

Toward a New Framework for Collaborative Watershed Governance in British Columbia

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Summary

This discussion paper builds on work done by participants at a workshop on collaborative watershed governance last November, and on options for new governance models drawn from other sources. The need is very clear for improving the way collaboration and decision-making is done. The path forward involves both structural and process related changes in the way we collaborate. The barriers to making these changes are very high; we have to really want them in order to make them happen: lack of financial support for new arrangements, decentralized and more distributed decision-making, and more focus on sustainability in watersheds than on individual stakeholder interests. Getting there will be difficult and gradual. We are calling for nothing less than a fundamental reformation of the way land and water use decision-making is done, in order to maintain watershed processes and long term sustainability.

Introduction

Collaborative watershed governance, simply put, is working together to reach shared outcomes and resolving differences among community, private sector and governmental interests, while maintaining or restoring the biophysical and ecosystem resilience of a watershed. The approach recognizes that to be sustainable and resilient in the face of change, the diverse social and economic activities of humans on land and water need to be planned and managed to preserve essential ecosystem functions and the ecological goods and services watersheds provide. Finding and agreeing to this balance is the challenge.

The land and water base within a watershed provides convenient way to look at ecosystems. The watershed ecosystem is an integrated whole, and is physically separated from other watersheds by topography. For this reason, watersheds are also a convenient basis for many forms of management and resource decision-making, and can be thought of as a base unit for better planning and integrating resource demands, supply and protection. It is recognized that other geographic scales are also important: watersheds may make up larger river basins, and river basins make up the whole province. Therefore, while a focus on watersheds is called for here, resource decision-making trends and approaches can be organized regionally and provincially.

Watershed management and the compelling need for a more integrated and collaborative approach, are emerging as a central requirement in recent policies related to the sustainability of water and of its benefits and products, including:

- British Columbia's Living Water Smart Plan¹, which supports communities to do watershed management planning in priority areas; and

¹ See <http://www.livingwatersmart.ca/>

- DFO’s Wild Salmon Policy’s commitment to integrated strategic planning².
- Water Use Plans developed collaboratively through a process driven by BC Hydro and approved by the provincial Controller of Water Rights.³

These policies and approaches articulate a number of important commitments for changing the way governments, organizations and individuals act to steward, protect and manage land and water. Perhaps more importantly, they signal a readiness for a change toward more collaborative approaches.

To explore the compelling need for more collaborative approach, a workshop was held in

Definitions of Governance
Governance encompasses the values, rules, institutions and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and exercise power. (Cdn. International Development Agency)

The sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflict or diverse interest may be accommodated and cooperative action may be taken. It includes formal institutions, and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interests. (Commission on Global Governance, 1995)

November 2008 involving over 80 participants from eight “sectors”: four orders of government, including First Nations, and four key sectors involved in resource uses in watersheds: agriculture, forestry, landscape conservation and land development. The workshop produced an energetic affirmation of the importance of healthy watersheds, communities and improved governance. The unifying consensus at the workshop was a call for collaborative action to achieve watershed sustainability, and agreement among participants to continue the dialogue and engagement.⁴ The workshop developed a list of attributes for a more collaborative governance framework for managing BC’s watersheds.

More recently, the POLIS Project on Ecological Governance produced a discussion paper outlining options for setting a new course for water governance in BC. The paper recognizes, as did the workshop, that a more inclusive notion of governance presents a challenge to more traditional centralized approaches to decision making and management, yet is increasingly recognized as the critical priority to address current and future water challenges.⁵ The POLIS paper outlines three alternative institutional arrangements that would improve water governance in BC, and provides an analysis of the strengths and weaknesses of each. A

fourth option is to retain the status quo, which is described as a crisis-driven approach to water governance that will result in the continued degradation of watersheds in BC.

² See http://www-comm.pac.dfo-mpo.gc.ca/publications/wsp/default_e.htm

³ See http://www.bchydro.com/planning_regulatory/water_use_planning.html

⁴ Workshop agenda, presentations and final report are available at www.livingrivers.ca

⁵ Brandes, O.M., and D. Curran. 2009, Setting a New Course in British Columbia – Water Governance Reform Options and Opportunities. U. Victoria, POLIS Water Sustainability Project. Available at <http://www.waterdsm.org/publication/272>

This document is a synthesis of these inputs, and describes both the structural and process elements of a new framework for collaborative governance and decision-making. It is clear that both structure and process need to be addressed; the institutional arrangements are all important, but the process of inclusion and how authority is exercised and decisions get made are fundamental as well.

Defining the Problem

The principal concern is the gradual loss of ecological functions in watersheds, and the consequent loss of valuable ecosystem goods and services from them. In other words, the problem is a loss of sustainability in our watersheds. *The loss is occurring as a result of a governance system that does not take account of the accumulated effects on watersheds of multiple resource allocation decisions, frequently made independent of each other.* These effects include increased flood hazards, increased erosion, reduced summer flows, reduced water quality, reduction of fish habitat, loss of riparian function and reduced biodiversity. Multiple land and water use decisions over many years by multiple agencies, levels of government, and individuals have contributed to these cumulative effects. Governance structures and their administrative boundaries are often not aligned on a watershed level, creating coordination problems where large watersheds occupy two or more administrative units. The present governance arrangements are often unable to promote more integrated decisions, link causes and effects, and encourage a full exchange of views and information for better decision-making.

Scientific and technical understanding for managing watersheds sustainably is quite good. We know how these systems work. What is needed is better governance and decision-making. This has come into recent focus through the work of the Pacific Salmon Forum, which states in its February 2009 report:

“Federal and provincial governments no longer have the capacity to meet the governance challenges alone. Collaborative governance approaches are beginning in a variety of watersheds through stewardship groups, water use planning, aquatic management boards and the like. However, a more purposeful approach to collaborative governance is required with the committed support of regulators at the provincial and federal level, First Nation governments, local governments and also resource users.”⁶

We do not all see the problem in the same way, and some remain to be convinced there *is* a problem. The best way to come to a meeting of minds on the future sustainability of BC’s watersheds is to have the appropriate dialogue for as long as it takes. As Susskind and Cruikshank suggest, there is a need to move from “win – lose” to “all gain” solutions.⁷ That is why a new framework for on-going collaboration is needed now.

⁶ Available at <http://www.pacificsalmonforum.ca/>

⁷ Susskind, L. and J. Cruikshank. 2001. Breaking the Impasse, Consensual approaches for resolving public disputes. Basic.

Attributes of a New Governance Framework

The November 2008 workshop developed a list of attributes that a new governance framework should exhibit. The central feature is that it involves people convening and communicating. Whether they convene in person or on the internet are possible alternatives; there is no substitute for people working better together.

The workshop attributes can be divided into three groups of characteristics:

- What the participants believe in,
- How the mechanism should be structured,
- How the mechanism should operate

Belief Attributes

- The participants need a common vision and values - outcome is sustaining watersheds, their ecological, economic and social/cultural/spiritual benefits for all
- Belief in the 'place based' nature of watershed governance – varying geographical, physical, social, economic, cultural and other dimensions that are unique to the place and should be reflected in the process
- No exceptions for sacred cows (perhaps meaning that there should be no “givens” that de-rail the process from the beginning).

Structural Attributes

- Inclusive, involving First Nations as well as all those that are directly effected
- Federal and provincial governments enable process at the political level(e.g. legislation)
- Decentralized authority at the appropriate scale in regards to the means and ends you are trying to achieve
- Contains explicit arrangements for building trust and respect
- Build on current arrangements and successes
- Need for strong local leadership is a key attribute

Operational Attributes

- Provide early engagement including First Nations, federal and provincial and local governments, and others in authority
- Recognition of Aboriginal Rights and Title of First Nations and gov't to gov't relationship with Provincial and Federal Governments
- Emphasis placed on healthy economies within watersheds in order to engage all sectors of society

- Shared responsibility and accountability amongst all parties while recognizing Rights and Title of First Nations and private land owners; lines of accountability need to be clear and at the appropriate scale
- Ensure there is transparency, equity and effective communication throughout the process
- Meaningful engagement and commitment to results and implementation by statutory and non statutory decision makers, including committing to watershed plan implementation
- Recognition that some governance processes are bottom up, as an alternative to top down; they start from a local issue or cause and the engagement of local interests and champions
- Integrate/link the ecology and economics, understanding and acknowledging biophysical capacity and managing cumulative impacts
- Adequate/continuity of resources and funding
- Giving back – decisions and actions that enhance the watersheds
- Dispute resolution mechanism is established early (e.g. dealing with historic agreements that no longer fit the circumstances)
- Understanding the science and getting the information out as broadly and as early as possible
- Connectivity (exchanging views, experience, case studies, new science) across watersheds, regionally, provincially and internationally
- Apply the concept of ecological credits for actions on private lands as a means of supporting achieving watershed management goals
- Respect protocols that clarify roles and responsibilities of four orders of government, lines of authority to be clear at outset

Reflecting on these attributes, there are a few observations. First, there are not many “belief” attributes. This may reflect the difficulty in expressing what we believe, or perhaps in not recognizing that values and beliefs are key drivers of our behavior in collaborative processes. Beliefs may also be hidden in the structural and operational attributes. Second, there are numerous operational attributes. These describe attributes that workshop participants feel are important, or are now missing in existing processes. The longer operational attribute list may reflect that people are more comfortable talking about the operational mechanics than the deeper and more difficult values that underlie these processes.

Characteristics of Present Structures and Processes

It must be emphasized that CWGI is not starting from a point where there is no collaboration going on. There is a long history in BC, and elsewhere, of trying to improve public input and stakeholder processes. In BC, recent examples include the CORE process, and the LRMP processes⁸. These achieved some levels of success and helped move forward to where we are

⁸ The Commission on Resources and Environment (CORE) proposed a BC Land Use Strategy in 1994, and a proposed Sustainability Act. Publications associated with CORE can be found in the Ministry of Forests Library, at: <http://www.library.for.gov.bc.ca/ipac20/ipac.jsp?session=12J4MB8983669.1071&profile=mof&uindex=BAW&ter>

today. Presently there are a number of organizations that are supportive and poised to also make a contribution to improved watershed governance. These include the Living River Trust Fund, Stream, Lake and Wetland Keepers chapters, the Wetlands Stewardship Partnership, and others. There are also now good examples of public governance arrangements in BC watersheds such as the Fraser Basin Council, Okanagan Basin Water Board, Columbia Basin Trust, Cowichan Valley, Nicola, Salmon River and other Round Tables. The purpose of these multi-stakeholder groups is to come to a unified agreement on solutions for complex water and land use issues.

Common characteristics of these organizations include:

- They are populated by those who feel they have an interest, or stake in the outcome.
- They are advisory to government, in the sense that while government officials are engaged at the table in these processes, final resource allocation decisions still rest with statutory authorities. This is unlikely to change.
- They represent a big advance in democratic governance over the “decide, announce, defend” approach of governments in the past, (although this still does occasionally happen).
- They are founded on the principle that public engagement results in broader buy-in by the participants to whatever decisions do get made, and that the decisions are therefore more durable.

They have other positive and also problematic characteristics, such as:

- They provide opportunities for sharing of views and information as broadly as possible;
- They assist in getting all participants to learn from each other;
- They tend to extend the decision-making process;
- They can lead to frustration and “participant exhaustion” when decisions and actions take too long, often because of over-emphasis on process and not on substance;
- They have uneven participation in the sense that some participants may be volunteers while others are paid to participate (government officials, for example).

So, what is the problem? With these mechanisms in place, why is there a call for a more collaborative approach to watershed management? Something is either not working or needs to be improved.

Structural Improvement

The POLIS discussion paper offers three options of alternative structural arrangements beyond the status quo. One is an “enhanced government” option that essentially beefs up the existing centralized structure to make it more responsive and effective. The other two lead to less centralized, more distributed control and decision making. One is a Regional District – led model

[m=British%20Columbia.%20Commission%20on%20Resources%20and%20Environment%20\(CORE\).&aspect=bas ic_search&menu=search&source=~!forest#focus](http://m=British%20Columbia.%20Commission%20on%20Resources%20and%20Environment%20(CORE).&aspect=bas ic_search&menu=search&source=~!forest#focus)

The Land and Resource Management Planning (LRMP) process tends to be forestry centred, but provides an important step forward in collaborative efforts.

that calls for a larger decision-making role being played by local government, using existing tools like Official Community Plans, and assisted by advisory groups of First Nations and stakeholders. The last is a watershed agency option which would be another de-centralized form. A watershed agency could, if it has the capacity, take on responsibilities for water allocation, water quality and drinking water source protection. All three require the provincial government to establish priorities for these agencies, and to set minimum standards for basics such as planning, water quality or flood protection. The latter two offer real opportunities for the provincial government to leverage more resources with minimal investment by harnessing local knowledge, interest and energy for watershed management.

Having detailed these options and their strengths and weaknesses, the paper suggests that a blended model combining elements of the options would also be possible, or even likely. The key requirement to move into these more elaborate governance arrangements is more funding. Without this, it would not be possible to support the costs of the new arrangements. The paper outlines the possible sources of new funds, including the value of in-kind contributions.

The POLIS discussion paper is advice on options for consideration by the Water Stewardship Division of the Ministry of Environment. This is a good place for the review to start, but the implications of new structural governance arrangements are much broader for government than just the environment ministry. Leadership and support for governance reform must come from the Premier's office. But which option or blend of options should be supported? One guide to help answer this is the list of attributes called for at the November workshop. Based on this list, the options that

The options that would be favoured are those that are more inclusive, lead to more de-centralized decision-making, provide for meaningful participation of First Nations, are more transparent, allow for bottom-up initiative, have clear lines of accountability and are based on good science. A key element is the de-centralized nature of the attributes favoured at the workshop. As pointed out in the POLIS paper, a more decentralized model will require modernizing the Water Act or other legislation to enable this.

The Watershed Agency and Regional District Leadership options clearly lead to a more de-centralized structure. A barrier to this may be that present statutory authorities might think they have to transfer power, but in reality, government will still set the agenda by establishing priorities and minimum standards. Consider that "collaboration is about getting actors outside government to see themselves as a critical part of any viable strategy to achieve goals that they themselves hold dear. So a collaborative partnership is not about giving away authority. *It is about exercising it differently.* It is about learning how to make decisions together with others, rather than trying to command and control them."⁹

These two alternative structures could be tried on a "pilot" basis in BC. For example, the Okanagan Basin Water Board could be organized to act on a trial basis as a watershed agency. It is an existing organization with a good track record of self-governance and has the ability to raise

⁹ Lenihan, Don. 2009. Rethinking the public policy process. Public Policy Forum. Ottawa. p.41. *Italics added for emphasis*

funds through local taxation. Local elected officials serve on the board, so there is public accountability. A plan for a trial period could be developed in consultation with the Board and the Water Stewardship division of the Ministry of Environment. The Cowichan Valley might make a good Regional District Leadership pilot. The Regional District has watershed boundaries, and there are well developed water and land use plans already in place, including Official Community Plans.

Process Improvement

It is suggested that existing public governance processes do not significantly change the fundamental dynamics that exist when people with differing perceptions and interests in alternative outcomes come together, but will not budge for the sake of the larger good. Government mandates and program missions can also be thought of as “stakes” in this regard, and can be very entrenched and difficult to change. The “stakeholder model”, in which stakeholders bring their stake to the table and advocate for their stake, may not permit the breakthrough that is needed to come to a unified agreement on how to achieve sustainability for the watershed.

The existing model does not create changes in existing governance arrangements, which have already been described as contributing to losses in watershed sustainability. People involved may not understand the role they play in governance, or have a good grasp of governance concepts. Therefore, they don’t know how to make it better. These sometimes divisive processes can go on for years with no change in the siloed approach to decision-making that created the watershed issues in the first place. One of the Belief Attributes listed above has to do with *no exceptions for sacred cows*. But many public governance processes and interventions are all about sacred cows – rights to farm, rights of land ownership, rights to harvest timber, rights to water, rights of statutory authorities, etc.

Are we ready for a collaborative governance framework model that goes beyond advocating for stakes and focusing on sacred cows?

Shifts Required to a New Process, Values and Behaviours

The new governance framework involves stakeholders and decision-makers getting together, convening and coming to the table, as they have always done. The difference will be in how they *behave* at the table. The necessary change is to leave their “stake” at the door; to instead bring the benefit of their experience to the table to share for the purposes of finding solutions that enhance sustainability, and find synergies that allow everyone to gain something. This approach may cause participants to question why they should get involved; what’s in it for them? There is no easy answer to this if a participant cannot see the obvious – that achieving sustainability will maintain natural capital and benefit us all, and for much longer term.

Shifting from the present process to a new one involves steps summarized in Table 1.

Table 1. The Present vs the New Framework required for collaborative watershed governance

Present Framework	New Framework
Involves people assembling; inclusive and structured	People come to the table as usual, but what is different is who comes and what they do when they get there.
Come to the table representing agencies, industry, NGOs, interest groups	Come to the table bringing certain experiences and knowledge
Explain positions and interests (May or may not develop unified understanding of the watershed problems) Focus is activity-based, such as on logging or road building.	Try to understand the problems in the watershed, assemble facts that can be mutually agreed on, and where factual gaps are. Focus is place-based, such as on where flooding or erosion occurs.
Negotiate among positions/interests to find a consensus on vision, goals or actions	Tell stories, engage in activities and field trips that build trust
Turn to government for financial support	Support the process primarily themselves
Try to resolve problems from the standpoint of agency mandates and stakeholder interests	Develop vision and goals, address problems from the standpoint of personal or technical knowledge and anecdotal experience.
Agencies explain the limitations and obligations imposed by their legislation and budget.	Understand what needs to be done. Ensure decision-makers share this understanding. Promote policy change. Agencies agree to be receptive to creative approaches
Turn to government for implementation	Focus on implementation plan without reliance on government support; build local and other supports to sustain long term plan implementation.
May or may not monitor success	Develop and apply methods for monitoring implementation and impact. Learn and apply new knowledge.

The key shifts in this table are shown in the second to fourth boxes. Shift from bringing “stakes” to the table to bringing knowledge and experience. Shift from taking advocacy positions to

focusing on a unified understanding of the whole watershed; its condition, its patterns and processes. Shift from negotiating among advocacy positions or “stakes” to building trust through story telling and other techniques. Cultivate the attitude that more can be gained by working together. In the present model or framework, the group may reach an agreed approach on many issues that satisfy many interests, turn to government for implementation, but the silos may still be in place at the end of the process. In the alternate framework, the group reaches a unified understanding of what actions are necessary to tackle to achieve sustainability, implement them themselves to the extent possible and break down the silos for a more integrated approach.

Also in the present framework, there is much dependence on government funding to support watershed planning and plan implementation. The shift required is to finding other sources of support in order to sustain the effort. Examples already exist in which a small municipal levy is assessed to help support the Fraser Basin Council, or local taxes raised as in the case of the Okanagan Basin Water Board. The value of in-kind support cannot be ignored. It is reasonable that a small portion of the economic benefits from watersheds be put back in the form of supporting the governance arrangements needed to sustain them.

There are foundations and Trusts that may also be supportive, as well as private sources such as the Royal Bank’s Blue Water project. New governance structures and processes need to reach out beyond traditional sources in order to sustain themselves. At the same time, government must follow through on its commitments, such as supporting the implementation of Living Water Smart. Committed government, working together with civil society, First Nations and industry in a well supported new governance framework can achieve the watershed sustainability breakthrough that is needed.

Asking Different Questions

Part of the behaviour change involved in the shift to the new model requires that different questions get asked. If the focus is on the sustainability of watersheds, then the central question to ask of each stakeholder is how the activity they propose or interest they want to achieve in the watershed contributes to sustainability.

The forester, instead of advocating to maximize the timber harvest in the watershed could be asking instead: What forest management system (i.e. silviculture, logging etc) will better work with nature to sustain the ecological integrity and the desired timber value and volume outcomes of the watershed?

The miner, instead of advocating for a particular means of extracting and processing minerals may ask: What environmental safeguards are necessary on and off the mine site to sustain the ecological integrity of the watershed?

The water manager, instead of administering an historic pattern of water rights may ask: what water allocations will sustain the ecological integrity of the watershed, including ensuring that there is enough water for all water users including fish and wildlife?

The rancher, instead of advocating for more grazing opportunity may instead ask what level of ranching activity can be sustained long term, in association with other related activities within the watershed.

And so on. The challenge is re-framing the questions so that they reflect what the contribution is of each activity to the sustainability of the whole watershed. This approach turns the usual way we frame resource allocation questions upside down.

Steps Forward on Process

The November 2008 workshop called for a reformulated and more representative Steering Committee to move this initiative forward. This committee, once assembled, would determine the basic nature of the new framework, perhaps using concepts and approach contained here, or others. The committee should try, in the conduct of its own business, to model the behaviour change that a new framework requires, in order to serve as a demonstration of what is possible. It should not be regarded as just another group of stakeholders operating as in the past. Walking the talk will be a key element to building the credibility for others to follow.

In the right column of Table 1, the New Framework calls for a more constructive way for people in the process to relate to each other. The parties collaborating in watershed councils or roundtables often have strongly held views and there is sometimes a long history of disagreement or even acrimony between competing or opposing interests. How can a breakthrough in this be accomplished? No matter what the new structural arrangements are, if there is no change to the interactions between people, then we are still only half way there. Here are a few suggestions.

Marshall Rosenberg writes convincingly of the effectiveness of what he calls *non-violent communication*, or NVC.¹⁰ Violence is meant both literally and figuratively; long standing disputes and disagreements may not rise to the level of actual physical violence, but much damage can be done nonetheless. This is an approach that potentially can empower participants to connect in a different way. The use of NVC tools help guide the user in reframing how they express themselves and hear others. Habitual, automatic reactions that maintain conflict can become “conscious responses based firmly on an awareness of what we are perceiving, feeling and wanting... NVC replaces old patterns of defending, withdrawing or attacking in the face of judgment and criticism...”¹¹. This way of connecting may be very useful in a setting in which there are multiple agendas at play over the decisions to be made on land and water use on a watershed. Experienced NVC trainers live in the Vancouver area and could be engaged to deliver training and workshops to the Steering Committee so that it can overcome the barriers that would inevitably be present between the parties at the table.

Another approach has to do with story telling, which is identified as a key element in the new framework. Story telling is suggested as an alternative to the traditional approach of negotiating

¹⁰ Marshall Rosenberg. 2003 *Non-Violent Communication: a language of compassion*. PuddleDancer Press.

¹¹ Rosenberg. Op.cit. p 2-3

among interests or bargaining at the table. Story telling takes time, but it accomplishes several things. First, it provides a direct application of the principles of a tool such as NVC. Second, it provides an opportunity for people to talk about their motivations for being there, which helps establish trust. Third, there are techniques available for drawing new meaning out of story content that could be a valuable resource to the whole group. Narrative story telling is a basic and ancient way humans have shared information with each other. Tools are available to take the unstructured data in story telling and make sense of them for the use by the whole group. Organizations such as the Cognitive Edge specialize in this and have developed special software to help accomplish the analysis.¹² These approaches can and should be tried by the new Steering Committee.

There are three essential ingredients for success if the new Steering Committee is going to quickly establish an effective working relationship.

First, the members must discuss how they are going to talk to each other. It's easy to agree to be respectful, open and honest, but another thing to actually be so. It should be discussed what they mean by consensus, if alternates are permitted, and what happens if there is disagreement. Should there be a formal dispute resolution mechanism? New groups that spend enough time determining these matters at the front end tend to succeed, and those that do not tend to fail.

Second, participants must build relationships and trust. This normally takes many hours of being together and sharing stories, learning from each other at the table and gradually letting the guard down. It does not take much to put everyone's guard back up again, especially in the beginning. Commitment on behalf of the participants to this process will be required, and should be acknowledged at the beginning.

Third, a safe space must be created in which the dialogue can take place. Safe means a place where stories can be shared without judgment and where ideas can be floated and examined rather than shot down. The actual physical space may not matter, but at first the Steering Committee should probably meet in a neutral location. The space that is required is safe psychological space, where it is safe to experiment and fail. Or succeed.

The suggestions above about using NVC and story telling are a starting point for the behaviour change needed in the new framework. A key requirement will be to find the participants with the patience to stay the course until the breakthrough comes. The need for a more integrated and collaborative approach to watershed management is compelling. There has never been a better time to try to achieve it.

¹² See <http://www.cognitive-edge.com/>