

June 23rd Delegation to Islands Trust Council Executive:

Reconsidering the Relationship between
Environmental Protection,
Democracy,
and Reconciliation
in the Islands Trust Area

Thank you for allowing me to make this Delegation on the important role of democracy in the cause of ecological protection.

Over the past few days of listening to community groups and concerned citizens regarding the policy statement revisions, the clear unified message I hear is this: stop.

Just stop.

There has not been sufficient community engagement and participation in shaping this document.

The best way to ensure robust public engagement in shaping policy revisions aimed at the good of all is to hold elections. Allow the Trust Policy Statement revision to become an election issue. Let us have full open public debate.

Instead, the revision process has been so lacking in democratic process that it constitutes a breach of the Social Contract, the ideological foundation of governance itself. It also rests on faulty 'either/or' logic. The publicly available educational material Staff have provided regarding this Policy revision fails to outline recent progressive research in ecological health and environmental conservation which stress the importance of also protecting and fostering local human livelihoods.

Given the deficiencies this policy statement is predicated on, it is unlikely to achieve the desired outcome of ecological preservation and protection that our region, and our world, require. People simply don't respect unduly repressive rules that undermine their livelihoods. Nor should they.

Should this policy revision become the new guiding authority for the Salish Sea and Islands Trust area, insofar as the outcome of environmental protection is achieved, it

will be, wholly unnecessarily, at the expense of the majority of Trust Area/Salish Sea landholders, local businesses, farmers, sustainable forestry workers, trades, artisans, and First Nations residents.

Our Official Community Plans, (OCPs) will be subservient to this revised Policy Statement. This means that residents' only route to self-determination for our communities will be constrained to the strictures of this democratically insufficient process.

Many are concerned, for example, about the stricture of silence—how will an imperative of tranquility impact those of us whose livelihoods necessarily involve the creation of sound?

While this policy revision increases quiet enjoyment for the elite whose forms of capital exist in the world of finance, it robs those whose livelihoods are based on using the land from accessing our forms of wealth, including our social capital.

Then there is the banning of docks and desalination, and the ideological pitting of tourist accommodation against affordable housing—all of this is set to become policy for 450 islands without the input of the residents, landholders, and local businesses.

Our OCPs are aspirational reflections of the voice of the people, yet our individual Island Bylaws fail to **aspire** to implement them. For example, Officers and Trustees on Salt Spring Island deny residents access to the shared community resources of tourism and forestry that our OCP seeks to protect.

Indeed, at least on Salt Spring, Islands Trust Staff misguidedly invoke our Official Community Plan to prohibit the economic activities of residents, landholders, and local businesses. This, despite its intent to protect our rural livelihoods and local economy. After the new Policy revisions, even the protections we have for agriculture and sustainable forestry will be removed from our OCPs...without having had a voice in the process.

The new policy revisions erode our already meagre protections, and increase the coercive and punitive power of Enforcement Officers.

Recently, on Salt Spring Island at least, Bylaw Enforcement and Compliance Officers have been systematically reclassifying home-based businesses as industrial and

commercial enterprises, thereby rendering them unlawful land uses. This classist hampering of livelihoods impoverishes people and is filling many of us with fear. Only those of us who can afford and stomach lengthy, expensive, and uncertain permit processes have hope of continuing our land-based livelihoods.

The same Officers who enforce against the working people are tasked with writing the laws that are already undermining our local economies. The Officer who threatened me with court action should I dare to use my portable sawmill for personal use has, after significant public pressure, proposed legislation which, while opening the door to personal use, underhandedly prevents sawmill owners from employing our equipment as part of our sustainable rural and farming livelihoods. How is it that the Officers who are trying to close us down both write and enforce the rules used against us? A fair and just local government would engage those most impacted in the drafting of any legislation.

A change to Trust Policy which so momentously impacts the economic and private lives of the majority of residents and landholders, and increases the powers of Enforcement Officers who already punitively and coercively abuse these powers, requires a democratic process and robust public engagement.

I am not suggesting that ecological concerns be overlooked, or weakened, or brushed aside. Quite the contrary.

I am saying that environmental concerns are best addressed through an expansion of democracy to include 'nature', rather than by a bureaucratic repression of public voice. A symbiotic approach to environmental protection is now at the forefront of progressive faculties of environmental studies, in UNESCO biosphere designations, and in Latin American charters which afford rights and democratic standing to mother earth, bodies of water, trees, etc.

When the category of 'person' was expanded to give freedom and political voice to women, former slaves, and formerly colonized people, this was not accomplished by taking away the personhood, political voice, and citizenship of propertied free white men. Rather, the democratic arena was inclusively widened.

Expanding democracy to afford rights to old growth trees and bodies of water is something the majority of us can get behind. None of us, however, should support the suppression of democracy, or the suppression of voice and democratic participation.

Further, to pit, ***the aim of reconciliation***, especially at this highly emotionally-charged historic moment, ***against class***, as this proposed revision does, is a low-blow colonial government trick that people will not stand for.

It is simply not okay to tell landholders and working people that our voices cannot be heard due to a ‘rush on Reconciliation’. To pit reconciliation against livelihood breeds resentment and factionalism, and gives rise to racism and violence.

If Reconciliation were genuinely one of the pillars of the Policy revisions, why were the Coast Salish group of Salt Spring Island not consulted?

My discussion with representation from the Coast Salish People of Salt Spring Island was the first substantive information they’d received regarding these Policy revisions.

The Coast Salish people of Salt Spring Island work primarily in farming, fishing, saw milling, logging, construction, and accommodation—all economic sectors which will be negatively impacted by the new Trust Policy Statement set to go to first reading on July 8th.

In keeping with the mandate of Reconciliation, not only should the resident First Nations be consulted, they should have a governing and decision-making role in Islands Trust. The First Nations should be afforded powers, voice, and funding at least equivalent to the Salt Spring Conservancy. (See Jesse Wentz, Chair, Canada Council of the Arts for a good institutional precedent).

During our meeting, I heard an oral history of Salt Spring Island which dates back before confederation—before Canada became Canada. I also heard an approach to land stewardship far more nuanced, inclusive, and democratic than the late-colonial ‘tree museum’ covenant approach of the Conservancy.

Islands Trust Conservancy is the body that stands to benefit most from the proposed policy revisions. At present, the Conservancy’s ‘tree museum’ covenants protect portions of private property by rendering it unusable by people. This removes human dwelling ‘densities’, and areas for sustainable forestry and agriculture from regular ‘fee simple’ uses. This ‘tree museum’ approach rests on the same faulty ‘either/or’ logic as the proposed Policy revisions, a logic which pits people against the environment.

The Coast Salish of Salt Spring Island offer, instead, a ‘both/and’ form of stewardship guidance, in which both humans AND the environment are in symbiotic relationship. Non-Indigenous locals are also acutely aware of how our livelihoods are bound up in ecological health and well-being. I bet the majority of residents would prefer to follow the stewardship guidance of local First Nations than the punitive and prohibitive approach undergirding the Islands Trust Policy revisions and Conservancy.

The irreparable harms posed by the proposed Policy revisions are six-fold:

1. The cause of Reconciliation is undermined.
2. The cause of Environmental protection is undermined
3. Abuses of power are increased without concomitant check and balances, and protections for landholders and local businesses are further eroded.
4. Rural livelihoods, food security, and local economic resilience are negatively impacted.
5. Symbiotic interconnections between people and the natural environment are severed in the name of conservation.
6. A new generation of young people are robbed of traditional land-based skills and livelihoods.

Bibliography and Supporting Documents:

Borrows, John *Aboriginal Title and Private Property* (The Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference) 2015

Citizen’s Report: *Abuses of Regulatory Power in Salt Spring’s Land Use Legislation*:
<https://drive.google.com/file/d/1qZlvhQR4TjkwSxa6tzWi-clr9HpVVw2g/view?usp=sharing>

Correspondence between Bylaw Officer and Landholder regarding portable sawmills:
<https://drive.google.com/file/d/1MKIdROEfs9NAXsTs1fAwzJeUlrvamstw/view?usp=sharing>

Staff Report: June 29th Salt Spring Island Local Trust Committee, *Enforcement Policy on Portable Sawmills*