



**The Importance of Positive  
Government-Governance Relations  
for Land Use Planning and Management  
on Prince Edward Island**

Institute of Island Studies

Policy Brief 2009-2



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With the generous support of the University of Prince Edward Island, the provincial government, federal agencies, private sponsors, and many, many Island volunteers who have served on the Advisory Council and its committees, the Institute works to fulfill its four-fold mandate:

- *To encourage a deep knowledge, understanding and cultural expression of Prince Edward Island;*
- *To serve as a bridge between the University and Island communities;*
- *To contribute to the formulation of progressive public policy on Prince Edward Island;*
- *To undertake comparative studies of Prince Edward Island and other islands.*

**The Importance of Positive Government-Governance Relations  
for Land Use Planning and Management  
on Prince Edward Island**

*A Submission to the Commission on Land Use and Local Governance*

from the Institute of Island Studies, UPEI

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## ISLANDNESS AND THE PROBLEM OF POLITICAL INERTIA

### AN UNENVIABLE TRACK RECORD

As amply demonstrated in the overview document provided by this current *Commission on Land Use and Local Government* (Government of PEI 2009 a,c), a succession of Prince Edward Island governments has failed to enact the majority of recommendations put forward by previous land use commissions and round tables. More recently, governments have held public consultations on heritage management, watershed management, genetically modified crops, cosmetic pesticides, school closures and nitrates in groundwater, among others. All of these are related directly or indirectly to rural land use or to infrastructure that influences rural settlement patterns. In every case, local governance and in particular, the role of the public in decision-making, is at the core of the debate. Typically, the majority of citizens intervening called for immediate and substantial changes to public policy or regulations. The body (whether a government standing committee, appointed board or ad hoc review committee) charged with reviewing public input then provided weaker recommendations to government. In most cases, even these compromise recommendations were largely ignored. In other cases, where recommendations were accepted, follow-up action was postponed, or legislation was drafted in such a way as to be unenforceable.

Meanwhile, federal agencies and academic researchers continue to provide clear evidence of ongoing problems that include: declining quality of forests, wildlife habitats, air, soil and water (Liao, 2008; Government of PEI n.d.); ongoing degradation of landscape (Horne, 2009); decline of rural communities; various collapsing fisheries (DFO, 2007); and agricultural sectors that are increasingly tenuous (Government of PEI, 2008). Criticism has been levelled at patently inadequate agricultural policies that were intended to stem the degradation of soil and water resources critical to public wellbeing (McAlony et al., 2009). It seems that, even where there is excellent evidence and strong public concern, Islanders remain afflicted by a combination of political and general inertia that prevents us, collectively, from defining a positive vision of our future as an Island society — a vision that will inspire us to make the difficult decisions that are necessary to move us through short term pain to a place of well-being and sustainability.

## NAVIGATING ISLANDNESS

What is the root of this problem of political inertia? Much has been written about the strength of Island identity and Islanders' attachment to the land — characteristics that would logically support development of an ethic of land stewardship. On the other hand, a history of contested land tenure is said to account for the resistance of Islanders to “being told what to do on your own land” (McClellan, 1990; Phelan, 2009). These stories that some Islanders tell themselves are clearly not always an asset when fresh approaches and new ways of managing land are required. As a small island province, we also share characteristics with other island jurisdictions. Scholars of Island Studies point out that, for example, the relative isolation of some small island societies can breed extreme conservatism and a suspicious attitude toward outsiders. These behaviours narrow people's visions of what is possible. In other cases, islands are not isolated but extremely globalized; these islands are ports of call on global trade routes or transfer points for international air traffic and are highly influenced by travellers who pass through and others who choose to put down roots. PEI lies somewhere in between these extremes; it is close to the mainland and increasingly open to immigration from and connection to the wider world. Thus, small island conservatism should not be an impediment to the adoption of new land management practices on PEI. However, many long-time residents of PEI do define themselves first as Islanders, and secondly as Canadians; they may tend, also, to establish even more localized identities within the Island. This latter situation can lead to unhealthy degrees of competition and jealousy among villages and towns, reducing the possibility of creating something together, Island-wide. In this small island context, how do citizens overcome resistance to necessary change; resistance to essential regulation; unhealthy competition among Island communities; and the lack of capacity to develop a collective vision?

On PEI, as on many small islands, people often know their elected provincial and federal leaders personally (Simpson, 2007). The tendency for individuals who are well placed to exert influence on decision-makers for personal gain is dangerous to democratic process, which ought to be fair and accessible for all citizens. Chronic problems of patronage and cronyism remain in the system despite frequent, publicly-voiced promises to expunge them. It is never possible to eliminate all bias and unfair advantage from government decision-making in a small island society, and PEI is no exception. Public figures and senior bureaucrats inevitably serve in a variety of volunteer and public service organizations, and are active on corporate boards. Such inter-relatedness is clearly a form of social capital that can make PEI strong, but, if it is not carefully managed to be transparent and accountable, it can also prove ruinous.

On a small Island such as ours, where older generations have tended to remain in place on the land, many people in a given area are related, and those who are not relatives share other bonds — from being neighbours; from working in a limited number of local workplaces; or from sharing membership

in one of the many volunteer organizations that are essential to community life. Where complex webs of close personal relationships provide the context for decision-making, responsible authorities may be reluctant to enforce land use and other regulations, or to deny development permits. This presents a particular challenge for elected officials at the municipal level.

These sensitive relationships between Island citizens and their governments lead to a propensity to favour the “carrot” over the “stick” approach to public policy. However, although voluntary compliance with guidelines is a desirable option, there are always some situations where legal instruments are necessary. Therefore, steps need to be taken to ensure that decision-makers are buffered from personal consequences that might impair their capacity to develop and enforce regulations. Proper training, supportive governance structures and transparent process guidelines can all be useful supports for making and enforcing difficult decisions.

Even more important than structure, however, is the trust between governments and citizens. When people feel confident that their opinions will be considered when decisions are made; if they understand the reasoning behind a decision; and if they are convinced that their leaders are honestly dedicated to the greater public good; then compliance with unpopular rules is more likely (Novaczek et al., 2001; Novaczek et al., 2005).

## THE MOTHERS OF INVENTION: SOCIAL CAPITAL, NECESSITY AND MECHANISMS FOR COLLABORATIVE GOVERNANCE

In this paper the IIS argues that the public, and in particular the vibrant and resilient networks of civil society organizations, have amply demonstrated an appetite for positive change; and furthermore, there is evidence that various government departments and agencies are open to involving members of the public in their decision-making processes. However, many of the essential frameworks and processes for inclusive and respectful, democratic decision-making are still lacking. As a consequence, municipal and provincial governments often are without the public support they need to safely navigate from the Island’s current, vulnerable position to one that is more coherent and sustainable. It is not an exaggeration to say that the future of the land and waters of PEI, and of all its inhabitants, will depend on finding diverse solutions to such governance issues. We suggest that to advance, it will be necessary to forge new channels for transparent and accountable communications among civil society, municipal governments, land use planning and development bodies, and those provincial and federal agencies that have responsibility in areas affecting the land.

Of all the provinces of Canada, Prince Edward Island is the one which, owing to its manageable scale and strong social capital, has the best prospects for modelling new and more effective forms of

collaborative governance. Highly effective governance is urgently required for the difficult times ahead. The Island will have to confront climate change; the transition away from fossil-fuel-based energy; a global crisis in availability of clean, fresh water; global economic instability; the consequences of long term environmental degradation; and an ageing North American demographic (IIS, 1999). Citizens and the land need governance that is rooted in progressive local/Island values, and that makes the best of the Island's natural advantages. Included in those advantages, as far as governance is concerned, is the power of informed peer pressure and grassroots negotiation. That said, in seeking to develop a more functional society, it will be essential at the same time to recognize, and firmly deal with, the weaknesses and constraints inherent in such a highly networked, small island society. These limitations can be substantially addressed through formal and non-formal, in-school and non-school public education, to develop a widespread ethic of land stewardship informed by the principle of sustainability.

## PREVIOUS IIS RECOMMENDATIONS ON LAND USE AND GOVERNANCE

Over the more than 23 years of its existence, the Institute of Island Studies has strived to provide well-researched input to public consultations and commissions. As well, where government has failed to attend to issues of deep public concern, we have held our own public forums, workshops and seminars. The IIS works to be a bridge between the Academy and wider Island society; to bring expert opinion into public discourse; and to provide venues for PEI citizens to debate the issues of the day. Following are a few of the observations and recommendations made in previous submissions to government, which remain relevant to the current debate on land use and local governance.

### *Issues identified in advance of the Royal Commission (IIS 1989)*

- ◆ location of new housing on unserviced land;
- ◆ cottage subdivisions on rural and coastal lands;
- ◆ land use conflict in rural areas;
- ◆ preservation of natural areas;
- ◆ uncontrolled tourism development;
- ◆ driveway access and road safety;
- ◆ maintenance of landscape quality;
- ◆ influence of taxation on land use;
- ◆ absence of land use planning and zoning.

### *Recommendations during the review of the Lands Protection Act (IIS 1993)*

- ◆ That the present limits on land holdings (as per the Lands Protection Act) be maintained;
- ◆ That the provincial government make it emphatically clear that the limits set out in the Lands Protection Act represent the will of the people, and therefore will be enforced stringently;
- ◆ That the Island government move decisively away from its present policy of routine approval of non-resident and corporate land purchases;
- ◆ That the Island government establish and provide capital support for community land trusts;
- ◆ That the Island government continue to give strong moral and financial support to the family farm, and that a special effort be made to enable young farmers to purchase land;
- ◆ That in future agricultural research and policy, a strong emphasis be placed on sustainability;
- ◆ That local government on the Island be restructured;

- ◆ That government and academic researchers cooperate to develop and publicly share up-to-date information on land ownership and land use patterns in this province, and in comparable island jurisdictions.

*Recommendations to the Commission on Nitrates in Groundwater (IIS 2008)*

- ◆ Implement previous recommendations of land use commissions;
- ◆ Pay attention to the input of concerned citizens and the academic community when they provide written briefs to commissions and inquiries;
- ◆ Search out and adopt evidence based practices for land use management from other jurisdictions, and learn the lessons of our own history;
- ◆ Focus on prevention and precaution rather than on mitigation of problems arising from the lack of adequate land use management;
- ◆ Replace voluntary guidelines with enforceable regulations as required to control clear threats to the public good;
- ◆ Identify and address regulatory gaps;
- ◆ Consider regulatory arrangements that cover geographic areas that are consistent with watershed boundaries;
- ◆ Invest in climate change preparedness;
- ◆ Strengthen local government;
- ◆ Support watershed groups and citizen engagement in scientific data collection;
- ◆ Establish a holistic, publicly supported vision for protection and rehabilitation of PEI's natural resources, economy and society.

As can be seen from the above (incomplete) review, the IIS has consistently called for comprehensive land use planning and management (see also IIS, 2003). It has supported the strengthening and rationalization of municipal government; and has advocated an increased role for citizens in local governance. This last effort is consistent with the emphasis in many other jurisdictions on the principle of subsidiarity. According to the principle of subsidiarity, decisions affecting peoples' lives should, whenever possible, be made at the level of government that is closest to the people affected.

Over its lifetime, the IIS has also advocated two other key principles that are internationally recognized as being consistent with good governance: sustainability and precaution. Sustainability ensures the well-being of other species and future generations. The principle of precaution warns against proceeding with any development project where there is reason to suspect that it may inflict irreversible damage to human health or life-supporting ecosystems.

## CIVIC ENGAGEMENT IN LAND USE PLANNING AND GOVERNANCE ON PEI

### CIVIL SOCIETY AND THE SOCIAL ECONOMY

Civil society is the place where social capital is formed, and where codes of conduct and norms of acceptable behaviour are established. Civil society has been defined as:

...the realm perched between the marketplace and government. It is composed of all the activities that make up the cultural life of individuals and their communities. The civil society includes religious institutions, the arts, education, health care, sports, public recreation and entertainment, social and environmental advocacy, neighbourhood engagement, and other activities whose function is to create community bonds and social cohesion. (Rifkin, 2004: 234)

Within civil society is a sector that has been labelled the Social Economy. The Social Economy includes community service and social purpose organizations which may function as voluntary societies, non-profit organizations, co-ops or credit unions. "The social economy is a continuum that goes from the one end of totally voluntary organizations to the other end where the economic activity (social enterprise) blurs the line with the private sector" (CCEDNET, 2005). Social Economy organizations strengthen the governance capacity of communities and provide frameworks within which citizens work together for the public good. Often, their activities fill gaps in government services, especially in terms of caring for and advocating for the more marginalized and vulnerable members of society. On PEI we have a vibrant social economy that includes, for example, volunteer fire departments; watershed management groups; Women's Institutes; natural and cultural heritage groups; arts organizations; service clubs; community based immigrant support services; support groups for youth, seniors, disabled people and victims of violence; aboriginal rights advocates; volunteer groups who care for rural infrastructure such as churches and community halls in unincorporated areas; and community development boards. It is estimated that on PEI, 55.8 % of the population volunteers with at least one such organization, while an impressive 86.6 % of Islanders make voluntary financial contributions to the sector (Statistics Canada, 2007).

Civil society, especially where it finds expression through the work of social economy organizations, is the fundamental core of local governance. Formally elected governments (First Nations, Municipal, and Provincial governments, for example) are more recently developed dimensions of governance. All of these elements of governance are essentially derived from human culture.

Over the past four years, the IIS has coordinated a *Social Economy and Sustainability Research Network*, made up of academics, students, and other researchers who are based in social economy organizations. Network members have been working collaboratively on many issues that are linked to governance and civic engagement. At UPEI we also have a graduate programme in Island Studies through which student researchers have tackled topics related to public land use policy. Recent research in which IIS has been involved has shed light on Island governance (Simpson, 2006), the relationships between government and social service organizations (Wynne, 2008); rural women's access to economic development opportunities (in progress); the role of women in management of fisheries (Novaczek et al., 2009); models and methods for landscape management (Horne, 2009); impediments to youth engagement in community building (in progress); Islanders' perceptions of what is essential to wellbeing and quality of life on PEI (Quality of Island Life Co-op, 2009); the response of new immigrants to Island society (Baldacchino, 2007); and emerging models for regional fair trade and food security (Cooper Institute, 2008). Through working with a range of social economy organizations, the IIS has developed a depth of respect and understanding of civil society that leads us to believe that the potential for civic engagement in Island governance is tremendous. However, we see little evidence of a conscious, methodical effort by elected governments to develop transparent and inclusive mechanisms for engaging a willing and concerned public in government decision-making and planning. We believe that such mechanisms are essential because widespread citizen engagement is critically important when envisioning development strategies, and crafting overarching policies that affect peoples' daily lives. In addition, orderly engagement with specific public interest groups such as social service organizations is essential to the success of strategic planning for development and delivery of community programs.

Research conducted on PEI organizations that help fill the gaps in government provision of social services (Wynne, 2008), has documented lapses in transparency, consistency, timeliness, accountability and equity in the relations between social service organizations and their Federal and Provincial government funders. The funding and policy environments for organizations that serve the needs of the more marginalized and vulnerable members of society are "often volatile and insufficient". The effectiveness of social service providers is undermined by, among other things, jurisdictional issues that arise between provincial and federal government agencies. There is also a "systemic and longstanding" lack of access to the table when public policy that will affect them and the people they serve is being deliberated and drafted. Among staff and volunteers of many of these essential community service organizations there are feelings of frustration, resignation and burnout (Wynne, 2008:4).

It may be argued that a connection between community based social services and land use management is tenuous, but, as with most public policy issues, there is a connection. In this case, availability of services in rural areas affects patterns of population settlement and retention. Perhaps more importantly, on a small island, any chronic disconnect between agents of government and civil society erodes public trust and undermines capacity for good governance among people who have connections

to the organizations involved. On PEI, where people often volunteer with three or more organizations and are densely networked across geographic and social space, news travels quickly. It is not inconceivable that disenchantment in one policy area will have an impact on another. Neither the municipal and provincial nor the federal governments have adequate resources to enforce land use regulations if citizens who are disenchanted with government choose not to comply. To exert effective control over land use, governments need to mobilize the power of grassroots-level, informed peer pressure; elicit voluntary compliance to regulations; and instil an ethic of stewardship. These goals can be advanced through public education if governments make use of their various roles in education at all levels of society, including formal, in-school education and informal or non-school learning. It is essential that Prince Edward Island develop a pervasive ethic of land use that is consistent with stewardship for the public good.

In the task of land use planning and management, all levels of government can also benefit directly from the energies and capacities of citizens and community based organizations that are already — in a non-partisan way — promoting the well-being of all Island species and ecosystems; cultivating community social well-being; running rural social enterprises; and providing services that enhance quality of life and economic well-being.

The Canadian experience with respect to community engagement in development of public policy has been repeatedly critiqued. For example Wilson (2008) provides evidence of the backwardness of Canada in comparison with other countries, particularly European jurisdictions. He makes a compelling argument for engagement of civil society at the community level; and notes that Canadian public policy often fails to respond to the diverse needs of communities. Wilson also argues that local, contextualized programs are needed to fill the gaps in top-down, national and provincial programs. He points out that Canada lags behind other jurisdictions where governments are “catalyzing and sustaining local partnerships; facilitating cross-sector decision-making, joint action and shared funding; and encouraging open and transparent accountability” (ibid:5). Further, “there is too little willingness to allow Canadian communities to lead and too much attention paid to the ‘separation of powers’ and the reasons for not acting together” (ibid:8).

Jeremy Rifkin (2004) has clearly explained the evolution of the government-governance relationship in European countries over recent decades. He notes that civic engagement in the form of public policy networks emerged because “the politics of representative democracy doesn’t begin and end with the election of officials and the passage of legislation”. Further, “Public policy networks are a way for the government to keep political deliberation, decision-making, and implementation alive and relevant by ongoing dialogue and negotiation between all the affected constituencies.” “Governance”, he concludes, “is no longer divided into discrete and separate stages but becomes a continuous process of engagement”. The evolution of a political system away from the binary constellation of voters and elected officials and towards a process of continuous engagement that involves government, the private

sector and civil society is, he argues, essential to redress the increasing power of corporations over development processes and landscapes. Such a transition is possible, in part owing to modern communications technologies that allow for continuous feedback loops. The goal is to have “win-win” outcomes, rather than the typical “win-lose” outcomes that arise from more traditional, adversarial politics.

## ONE ISLAND COMMUNITY?

The concept of one Island community is undermined by jurisdictional conflicts and poor public processes that diminish the possibility of citizen engagement in governance and local government. To illustrate areas requiring attention, we will outline several disturbing recent examples.

### CHARLOTTETOWN TRAILER PARK DEVELOPMENT

In 2009 it came to media attention that a developer had applied to the City of Charlottetown for permission to remove a longstanding trailer park from his property in order to build a large condominium on the site (CBC, 2009c). Trailer park residents, facing the loss of their long term investment in housing on the site, challenged the development application. After the Municipality ruled in favour of the residents, the developer appealed to the Island Regulatory Appeals Commission (IRAC), a government-appointed provincial agency. IRAC over-ruled the City, allowing the development to proceed. This came as a shock to observers who assumed that the municipal authority would be respected in such a case. It is easy to see why citizens would become distrustful of IRAC and the provincial government, and disengage themselves from a municipal authority that lacks the power to protect the interests of its local residents. This confusion over jurisdictional roles warrants a close inspection, with particular attention to IRAC’s role. On review, IRAC’s area of jurisdiction may require revision, to limit the power it can exert over duly elected municipal governments.

### ROGERS' CELLPHONE TRANSMISSION TOWER

Shortly after the trailer park decision, Charlottetown residents received another shock to the political system. Rogers Communications Inc. applied to the City of Charlottetown for a permit to erect a high-capacity transmission tower in a residential area, close to facilities for small children, university students and seniors. Public apprehension over the potential negative health impacts of radio-frequency emissions from this type of infrastructure were well known, having surfaced in 2008 during protests against the routing of high capacity power transmission lines close to homes and recreational trails and through sensitive natural areas.

The provincial government stamped its approval on the environmental screening of the cell tower on the basis of Health Canada's opinion that cell tower radiation poses no threat to human health (N. Armstrong, 14 May, 2009a). However, the current scientific evidence of health effects of electromagnetic radiation is highly contested, and casts doubt on the efficacy of federal standards. Citizens in the area of the proposed development formed a coalition to oppose the cell tower for the health risks it could pose. The municipality, using a precautionary approach and mindful of the citizens' concerns, offered the developers alternate, less sensitive sites (N. Armstrong, 03 June, 2009b). Instead of moving to a different site, Rogers appealed to the federal Department of Industry, which promptly overruled the Municipality's decision. Despite active protests of the community, the cell tower is being erected (CBC, 2009a,b). Once again, a serious blow was dealt to the legitimacy of local government, while trust in the higher levels of government to understand and respond to local concerns was also eroded. Moreover, the PEI Environmental Impact Assessment Guidelines recognize that the concerns of citizens over perceived hazards in their environment is a legitimate factor to be considered in planning and development. This socio-cultural guideline is often not taken seriously, and this case is an extreme example. Future efforts to engender a feeling of "One Island Community" as promoted by the provincial government have scant hope of success until citizens perceive respect for their roles in land use planning and environmental assessment.

The above examples indicate that the powers and jurisdictions of local governments need to be clarified, through the courts if necessary. Are the current roles and responsibilities of municipal governments adequately supported? How can the decisions of an elected local government be protected against undue interference from un-elected parties or appointees? When powers are unclear, and un-elected bureaucrats overturn the decisions of elected, local governments it causes public disenchantment, disempowerment and eventually, disengagement. To avoid such disengagement, citizens need to be convinced that government powers will be consistently applied with the public's best interests in mind.

#### PUBLIC CONSULTATIONS ON ISLAND AND AGRICULTURE DEVELOPMENT PRIORITIES

Another area needing work is the type of public consultation processes used by government to engage citizens in development of public policy.

Our current provincial government was elected in May 2007. *Island Prosperity: A Focus for Change*, prepared by the Office of Bioscience and Economic Innovation, was released in April 2008. In it, the author states that "A successful economic strategy requires focus and an aggressive attitude to capitalize in areas of highest growth potential" which, according to this document, are Biosciences, Information Technology, Aerospace and Renewable Energy. Although the document speaks of every Islander benefiting from having this as a common purpose and direction, there has been no widespread public dialogue about this shift in the focus of economic development.

The document *Growing the Island Way* (Government of PEI, 2008), outlining a vision of the future of agriculture in PEI, followed and closely mirrored *Island Prosperity*. Released in 2008, *Growing the Island Way* was billed as a document penned by a diverse committee of citizens, and was the subject of a series of public consultations. The document does a good job of listing some important Island values (p. 44), and acknowledges the importance of quality of life, but these threads are not followed up with concrete recommendations that explicitly accommodate and reinforce these values and qualities. In brief, *Growing the Island Way* focuses heavily on promoting agri-food, fuel crops and biotech. Prosperity, as in the document *Island Prosperity*, seems to be defined only in terms of financial wealth. There is scant attention to fostering broader social development and environmental conservation that could maintain the community social well-being that Islanders (QoIL Co-op, 2009) and new immigrants (Baldacchino, 2007) identify as critical to Island quality of life. The goal of generating high paid jobs is fine, but we also need liveable incomes for those who lack the capacity or the desire to take on high tech careers. The proposed agriculture policy also neglects fundamental issues of sustainability, and food and water security. These and other flaws were noted by members of the PEI Food Security Network (a civil society association made up of community development, preventive health, social justice and environmental groups; academics, nutritionists and health professionals; and fishers and farmers). Despite their active and vocal participation in the community consultations, network members noted that the final document changed only very slightly as a consequence of the consultation process. This type of process, wherein dissenting voices from the community of interest are ignored and their concerns not even recorded, does nothing to promote engagement that could lead to a fruitful consensus around the development path and subsequent land use patterns on the Island.

We are left with many questions concerning government plans for the Island's land base. The image of potatoes being replaced by diverse fields of medicinal plants is appealing, and could have many benefits for our health, landscape values, tourism, small business development and quality of life. But, to what extent and in what ways will pharmaceutical/biotech corporations (e.g. Monsanto, Aventis, Dow Chemicals, Fortius Pharmamedica, Nautilus Biosciences, Novartis, BASF) seek to own or control the ideas, the researchers, the infrastructure, the labour force, the marketing, the farmers and the land? Are we trading in the Irvings and McCains for even more powerful and more distant landlords? In the grand scheme of an export led, high tech, agri-food industry, will there be room for locally owned, small businesses that are rooted in, and supportive of, rural communities? What are the implications in terms of: competition for land suitable for growing food; use of genetically modified crops; use of chemical inputs that have already eroded our soil, water and air quality; and local food security? These issues are all imbricated in current public concerns over land use management. Their resolution requires forms of respectful public engagement and functional local governance that are as yet absent from the political landscape.

## GOVERNMENT-GOVERNANCE COLLABORATION FOR INTEGRATED LAND USE MANAGEMENT

### SIGNS OF POSITIVE CHANGE

In his 2008 Speech from the Throne, the current premier committed the PEI government to institute a new Office for Public Engagement at some point in the future. Government has also embarked on development of a Community Accounts Database for PEI, modelled on the Newfoundland system. This database will provide open access to information needed for evidence based, local decision-making. Some provincial agencies, notably Social Services, have recently invited civil society organizations to the table to provide input into strategic planning. As well, provincial support for watershed groups has been enhanced. These are all positive steps. So, although the consultation processes available to the public in recent years have often left those “consulted” feeling frustrated, there is evidence that the Province wants to engage Islanders in decision-making at some level. At the citizen end of governance, we recently witnessed parents and concerned citizens in the Souris area come forward with their own grassroots plan for school consolidation, which had been negotiated on the ground. This latter process is one we could learn from in order to build the frameworks and trust that are required for rural land use and infrastructure planning. How can this apparent capacity and willingness on all sides be harnessed to develop mechanisms for improved governance?

The recently released government discussion paper on *Renewing Rural Prince Edward Island* (Government of PEI, 2009c) suggests some strategies for giving rural communities a voice. For example, the section on “Strengthening the Rural Voice: Access to, and Participation in, Policy Development and Governance” promotes improved government-governance relations. The vision and key themes of “Shared Leadership, a Balanced Approach, and Responsiveness”, if acted upon, would create stronger and more effective government-governance relationships.

In short, we see the challenges of land use management and the rationalization of local government to be closely linked to rural development planning and action on Prince Edward Island. In all cases, a coherent framework and process for inclusive, respectful, transparent and accountable decision-making is required.

### LEARNING FROM COMPARATIVE RESEARCH

In comparing municipal level government on PEI with that in the Australian state of Tasmania, researchers have recommended that local government on PEI be reformed because “social, economic, and environmental programs could be integrated and delivered more effectively than at present” (Armstrong and Stratford, 2009). The general absence of land-use plans, watershed management plans and development controls on PEI, as well as the differences in accountability for land use decisions between incorporated and unincorporated areas, highlight the need for stronger development controls on all lands (Cousins, 1999). The complexity of the task also highlights the need for local governments to engage citizens in the task of governance, to ensure the best future for both Island resources and Islanders (Baglolle, 2008; Ployer 1997). In short, the researchers concluded, and we agree, that there needs to be an *integrative* solution for managing land on PEI.

*Integrative management* has been defined as an approach to economic development that requires the incorporation of “creative, democratic, ecologically sensitive, and culturally and socially appropriate systems of governance, all within the context of internationally accepted sustainability principles” (Armstrong and Stratford, 2004). In this management strategy, the full range of local assets (e.g. cultural, environmental, social, institutional, physical, political, financial and organizational) are integrated in the approach to economic development.

Because economic development at the local level requires ecological, cultural and social resources, governments have an incentive to develop partnerships that can ensure conservation and sustainable development of these resources at a regional scale. Government-governance partnerships help to ensure “the flow of policy innovation and resources across scales, and galvanize[s] prospects for change” (Armstrong and Stratford, 2009). To engage in integrative management, local governments need greater and more clearly defined powers that can help them exercise their human, financial and legislative capacities, and foster strong government-governance relationships.

Further, integrative land use management requires that municipal governments cover the entire Island land base (excluding First Nations land). Properly instituted, i.e. through appropriate public process, comprehensive municipalization will foster crucial capacity-building and engender a more co-operative, informed approach to the resolution of land use issues on PEI. Placing all land on PEI under the control of Municipalities and First Nations will provide a more level playing field for land use planning and management. Devolution of appropriate powers and financial capacity to these local governments, with the necessary checks and balances to ensure province-wide coordination and basic minimum standards, would also strengthen the possibility for citizen engagement. Municipalities working hand in hand with civil society is a situation that clearly has potential for positive action on issues vital to the Island. By working *with* the Island's social economy instead of alienating their talents and resources from the work of rural development, the provincial and municipal levels of government could ensure that future land use is consistent with Islanders' collective vision of a desirable future, and supports the social well-being that is so greatly valued at the community level.

Appropriate reforms to municipal government powers could, among other things, provide “jurisdictional capacity and resources to lead, facilitate, enable, and integrate efforts to contribute to, strengthen, and diversify [their economies]” (Armstrong and Stratford, 2009). This represents the essential approach for empowering rural areas of PEI to resist and reverse current trends towards poverty and depopulation.

Finally, the management of land cannot be separated from the management of water resources. Putting a greater emphasis on the importance of protecting water as a fundamental value and integrating principle, and recognizing the need to manage the land as a collection of watersheds, would be another strategy to encourage municipalities to work with citizens, especially established watershed groups. Such a fresh approach to government–governance relations could be spearheaded by the proposed Office of Public Engagement.

#### WATERSHEDS AS BOUNDARIES FOR INTEGRATED LAND USE MANAGEMENT BY LOCAL GOVERNMENTS

In consultations with community partners during development of this submission, the Institute of Island Studies heard, loud and clear, that “It all comes down to water in the end”. Water is already contaminated by agricultural chemicals over large parts of the island (DesRoches, 2008), and may well become locally scarce as a consequence of climate change. While respecting other regional criteria, such as cultural priorities ( e.g. language-based and Aboriginal areas), PEI will need to establish regional rural municipalities using the natural boundaries of watersheds if it is to preserve and protect the Island’s water resources in the future (Lubell et al, 2002; Bardati et al, 2009). Local governance based on watershed boundaries has become part of the natural progression towards sustainable development in other countries (e.g. New Zealand) and in a number of locales in Canada. There is also an emerging consciousness of cumulative effects of development, as opposed to past practice of treating each development project as an individual case. Each watershed has a finite capacity for development, and only on a whole watershed basis can cumulative effects be managed. While the provincial government has supported the concept of local governance on a watershed basis (Government of Prince Edward Island, 2007), the reality is that there exists a huge chasm between this ideal and reality. Without an appropriate governance structure, watershed management and integrated land use are stalled in PEI.

The way ahead requires the provincial government to devolve selected powers and responsibilities as well as appropriate resources for land use management (within limits consistent with the protection of Island-wide public good) to municipal governments that are adequate in size (i.e. much larger than the majority of current rural municipalities) and to the extent possible, organized around watershed units. These expanded municipal units would then have the resources for land-use management in cooperation with the grassroots talents and resources organized within watershed groups and other

community organizations. Those community organizations could be supported through municipal taxes. It will be easier to build relationships between governments and public interest groups engaged in governance if there are appropriately sized and resourced municipalities. These municipalities will require clearly defined powers, nested within an overarching provincial framework that explicitly incorporates principles of sustainability, precaution and subsidiarity.

#### INCREASING COMMUNITY CAPACITY FOR ENGAGEMENT IN GOVERNANCE AND GOVERNMENT

Community capacity has been defined as: “the ability of people to organize their assets and resources to achieve objectives they consider important” (Lyons and Reimer, 2009). It has also been noted that “[T]he capacity of a group is also dependent on the resource opportunities or constraints (ecological, political, and environmental), and the conditions in which people and groups lives” (Gibbon et al., 2002). In addition, socio-cultural factors are clearly important to community social well-being, a domain of quality of life that reflects harmonious social relations, and provides essential support for co-operation, accommodation and consensus-building among citizens (QoIL Co-op, 2009; Reimer, 2002; Jackson, et al., 2003). Maintaining the essentials of quality of life is a key to good governance.

As noted above, the alienation of civil society through overturning municipal rulings that protect the well-being of local citizens, or conducting poor public process, decreases a community’s capacity to achieve common objectives through collaboration. This happens when the relationship between government and governance is weak. If, on the other hand, government-governance relationships are strengthened through coherent and transparent decision-making frameworks and processes, community capacity will increase as citizens respond to the idea that they can make a positive difference. This is a virtuous circle of empowerment through which Islanders will develop a stronger voice to influence the future well-being of the land, water and communities. Above all, we must strive at all times to build trust.

## RECOMMENDATIONS

1. Adopt and entrench in provincial Acts the principles of precaution, sustainability and subsidiarity.
2. Implement the recommendations of previous land use commissions, after updating them in light of new research, international best practices and considerations of such factors as future climate change, peak oil, documented environmental vulnerabilities, and demographic change.
3. Establish new municipalities and expand First Nations territories so that all Island land is under a local government. Among other things this will deal with imbalances in taxation that encourage strip development; and improve opportunities for meaningful citizen engagement in local government.
4. Open up discussion around criteria for establishing municipal boundaries. Examine watersheds / watershed clusters as potential rural / regional municipal units. Note also the need for “head of waters” municipalities that could have special powers and responsibilities for conservation of woodlands, wetlands and springs that feed multiple watershed systems.
5. Also examine the merits of other municipal units based on considerations of cultural cohesion and concentrations of population.
6. Study and demonstrate the costs and benefits of rural municipalisation at all levels (household, region, province). Use this research as the basis for inclusive and accessible public discussion that visibly involves decision-makers.
7. Invite Island communities to identify their preferences for comprehensive municipalisation while ensuring that there are carefully thought out, transparent and publicly acceptable arrangements regarding the following: conserving village identities; protecting village infrastructures and services; and supporting volunteer capacity for the collaborative maintenance of local infrastructure and services.
8. Reassess jurisdictional powers with respect to Municipal decision-making vis-a-vis potential, undue interference by other governmental jurisdictional and/or agency powers, with a view to protecting decisions that respond to the expressed wishes of local citizens.
9. Actively build decision-making capacity at all levels of PEI society and government through training and provision of clear process guidelines. Develop transparent and accountable frameworks to support local decision-makers in resolving land use and governance conflicts and in making necessary and difficult decisions.

10. Research and adopt best practices developed by civil society networks for public education, engagement and consultation.
11. Institute province-wide, integrated land use planning and management that is undertaken at the local level, according to provincial principles and adhering to consistent minimum standards.
12. Develop frameworks and mechanisms for drawing on civil society's knowledge and experience when developing public policy at Municipal, Provincial and Federal levels.
13. Support and encourage the participation of women and youth in all levels of government and governance.
14. Implement formal and non-formal public education programs designed to foster citizenship and an ethic of stewardship for sustainability.
15. Institute a Public Engagement Office with a mandate to spearhead development of improved mechanisms for government - governance relations.

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