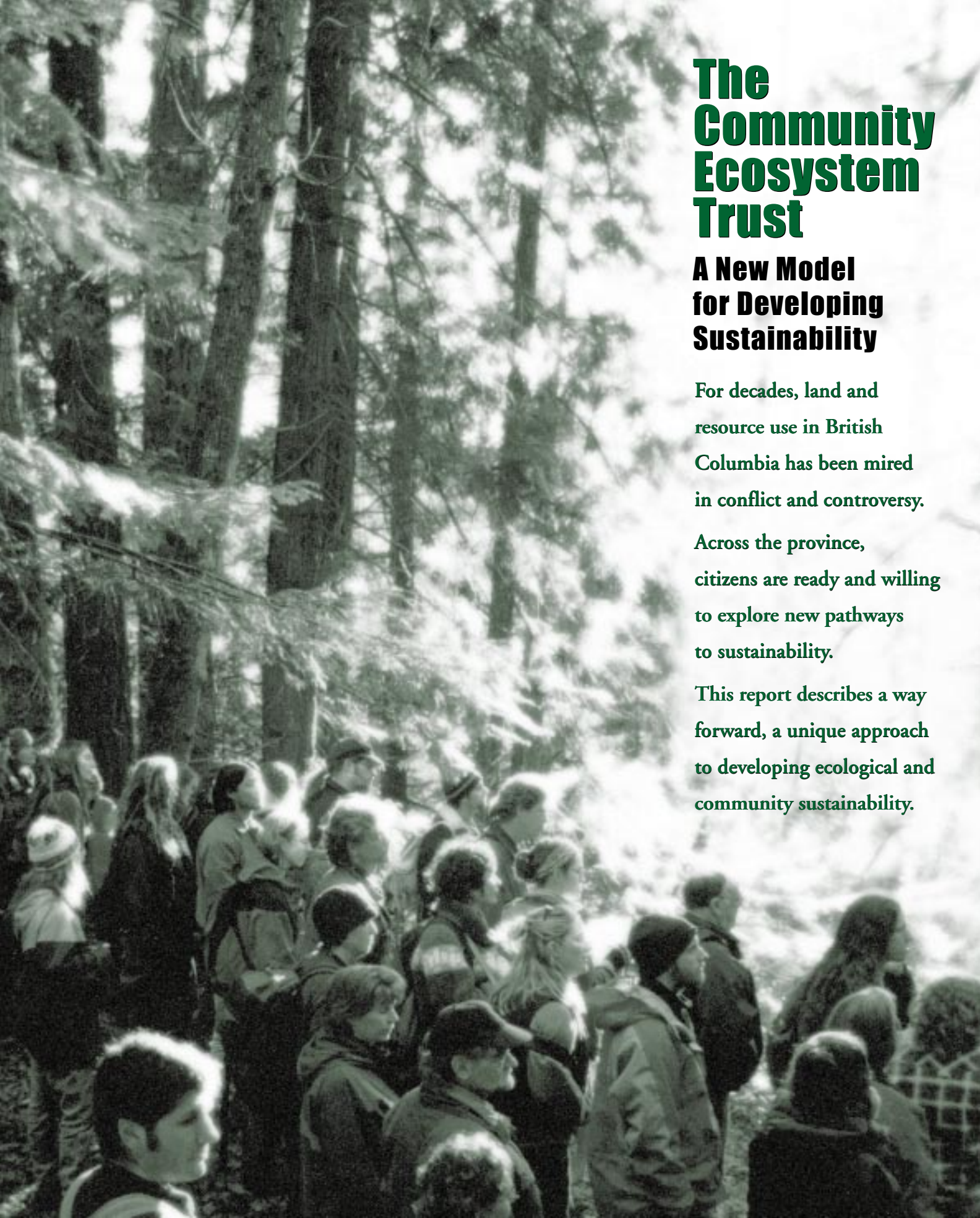

The Community Ecosystem Trust

A New Model for Developing Sustainability

For decades, land and resource use in British Columbia has been mired in conflict and controversy.

Across the province, citizens are ready and willing to explore new pathways to sustainability.

This report describes a way forward, a unique approach to developing ecological and community sustainability.

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MOUNTAIN EQUIPMENT CO-OP

VanCity

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when there's a way, there's a will

In the depths of a coastal valley, the familiar whine of the chainsaw drops to silence as a logger cuts through the base of a Douglas fir and quickly steps away to watch it fall. The old timber drops into a small opening. A dozen trees on either side are left untouched.

It is early fall, 2008. The logger works for a new community forestry corporation, a business strongly supported by local environmentalists and the nearby First Nations community. In fact, the logging truck kicking up dust on the road nearby is driven by a member of the First Nation that owns it through a tribal co-operative.

The driver loads the logs and transports them to a local sawmill, this one owned privately by a small local partnership of First Nations and non-natives who live in the area. There, the trees are turned into special orders for a variety of small manufacturers – sash and door makers, furniture manufacturers, and log house builders. Some logs are being exported to very high value manufacturers in the Lower Mainland, under the watchful eye of a landmark local community trust council.

The forest here is in no danger. And neither are the fish that spawn in the nearby stream. Down river, another local business operates a terminal salmon fishery. Offshore, the community trust managers are also keeping watch, particularly on the shrimp seiners that were such a problem in the past when they intercepted the returning oolichan runs. Now these runs are slowly rebuilding. And thanks to the several marine no-harvest areas that were implemented in the midst of the fisheries crisis, all manner of local fish stocks are rebounding.

Sustainability is making its way into this valley and the community that holds the ecosystem in trust. This place is an experiment in British Columbia, and many other communities are following its progress closely, with even a touch of envy. After all, the burgeoning small business sector is booming, as is eco-tourism. The community itself, and not just Victoria, is collecting revenues directly from the forest, revenues that are supporting unprecedented levels of re-investment in the forests and fisheries.

Wishful thinking? Perhaps. But perhaps not. Certainly, such a scenario depends on a new way of thinking about, and managing, our natural resources in BC, but it is achievable. The will to explore and develop such new approaches is present, in communities across the province. If only there were a way to make it happen.

The will to explore and develop new approaches to resource use and management is present in communities across British Columbia.

A FRESH APPROACH

Agreement is widespread that we could, and should, be doing a better job of managing our resources in this province. The steady decrease in old growth forests and wild fish, the shrinking jobs and economic opportunities in resource communities, the conflict between resource sectors – all these provide evidence that we've been running out of creativity and imagination in our relations with the land. In recent years, we've dramatically altered our ecosystems, often with long-term negative results.

With a new government in place and a new century just begun, this is the right time to consider a fresh approach to the way we use and manage natural resources in this province. But to do so, we must break out of old habits of thinking, and conflict, and embrace new possibilities for innovation and sustainability. We need, in short, a systemic shift.

We must break out of old habits of thinking, and conflict, and embrace new possibilities for innovation and sustainability. We need, in short, a systemic shift.

It is within our grasp to:

- resolve the conflict between environmental, economic and community needs through a new process of innovation-based development;
- give people an enhanced, and progressive, role in decision-making;
- protect our ecosystems to sustain this generation and those of the future;
- create world-leading new businesses, products and markets;
- change the focus of negotiations with First Nations from confrontation and division to cooperation and sharing; and
- reform our public laws and agencies to be more responsive, flexible and effective.

In fact, the will to make bold strides forward already exists across the province. There are many different possible reforms to consider. But individual reforms have been proposed before, and something larger and more comprehensive is needed to liberate the latent possibilities. We propose a new model for governing the use of natural resources in the province, one that is adapted to the particular challenges of BC's economy, society and resource base. We call this new model the Community Ecosystem Trust. And we propose a new facilitative process to implement this model, one that supports the creation of local precedents and the reform of regulatory agencies.

roots of the problem

Over the past few centuries, control over land and resources has become increasingly centralized while local forms of management have been pushed aside.

CENTRALIZATION AND UNSUSTAINABILITY

The use and management of natural resources has been central to human life and culture for millennia. Over the broad span of human history and across diverse cultures, control over land and resources has swung back and forth between central governments and local peoples. Based on many generations of direct experience, local peoples have developed an experiential understanding of local ecosystems and complex systems to manage and govern the use of these resources. With the history of economic and political expansion over the past centuries, central governments have extended their control over these same resources.

Over the past few centuries, such control has become increasingly centralized. This centralization is evident across the planet, from Africa to Asia to the Americas. Everywhere, local (indigenous) and community forms of tenure and management have been pushed aside in favour of private/corporate and public/bureaucratic systems of control. The one-sided structure that has since come to dominate our relations (whether it be private or public) is not sustainable. Both privatization and central regulation are fraught with problems. Together these problems go a long way to explain the nature of resource crises and conflicts worldwide.

A policy impasse exists. Although the concept of "sustainable development" has been adopted in recent years, it has not led us towards sustainability. The emphasis has been on sustaining the conventional model of development rather than sustaining the natural systems that support our way of life or the communities that rely on these systems. This impasse has led to a burgeoning interest in community-based alternatives. The challenge is universal: how do we undertake the profound changes in human behaviour and institutions necessary to achieve sustainability in the 21st century? It's time to move to a new vision of sustainability, with an emphasis on creating a new *restoration economy* rooted in communities rather than extending our *liquidation economy* with its myriad negative consequences.

THE NEED FOR FUNDAMENTAL REFORM

Conflict and controversy around land and resource use is omnipresent in British Columbia. Indicators of the depth of the problems include:

- declining fish populations, reductions in old growth forests, fragmentation of wild landscapes, and increasing pressures on species diversity and habitat;
- growing frustration with existing land planning processes and regulatory systems;
- unresolved questions about the extent of Aboriginal rights and title, and increasing frustration with the treaty process;
- chronic economic instability in resource communities; and
- political failure to develop policies and strategies to resolve the fundamental contradiction between resource intensive economic growth and environmental sustainability.

Fundamental reform of institutional arrangements and resource stewardship is needed to truly develop sustainability.

In this situation, incremental reforms that serve to maintain current development patterns, with only minor changes at the margins of institutional behaviour and resource exploitation practices, are not enough. Fundamental reform of institutional arrangements and resource stewardship is needed to truly develop sustainability. The BC Central Coast initiative, with government, First Nations, environmental groups and forest companies seeking common ground, represents a hopeful sign of progress in the province's resource sector. The community ecosystem trust model proposed here can complement such initiatives, serving as an implementing mechanism.

a new approach: the community ecosystem trust

The Community Ecosystem Trust will develop new institutions at the community level for sustainable resource use and management.

SYSTEM INNOVATION: FOUR OBJECTIVES AND A UNIQUE PROCESS

The Community Ecosystem Trust approach is designed to achieve four key objectives, by means of a unique process. The four objectives are:

1) **Developing Sustainability** – The concept of ecosystem sustainability is central to the Community Ecosystem Trust approach. It entails the maintenance of ecological integrity (ecosystem composition, structure and function) as a fundamental objective. Within this context, new institutions of sustainable renewable resource use and management will be developed at the community level. This would include institutions such as fisheries and forestry co-operatives, small value-added businesses, and ecosystem trust councils.

2) **Reconciling Crown Sovereignty with Aboriginal Title** – The Community Ecosystem Trust offers an innovative vehicle that will reconcile and integrate both Aboriginal title and Crown sovereignty in a new intermediary land status. This joint land designation is a unique, and timely, manifestation of both these interests. Without the need to "prove" title on the one hand, or the need to "protect" Crown interests on the other hand, the trust model will provide the common ground on which two co-existent legal orders can come together without compromising the integrity of either.

   Compatible with recent court decisions, the Community Ecosystem Trust embodies the recognition of Aboriginal title, the accommodation of First Nations, and the reconciliation between native and non-native communities. With the retention of Aboriginal title in an ecosystem trust, the competitive government-to-government treaty negotiations will be replaced by win-win community-to-community agreements.

3) **Enabling Participatory and Healthy Communities** – The Community Ecosystem Trust will facilitate the creation of institutions and governance structures that provide a forum for ongoing democratic participation, while it will also enhance the flow to the community of the economic and social benefits derived from sustainable resource use and management.

The Community Ecosystem Trust approach will provide a process for the gradual and comprehensive reform of the regulatory system.

4) **Reforming the Regulatory System** – The Community Ecosystem Trust approach will provide a process for the gradual and comprehensive reform of the regulatory system. It will move away from the current model of detailed standard-setting and enforcement by senior governments and towards a performance-based approach enforced by practitioners and the community, working from a shared set of guiding principles. This design will decrease the need for external rules of management by building sustainable "best practices" right into production processes in those communities that implement a trust. Through on-going practice, sustainability will increasingly become part of the community fabric, thus creating further self-regulating norms at the individual and collective levels.

Unlike the de-regulation or voluntary enforcement that is frequently proposed, the trust approach will maintain a key role for central agencies in developing best practices, setting overarching management objectives, facilitating community and agency transition, and serving as a protective back-up.

AN ALTERNATIVE TO THE LAND SELECTION MODEL

The Gitxsan First Nation has proposed an alternative to the land selection model, one based on cooperation with the non-Aboriginal community over the entire land base.

Progress towards resolving Aboriginal rights to land and resources in British Columbia has been painfully slow. Despite eight years of negotiation, no treaties have yet been signed under the BC treaty process. In addition, many BC First Nations are refusing to participate in the treaty process because of the land selection model adopted, whereby First Nations will end up owning a small fraction (perhaps 5 percent) of their traditional territory while having no say about how the rest of their traditional territory is managed.

The Community Ecosystem Trust model offers an alternative to the treaty process. While not prejudicial to ongoing treaty negotiations, it could offer a parallel process for those First Nations that would prefer co-management of their entire traditional territory rather than outright ownership of a small percentage of their traditional territory. The trust model differs from the treaty process in several ways:

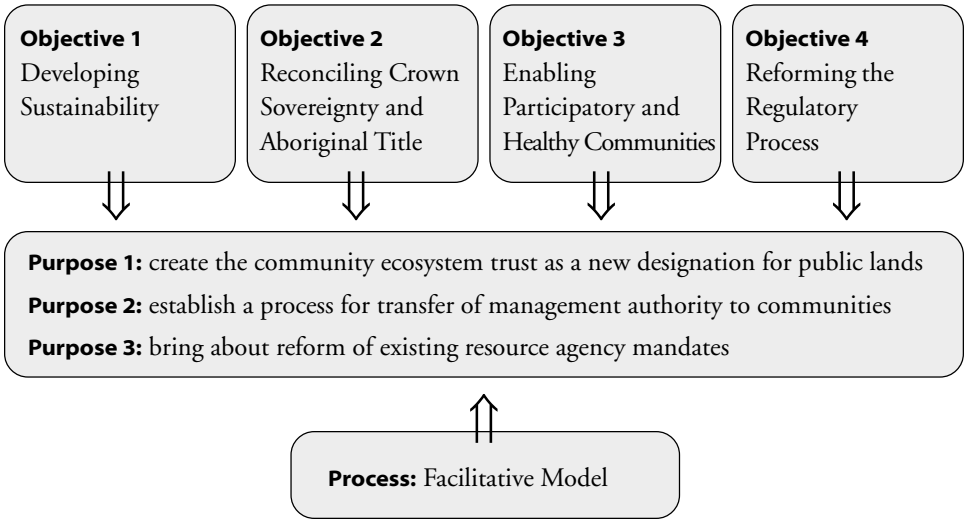
- In developing the trust legislation, the process would be between two trust settlors, the Crown and First Nations;
- At the level of individual trust proposals, no Community Ecosystem Trust process would be concluded without local First Nation support; natives and non-natives would work together in a cooperative "shared community" basis, not on a separate "government-to-government" basis; and
- The anticipated outcome – the Community Ecosystem Trust – would accommodate the right and responsibility that many First Nations may feel to manage their entire traditional territory in a sustainable fashion (rather than a small portion gained through a treaty).

a new process: facilitated transition

The Community Ecosystem Trust approach seeks to achieve a high common denominator; it will appeal to those communities that are ready to take the plunge, and become "trust initiators."

The approach to achieving these objectives will be based on a new facilitative model that builds community support and capacity, while providing new functions and roles for existing government agencies. The Community Ecosystem Trust approach is based on very specific objectives designed to create profound changes. But the approach is *enabling*. Communities will participate only by self-selection, that is, by "opting in" of their own accord. Government agencies will participate by refining their mandates, not relinquishing them.

The facilitative approach proposed here differs from the "stakeholder consensus" model used in land and resource management planning (LRMP) processes. That model takes existing activities and relationships as largely given, and then seeks a negotiated "consensus" around a limited set of changes. The facilitative approach also differs from the "competitive negotiation" model that is used in the treaty process, which pits First Nations against the Crown. Both these approaches seek to achieve an acceptable, but low, common denominator between competing interests. Neither address fundamental goals of ecological and community sustainability. On the ground, in both cases, the end result is typically a fragmented zoning system with existing industrial and regulatory controls remaining in place.



GUIDING LEGISLATIVE ACTION: OBJECTIVES, PURPOSES, AND PROCESS

Through the Community Ecosystem Trust, the community will experience a vast increase in its authority and responsibility, and in opportunities available to it.

In contrast, the Community Ecosystem Trust approach seeks to achieve a high common denominator. In the short term, it will appeal only to those few communities that are ready to take the plunge, and become "trust initiators." For example, the provincial government's announcement (April 2001) on the Central Coast LRMP contained a Protocol with First Nations that would direct future resource planning in the area. The trust instrument discussed in this report is ideally suited for the implementation of such a Protocol. Though limited in breadth, the focus will be comprehensive. In those communities implementing it, an ecosystem trust would apply to all facets of human use and management of renewable natural resources. By being selective, the facilitation is gradual and iterative, self-amending as it goes.

The process itself will strengthen community. Open, self-directed, participatory and well supported, the goal is to design trusts that can actually succeed, are supported in doing so, and will establish precedents for others to follow. Over time, the results will be far-reaching.

It is essential that the process offer certainty to a participating community that it can create a realizable outcome that will be implemented. This certainty of outcome will instill new incentives for all residents to participate, explore options, and cooperate across sectors. The successful community will experience a vast increase in its authority and responsibility, and its available opportunities.

TRUSTS AND SUSTAINABILITY

A trust is created with three parties – a *settlor* who has the property that will go into the trust, and a *trustee* who will manage the property on behalf of the *beneficiary*. Central to a trust are the conditions that the settlor attaches to it, so that the trustee must steward the property in the best interests of the beneficiary.

The "public trust doctrine" has long been used (especially in the United States) to protect public lands, such as parks, for long term benefits. Such trusts are results-oriented as the trustee is free to manage the land in any manner, as long as it produces outcomes compatible with the trust purposes. The concept of sustainability itself implies a trust-like duty on citizens to manage for the benefit of future generations.

With the Community Ecosystem Trust, the settlors are those entities with a "title" interest in the ecosystem – the Crown and Aboriginal peoples. The trust addresses basic title interests, not tenures (which are merely contractual interests that are grated by the titleholder). Tenures within a designated trust need not be abolished or replaced. They would, however, be required to conduct their activities according to the trust purposes and rules set out in any trust agreement. The trustees would be a community institution such as a local management authority. The beneficiaries would include the local community, including local First Nations, and the people of the province.

Together, all these aspects of the trust together are the basis for achieving a high "common denominator" that existing processes cannot achieve.

PROVINCIAL LEGISLATION AND FACILITATION

New provincial legislation will be required to implement the Community Ecosystem Trust. This new legislation, which we call the *Community Ecosystem Trust Facilitation Act (CETFA),* enshrines the four core objectives and the facilitative process of the trust approach, and provides the framework for creation and operation of individual Community Ecosystem Trust initiatives. It is important to stress that the trust legislation would be *enabling,* meaning that it would not *necessitate* the creation of Community Ecosystem Trust agreements but rather *allow for* their creation. Thus, the model would not be imposed from above but created from below, by communities coming together to develop a proposal and process that meets their own needs.

The Provincial Ecosystem Trust Charter will set the context for the transfer of authority to communities, giving precise effect to the four legislative objectives.

Overall, the legislation would have three purposes: (1) to create the Community Ecosystem Trust as a new designation for public lands, (2) to establish a gradual, flexible, and facilitative process for the transfer of management responsibility over renewable resources to the community, and (3) to bring about gradual and progressive reform of existing resource agencies.

The new legislation would also call for the creation of a **Provincial Ecosystem Trust Charter** (the provincial charter) as the context for the transfer of authority to individual community trusts. In its terms, the provincial charter will give precise effect to the four legislative objectives by translating them into "state of the art" principles for community-based management. These principles will address areas such as ecosystem-based management, participatory decision-making, best practices in resource use, and community economic development.

With its emphasis on a facilitative process, a unique element of the trust model will be the role of the Community Ecosystem Trust **Working Group**. The Working Group will be the key implementing body for the trust model, working with both communities and government agencies to facilitate the transition to community-based management. The Working Group will have a structure similar to other boards or commissions established by the province – but would have strong, formally recognized, independence. Cabinet would be the vehicle for implementing individual community trusts, but any individual proposal forwarded by the Working Group would not be rejected except on grounds agreed to by the settlors, and expressly stipulated in the legislation.

The Working Group would have two broad areas of activity:

- working with provincial and federal agencies to direct the change in their operations from that of direct regulation to objective setting, and provision of support and expertise to trust communities; and
- working with trust communities on all aspects of the preparation, submission, and implementation of their trust proposals.

The Working Group would not be a neutral arbiter. Rather, it would be the active vehicle for the implementation of the trust model through the facilitation process. It will seek to raise the level of the common denominator within communities and their regions, to create workable precedents that can be more

broadly applied, and to lay the policy groundwork for innovative agency reforms.

The Community Ecosystem Trust Working Group will be the key implementing body for the trust model, working with both communities and government agencies to facilitate the transition to community-based management.

In its tasks, the Working Group would be supported by a **Best Practices Secretariat**. Over the past decade, the concepts of "best practices" and benchmarking have emerged as a way for one business or jurisdiction to draw on the innovations of others. The concept is applied in many sectors, from new technologies, to better pricing mechanisms, to innovation-forcing planning processes. Under the Community Ecosystem Trust model, best practices would provide new roles for central agencies, guide community trust activities, introduce performance-based self- regulation, and facilitate entrepreneurial innovation.

THE WORKING GROUP APPROACH

The idea of a "Working Group" to guide policy development and to support community-based resource management is not new. In Nepal, for example, a national federation of Forest User Groups – the Federation of Community Forest User Groups of Nepal or FECOFUN – supports the activities of local Forest User Groups (FUGs) and acts as a "mediator" between government and community groups. In Vietnam, Laos, Thailand and Cambodia working groups have been formed to support community forestry policy and practice; their role being to work with local peoples, field staff, resource administrators and planners.

In British Columbia, the Scientific Panel for Sustainable Forest Practices in Clayoquot Sound played a similar role, working with a variety of interests to find solutions to a protracted conflict over resource use.

While evidence and experience shows that communities can benefit from external facilitative support at both the regional and national levels, concern exists about the creation of yet another layer of bureaucracy. Therefore, it is important that this Working Group be an independent agency operating on a transitional basis only, existing at "arm's length" from government but with a broad mandate and support from both the Province of British Columbia and First Nations.

the community trust: reflecting local needs and values

At the local level, the Community Ecosystem Trust Charter (community charter) would be the key element for implementing the trust model. It would allow for the local expression of the larger legislative objectives that are contained in the provincial charter. Specifically, it would describe the role and responsibilities of the trustee for the designated Community Ecosystem Trust. But the specifics of each community trust and charter would emerge from, and be driven by, the community itself. This flexible approach means that each community trust would be adapted to local ecological, social and economic conditions, but within the overarching provincial framework as provided by the provincial legislation and the provincial charter.

Each community trust agreement will be somewhat different, reflecting the condition of the local lands and resources, and the needs and values of the communities situated within the trust area. Designed to foster innovation, individual community trusts will be models, precedents, and incubators for a whole new approach to situating human systems on the land. Through iteration after iteration, this gradual and evolutionary process can be taken up, and be adapted, by other communities when they are ready to do so.

The *Community Ecosystem Trust Facilitation Act* would also mandate the creation of a **community management authority** as the trustee and governance body of the community trust. This would be the legal entity that assumes responsibility for management of the trust, and be accountable for implementing the terms of the trust. While the community management authority for each community trust would have to meet certain conditions related to representation and accountability, the structure will likely differ from one case to another.

The Community Ecosystem Trust model is designed to allow for a higher level of resource stewardship. To allow this, the provincial trust legislation would generally supersede existing provincial and federal legislative standards and processes where *higher* outcomes can be achieved. (The nature of this regulatory relationship is a complicated one; its resolution will be a major focus of the implementation process.) With expert, technical backup from existing agencies, the community management authority would not become another level of bureaucracy, but a "one-window" entity for licensee plan and permit approvals.

continuued on page 13

Designed to foster innovation, individual community trusts will be models, precedents, and incubators for a whole new approach to situating human systems on the land.

THE RESURGENCE OF COMMUNITY-BASED RESOURCE MANAGEMENT

Terai Community Forest Action Team, Nepal

Community-based management of natural resources is not a new idea. Indeed, for most of human history, small communities held responsibility for managing local lands and common property resources. After many decades of centralized control and increasing resource degradation, the value of community-based management is being increasingly recognized. Across the globe hundreds of communities are regaining control over local resources.

In Nepal, national legislation mandates that 61 percent of the country's forest area be allocated to community-based forestry. Forest user groups are given the responsibility for managing these forest areas, which provide for a wide range of subsistence needs including construction materials, fuelwood, and fodder.

India's Joint Forest Management (JFM) program is an evolving effort to develop formal partnerships between central government and local authorities to use and manage local forests. Since its inception in 1989 as a small-scale experiment, the JFM program has expanded greatly in terms of area covered (by 2000, over 10 million hectares of forest were under the JFM) and the level of devolution to the local community.

On the African continent, Tanzania is a leader in devolving management authority to local communities. The Village Council is the local management authority for forests, water resources and grazing land. The new Village Land Act (1999) recognized common property as a legal form of land ownership and encourages communal management of local natural resources.

There is a long history of communal land and resource management in Mexico, through the *ejido* land tenure system. Under this system, the land remains with the state but members of the *ejido* community are given indefinite rights to use the land. Community-based forest management is widespread in Mexico, with more than 70 percent of all forestland held by *ejidos* or indigenous communities.

Europe also has a long history of community management of natural resources, including community-controlled fisheries in Norway, centuries old systems of communal land management in Switzerland, and community forests in Italy, France and many other countries.

Although North America lags behind much of the world in terms of giving communities more control over local resources, interest is growing rapidly and a number of interesting models exist across Canada. For example, there are numerous initiatives in community forestry and fisheries, ranging from co-management agreements between First Nations and central governments, to the innovative "forest tenant farmer" model in Quebec's Bas Saint Laurent Model Forest, to British Columbia's community forestry pilot program.

SOURCE: Egan, Brian and Lisa Ambus. 2001. *When there's a Way, there's a Will. Report 2: Models of Community-Based Natural Resource Management.* Victoria, BC: Eco-Research Chair, University of Victoria.

It is important to repeat: the Community Ecosystem Trust is oriented to reforms rooted in *title*. As a result, the transfer of authority to the community level will involve transfers concerning existing *Crown management* of the land base. Private tenures will be granted pursuant to this management authority, but existing tenures will not be abolished or affected except that they will need to meet the standards of the trust charter. As a result, the community management authority would be a public management body that licenses private (or public) economic producers; it would not itself hold tenures or licenses.

The Community Ecosystem Trust model is designed to allow for a higher level of resource stewardship.

implementation of the trust

HIERARCHY OF ACCOUNTABILITY UNDER THE COMMUNITY ECOSYSTEM TRUST

Legislative Objectives and Purposes

⇓

Provincial Ecosystem Trust Charter

⇓

Community Ecosystem Trust Charter

⇓

Trust Management Plan

⇓

Performance Measures and Best Practices

⇓

Licensee Use Plan

⇓

Diversity of Enforcement Methods

PERFORMANCE-BASED REGULATION AND ENFORCEMENT

The trust model implies a new approach to regulation that goes beyond the limits of both de-regulation/voluntary compliance and centralized rule making. In giving effect to the community trust charter, the community management authority would develop a management plan for the trust area. This would *not* be a prescriptive, standards-based plan but would instead:

- shift from standard setting to the establishment of mandatory performance-based objectives that all licensees in each sector must meet; and
- mandate the ongoing use of best practices in each sector. These practices would become the baseline for decision-making (the rule) except where a potential licensee could demonstrate why a lesser practice is necessary (the exception).

The effect for an approved licensee and plan will be to reduce regulatory burdens by directly merging *management* objectives into *production* practices. Over time, this will instill a new level of industry custom and community self-regulation.

Based on this shift, techniques for compliance and enforcement will also change. A diversity of techniques should be employed, including:

- graduated licensing that rewards higher level practitioners with less oversight, and penalizes lower performance with greater oversight or loss of tenure rights;
- associational self-regulation wherein user groups monitor their own members within a code of compliance based on the trust objectives, management plan, and performance standards/best practices; and
- citizen enforcement at a variety of levels and through a range of mechanisms, including a specialized tribunal. In addition to resolving disputes, the tribunal would gradually develop a best practices "jurisprudence" to guide management authorities and licensees. In addition to the original settlors of the trust (the Crown and First Nations), citizens would be empowered to hold trustees accountable to the terms of the trust.

AN EVOLUTIONARY PROCESS

A wide range of broader policy instruments should be considered to support the Community Ecosystem Trust process, including "tax shifting" and mechanisms to support investment and small business development.

The Community Ecosystem Trust is designed for gradual evolutionary implementation. Only a few communities would be selected in the first instance to be "trust initiators." Their success should lead to other communities opting in, building on prior experience and institutions. This is an iterative process at all levels. For example, when a number of community trusts are successfully in place, a provincial Trust Council could be established to co-ordinate all trusts in the province. It would also take over many of the functions of the Working Group. At that stage, it could facilitate the development of the community ecosystem trust as a broad new level of land-based jurisdiction.

Concerns will necessarily exist as to the economic costs of implementing the Community Ecosystem Trust. There will be some costs associated with establishing the framework for implementing the trust model; such as drafting legislation, creation of the provincial charter and providing support for the Working Group and Best Practices Secretariat. Gauging the economic implications of implementing the trust model in specific communities is more difficult, as each separate Community Ecosystem Trust agreement will be unique. However, only when a community "opts in" might costs and benefits be assessed for that individual proposal, and the proposal be designed accordingly.

However, with full cost accounting, the overall costs of implementing the trust model are far lower than generally assumed. A high level of hidden costs exists with today's resource industries — including the depletion of fish stocks, and liquidation of habitat mentioned above. As well, a high level of direct subsidies exists through the resource rent and taxation mechanisms, and generally through inaccurate and inadequate pricing. In addition, regulatory costs should fall over time, while opportunities for innovative licensees and value-added entrepreneurs should increase.

Another concern exists regarding compensation of existing property interests. This is a highly controversial and contentious issue, and must be addressed on a number of levels. What interests are affected? Which of these are compensatory? How is compensation to be calculated? What are the implications for NAFTA? And so on. Again, however, all of these issues are mitigated by the design of the trust model. On the one hand, it is selective and incremental in its implementation, changing institutions on a community, not provincial, basis. On the other hand, it does not terminate existing tenures but simply requires that they attain a higher level of performance. Compensation issues certainly do need to be addressed, but they are not insuperable.

Finally, a wide range of broader policy instruments should be considered that could further facilitate the Community Ecosystem Trust process. These include "tax-shifting" mechanisms to favour trust-based labour and business, the repeal of many subsidies that are counterproductive, community economic development mechanisms that support investment and business development, and trade policies that assist in market development through, for example, special certification and labeling.

making the community ecosystem trust a reality

We believe that the Community Ecosystem Trust is an idea whose time has come. It embraces ideas that transcend the artificial boundaries created by politics, such as sustainability, entrepreneurial innovation, regulatory reform, community freedom and responsibility, and economic opportunity. For British Columbia, it offers a wholly new way to resolve the centuries-old conflict between the province's Aboriginal inhabitants and its newcomers.

Admittedly, the proposal is precedent-setting, and this will unsettle those who prefer the status quo, however unworkable it might be. But the proposal is also incremental, offering a chance for adaptation and evolution as lessons are learned along the way. Without a doubt, the end result would mean a radical change in the way we work, in the way we make decisions, and the way we live together. But this would be achieved over time and, above all, be implemented by those who will live with what they create.

There are many avenues to make the trust a reality. Ultimately, it will require changes in legislation, and that will require political courage and vision. It is our task to lay the foundations for such a vision.

The POLIS Project on Ecological Governance is dedicated to understanding and addressing the underlying causes of global environmental degradation. We believe that the solutions lie in striking a balance between communities and the institutions that govern them. Our diverse research and policy work, ranging from urban sustainability and natural resource management to environmental law and ecological economics, is united by a central common goal – to promote and facilitate community-based "ecological governance."
For more information, visit: www.polisproject.org

International Network of Forests and Communities

Recognizing the relationship between ecosystem and community health, the **International Network of Forests and Communities** promotes models of development that are both socially and ecologically sustainable in the long term. Working at the local, regional and global levels, we pursue this mandate through networking and information sharing, research, policy development and advocacy. The Network has over 350 members in more than 50 different countries.
For more information, visit: www.forestsandcommunities.org

This report summarizes the findings of a research project carried out by the University of Victoria's Eco-Research Chair of Environmental Law & Policy. The objective of the study was to propose a new framework for community-based management of natural resources in British Columbia. The results of the study are available in a three-volume report called *When there's a Way, there's a Will.*

REPORT 1: *Developing Sustainability through the Community Ecosystem Trust*
Analyzes the ongoing conflict and controversy over land and resource management and provides a full description of the Community Ecosystem Trust model.

REPORT 2: *Models of Community-Based Natural Resource Management*
Documents over 60 examples of community-based management of natural resources from Africa, Asia, Europe and the Americas.

REPORT 3: *Review of Provincial and Federal Legislation Related to Resource Management*
Describes existing legislation, at provincial and federal level, related to the management of natural resources in British Columbia.

Copies of these reports are available from:

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