Understanding 'successful' conflict resolution: Policy regime changes and new interactive arenas in the Great Bear Rainforest

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ABSTRACT

The paper seeks to shed new light on both the dynamics and possibilities for resolving complex land use conflicts by examining the development of the Great Bear Rainforest (GBR) Agreement in British Columbia, Canada. This agreement signalled a major policy change in the region by increasing the protection of old growth forests from 9% to 33% of the total planning area and by promoting more environmentally friendly logging practices though the establishment of ecosystem-based management. It also gave rise to new land use planning relationships between the Province and First Nations. Our analysis shows that 'success' in reaching agreement in land use conflicts can be better understood when political science's work on policy regimes and their background conditions is combined with planning theory's work on deliberative processes. We suggest that collaborative planning theory can complement the policy regime approach by highlighting how process design and the interactions that occur within policy arenas provide the physical and organisational spaces for dialogue, collaboration and policy change. The policy regime approach, on the other hand, helps draws attention to the dynamics of policy processes and consequent changes in governance relations that motivate actors to work together, instead of against each other.

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Introduction

Complex land use planning and decision-making situations are often highly contentious and, as decision-makers attempt to address conflicts collaboratively, it has become commonplace to involve a range of societal actors – governmental bodies, non-governmental organisations, and private interests (Glasbergen, 1998; Wondolleck and Jaffe, 2000). A key question in collaborative planning is why some processes gain traction and manage to create solutions that are acceptable to all involved parties while others fail to address conflicts constructively. Typically, the answer to this question is related to differences in how the process has been designed (Beierle and Cayford, 2000). Yet critics of the communicative or deliberative turn in planning theory have long argued that attention also needs to be paid to how these more micro-level processes are situated within and informed by more macro-level governance structures (see, for example: Fischler, 2000; McGuirk, 2001; Yiftachel and Huxley, 2000). Collaborative planning scholars are increasingly expanding the scope of their analyses to better

account for complex governance dynamics occurring outside of the boundaries of an official collaborative process and have turned to the literatures on new institutionalism (Healey, 2007) and complexity science (Innes and Booher, 1999). Our paper seeks to contribute to this emerging body of literature by combining insights from communicative planning with Cashore et al's policy regime framework (2001). Their framework is a conceptual tool derived from the study of forest policy, which underscores the institutional, relational and discursive aspects of policy change.

This combination of theoretical ideas emerged out of and is tested through our analysis of a high-profile land use conflict in British Columbia (BC), Canada. In 2006, after a decade of intense and seemingly intractable conflicts over the Great Bear Rainforest (GBR), disputing parties reached agreement over the long-term management of 6.4 million hectares of temperate rainforest. Through what has been called a "landmark environmental planning initiative" (Mc Gee et al., 2009), the provincial government, First Nations, environmental non-governmental organisations (ENGOs), forest industry representatives and other relevant actors agreed to increase protected areas from 9% to 33% of the land base; employ the principles of ecosystem-based management (EBM) in commercial forestry; and find new ways to promote economically viable, stable communities. The process also gave rise to new relations between area First Nations and the provincial government. A focal question for this paper is: what were the key factors that helped

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facilitate the successful settlement of this decade-long resource management conflict? 'Success' is understood here in terms of finding a solution that the disputing parties preferred over continuing the conflict. At the same time even 'successes' can be partial, fragile, and open to change – a point which is evident in GBR and which we will return to later.

The Great Bear Rainforest agreement has generated a great deal of scholarly interest. Gunton et al. (2003) and Frame et al. (2004) have evaluated the application of collaborative planning in land use planning in British Columbia generally, while Mc Gee et al. (2009) describe the political context and design principles of the GBR multi-stakeholder planning process, and Cullen et al. (2010) have surveyed the participants to the GBR land use planning process. On a more macro level, Howlett et al. (2009) and Raitio and Saarikoski (2012) have analysed the GBR case from governance perspective and Barry (2011, 2012) has focused on the relationships between the provincial and First Nation governments. Our purpose is to build upon this body of research by analysing simultaneously both the 'micro' perspective of collaborative planning and the 'macro' perspective of the policy regime framework in order to shed light on the different levels of governance interaction (Healey, 2007) and the importance of understanding the connections between them when analysing and resolving conflicts. With data collected in 2009, our analysis also covers more recent phases of the process, and the challenges therein, that have not been addressed in previous studies.

Methodological approach

Data collection and analysis

Given our interest in the motivations for a consensus-based agreement, the project adopts an interpretive policy research frame (Schwartz-Shea and Yanow, 2012; Yanow, 2000) and focuses on the lived experience and meaning-making processes at work in this conflict resolution process. As such, the data primarily consisted of key informant interviews with actors that had in-depth knowledge of this policy process and who played an important role in its resolution. Other actors are most certainly affected by the resultant GBR agreement, but they were not included in the study as they would neither know the details of the micro-practices of interaction nor the key turning points in the negotiations. A total of 14 thematic in-depth, key informant interviews were conducted as part of this research. The interviewees represented the BC government (4), First Nations (3), environmental groups (4) and forest industry (3). The digitally recorded interviews, which were conducted in August–September 2009, lasted 1–2 h and were later transcribed.

This fieldwork was supplemented with documentary analysis of relevant planning and background documents, including the Central Coast Land and Resource Management Plan completion table report (CCLRMP, 2004) and related background documents (e.g. Coast Information Team, 2004; Cortex Consultants, 2004; Prescott Allen, 2005), as well as press releases, policy documents, presentations (e.g. Smith and Cody, 2001; Armstrong, 2009) and websites produced by the actors from 1996 to 2009. The project also draws on the insights and primary data gained during one of the author's independent research projects (Barry, 2011, 2012). This study of the government-to-government (G2G) relationship that arose in the southern portion the GBR was based on nine in-depth interviews with provincial and First Nation representatives. It also analysed the five protocol agreements signed between the Province and southern First Nation coalition during this 10-year period, as well as various process design documents and meeting summaries from the broader planning process.

Interviews were used to help identify critical moments within the evolution of GBR agreement and to gain insights into the interests and experiences of the different actors, including their perspective on the relative importance of the informal and formal steps en route to the resolution of the conflict. All of the interviews were analysed qualitatively and coded. Representative quotations were selected to help animate central themes within the data as a whole, not just the views of the particular informant. These quotations have been edited for the purposes of readability and non-identification of the informants. The interview results were cross-checked with the analysed documents to verify the key facts concerning the GBR agreement and the process leading to it. In cases where the interviewees disagreed about events or key factors leading to the agreement, we have brought up the different opinions and interpretations. We have also presented the number of interviewees making specific statements about the success factors and key moments in the GBR process in Appendix A.

Theoretical framework

The theoretical framework used to analyse both interview and document data combines insights from collaborative planning and the policy regime framework. Collaborative planning refers to practices of governance which rely on dialogue and interaction between governmental bodies, non-governmental organisations, and private interests to find mutually acceptable solutions (Rydin and Falleth, 2006). The literature on collaborative planning includes the identification of grounded, practice-oriented principles and criteria to guide the design of individual collaborative processes (see, for example Wondolleck and Jaffe, 2000; Innes, 2004) and a more theoretically oriented commentary on how previously disparate groups are able to use collaborative processes to craft new ways of thinking about and acting in a shared policy sphere (Forester, 1999; Healey, 1997; Innes and Booher, 2010). One major source of influence is deliberative theory, which emphasises the forums and arenas through which citizens discover, discuss and debate common concerns (Barber and Bartlett, 2005). Collaborative planning theory has, therefore, generated a particular interest in the roles of third party mediation, joint fact finding and relationship building in reaching solutions that meet the needs and concerns of the parties better than they could achieve by acting unilaterally (Susskind et al., 1999).

At the same time, these deliberative processes are situated within and influenced by broader power structures and dynamics. This reality is reflected in the concept of the "Best Alternative to Negotiated Agreement" (BATNA) or the idea that parties do not negotiate if they can obtain their goals better by acting unilaterally (Susskind and Cruikshank, 1987). While the BATNA concept helps illuminate how the availability of external political processes (e.g. courts, lobbying, direct action) influences the convening and composition of a collaborative process, it nevertheless fails to account for the more subtle processes that shape collaborative processes: the ways in which institutional rules and social discourses open up opportunities for agreement, while closing off others. It is for these reasons that we sought to introduce insights from Cashore et al.'s (2010) policy regime framework, which synthesises key approaches to studying policy change. The framework is particularly helpful for our analysis because Cashore et al. (2001) have applied it to their study of BC forest policy change in the 1990s; by using the same conceptual approach we can build on their work in our analysis of the continuation of the process in the 2000s. An unpublished paper by Brooks and Hoberg (2007) also uses Cashore et al's framework to situate the GBR within the larger policy regime, though it is built on secondary sources and excludes analysis of collaborative planning dynamics.