

# The Cultural Politics of Canadian Land Trusts: Exploring the Ethos and Structure of the Social Economy as Articulated Across Protected Private Lands

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Résumé de l'article

Ce document de recherche traite de la naissance de la structure et de la culture des fiducies foncières canadiennes qui réservent des terres privées à des fins de conservation. Un grand nombre de chercheurs, aux États-Unis comme au Canada, ont vu les fiducies foncières comme des mécanismes de conservation privatisés, mais un examen plus minutieux de leurs objectifs sociaux, économiques et écologiques montre qu'elles occupent l'espace entre le secteur privé et le secteur public d'une manière caractéristique des organisations de l'économie sociale. Toutefois, si l'on compare la structure et l'éthos du mouvement des fiducies foncières canadiennes aux idéaux adoptés par le secteur de l'économie sociale, on constate que, même si les fiducies foncières possèdent un grand nombre des traits fondamentaux de l'économie sociale, elles doivent s'engager consciemment et plus largement dans la société civile pour remplir leur mandat de conservation et leur mandat social.

**Lorelei L. Hanson & Gloria Filax**

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**Abstract**

*This paper examines the emerging structure and culture of Canadian land trust organizations that set aside private land for conservation purposes. While a number of researchers in both the US and Canada have viewed land trusts as privatized conservation mechanisms, a closer examination of their social, economic and ecological objectives demonstrates that land trusts inhabit the space between the public and private sector in a manner characteristic of social economy organizations. However, a comparison of the structure and ethos of the Canadian land trust movement to the ideals embraced by the social economy sector reveals that while land trusts have many of the foundational elements of the social economy, they need to engage more consciously and broadly with civil society if they are to fully fulfill their conservation and social mandates.*

**Résumé**

*Ce document de recherche traite de la naissance de la structure et de la culture des fiducies foncières canadiennes qui réservent des terres privées à des fins de conservation. Un grand nombre de chercheurs, aux États-Unis comme au Canada, ont vu les fiducies foncières comme des mécanismes de conservation privatisés, mais un examen plus minutieux de leurs objectifs sociaux, économiques et écologiques montre qu'elles occupent l'espace entre le secteur privé et le secteur public d'une manière caractéristique des organisations de l'économie sociale. Toutefois, si l'on compare la structure et l'éthos du mouvement des fiducies foncières canadiennes aux idéaux adoptés par le secteur de l'économie sociale, on constate que, même si les fiducies foncières possèdent un grand nombre des traits fondamentaux de l'économie sociale, elles doivent s'engager consciemment et plus largement dans la société civile pour remplir leur mandat de conservation et leur mandat social.*

**Introduction**

The accelerating fragmentation of landscapes across Canada and their conversion to industrial, residential and recreational uses has sparked growing concern about how these areas might be protected from intensive and extensive development. Decreased public expenditures for conservation purposes and disappointments with government-led land protection processes has resulted in a greater focus on private sector

solutions, and out of this has emerged an increased interest and expanded provision for land and water protection through land trusts. Over the past two decades, land trusts have become one of the fastest growing segments of the conservation movement in Canada.

A great deal of prescriptive material on conservation land trusts has been written detailing how they work, how to set them up, the diversity of approaches taken, the various legal mechanisms available, and how they can best benefit landowners financially, but there has been little discussion focused on the broader cultural politics of this trend in conservation in Canada. Nonetheless, as the land trust movement has emerged and made its presence more significantly felt across the landscape and within conservation circles in Canada, those involved have recognised the need to organise collectively and take stock of the current state of the movement and what might be done to assist its ongoing development. We review some of these developments and associated documentation, including: a report produced by Wildlife Canada and Environment Canada as a part of efforts directed at establishing a Canadian Land Trust Alliance (Campbell & Rubec); two documents outlining Canadian land trusts standards and practices (CLTA 2007a, b); and a diverse array of academic analyses of land trusts, including two recent studies conducted in Canada. As well, we examined the mission statements and web descriptions of a number of local land trusts from across Canada, and the transcripts from a dozen semi-structured interviews conducted in 2008 with members of, or people closely associated with land trusts in Alberta.

These publications, interview transcripts and on-line resources reveal a form of conservation that has deviated from more traditional forms of state-controlled public lands. While at first glance some have viewed land trusts as privatized conservation mechanisms (McLaughlin, 2006; Stephens & Ottaway), a closer examination of their social, economic and ecological objectives indicates that in a manner characteristic of social economy organizations, they inhabit the space between the public and private sector. In this paper, I introduce the concept of the social economy as a means of exploring the brand of conservation that is unfolding through the land trust movement in Canada. A comparison of the structure and ethos of the Canadian land trust movement to the ideals embraced by the social economy sector reveals that land trusts have many of the foundational elements of the social economy but still need to engage more consciously and broadly with civil society if they are to fully fulfill their conservation and social mandates.

## **The Social Economy**

The term social economy encompasses those economic activities performed by entities that are not part of the private or public sectors—they

are a 'third sector' that addresses "the economy of social need" (Rumford 227). The organizations that comprise the social economy range in size and structure, engage in varying economic activities, and reflect a diversity of logics—civic, industrial, domestic, market and project-based (Laville, Levesque & Mendell). Within this context are a broad range of organizations—co-operatives, credit unions, fair trade companies, housing, training and work experience for the unemployed, child care, local exchange trading schemes, environmental improvement, etc. (Smith).

Conceptually the social economy seeks to capture both the social and economic elements of society by identifying and linking organizations that inhabit the space between the market and the state (Noya & Clarence). Although many voluntary organizations are part of the social economy, social economy is not just another term for the voluntary sector. The social economy includes co-operatives, mutual aid societies and newer social enterprises that generate and distribute a proportion of their profits and therefore do not fit the profile of a voluntary or non-profit organization (Smith). However, while many social economy organizations are profitable, the accumulation of profits is not their key objective, and their primary beneficiaries are not investors (Smith). At the same time, the social economy is also not a part of the public sector. The state is often a significant source of income for many of these organizations, but they are managed differently from the public sector (Smith). The social economy includes services not provided for fully, if at all, by the state (typically non-market services) and new economic activities (often market-based), and in Canada this has historically translated into a focus on helping integrate excluded people into the labour force and revitalizing the economies of local communities (Laville, Levesque & Mendell). Nonetheless, as the social economy matures in Canada, there is growing awareness of the broad diversity of civic associations that now comprise this sector. As Smith explains, it's not the nature of the economic goods or services that defines the social economy, but rather that they are distinguished from other enterprises because of their ethos and structure: they have an orientation towards mutualism, reciprocity, and volunteerism, and support a democratic, participatory structure.

While social economy initiatives often have a strong connection to localised communities, they are best understood as integrated within a matrix of networks, flows and 'scapes'; they operate across a diversity of geographical scales. Invocations of community and local connectivity speak to the specificity of an issue at a local level, but social exclusion and gaps in the market are typically recognized as a consequence of economic globalization, and social and political changes at national and regional scales (Amin, Cameron & Hudson). Hence, while social economy organizations are often linked to particular communities, and indeed they are often in a better position than either the public or private sectors to

understand the idiosyncratic needs of, and mobilize resources in, a community (Teague), the problems they address and the gaps they fill are more than localized social problems. Local social economy initiatives work best when connected to the wider regional or national context. Of course, civic associations are not all equally favoured in developing these linkages, but nonetheless few social economy organizations can operate without accessing resources and capabilities that extend beyond the geography of the local.

The origins of the social economy in Canada reach back to the nineteenth century, most notably in Quebec, but common use of the term and focused institutional attention on this sector has been a relatively recent development extending back to the 1970s and 1980s. The coalescence of a diverse range of factors underlie the reinvigoration of the social economy in Canada: the recession, globalization, the opening up of markets, economic restructuring, the reconfiguration of the welfare state, political and social changes, the ascendancy of the knowledge-based economy, and emergence of new social issues and forms of poverty (Laville, Levesque & Mendell). Some view the re-emergence of the social economy as an instrumental device for addressing the failures of the market, but others have insisted this is not their only role; social economy organizations often act as a conduit for greater participation in social life as well (Lloyd). Civil society was mobilized to address the needs and maximize the opportunities found in the shadows of a new technical form of government and greater focus on individualization (Beck & Beck-Gersheim), and this led to the renewal of the social economy and a search for new relationships with the state and market (Laville, Levesque & Mendell).

The historical trajectory of the renewal of the social economy in Canada is distinguishable from both that of Europe and the United States, but as to be expected, greatly influenced by each. The United States identifies the social economy as being the non-profit sector, but in Canada, particularly in Quebec, they have embraced a much broader conceptualization that is akin to that adopted in parts of Europe. Nonetheless, governments in Canada have also exerted influence to shape the framework of the social economy towards a more entrepreneurial and market-based understanding (Laville, Levesque, & Mendell). As well, while clearly integrated into a North American framework as evidenced by participation in the North American Free Trade Agreement, the development of the social economy in Canada shares a number of important characteristics with Europe "including economic policies that are more interventionist, a more comprehensive welfare state than in the United States, and social movements that are more organized and more widely recognized by the government" (Laville, Levesque, & Mendell 156).

## **A Backgrounder on Land Trusts**

Land trusts are not-for-profit organizations established to protect the natural features of private land and waterscapes under their stewardship from undesirable change over the long term. Land trusts use a variety of mechanisms to protect the conservation values of private land. These include: ownership of land through fee simple purchase, or as a result of habitat donation; property management; and by acquiring and maintaining partial rights or interests in the land through tools such as conservation easements (called covenants in BC and servitudes in Quebec), leases or donations of remainder interest (Environment Canada 2006). Private conservancy tools involving partial interest donation (easements are the most common of these) are legally binding agreements that apply between a land owner and the donee (usually a land trust or government agency) and restrict development and use of the land as a means of achieving certain conservation goals, such as protection of forested areas, wetlands, or agricultural land. For example, an easement may be negotiated that allows a landowner to farm or live on the property but limitations are placed on the number and placement of buildings on the land, subdivision of the property, and certain land use activities are prohibited such as mining and other industrial activities. The easement is registered with the title to the property, and as such binds future landowners to the terms and conditions set out in the agreement (NCC 2006). The public agency or private organization that holds the conservation easement is in turn obligated to periodically monitor, and if necessary enforce the easement restrictions in the public's interest, typically in perpetuity (McLaughlin 2006).

Any registered owner of land, whether an individual, a corporation or a government, can voluntarily donate properties or partial interests in that property to land trusts (Kwasniak) and in exchange, the donor often receives a significant income tax benefit. As long as the recipient of the land is a registered charity, the land qualifies as ecologically sensitive or important land as defined by national, provincial or territorial criteria, and the fair market value of the land is certified by the federal Minister of the Environment, or his designate, the person making a donation can apply for tax benefits under the federal government's Ecological Gifts Program<sup>1</sup> (Environment Canada 2004). Corporate donors may deduct the amount of their ecogift directly from their taxable income, while the value of an individual's ecogift is converted to a non-refundable tax credit, and any unused portion of the donor's credit or deduction can be carried forward for up to five years (Environment Canada, 2007). As well, most of these donations are not subject to tax on any capital gains accruing in respect of the property (Environment Canada 2006). The provinces and territories also impose varying income tax rates, and offer tax credits and deductions, and in some cases, property tax relief is available at the municipal level. Land and easement donations can also be made outside of the Ecological Gifts Program, and in these cases the donor receives a tax receipt for the

appraised value of the land or easement, but any capital gain is taxable (NCC 2006).

Conservation land trusts are not new to Canada, however, over the past fifteen years there has been a surge in their numbers. The Hamilton Naturalists Club was the first organization in Canada to operate as a land trust, initiating conservation activities in 1919 and acquiring its first nature preserve in 1961 (Campbell & Rubec). But since the creation of the Ecological Gifts Program in 1995, there has been a doubling in the numbers of land trusts. Through the Ecological Gifts Program alone, by 2008 there were over 650 ecogifts across Canada, valued at over \$379 million that protect 112,000 hectares of wildlife habitat (Environment Canada 2008). On a broader scale, there are now nearly 200 organisations that hold title to properties for conservation purposes in the manner of a land trust, and just over 125 that self-identify as land trusts (Campbell & Rubec).

### **A Profile of the Political Culture of Land Trusts in Canada: Constituents of the Social Economy**

As land values have increased and public expenditures have decreased, governments, conservation organisations and individuals throughout Canada have all looked for new approaches for conserving environmentally significant land and waterscapes. Land trusts and the various conservation tools they employ provide the solution for many. In the current economic and political climate, land trusts seem to offer a panacea of sorts: they provide for the conservation of a range of common land values from which we all benefit, and yet they are private and voluntary transactions that rely on efficient market-based tools that have enabled a pace and extent of land protection that was inconceivable only a few decades past.

In characterising this movement, it is important to recognize that while land trusts represent a shift in environmental policy away from state-led conservation initiatives, at the same time their successes are not achieved through fully privatized conservation efforts. Certainly the land trust movement promotes conservation on private lands, relies on market-based mechanisms including the voluntary actions by private citizens, provides compensation for private actors for meeting environmental goals, and contracts with private groups to meet their goals (Raymond & Fairfax). As well, those involved with land trusts are often motivated by tenets equated with neo-liberal thinking such as self-sufficiency, individual property rights, and the rule and efficiency of the market (Logan & Wekerle). Yet, there is a whole lot that is still public about this form of conservation.

Canadian land trusts are dependent on the support of the government in a number of significant ways for their success and indeed most consider the government a key partner in their efforts to conserve land. The following

overview description from an Alberta land trust reveals one example of how this collaboration with government is understood:

The Western Sky Land Trust will: "Accept donations, voluntary transfers of land, conservation easements, and other agreements; Champion exemplary open space management and conservation practices; Conserve and nurture our land assets; Enhance opportunities for hamlets, villages, towns and cities to conserve open space; [and,] Partner with community-minded citizens, corporations, organizations and government to plan collaboratively to achieve our vision. (Western Sky Land Trust)

As well, land trust donations receive substantial federal, provincial and sometimes municipal funding in the form of tax subsidies, as well as direct financing. For example, the Darkwoods, a 55,000 hectare tract of wilderness in southeastern British Columbia was recently protected at a cost of \$125 million with the help of the Nature Conservancy of Canada and \$25 million from the federal government (Hume) and, the 136 hectare Big Valley Property in Saskatchewan's Qu'Appelle Valley was made possible with support from both the federal government and the Province of Saskatchewan (thegreenpages editor). As well, public funding also come in the shape of broad support for this movement. The federal and provincial governments define to some extent the contract specifics contained in the agreements associated with full and partial donations of land, and they formulate the ecological assessment criteria that all donors must adhere to when applying for tax relief from the Ecological Gifts Program. Government commitment to the Canadian land trust movement also comes in the form of financial and other support of network structures such as the Canadian Land Trust Alliance (CLTA) and its provincial affiliates, and ongoing, broad engagement with and support of stewardship groups as evidenced by *Canada's Stewardship Agenda* (Federal-Provincial-Territorial Stewardship Working Group). The CLTA is also looking to the government to support the efforts of Canada's land trusts to collect and provide consistent information on terrestrial and biotic communities across Canada, to undertake national land cover monitoring and gap analysis, and produce publicly accessible digital maps and databases of all conservation areas in Canada (Campbell & Rubec). The Canadian land trust movement and conserved private lands would be diminished significantly without the extensive support of public agencies.

The significant roles for the private sector in land trust deals remains with the ownership and management of the property, as well as the negotiation of the specific terms of the conservation arrangements. Again, through the Ecological Gifts Program, some details of the contracts are stipulated to ensure that donated lands meet certain broad ecological goals, but most of the details contained within conservation agreements remain private transactions (Logan & Wekerle; Morris). As a result, many land trust agreements are commonly and intentionally established outside of



traditional mechanisms of public accountability for conservation. As well, monitoring of adherence to the restrictions set out in the conservation agreements is conducted by the private land trusts. As a result, while many of the costs associated with land trusts are shared between the private and public sectors, the creation and maintenance of these protected lands are largely a private responsibility.

Thus, land trusts are best represented as partially private and partially public exchanges (Morris) resulting in an emerging mosaic of claims on the land and an increased integration and blurring of boundaries between the traditional roles of private and public actors in conservation efforts (Fairfax et al.). It's a reconfiguration that parallels many of the civic associations encompassed by the social economy: they undertake non-profit activities aimed at protecting public goods (be these ecological, cultural or other values) and are often managed through the efforts of private citizens and organizations, but they rely on public funding and support at a myriad of levels. Moreover, as it clearly states in the *Canadian Land Trust Standards and Practices*, "the land trust has a clear mission that serves the public interest, and all programs support that mission" (CLTA 2007a, 5). In their collective interests in serving the public, the Canadian land trust movement demonstrates a communal ethos that is directed at responding to general needs in Canada for the preservation of ecologically and culturally significant landscapes. And while a number of landowners may be motivated primarily by profit accumulation in the donation of their land, most land trust organizations are not.

Like many sub-sectors of the social economy, it's hard to define the exact institutional form of the land trust movement as it embodies a range of organizational arrangements and understandings of what exactly a land trust is (Campbell & Rubec). At their core, all conservation land trusts are established to protect land or water, however, they can vary considerably on a number of other levels. They can have a local, regional or national focus, their holdings can be very large or quite small in scope and size, and they can have quite different approaches to protection including what is conserved and what activities are allowed. Land trusts in Canada are typically private, charitable organizations, but some land trusts see no reason to register as charities (Campbell & Rubec) and some land trusts are public agencies (e.g., the Alberta Sport, Recreation, Parks and Wildlife Foundation is a non-profit Crown Corporation, Government of Alberta). As well, a number of organisations that hold full or partial title to property in the manner of most land trusts, do not call themselves land trusts, in part because this is a minor focus of their organizational mandate, or it's a mandate they assumed long after they were first established.

This diversity of conservation options provided by land trusts is one of the features of this form of conservation that many donors to land trusts, and

the organizations themselves find appealing. Key to the popularity of land trusts is the ease with which they can be tailored to address local concerns and situations. Because they are essentially customizable, the individual landowner can choose the land trust that best fits his or her land and resource endowments, style of operation and priorities, rather than having to fit someone else's preservation objectives. As a land trust in southern Alberta expresses it, "Being smaller and more focused, land trusts are able to operate in a more efficient and less expensive, yet more responsive way than traditional land conservation efforts" (SALTS). Moreover, partial interest conservation donations, such as easements, enable the landowners to continue to ranch, farm or use the land, as long as their activities are not inconsistent with the conservation purposes set out in the agreement, and the land typically remains on the tax rolls. Alongside this, there is no requirement for the public to be granted access to the land or informed about the details of the management arrangement, and therefore, the landowners do not relinquish their rights to privacy.

Hence, full and partial land title donations are multiplying the forms of conservation inscribed across the Canadian landscape. While land trusts do "share broad common goals," as Campbell and Rubec note, "their ultimate purpose is specific to the interests of the community, local geography, environmental issues and history" (3). As such, collectively, land trusts have expanded what conservation looks like in Canada, casting a much wider net of land and water protection than is found in more targeted, government-initiated conservation programs (Chever & McLaughlin). They protect land as diverse as habitat for endangered species, working ranches and historic agricultural regions. As well, be it in the form of full or partial land rights donations, because they often carry a lower initial price than does a fee for title associated with direct property purchases, land trusts enable the use of cost-effective protection tools to protect land permanently from development that would be neither politically or fiscally feasible under standard land-use controls (Grilz). Given the escalation of land values over the past several decades, this has meant that in a single transaction, land trusts have been able to protect areas like the Waterton Park Front Project—12,000 hectares of ecologically diverse working ranch land in southwestern Alberta (Ohler)—and Sandy Island—the largest privately held island in Georgian Bay, Ontario (Georgian Bay Land Trust)—that decades of public regulatory efforts could likely never achieve (Wright & Czerniak).

However, this mosaic of conservation templates also poses a number of interesting obstacles and confusions. The diversity of mandates associated with land trusts, while being one of their greatest drawing cards, on a broad scale can easily result in inconsistent and incomplete forms of conservation implemented across rural and urban landscapes, particularly in terms of large landscape protection. While there are several cases of land trusts

working together on conservation agreements and management plans for specific parcels of land,<sup>2</sup> land trusts for the most part set aside specific parcels of land independently from what other land trust and conservation organizations are doing, and often can be more reactive or opportunistic than strategic, conserving land that becomes available and financially feasible (Gardner; Fenson; Tarves). Hence, on an ecoregion level, these conservation agreements are sometimes used to protect random, disparate parcels of land, often with varying conservation goals, making it difficult to incorporate their efforts into a unified and coordinated conservation initiative (Cheever & McLaughlin; Logan & Wekerle; Merenlender et al.; Morris).

Further, because land trusts and the lands they hold full or partial title to are dispersed and localized, collecting comprehensive and systematic data about what exactly is being conserved is difficult. The LTA of British Columbia (BC) has developed a "BC Lands in Trust Registry" that contains an inventory of the lands of its member groups that includes information about the ecosystems, habitats, species, cultural and aesthetic features, and uses on the land (The Land Trust Alliance of BC). Related to this, the Ontario Land Trust Alliance (OLTA) illustrates the geographical regions of interest of its land trust members (Ontario Land Trust Alliance), and the Alberta Land Trust Alliance has in the works a map similar to the one developed by the OLTA (Murphy). However, the membership of land trusts in these alliances is voluntary and the information provided to the general public is not comprehensive. Likewise the Nature Conservancy of Canada (NCC) compiles detailed inventories of the land they steward but that information is not readily available to the general public. Those donors who apply through the Ecological Gifts Program for compensation for their land donations, must undertake an appraisal of the land to demonstrate that the land is ecologically sensitive, but again, that information is not readily available to the general public. To fully understand what resources are protected by land trusts, and to what degree, would require assessing the terms and conditions of individual conservation agreements, and this is not possible at present. Hence, how effectively resources are being protected by land trusts in Canada, how the performance of various conservation agreements or land trusts compare, or how the lands conserved by land trusts compare to public conservation lands remain open questions.

However, as the land trust movement matures, there is more general discussion focused on efforts to protect large, contiguous blocks of land—a process called landscape preservation. The CLTA recognises the importance of pursuing a landscape approach over protecting individual parcels of land as a means of understanding the "interconnectivity of ecosystems across the landscape and human activities with those ecosystems", and "how natural ecosystems function...as well as the role they play in our society and economy" (Campbell & Rubec 11). The CLTA

has appealed to the federal government to support their efforts and assist in compiling data of this nature, and has requested funds for making it accessible to the public. This would be an expensive endeavour however, and, as of yet, the federal government's commitment is less than sufficient to ensure success in this regard. However, larger, better-resourced land trust organizations like the NCC and Ducks Unlimited Canada (DUC) have established landscape protection priorities. For example, the NCC has established 'conservation blueprints' that use information on native species, natural communities and ecological systems to map the key elements of biodiversity at a regional scale that are most in need of conservation (NCC 2006).

While the NCC and DUC have developed multi-layered organizational structures and conservation activities that span Canada, overall lack of funding plagues the land trust movement in Canada, not only in terms of purchasing and identifying lands for protection but in fundamental organizational ways as well. "Canadian land trusts rely largely on fundraising efforts to obtain operating and capital funds including donations from the public at large, as well as gifts and grants from established charitable foundations, governments and businesses" (Campbell & Rubec 16). Studies undertaken by Evergreen and the Funding Solutions Committee in British Columbia reveal ongoing inadequate funding of land trusts continues to hinder their success. According to the Funding Solutions Committee, "the stewardship sector is on the brink of a crisis" (10). Consequently, land trusts in Canada are forced to place a heavier reliance on volunteers, diversify their funding sources away from government, increase their fundraising efforts, and increase both their membership and association fees (Campbell & Rubec).

Given their funding crisis, expectedly, the land trust organizations in the funding Solutions Committee study in BC reported that they "were not able to effectively monitor or provide proper baseline information on the ecosystems and species at risk" (Campbell & Rubec 16). Monitoring and stewardship are essential to ensure that land trust holdings are meeting the objectives for which they were established but this can be a very difficult task in organizations that rely almost exclusively on volunteers, as do a number of the land trusts in Canada (Sherman). Monitoring and enforcement are matters of time and expertise. These challenges are made worse when ownership of the land title changes over time (Merlenlender et al.; Morris; Scott).

Such funding problems and lack of capacity are further exacerbated in the context of "protection in perpetuity". The permanence of land trust agreements raises both social and ecological questions. Permanence requires long-term capacity on the part of the land trust to maintain the records, landowner and community relations, as well as monitor, and if

necessary, enforce the conservation agreements. Yet if these organizations are already in crisis, can they expect, in the long term, to be durable enough to ensure protection of the land? Moreover, from an ecological perspective, the permanence of these agreements can interfere with appropriate land-management practices. As Morris asks, "How is permanent protection of a resource ensured while allowing for ecological change, inclusion of new data, changes in conservation needs, and other factors that may require changes in management to best serve the intentions of the easement?" (67). Especially in the case of easements, this is a concern because of the need to be so black and white in the contracts, to ensure against litigation by new owners (Grilz).

The greater reliance on charitable donations puts at risk not only ecologically driven decisions about land protection but the overall social significance of these organizations, thereby raising a host of questions about the movement's long-term relationship to the broader civil society. On one level, this discussion is focused on class. As Cheever and McLaughlin explain, "[t]he easement donations that have shaped the land protection strategies of land trusts have largely been the purview of relatively affluent landowners who can afford to make a sizable charitable gift of the development and use value of their land in exchange for modest tax savings" (10229). Likewise, in their study of the Oak Ridges Moraine in southwestern Ontario, Logan and Wekerle reported that "the class dimensions of land trust activity, although evident, are largely ignored" (2106). In reviewing Environment Canada data and their own interview transcripts with regional governments and local land trusts, they found the donors of land or partial interests in land, to be older and to have higher incomes than the general population. They didn't find it surprising that it was only wealthy people who could donate land or easements, but this finding raises concerns for them about the degree to which a neo-liberal agenda has infiltrated the conservation movement and in the long term, who has access to the Moraine's valuable landscapes and who is excluded. Our research on the Alberta land trust movement complicates this assessment somewhat, for while we found a degree of corporate discourse prevalent amongst almost all of those groups we researched, we also found great variability amongst the land trusts in the degree to which they welcome public access on their private conservancy lands: some build recreational access and consumption activities like fishing, hunting and berry picking on their properties into their mandate (Fenson), whereas others are less open to public access on the private lands they steward.

Another dimension of the relationship to the broader society concerns consultation with the neighbouring communities and landowners adjacent to these conservation areas. Reed found in her study of Redberry Lake Biosphere Reserve in Saskatchewan, that there is a reliance on conservation science by groups like the NCC and DUC to identify target areas for private

conservancy with little, if any consultation or engagement with the local residents. Although local residents are involved in the execution (i.e., they donate or sell their land or interests in the land) and possibly, to a limited extent, in the physical stewardship of these lands, Reed found that there was no way to involve them in the planning and decision-making phases of these projects and thus concluded that “the effect of science in dominating policy deliberations can impede the effective and democratic approaches to environmental management” (335). In her view, the use of private property instruments and exchange, and confidential negotiations and closed planning processes that refer largely to scientific peer communities by land trusts, have resulted in a system of “environmental governance ... based less on community engagement than on establishing a set of practices that relies on private donations, private deals and private decisions” (334). Again, it is important to note that we also found in Alberta that there is a continuum in terms of consultation with local people: some groups, like the Alberta Fish & Game Association, rely greatly on the efforts and insights of local residents in identifying, raising money to purchase, and managing private conservancy properties (Fenson), whereas others more closely fit the profile outlined by Reed.

Whatever the informal role of the public in the land trusts’ activities, there is no denying that this re-scaling of authority related to the conservation of private lands represents a devolution of responsibility for environmental monitoring and enforcement authority, from government to the private sector, similar to that which characterises other social economy organizations, but it also represents a scale fragmentation. Morris explains<sup>3</sup> that private conservancies lands do not exist in isolation from other land management strategies or other social issues. Rather, they exist within a complex network of public and private ownership and responsibilities, management, regulations, funding and needs. Yet the devolved and fragmented nature of the environmental governance associated with land trusts renders the decisions made about the protected lands largely non-transparent and unaccountable to the general public. Even if the land trusts adopt the Canadian Land Trust Standards and Practices, nonetheless, the nature of the private transactions associated with land conservancy deals translate into the partial privatization of decision making to one point in time, and in so doing, limits the opportunities for citizens and authorities to intervene in the actions related to this capital resource at other points in time (Morris). Moreover, as Logan and Wekerle highlight, such fragmentation also creates confusion about the transparency and accountability of environmental governance. In their words:

Passing on the responsibility for long-term protection of ecologically significant lands through the involvement of privately constructed organisations such as land trusts is highly problematic in ensuring an open decision-making and policy implementation process, especially when public and private

bodies are joining forces, leaving no clear line of accountability to the public, and potentially contributing to a mounting democratic deficit. (2106)

Whatever the failings of state-led conservation initiatives, they provide points of entry for public participation in decision making, whereas land trusts, as private or charitable organizations, are able to pursue privately determined agendas. Of course, as charities, land trusts depend on public support and must satisfy the reporting requirements associated with being a charitable organization. "However, their missions, priorities and acquisition decisions are not subject to the same kinds of public accountability as those of government agencies" (Morris 1221). While most land trusts in Canada likely operate in a responsible and ethical manner, the current structure of land trusts limits the ability of the public to ensure this is the case. The CLTA standards and practices indicate the need for land trusts to keep "neighbours and community leaders informed about its ownership and management of conservation properties" (24), but public input is neither guaranteed nor always sought. So what the public receives in exchange for considerable public money remains largely unknown (Merenlander et al.).

Given the lack of public input, the question arises: To what degree do land trusts provide a public good? For some, they see transitions in conservation that land trusts are enabling and building on as problematic (Logan & Wekerle; Reed). Land trusts pursue the goal of sustainability by utilizing the common notion of property as being a composite of rights, almost like a 'bundle of sticks.' The ability to sell or donate a piece of land for its conservation properties, or to find stewards for the conservation components of a parcel of land, presupposes that these components represent separable 'sticks' in the 'bundle' that can be bought and sold. In this sense, land trusts don't represent a new view of property, but by providing compensation for conservation rather than restricting harmful activities through regulation, some argue that they have extended the popular conceptualization of the attributes of a piece of property that are open for exchange (Logan & Wekerle; Morris; McLaughlin). Hence, the widespread use of conservation tools currently used by land trusts, (be these fee simple purchase, easements, or leases) may convince landowners that they should receive assistance for stewardship activities they already undertake, or for not exercising their development rights. Alongside this, land trusts may undermine the will of the government to regulate land and waterscapes for the benefit of the public. The increased popularity and proliferation of land trusts may be interpreted as a sign that land conservation is being taken care of in Canada and that the government can further reduce their conservation efforts (Logan & Wekerle).

Seen in a different light, the public good land trusts provide is to ensure the long-term sustainability of natural waters and lands by finding ways to

compensate landowners for protecting certain benefit streams. As Daniel Bromley explains, “[p]roperty is not an object such as land but rather a right to a benefit stream that is only as secure as the duty of all others to respect the conditions of that stream” (21). In this sense, land trusts as elements of the social economy, challenge purely market-based and public sector approaches to land use. By putting the market to work in an environmentally responsible manner through financing land and water conservation by people who know these pieces of nature best, land trusts protect landowners from the pressures of real estate markets. Therefore in some ways, land trusts represent innovative and necessary efforts to protect sustainable practices on the land and to preserve traditional ways of life in the process. Protected private lands held by land trusts may exacerbate some of the pressures of the real estate market for owners of neighbouring properties by increasing the value of any land adjacent to what is essentially a protected greenspace (Armsworth et al.), but they also allow landowners opportunities to resist market conditions that might otherwise pressure them to sell their land. Moreover, the transactions associated with private land conservancy, be that fee simple purchase, donation of a parcel of land, or partial donation of the specific rights on the land, create opportunities for broad discussion about what it means to steward land properly, and what are the rights of individual land owners to the broader society? In this way, land trusts help foster new perspectives about property premised on recognizing their inherent conservation values, as well as the collective public and private interests embedded in natural landscapes.

## **Conclusion**

Viewing the land trust movement as a constituent of the social economy allows one to recognise land trusts as not privatizing conservation organizations but rather as part of a “third sector” primarily motivated by the broad social goal of conserving open lands and waters versus capital accumulation. In conserving private land and in many cases allowing the landowners to remain on that land, the land trust movement in Canada has shown itself to be enterprising, adaptable and responsive to local needs. It has responded well to both the gaps and opportunities created by a convergence of social, political and economic forces over the last several decades that ushered in sweeping social change, as evidenced by both the increased popularity and proliferation of land trusts, and the impressive number of hectares of private land they have protected in a short period of time.

Yet a comparison with the ideals of the social economy sector indicates that the land trust movement in Canada in some respects does not align with the ethos and structure of the social economy. This is largely because the land trust movement, like many subsectors of the social economy, has at times failed to fully recognize and nurture the relationships and linkages with the broader civil society that are key to its long-term success. In part,



this is a consequence of many of these organizations not having the funds and people to devote to such activities, but in other cases it is more representative of a conservation management style. Such a situation has led some to view the land trust movement as being a neo-liberal example of 'corporate environmentalism' taking over conservation activities in Canada (Logan & Wekerle).

We would argue that currently there exist two strong potentials within the land trust movement in Canada, and how individual land trusts and the movement as a whole will negotiate the pull between them has yet to be determined. On the one hand, given that they deal in private land transactions and there is a lack of public funding supporting conservation across the board, most land trusts look to donations from corporations and wealthy landowners to advance their conservation efforts. In the process, they focus on increased efficiency and effectiveness, increasing private-public partnerships, maintaining the privacy of their conservation deals, getting the most bang for their buck, and private incentive strategies, which some associate with a neo-liberal agenda (Logan & Wekerle). As well, under the auspices of being directed by conservation science, many in the movement fail to openly acknowledge or recognise the role of power and privilege that is necessarily linked to their conservation activities. At the same time, all land trusts conceive of themselves as serving the public good and many orient their structure and activities towards mutualism, reciprocity and volunteerism, all key attributes of social economy organizations.

Hence, it is clear that as a fledgling member of the conservation sector, the land trust movement in Canada has some key decisions to make in the years ahead about the nature of its relationship with the broader Canadian society, particularly with those people who do not sit on their boards, or are able to donate land, or partial interests in the land for private conservancy. The land trust movement has achieved success in part by building strong partnerships with landowners, communities and governments, but it remains an open question as to how it interprets its role in serving the public interest as it continues to grow. Should it choose to integrate more within the social economy sector, it needs to continue to work toward building a more transparent structure that better meets the needs of all Canadians, as it pursues its broad goal of conserving the nation's remaining open private land and waterscapes.

## Notes

1. Private land donations, or partial interest donations created in association with Environment Canada's Ecological Gifts Program are often called ecogifts.
2. For example, in Alberta, the Nature Conservancy of Canada, Ducks Unlimited, Alberta Conservation Association and Alberta Fish and Game Association negotiated a memorandum of understanding that allows them to collectively hold

conservation easements and share in the management responsibilities for specific parcels of land (Fenson).

3. Morris's analysis focuses only on conservation easements, but her explanation applies equally well to other private conservancy lands, be they donated or purchased through fee simple purchase, or other partial donation arrangements like leases.

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