



The effect of communication on individual preferences for common property resources: A case study of two Canadian First Nations



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ABSTRACT

Increasingly, Indigenous Peoples are being re-empowered to make decisions about whether to approve development on their lands. But how these decisions are made has received little attention in the literature. Oftentimes, referenda or the solicitation of individual preferences through surveys may be used as input into the acceptability of proposed development. However, the focus on individuals does not necessarily incorporate how community members perceive the collective benefits associated with these land use decisions, nor recognize the collective deliberation procedures employed by many of these cultures. Drawing on the results from a choice experiment with two Canadian First Nations groups, this paper examines whether communication in a group-setting influences individual preferences for three land use alternatives: *Industrial Development*, *Tourism Promotion*, and *Conservation & Restoration*. These alternatives had different economic and environmental attributes, expressed at more individual and collective levels. While respondents preferred land use alternatives that generated higher compensation and jobs, they preferred *Conservation & Restoration* activities over *Tourism Promotion* and *Industrial Development* ranked last. Introducing communication in a group context led to a change in individual preferences, where respondents switched their votes from the other two alternatives to *Tourism Promotion*. The results offer important insight into the role of 'collective reflection' in research methods to assess Indigenous Peoples land use preferences, and for the design of nascent processes for Free, Prior and Informed Consent (FPIC).

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1. Introduction

Decisions over how to use common property resources too often leads to conflict and tension among affected populations. This is because decision makers typically come to decisions without involving affected peoples in any meaningful way, which fosters suspicion, conflict and litigation. Research shows that focusing on the structure of decision making processes, or *how* decisions are made, is crucial to mitigating conflict, and is typically more of a priority than *what* is decided (Wondolleck 1985). Wondolleck documents that when government decision makers involve stakeholders in structured processes to facilitate communication, parties can together evaluate competing interests and alternatives and make trade-offs, fostering consensus and mutual trust. Participatory processes and the importance of communication between the state and affected stakeholders have been well-documented

in land-use literature, and Webster (2016) identifies the importance of meaningful collaboration and communication between the state and Indigenous Peoples for land use planning that meets the needs of Indigenous Peoples. However, we understand little about how these processes function within the context of Indigenous Peoples and their own collective deliberations for common property resources. These collective processes are important to Indigenous Peoples' planning efforts, and can allow groups to evaluate trade-offs and integrate social and cultural imperatives into land-use plans, thereby enhancing the legitimacy of these plans (Lane, 2006). These planning efforts can also strengthen institutional development and self-determination among participating Indigenous Peoples (Prusak et al., 2015).

1.1. Land use and Indigenous Peoples: the importance of consent

Since colonization, Indigenous Peoples across the globe have largely been ignored in land use and resource management decisions, but have been subject to largely negative externalities from resource activity (Giddings et al., 2002; Bodley, 1998). However, the issue of Indigenous Peoples' preferences for development has taken

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on increased importance in recent years for three reasons. First, advancements in international law to protect Indigenous Peoples and their rights has expanded their voice in decisions about natural resource extraction, including the International Labour Organization (ILO) Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2008). Among many things, the UNDRIP calls for good faith and free, prior and informed consent (FPIC) to be obtained from Indigenous Peoples in resource development in their territories (Nikolakis et al., 2014; Nikolakis and Grafton, 2014). Second, these shifts have also been accompanied by legal decisions in many jurisdictions, policy changes and other actions increasing the amount of jurisdiction and land held by Indigenous Peoples. Third, even where domestic law does not support this requirement, non-state market driven governance mechanisms are legitimating norms and values to support FPIC among firms and NGOs (Nikolakis et al., 2014).

Consequently, Indigenous Peoples are re-securing their collective right to decide on development in their territories. However, this 'right to decide' is still strongly contested by states and resource companies—but, in Canada the trend is towards a consent paradigm, evinced in the recent Supreme Court of Canada decision of *Tsilhqot'in Nation vs. British Columbia*,¹ and reflected in a commitment by the newly elected Federal government to implement the UNDRIP. The movement towards consent means that it is important for the state and firms to understand what Indigenous Peoples want in terms of land use and the kinds of outcomes they prefer.

A key concern in implementing consent and FPIC regimes is around developing procedures that ensure integrity in reaching agreement on land use decisions, and to create decision-making processes that reflect the free will of each individual in the Indigenous collective. Economic development is now recognized as a priority for Indigenous groups to achieve goals of self-governance and self-sufficiency (Anderson et al., 2006; Nikolakis, 2010). However, development can be contested within communities as there are tensions between development goals and the environmental and cultural impacts—thus reaching consensus within Indigenous collectives can be challenging (Wuttunee, 2004; Nikolakis and Nelson, 2015; Nikolakis and Grafton, 2015; Nikolakis et al., 2013). Where development involves natural resource extraction, such as mining or logging, it can create revenues for the community and employment for members, but there can also be important trade-offs with cultural activities, like hunting and fishing and access to culturally significant sites (Venn and Quiggin, 2007; Gregory and Trousdale, 2009). It is this choice between competing alternatives that Wuttunee (2004) describes as a paradox; for as Indigenous groups pursue development to improve their social outcomes there are the inevitable externalities that have social, cultural, spiritual and ecological impacts, which in turn, require further development and income to mitigate these problems. The duality of conservation and development, and the choice between either is not always clear, nor is it binary.

The collective nature of Indigenous lands and resource rights means that identity and collective orientation are important factors in decisions to manage these lands and resources. However, this collective orientation is surprisingly absent in studies investigating Indigenous Peoples preferences for land use. Implicitly, it is assumed that individual preferences in aggregate can be used to rank socially preferred alternatives for collectives (Zander and Stratton, 2010) and determine thresholds of acceptability for devel-

opment (see Spyce et al., 2012). However, these studies offer a potentially incomplete picture, as these alternatives may not explicitly include collective outcomes, or allow individuals the opportunity to collectively assess those alternatives against community aspirations. This study seeks to enhance understanding about how land use decisions and the associated trade-offs are evaluated by Indigenous Peoples in their decision-making processes for collectively held resources. The study pays particular attention to the issue of whether individual preferences for development (which has been the focus of previous assessments) are different when evaluated after communication in a group setting. The study helps answer these questions by applying the findings from a field experiment conducted in British Columbia (BC), Canada. The experiment involved two First Nations groups, where the rights to lands and resources are held collectively, and both of whom are faced with controversial choices in reality between conservation and proposed development in their territories.

Respondents were given a choice experiment where they could choose among different development options: *Conservation & Restoration*; *Industrial Development*; *Tourism Promotion*; or, if respondents do not prefer any of these three options they could vote for 'None', which we refer to as the *Status Quo*. A subset of the respondents had the opportunity to deliberate their choices collectively in a group setting. This group deliberation offers insight into how collective outcomes may mediate individual interests, where individual payoffs and jobs to the First Nation (which the individual may obtain albeit indirectly), are balanced against access to territories and sustaining the environment. This is the first time a choice experiment has been applied in this context of comparing individual preferences of Indigenous Peoples and the effect of face-to-face-communication on these preferences. The findings from this study are of practical and theoretical importance to Indigenous collectives, governments and academia.

1.2. Organization of paper

A background section that describes the context and First Nations is provided next. Then at Section 3 a review of literatures is presented, followed by the method, then the results, and finally the discussions and conclusions.

2. Background on context

The two First Nations involved in the study are Tla-o-qui-aht and Ahousaht, both of whom are located in Clayoquot Sound on the West Coast of Vancouver Island, BC. Clayoquot Sound, is a designated UNESCO Biosphere Reserve that has some of the largest remaining stands of old-growth temperate rainforest in the world (Hayter and Barnes, 2012). During the last half of the 20th Century, Clayoquot Sound was the scene of "one of the most heated and protracted environmental conflicts in Canadian history" (Lertzman and Vredenburg, 2005, p. 239) culminating in a truce of sorts in 1994. The truce resulted in a transfer of logging rights to local First Nations, which are an important economic driver for these communities. However, tourism has expanded in the region to become the economic lifeblood of the local economy; but tourism businesses are typically non-First Nations owned, while tourism values can be impacted by First Nations logging. Recently, several large-scale mines have been proposed for the region, which has some groups concerned about the further effect on social and ecological values. Clayoquot Sound has an important place in the imagination of Canadian society but it is also a working environment for First Nations and the resources sector. The problem for First Nations remains as to how to balance the multiple and oft-competing land use activities with their own values and objectives.

¹ 2014 SCC 44, [2014] 2 SCR 257. In this case, the Supreme Court of Canada determined that the government should obtain the consent of Aboriginal groups where it will infringe on their land claims. There have also been decisions by superior courts across the colonized world that emphasise the importance of obtaining FPIC in development on Indigenous people's lands (Doyle, 2014).

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