



ASSOCIATION OF BRITISH COLUMBIA
PROFESSIONAL FORESTERS

Interpreting the Publics' Interests

May 31, 2002

Interpreting the publics' interests is a critical step for professional foresters. This paper is intended to help ABCPF members understand this basic obligation and incorporate it into their plans and prescriptions. The paper will be added to the electronic *Professional Manual* when it is next updated.

Acknowledgement

This paper was approved by the ABCPF council on May 31, 2002. Council would like to acknowledge the work of the Professional Practice Committee in preparing this paper.

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Introduction

Interpreting the public's interests is a critical step for professional foresters, but it is a vexing and elusive problem to understand. Who are the publics, and what are their interests? This paper, published by the Association of BC Professional Foresters (ABCPF), is intended to help members understand this basic obligation and incorporate it into their plans and prescriptions.

One of the fundamental features of a profession is that the person who agrees to be a professional accepts a commitment to society's well being. This public promise, for the forester, is defined by the *Foresters Act* and ABCPF Bylaws. Section 3 of the *Foresters Act* states that the purpose of our association is to "uphold the **public's interest** in the practice of professional forestry by ensuring (a) the competence, independence and integrity of its members, and (b) that every person practicing professional forestry is accountable to the association and to the public." Similarly, Canon 1 of the Code of Ethics (Bylaw 14) states that the responsibility of a member to the public is "to advocate and practice good stewardship¹ of forest land based on sound ecological principles to sustain its ability to provide those **values that have been assigned by society.**" Interpreting the public's interests is an important element in practising good forest stewardship; it is necessary for members to recognize the public's interests, and act upon them with competence, integrity and independence.

In addition to the legislative framework there has also been an increasing social emphasis on direct public participation in the affairs of government. The public appreciates the value and importance of the natural resources to its health and demands a role in determining the uses of the resource. The professional forester is called upon to transact the use in practice.

In other words, the forester is obliged, through the *Foresters Act* and Code of Ethics, to practice sustainability in the interests of the public. In this respect, forestry is different from most professions because the individual member is often called upon to determine the appropriate balance of economic, ecological and social benefits. This is particularly so when government has not made a determination through legislation, policy or "higher level planning" decision.²

We can achieve balance in two ways: by making each plan or prescription balance the economic, ecological, social and cultural benefits; or by making a series of plans or prescriptions that achieve balance by their sum.

Either way, we cannot begin to judge the sustainability of our plans or prescriptions until we understand how our management decisions are affecting the public. This requires us to consider:

- Who is the public?
- How do we define their interests?
- How do we act upon that knowledge?

The public's interests are fluid, vary over time by demographic group and by geographic location, and need to be determined on an ongoing basis. The first step in this determination is to define who is the public.

Who is the public?

"The public" is a continuum of individuals, groups and communities. They range from individuals to the global community, and their interests are fluid in space and time. In order to discuss the nature of various publics, it is useful to define some groupings to help understand where they are located and how they express their interest in specific forest management practices.

1 Stewardship has been defined in the Standards of Professional Practice (Bylaw 17) as: "...the care of natural resources taking into consideration the values of the landowners and society. Stewardship includes the application of an ecological understanding at the stand, forest, and landscape levels and is based upon an ethical responsibility to the land and the place of people in the natural world. Stewardship employs well-crafted solutions tailored specifically to each problem and embraces the diversity and complexity of the task at hand."

2 In many cases government sets large/higher level objectives. Foresters, among others, have a role to play in this process as sources of independent analysis, objective information and advice, and as interested parties. Where legislation, policy and higher level plans are silent, and for decisions on "lower level" and operational scale, the forester is relied upon to exercise professional judgment. This professional right must be exercised within the public interest obligations held by the professional practitioner.

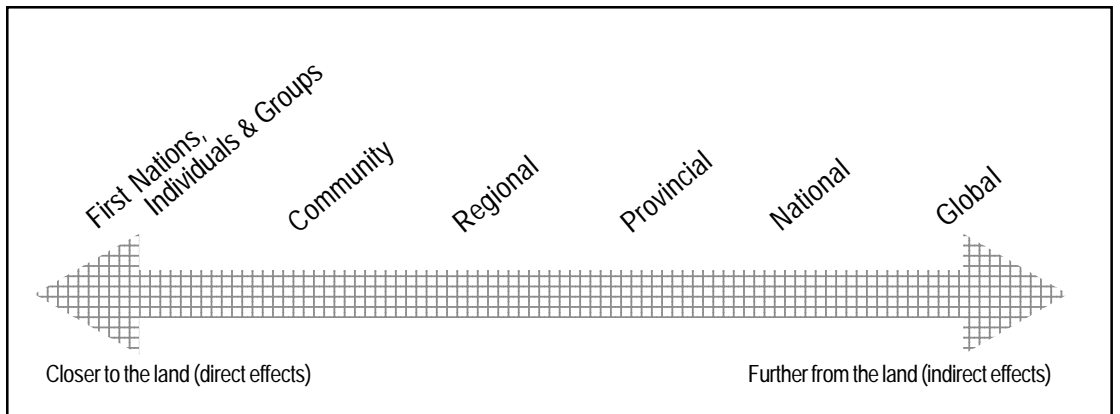


Figure 1: The public is a continuum of individuals, groups and communities affected by forest management practises.

First Nations, Individuals and Groups

- Aboriginal rights and title to the land involve legal and constitutional rights which are still evolving
- First Nations/groups/individuals/families with personal or collective interest in land
- First Nations have longstanding historical connections to the land
- Have a direct personal/historic/physical connection to the land
- Plans or prescriptions could have immediate and direct effect on their use and/or enjoyment of the land and their cultural continuity

Community

- Composed of individuals and groups with varying interests
- Represents collective interests in land
- May or may not have a direct personal or historic connection to the land
- Plans or prescriptions have a direct, but perhaps not an immediate effect upon use and enjoyment
- Cumulative effects of forest management on a community are typical

External Public: Regional

- Composed of communities or groups
- Represents collective interest in the land
- May or may not be organized
- May come together solely to represent interests with respect to certain plans or prescriptions

External Public: Provincial

- Composed primarily of government acting on behalf of the public
- Indirect interests: no immediate impact
- Interests are expressed through legislation, government policy, decisions and determinations providing for social, economic and environmental well-being

- Majority representation, centrally organized
- Can include provincially-organized community groups
- May be an intellectual connection, but not a direct personal or historic connection

External Public: National

- Includes federal policy and legislation
- Indirect interests: no immediate impact
- Interests are expressed through legislation, government policy, decisions and determinations providing for social, economic and environmental well being
- Majority representation, centrally organized
- Can include nationally-organized community groups
- May include interprovincial and provincial/federal interests

External Public: Global

- Indirect interests: no immediate impact
- Composed of many groups
- Interests expressed in a variety of ways, including market forces, international legal instruments, and direct action
- Interests are not expressed in legislation
- Directed to influence plans or prescriptions
- May not be balanced

Defining the publics' interests

People have different relationships with the land. These relationships can be:

- A longstanding historical connection through ownership, use and enjoyment of the land;
- A direct physical/financial connection through use or enjoyment of the land (such as a recreationist, tenure holder, water user, etc.); or
- An indirect attachment without use or enjoyment of the land.

The nature of these relationships affect people's "interests" in the land, and therefore shape the way they view and react to changes made to or planned for the land. Plans or prescriptions made over the land will affect people and groups of people differently, based on the degree of connection they have to that land. Foresters must be aware of these relationships and "interests" in their practice and must weigh and balance them carefully.

In addition to the understanding of the specific qualities that define the public interest is also the understanding of protection. The establishment of professions has in part been because the practice in a particular field is complex and the social consequences and costs of error are high. As a result, the professional assumes the practice with the understanding that the interests of society are protected and the risk of substantial error is reduced.

Foresters must be able to describe and list the full range of the publics' interests in a piece of land as they plan and carry out activities. Just as interests may change over time, it is expected that foresters

will discover new/additional interests as they consult with the public. While it may be impossible to know every single interest, foresters must make a reasonable effort to gather the full range of interests. Foresters will be able to identify most interests through consulting the publics, understanding management objectives stated through planning processes, knowledge of pertinent legislation, and their own awareness and knowledge of local, provincial, national and international affairs.

The publics' interests will differ at varying levels of planning. In stand-level plans or prescriptions the public may include people at the local level, such as First Nations, ranchers, guide outfitters, etc. In high-level plans or prescriptions, the public may include government, First Nations, organizations, special interest groups, etc. Professional decisions incorporate an understanding of the interests of publics concerned with the decision at hand.

Tools to understand the publics' interests

- Consult proactively (with regards to First Nations, meaningful consultation is an evolving legal requirement)
- Communicate clearly
- Establish and nurture good relationships
- Know your community
- Be aware of current events and social, political, cultural and economic directions
- Listen actively and consider all input
- Be responsive to concerns
- Consider whether consensus is possible
- Maintain contact, to develop credibility and trust
- Be aware of alternative interests
- Document accurately

How do we apply our understanding of the publics' interests in practice?

After coming to understand the publics' interests, professional foresters must bring their understanding of the publics' interests to bear on their professional judgment and practice. This exercise involves settling on the various interests and values that are at play, so that they can be reflected in the application of professional judgment. It is important to be able to clearly demonstrate what factors were considered, the weight given to them, and the impact of those factors on the plan or prescription.

To reach the final interpretation of the publics' interests, give independent consideration to all of the above information. This means initially considering all of it to be valid. The professional then takes all of this information and tests its validity to see if it satisfies publicly established resource objectives. A balancing of established objectives (social, cultural, economic, legal and ecological) must form an integral part of independent judgment. If resource objectives have not been established, or are not clear, then the professional will have to draw on his or her own knowledge and consult with specialists to propose suitable objectives. The Standards of Professional Practice (Bylaw 17) help to clarify the direction and intent of the potential objectives for the area.

Government makes the provincial and national interests clear by setting a framework through legislation, policy, guidance and determinations. Included in legislation and determinations are the

Higher Level Plans that specifically set objectives for an area of land in law. Foresters develop plans and prescriptions to balance the interests of various publics within the framework established by government. After considering the interests of individuals, groups and communities, it may be tempting to repeatedly propose plans or prescriptions without considering the larger picture, but such a tendency will eventually mean the forester is working outside the framework. The relative relationship between deciding on a plan or prescription and incorporating the interest's of the individual, community and external community are illustrated in Figure 2.

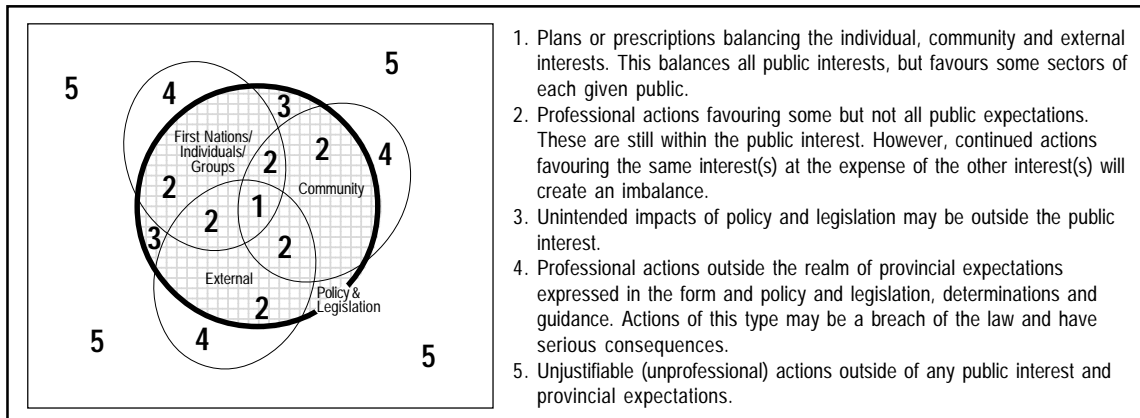


Figure 2: Balanced plans or prescriptions are achieved by acting within the centre (1) or evenly distributed around the center (2).

Conclusion

The privilege of professionalism contains special responsibilities for the professional forester. Those responsibilities are predicated on society's experience that there is a need for professional service instead of a demand for it. Therefore, the knowledge and skill of the professional must be supplied in a way that meets the broad spectrum of public interest. It could be said that when we arrive at an understanding of the publics' interests we haven't identified a position; instead, we have developed an attitude. It is an attitude of listening to the various publics in a variety of ways. Our actions, then, are directed by the consideration of the interests of the various publics. In some cases there may be opposing perspectives. Our aim is not to balance the competing interests, but to consider all the interests and then make an informed decision for which we are accountable. The crux of the matter is that we will never arrive at the complete understanding of the publics' interests. Definitive knowledge is not possible, and interests cannot be balanced in every plan or prescription. Due consideration of all the interests will ensure, however, that the publics' interests will be met overall.

At the heart of the professional's obligation is the social commitment to bring the publics' interest to bear on their practice, and practice with competence, independence and integrity.



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