thus, I recommend that a task force be established to design and test an M&E tool.

Crafting an M&E tool

In their studies of government bureaucracies, Osborne and Gaebler (1992) found that improving effectiveness in governance systems requires a focus on longer-term outcomes achieved through processes and shorter-term products. Substantive outcomes (e.g. measurable improvement in the social and economic well being) are long-term goals that require an investment in supportive processes (e.g. creation of strategic new collaborations and information networks). However, the choice of outcomes for conducting a

"results-oriented" evaluation of the Board must be done carefully. Identifying outcomes solely attributable to CRB efforts is virtually impossible given the complex and collaborative working environment. Thus, evaluations must try to establish the CRB's contribution to observed changes and avoid the tendency to rely on easily measurable variables, e.g. time taken for reviews, number of approvals processed, costs, etc. Otherwise, an unacceptable simplification of the Board's operations and influence could result. Recent research is providing an alternative method for evaluating complex resource management initiatives. For example, Bellamy *et al.* (1999) are focusing on a variety of process and output criteria to assess the success of integrated resource management activities. The Board could adapt criteria and ideas in use to suit its evaluation needs. Evaluations could also consider changes in business operations as a result of Board rulings or activities, e.g. investments in new technology or establishing self-auditing or monitoring procedures. Applying these types of assessments to current Board practices would highlight CRB strengths and areas for improvement.

Creating a joint evaluation tool can also increase the coordination of operations across jurisdictions and levels of authority. If parties agree to the same outcomes and adopt the same performance indicators, a certain level of coordination on standards and means should follow. This would align and focus efforts.

Finally, an M&E framework provides institutional safeguards that can reduce or justify risks perceived by participants. Rodal (1993) indicates that by lowering perceived risks (e.g. financial, legal) or by making them more acceptable in the light of potential benefits, greater commitment to a partnership can be generated at senior government levels over the long term.

ii. **M&E of CRB co-chairs:** As pointed out earlier, the roles of the provincial and First Nations co-chairs are critical to the success of the Board. Thus, I suggest a Terms of Reference and evaluation system be established for each co-chair. A mixture of formal and informal assessments would provide an excellent method for improving co-chair performance and ensuring Board members are giving co-chairs the necessary guidance they require to best serve members' needs.

II. Strengthen the CRB's Constitutional Accountability

My research suggests the Board's formal decision-making rule needs to be addressed. The double majority provision for First Nations' members was entirely appropriate during the early years of the Board. However, the growing strength of the collaborative relationship between aboriginal and non-aboriginal Board members and the Board's role as a bridge to treaty suggest that an equalization of formal voting power may now be appropriate. Establishing this type of constitutional equality on the Board will strengthen its model of community-based collaborative governance. It may also broaden its base of support among the general public within and beyond the region. One option might be to make the double majority mechanism equally applicable to the non-aboriginal Board representatives or eliminating the double majority provision altogether.

I also support the Board's attempt to create honourary seats on the Board for the Hawiih of the Central Region Tribes. This would provide a strong accountability mechanism between Board members and the First Nation's signatories of the IMEA. Status of the honourary seats, e.g. observer or voting, and level of remuneration would require discussion.

III. Strengthen Non-Aboriginal Community Representation on the Board

Community support for the Board can be enhanced through strengthening its non-aboriginal community representation. This is particularly important since two members from Tofino and the one member from Ucluelet recently lost their local government positions in municipal elections and thus, have no direct ties to a democratic electoral process. Moreover, representation of local interests will increase in importance should the

Board gain greater formal authority. In the long term, increased accountability may involve direct elections to the Board. However, candidates must be committed to the collaborative process. In the short term, there are many advantages to continuing with the present non-aboriginal Board members. Significant individual and group expertise has accumulated in technical knowledge and collaborative problem solving. However, four steps could be taken to strengthen accountability to Clayoquot's non-aboriginal residents:

   i. Mandate the Board to create Terms of Reference (TORs) for its non-aboriginal members in consultation with the Province and the Central Region Chiefs (the Principals), the town councils and the communities. This will give the parties an opportunity to flesh out the general expectations set out by the government for the provincial representatives in their letters of appointment. This will also help define non-aboriginal members' relationship with the town councils of Tofino and Ucluelet. In so doing, the parties will be able to articulate and learn more about desired qualities, expected behaviours and reporting responsibilities for Board members (aboriginal members may want to engage in a similar process). TORs could be subject to the Principals' final approval.

   ii. Request town councils to formally advise the Principals on the performance of their appointees and the CRB based on a periodic review using TORs and the Monitoring and Evaluation Framework for Board operations.

   iii. Bring the Port Alberni seat into the Clayoquot region and promote a better geographic balance by giving Ucluelet town council the authority to appoint a member to fill the seat. This process could be aided if done concurrently with the TORs. Moreover, this would test out a future option for giving the town councils the authority to directly appoint Board members, and would support the geographical broadening of the Board's scope.

   iv. Allow the CRB to become part of the Inter Agency Management Committee

IIII. Conduct a Comparative Cost Analysis of the CRB

> "Why should we go on throwing money into the Board? I'd rather spend the limited amount we have on health care or education."
>
> Former senior government official, MAA

> "Focusing on the dollars spent in Clayoquot Sound can be hazardous for the government. It opens themselves up for criticism on the effectiveness of dollars spent and the flow of money out of region to consultants and corporations. On the benefit side, we've shown them that the community and technical expertise we have brought to the table and developed over time couldn't be bought for that cheap a price anywhere else. $500,000 a year is a bargain given the costs of the litigation that has gone on here in the past and the cost of previous planning processes in Clayoquot Sound."
>
> CRB member

The present controversy on the cost of the Board is occurring in a virtual information vacuum. The debate requires an analysis that can estimate and compare the costs of the Board with expenses the government would have incurred by using other policy alternatives (e.g. litigation) or with similar resource committees in existence. A cost-effectiveness approach should be used based on clearly defined objectives and standards. Agreement would need to be reached on how to measure benefits. The results could be useful for creating an effective government investment strategy in Clayoquot Sound and for identifying a Board role in its implementation. Results may also inform policy development in other parts of the province. The Board could oversee the production of this report.

2. Assess the Board's Progress on its Strategic Plan

The Board could strengthen its accountability and its leadership role by formally evaluating its progress toward fulfilling its strategic plan. I suggest the Board also revisit its mission, overall objectives and core operations to ensure their continuing relevance. This is especially crucial, given a new IMEA has been recently signed. The Board should constantly seek to create greater clarity for its role as it promotes community-based collaborative governance. The final phase of this assessment could be the elaboration of another year's operational plan. Discussion topics to stimulate the planning process can

be derived from work the CRB staff have done and external reviews such as this paper. Furthermore, to strengthen the process and gain more commitment to the implementation and outcomes, member participation needs to be enhanced.

3. Evaluate the Implementation of the IMEA

Just as the CRB must be accountable to the Provincial Government and the Central Region Chiefs (the Principals), so too should the Principals be accountable to the CRB and each other for supporting the collaboration. By conducting an evaluation of the Principals' commitments and subsequent actions, the Board could provide valuable formal feedback to the Principals on their performance in fulfilling their IMEA obligations. This assessment would focus on both Board and non-Board related IMEA objectives, indicating to what degree the Principals have contributed to ensuring the success of the collaborative relationship. Specific outputs could be compared with original commitments to and/or desirable levels of, for example, money movement, information flows, and staff resourcing. The evaluation could also assess the outcome of the Principals' support by examining the nature of impacts on the environment and Clayoquot communities. This evaluation could identify critical gaps in either direct assistance to the CRB or in setting and implementing a favourable policy context.

PLANNING FOR SUSTAINABILITY

1. Mandate the CRB to Directly Implement Watershed Planning

My research suggests that the Board should be mandated to implement the watershed planning process directly. The Board needs to elaborate an effective planning framework and be given decision-making authority to supervise watershed planning groups. A joint information order needs to be created immediately to establish acceptable data standards and elaborate planning objectives. The planning framework would also chart out estimated completion times for all watershed plans. While those plans in process will naturally receive priority, forecasting work schedules for the other watersheds would be of strategic use. An impartial process guardian could oversee the implementation of this blueprint. This person would ensure that watershed plan work schedules have sufficient detail and build on previous experience. She/he would also ensure that commitments to

time-lines and adequate technical support are fulfilled, modifications justified, resources used effectively (e.g. finding uses for existing inventory data), and standards for government input and meaningful community involvement are met. This person would report to the Board.

The Board's watershed planning should not be restricted to the Science Panel Recommendations. The Board can exercise the full extent of its mandate to ensure the watershed plans and their subsequent implementation meet the highest possible social and ecological standards.

2. Include Forest Tenure Issues in the Board's Mandate

CRB objective 8k in the IMEA gives it the authority to increase greater local ownership in the forest industry. Decisions over access rights to TFL 44 and 54 and use of the forest resources within are central to creating greater local ecological and economic sustainability. This is particularly true if coordinating and/or combining forestry operations across the Sound's landscape become necessary for achieving both economic viability and adherence to the Scientific Panel Recommendations. Thus, issues of Clayoquot Sound's forest tenure structure logically enter into the Board's mandate. I suggest that the Board be given the necessary authority to regulate access arrangements to forested Crown land and the use of the resources within to maximize sustainability and social equity goals. This is especially important when tenure structures change through selling, exchanges or transfers. For example, the Board could set desired standards on access to fibre for local value-added firms, or advocate for concessions on provincial stumpage fees to support ecologically sound operations. Incorporating community interests would build in opportunities for collaborative initiatives between the Board and forestry interests from the start. This could later help facilitate Board approvals on the resource's use. A greater level of risk taking by the CRB is more likely to occur when local businesses and communities are jointly benefiting from the long-term use of the forests and are sharing responsibility for maintaining and/or restoring its ecological integrity. For example, my research indicates that the CRB would be more willing to

approve logging in TFL 54 if majority community equity in its ownership was established.

3. Strengthen the CRB Relationship with the UNESCO Biosphere

The CRB, in consultation with relevant interests, should consider setting an overall vision and context for research, education and training in the region. This could include a technical capacity for resource management structures. The UNESCO Biosphere Trust would be a good relationship within which to organize this strategy. The CRB would need to address issues concerning priority areas, application processes, allocations, monitoring and evaluation, as well as accountability mechanisms.

4. Mandate the Board to Conduct a Regional Socio-economic Development Planning Process

A broader, strategic role for the Board in regional resource management must be built upon a solid socio-economic regional plan. The Board possesses the knowledge, skills, experience and strategic position to provide the region with much-needed leadership in establishing a comprehensive planning process. Charting a social and economic direction will demand a broader planning process than the current watershed level one which focuses primarily on timber values. A comprehensive process would encompass a greater range of land and aquatic resource values and management objectives. This type of strategic approach is within the Board's mandate and would form the basis for achieving the CRB's top priority: to promote economic diversification and sustainable development (CRB, 1999b). Moreover, my interviews reveal that senior government officials strongly encourage the CRB to take on this role.

Community-based visioning at the core of the process

The Board could begin with a region-wide visioning exercise in each community. The identification of residents' values and objectives, based on desired future social and economic conditions, would lay the groundwork for a subsequent regional vision and extensive planning process. The Board could use existing information and inventories to support this process. The elaboration of maps could be an exploratory planning tool for identifying and creating areas with the greatest potential for consensus agreement and,

conversely, for conflict. Community maps would be brought to regional planning forums. Priority would be on establishing collaborative agreements where interests are shared, and linking planning objectives to concrete economic opportunities. Further dialogue could build on important points raised in Dobel's (1998) discussion paper on the Board's potential role in regional economic development and diversification. These include: developing an organizational structure to promote and implement an economic strategy, funding mechanisms for implementation, growth management and infrastructure needs for the region, and the building internal and external networks for goods and services to increase local value and link sectors.

A regional economic plan could also guide government and private sector involvement in the region's resource development. The plan could form the basis for the elaboration of a partnership framework, detailing community-generated criteria for program and project approval. This would substantially increase the communities' ability to direct external assistance toward meeting their planned objectives and promote balanced regional development. A jointly developed economic plan would provide an increased level of certainty to the Provincial Government and Nuu-chah-nulth by creating more transparency and reducing political and socio-economic risks.

The need to conduct this planning is urgent: creating a common economic strategy is key to ensuring that ongoing treaty negotiations and evolving aboriginal and non-aboriginal business ventures support shared regional development goals and enhance economic stability. Thus, the funding and political support for this recommendation should be prioritized.

5. Expand the Geographical Mandate of the Board

In keeping with its core purpose, the geographical mandate of the Board should be expanded to include all the traditional territories of the Central Region Tribes. This is a logical step for forging a closer link between the Board process and an integrated regional strategy for economic development and ecological sustainability. This is in keeping with the Nuu-chah-nulth's philosophy of interdependence. It will require a re-thinking of non-

aboriginal CRB membership, as the representation from Ucluelet would need to be increased. Increasing the geographical extension of the CRB's responsibilities needs to be matched with sufficient organizational resources.

6. Explore Economic Incentives as Part of the CRB's Regulatory Responsibilities

The Board's regulatory responsibilities need to include the testing of economic incentives that can assist the private sector in using environmentally sound practices. Bowles *et al.* suggest a number of ideas in this area. The focus would be on cutting costs by conserving resource consumption, waste minimization, preventing initial damage and remediation costs, or avoiding liability. The Board could also enlist business self-interest through the promise of reduced reporting costs for firms demonstrating good management practices. Support should also be directed toward business with environmentally beneficial products or processes. On a broader scale, the Board should also work to eliminate subsidies or preferential tax provisions that encourage destructive activities, e.g. less than full cost pricing of timber, grants or favourable loans for construction that destroys important habitat. The Board could also use performance or assurance bonds, which companies have to post so that they carry the burden of ensuring that potential harm is avoided or remedied.

7. Mandate the Board to Elaborate a Vision of Community-Based Collaborative Regional Governance

The Board could work with community groups and researchers to provide more direct input on future models of community-based regional governance. This would be useful for present treaty negotiations and in the post-treaty environment. Attention could be directed towards ideas from northern Canada, e.g. impact and benefit agreements and constitutional balances to Federal paramountcy through ministerial accountability. Emerging concepts that map out First Nation's interests and link these to spheres of influence across the landscape could also be examined. Public discussions could also include how regional economic and resource planning and implementation could be conducted in a post-treaty governance structure. In conducting this research, the CRB

should consider broadening the scale of consultations to include influential voices beyond the region, e.g. the Union of BC Municipalities.

Appendix 3

Summary of Recommendations by Policy Area

Power Sharing
1. Clarify the Board's Core Purpose
2. Establish a Strategic Partnership Framework
3. Grant the Board Regulatory Status
4. Establish a Higher Level Plan for Clayoquot Sound based on the Scientific Panel's Report #5
Building Organizational and Technical Capacity
1. Build CRB Organizational Capacity to Improve Productivity
2. Enhance CRB Self-sufficiency
3. Create a Transition Strategy for the CRB
4. Clarify CRB Relations with and Support from the Federal Government
Improving Communications
1. Create a Comprehensive Communications Strategy
2. Test Out a 'Continuum of Agreement' Model for CRB Consensus Decision-Making

Enhancing Monitoring/Accountability
1. Strengthen CRB Accountability
2. Assess the Board's Progress on its Strategic Plan
3. Evaluate the Implementation of the IMEA
Planning for Sustainability
1. Mandate the CRB to Directly Implement Watershed Planning
2. Include Forest Tenure Issues in the Board's Mandate
3. Strengthen the CRB Relationship with the UNESCO Biosphere
4. Mandate the Board to Conduct a Regional Socio-Economic Development Planning Process
5. Expand the Geographical Mandate of the Board
6. Explore Economic Incentives as Part of the CRB's Regulatory Responsibilities
7. Mandate the Board to Elaborate a Vision of Community-Based Collaborative Regional Governance

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