

IS LOCAL DECISION MAKING A SOLUTION?

By Harry Nelson and Hugh Scolah

How, where and when should a forest stand be cut? Who pays to access and maintain the public resource? How should other values such as watersheds and old growth be balanced with timber harvesting? These are questions that ultimately get decided through a process determined by government. These days, there are a growing number of examples of British Columbians who are unhappy with the answers.

Every actively logged region in the province is different and home to different sets of forest activities that people care about. Some areas contain endangered species; others have active snowmobile groups, naturalist groups, backcountry

skiers and mountain bikers, hunters and anglers, plus many other cultural activities; or in many cases, a combination of these activities altogether.

The government has the impossible job of making trade-offs between these different interests and keeping as many people as possible at work across the whole province. How can a decision-maker collect enough information and put it all together to make a fair decision that finds the right balance between all of the interested parties?

The government is currently engaged in making changes to the *Forest and Range Practices Act* (FRPA) that are meant to address some of these ongoing

issues, including increased public notifications and a move towards landscape level planning—an ongoing and perennial issue in BC. While we wait for these changes, we can anticipate that they are not likely to lead to changes in the fundamental ways in which forestry is carried out in BC, especially the tendency to find either the one process or set of regulations that will provide the optimal solution (and which will be decided in Victoria). It begs the question, is there another way to answer these questions on public land? Is there an approach to resource governance that gives more input to the people on the ground whose lives are affected by these decisions?

The late Elinor Ostrom, an Economics Nobel Prize winner for her work on resource governance, demonstrated that there is a different way. The first principle of her work is that the people being affected by decisions should have a right to participate in making the decisions. Beyond this basic fact, for a government to make fair decisions that people can live with, even if they don't agree with the outcome, the decision-making process should answer the following questions:

- Who gets access to a resource and who does not?
- Who benefits from access and who has to pay the maintenance costs?
- Who monitors to make sure that the rights holders meet their obligations, get access to the resource, and that everyone is respecting their contracts?

To get a sense of how decision-makers would work through these questions, take the example of a local organization that builds and maintains recreational trails on public land and discovers that a cutting permit has been issued on a BC Timber Sales (BCTS) sale around some of their trails. This group has missed the comment period, so now they raise money to challenge the cutting permit in court. The delay is going to be costly to industry; BCTS will burn tax dollars in unnecessary legal costs; and the recreational users would certainly rather be outside recreating than spending their



time fighting the permit. Why do these situations arise again and again in British Columbia? If we consider the four questions above, we begin to see how these conflicts result in so many additional costs in managing our forest resources.

Currently, other than timber harvesting rights and hunting tags, many activities on the public land base are a free-for-all. There are few limitations on who can do what and where. As a consequence of this, many people benefit from the use of public land, but few contribute significantly to the cost of maintaining access. The imbalance between those paying the costs of maintenance and the beneficiaries of these expenditures is a perennial source of frustration for those who foot the bill.

There is also the question of monitoring a contract or permit after it is signed and the broader challenge of making sure that interested parties can monitor the ongoing decision-making process. Why is the recreational group surprised by the permit in the first place? Why are industry and government surprised by their legal action? If someone has a right to do something at no cost to themselves and a decision is made that changes that right, of course, they are going to fight it. No one wants to lose the subsidies to their preferred activity.

So, how can these failures be avoided? Ostrom's work found that what works best is a local decision-making body that allows all interested parties to sit down and decide the questions posed above. Users who get access to public land should contribute to its maintenance. Not everyone who wants to make use of the resource in their preferred manner will get what they want. There are too many people wanting to do too many different activities at the same time, in the same place. There has to be some limitations, and it is best decided face-to-face in the community. If locals don't have a role to play in monitoring the outcomes of this decision making, they lose trust in the process.

Ostrom highlighted these questions to summarize decades of work on historical and contemporary practices of resource management. An example from this work that stands out is the village of Törbel in Switzerland. The Törbel forests and pastures are ruled by village council according to laws that were first written in 1224. A village forester marks the

trees, and the harvest and processing is done within the village. At the landing, log sort value is allocated to village members according to a lottery each year. This ensures a fair outcome, as well as an enduring interest in the health of the forest by village members. As labour costs have risen (Switzerland has the highest labour costs in Europe) some changes have had to be made to the allocation of work and benefits from the forest, but the people of Törbel still make decisions about how the forest is managed. The ranges and forests are managed in an integrated way to benefit the community and minimize surprise conflict. In the nearly 800 years that these institutions have existed there has not been any instances where the entire village finds itself out of work because the cut allocation has dropped or a mill has gone out of business.

This is not an isolated example, many villages in Switzerland have similar institutions; there are roughly 3 million hectares in Japan that are managed by local village and regional authorities; and there are countless fisheries and irrigation systems around the world where users of the resource make and enforce the rules. Many of these institutions count

their age in centuries and some in millennia. Local governance works. It has stood the test of time.

In short, the people with skin-in-the-game are the ones who should make the decisions, live with the successes and failures, and make sure that everyone involved is living up to their word.

These local decision-making bodies may sound like a frustrating and inefficient process but consider the alternative. Will more data collection, surveys, paperwork and trips to the legislature result in better outcomes? Will rights and obligations be made clear? Will the quality and clarity of the monitoring process improve? Will the burden of costs and the distribution of benefits be made fairer?

Repeated interactions and negotiations between forest users through a formal process creates opportunities to find compromises that will never result from the old way of doing things. Maybe it is possible to get logs out of the bush and provide recreational opportunities for many different users, but we'll never find out if time and money are being spent on legal fights over unclear rights and obligations.▲

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