LAND LEASING DEBATE IN JASPER AND BANFF NATIONAL PARKS:

A CASE STUDY ON PRESSURE GROUP BEHAVIOUR

By

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A thesis submitted in partial fulfillment
of the requirements for the degree of

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ABSTRACT

The general purpose of this study is to examine the initiatives

and interactions of local resident groups in Jasper and Banff with the

federal government concerning various aspects of the land leasing issue

from 1885 to 1982. That issue involves disputes over leasing terms, land

rents, and the closely related questions of townsite management and local

self-government. The research utilizes an historical-analytical approach

and is couched in pressure group theory. More specifically, it utilizes

an analytical framework proferred by Paul Pross for analyzing pressure group

behaviour in Canada.

The four principal research questions are as follows: 1) who are

the local pressure groups that have been involved in the land leasing

debate, what have been their objectives, and where do they fit in Pross's

typology; 2) what has been the locus of their lobbying activity . . . has

it been primarily the executive, the bureaucracy or the legislature; 3) what

has been the nature of their lobbying activity . . . has it been primarily

access-oriented or media-oriented, and accommodative or confrontationist;

and 4) does their behaviour conform to Pross's propositions for pressure

groups in their particular category?

The research findings indicated that the local pressure groups from

Jasper and Banff were the School Boards, the Chambers of Commerce, and

the Advisory Councils which were superseded by the Jasper Townsite Committee

and the Banff Community Society. The principal objectives of those groups

have been nominal land rents, equitable service taxes, security of tenure

on leases, and greater resident input into townsite management. Given their

organizational features they approximate Pross's category of fledgling

and mature groups. The locus of their lobbying activity has generally been

successive ministers responsible for national parks, almost to the complete exclusion of other Cabinet members and senior bureaucrats. The major exception was a five year period from 1974 to 1979 in which they had considerable interaction with bureaucrats. The federal legislative arena served primarily as an appeal mechanism in which M.P.s acted as ombudsmen, liaison officers and even lobbyists. The pressure groups also exploited the federal nature of the system by using the Alberta government as an appeal mechanism.

While their lobbying techniques varied, the general tendency of the groups was to employ access-oriented techniques of an accommodative nature, and only when those proved unsatisfactory did they resort both to access and media oriented techniques of a confrontationist nature, and ultimately even to "legal advocacy". Such behaviour conforms, at least in a general way, to Pross's tentative propositions for pressure groups in the mature and fledgling categories. In fact, these findings reflect, that there was a close correlation between istitutional growth and increasingly sophis-ticated behaviour over time. Yet, while it is conceded that organizational and systemic factors are significant determinants of pressure group behaviour, this research concludes that perhaps even more significant determinants are the importance that governmental and non-governmental actors attach to certain issues, and their respective perceptions of one another.

CHAPTER 1

INTRODUCTION

The first Canadian national park was established nearly a century
ago. Today there are over thirty national parks in this country and at
least another half-dozen in the planning. This gives Canada the dis-
tinction of having one of the most extensive and perhaps also one of the
best national park systems in the world. Nevertheless, like others, it
also has its problems. During the past several decades members of dif-
ferent academic disciplines have examined various aspects of the Canadian
national park system. Numerous studies have focussed on the biological,
geological, and environmental features of various parks, several have
examined the environmental impact of various management practices, and
some have even examined the economic impact of national parks on certain
regions.[1] Few studies however have focussed on the political factors
surrounding the land leasing practices in the national parks.[2] To do so
is the broad purpose of this study.

When the first national park was established some major policy
objectives and principles were enunciated which, with varying degrees of
commitment, have been upheld to the present. Two of the most significant
objectives outlined in successive national park acts and policy state-
ments are: (1) that all national park lands are to be Crown property;

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[1]For an extensive bibliography on all these areas see J.G. Nelson
and R.C. Scace, eds., The Canadian National Parks: Today and Tomorrow
Conference I, (Calgary: U. of Calgary, 1968); see also J.G. Nelson and
R.C. Scace, eds., The Canadian National Parks: Today and Tomorrow Confer-
ence II, (Waterloo, U. of Waterloo Press, 1979).

[2]e.g. the three volume work by W.F. Lothian, A History of Canada's
National Parks, (Ottawa, Parks Canada, Vol. 1, 1976, Vol. 2, 1977, Vol. 3,
1979); also J.G. Nelson, ed., Canadian National Parks in Perspective,
(Montreal: Harvest House Ltd., 1970).

and (2) that national park land granted for private use must be granted according to special land leasing or licencing arrangements for an economic rent. It is these two related tenets of park land tenure that constitute the basis of an interesting and at times intense land leasing debate in some of Canada's national parks. In the words of W.F. Lothian:

> When the founding fathers of Canada's national park system made provisions in the Rocky Mountains Park Act of 1887 for the disposal of land by lease for the purposes of trade, industry and ordinary habitation they initiated a phase of administration that would bother park officials for many years to come. The terms for which leases were drawn, the rates of rentals to be charged, and the right to perpetual renewal would collectively and separately produce problems requiring extended negotiation, frequent legislation and considerable pacification.[3]

It is conceded that it would be ideal to give comprehensive consideration to all the Canadian national parks in which land leasing has proved to be a significant issue. That is not possible, however, due to time contraints and problems in gathering sufficient information on all the parks. Another contributing factor to that decision is that, as is alluded to in the above quotation, the land leasing issue is neither simple nor unidimensional, but multifaceted and complex. In addition to the fundamental question of whether national park land should be granted for private use, it also involves a set of corollary questions. For example, given that park land is to be used for private purposes, questions arise about how much should be granted and for what purposes; should it be granted by lease or sold; what should be the duration and terms of a lease; and what rent should the Crown request for leased land? Other questions which figure prominently in the land leasing debate in Jasper and

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[3]Lothian, op. cit., Vol. 2, p. 56.

Banff National Parks are as follows: who should assume the costs for townsite services and facilities; who should decide on matters of townsite administration and development; should the townsites be granted local self-government; should they be excised from the parks and if so under what conditions?

Hence, given the complexity of the issue, together with the large number of national parks, and numerous types of leasing formulas, certain arbitrary decisions had to be made about the breadth, depth and scope of this research.[4] First, it must be noted that this research focusses almost exclusively on the land leasing debate as it has evolved in Jasper and Banff. There are three principal reasons for that decision. The first reason relates to the personal interest of the author and, as previously mentioned, the availability of, and access to, information and data on those parks. The second reason is that it is in those two parks that by far the largest number of leases have been issued, so much so in fact that the very size of the urban centers therein led the federal government to officially reclassify them as park towns rather than service centers as are all others.[5] Thirdly, the decision to examine Jasper and Banff jointly in this research is based on the fact, which will become quite evident in subsequent chapters, namely, that residents

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[4]There are approximately thirty different types of leases which for discussion purposes are generally grouped into four major types (residential, commercial, recreational, and institutional). Within each of those groups are found several different types which differ primarily in duration and period of occupancy. For example, some leases are perpetually renewable, some are either for 42 or 21 years renewable, and others are either 42, 21 or 42 plus 21 years but terminable. Finally, all may be either seasonal or year round occupancy.

[5]Canada, Department of the Environment, Parks Canada, Parks Canada Policy (Ottawa: Supply & Services, 1980), p. 45.

in those two parks have historically formed a common front vis-a-vis the federal government on the land leasing debate.

It should also be noted here that initially this researcher had intended to concentrate exclusively on the land leasing debate during the past quarter century because those associated with the national parks agree that the late-fifties and early-sixties constitute the beginning of a distinct phase for national park management and also the land leasing debate.[6] In the case of Jasper and Banff in particular, this period entailed extensive series of sustained interaction and negotiations between park residents and federal officials which continues at the time of writing. Eventually, however, it was decided that in order to fully understand and appreciate the significance of recent developments it was necessary to provide the reader with the relevant historical antecedents. Moreover, the examination of the earlier period is also valuable because it provides a basis of comparison to see how the organizational features and the lobbying activities of local groups in Jasper and Banff involved in the land leasing debate have changed over time. Thus, whereas the major part of the study focusses on the more recent period, a substantial portion also examines the earlier period. Succinctly stated then, this study catalogues and examines the initiatives and interactions of the major local representative and/or governing groups in Jasper and Banff involved in the land leasing debate. At this point it is useful to outline the analytical framework which serves both as a guide in gathering

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[6]W. McKim, "Townsite Administration and Management", in The Canadian National Parks: Today and Tomorrow Conference 1, (1968), eds. J.G. Nelson and R.C. Scace, Vol. 2, pp. 759-769; see also J.G. Nelson, "Landscape Change in Banff National Park: A National Problem in Perspective", in The Canadian National Parks: Today and Tomorrow Conference 1, (1968), eds. J.G. Nelson and R.C. Scace, (Calgary: U. of Calgary, 1968), Vol. 1, pp. 111-150.

and organizing the information and in casting the findings into the context of existing political science literature.

ANALYTICAL FRAMEWORK

This research is couched in pressure group theory. More specifically, it utilizes the analytical approach advanced by Paul A. Pross in the introductory chapter of <u>Pressure Group Behaviour in Canadian Politics</u>.[7] Pross maintains that studies on the operation of pressure groups in Canada generally have lacked a common conceptual or analytical framework which highlight the relationship between the structures and behaviour of pressure groups and the nature of the political system. In his view, despite their efforts, even authors such as Engelmann and Schwartz, Presthus, and Vanloon and Whittington have not satisfactorily resolved that analytical problem.[8] Pross's stated objective, therefore, is to devise an analytical framework which overcomes those weaknesses and is ". . . capable of relating a typology of pressure groups to the observed realities of the Canadian policy process".[9] That framework is outlined in detail below. A brief evaluation on its utility will be included in the concluding chapter of this research.

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[7]Paul A. Pross, "Pressure Groups: Adaptive Instruments of Political Communication", in <u>Pressure Group Behaviour in Canadian Politics</u>, (Toronto: McGraw-Hill Ryerson, 1975), pp. 1-26. Revised versions of that article are as follows: id., "Canadian pressure groups in the 1970's: their role and their relations with the public service", in <u>Canadian Public Administration</u>, Vol. 18, (1975) pp. 121-135; and id., "Pressure Groups: Talking Chameleons", in <u>Canadian Politics in the 1980's</u>, eds., Michael S. Whittington and Glen Williams, (Toronto: Methuen, 1981), pp. 221-242.

[8]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., pp. 4-5.

[9]Ibid., p. 5.

Pressure Group Typology - Pross defines pressure groups as "organizations whose members act together to influence public policy in order to promote their common interests".[10] He maintains that in order to arrive at some useful generalizations about pressure group behaviour, theorists must utilize better classification schemes for such groups. For example, he states that the classification scheme devised by Vanloon and Whittington which distinguishes groups according to three criteria, namely, their origin (autonomous or reverse), their structure (active or categoric), and their activity (self-interested or promotional), has been of limited value in pressure group analysis.[11] In his view a more functional typology of pressure groups is required to understand what he considers to be the important "relationship between the levels of organization pressure groups attain and their behaviour in the policy system".[12] Such a typology of pressure groups, Pross maintains, emerges by focussing on Philip Selznick's concept of the institutionalization of organizations.[13] From that concept Pross develops a continuum which distinguishes among four main types of pressure groups on the basis of certain organizational features and objectives. The continuum consists of institutionalized, mature, fledgling and issue-oriented groups. Institutionalized groups are at one end of the continuum and possess the following characteristics:

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[10]Ibid., p. 2.

[11]Ibid., p. 5.

[12]Pross, "Pressure Groups: Talking Chameleons", op. cit., p. 226.

[13]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., p. 9.

. . . organizational continuity and cohesion, commen-
surate human and financial resources, extensive know-
ledge of those sectors of government that affect them
and their clients, a stable membership, concrete and
immediate operational objectives associated with gen-
eral philosophies that are broad enough to permit each
group to bargain with government over the application
of specific legislation or the achievement of particular
concessions, and a willingness to put organizational
imperatives ahead of any particular policy concerns.[14]

Issue-oriented groups are located at the other end of the contin-

uum and essentially possess the reverse characteristics. According to

Pross:

They have limited organizational continuity and co-
hesion; most are very badly organized. Their know-
ledge of government is minimal and often naive. Their
membership is extremely fluid. They encounter consid-
erable difficulty in formulating and adhering to short-
range objectives and usually have low regard for the
organizational mechanisms they have developed for car-
rying out their goals.[15]

Possessing varying degrees of the characteristics of institution-

alized and issue-oriented groups are what Pross refers to as mature and

fledgling pressure groups. He distinguishes further between those four

ideal or pure group types by focussing on both their organizational feat-

ures and their objectives. (see Appendix A). First he notes that,

whereas institutionalized groups can be expected to have extensive human

and financial resources, issue-oriented groups have a small membership

and no paid staff, fledgling groups have a membership which can support a

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[14]Pross, "Canadian pressure groups in the 1970's: their role and
their relations with the public service", op. cit., p. 124.

[15]Pross, "Pressure Groups: Adaptive Instruments of Political Com-
munication", op. cit., p. 11.

APPENDIX A

THE CONTINUUM FRAMEWORK

CATEGORIES	GROUP CHARACTERISTICS							
	Objectives				Organizational Features			
	single, narrowly defined	multiple but closely related	multiple, broadly defined & collective	multiple, broadly defined, collective & selective	small membership/ no paid staff	membership can support small staff	alliances with other groups/staff includes professionals	extensive human and financial resources
Institution-alized				■				■
Mature			■				■	
Fledgling		■				■		
Issue-oriented	■				■			

CATEGORIES	LEVELS OF COMMUNICATION WITH GOVERNMENT					
	Media-Oriented			Access-Oriented		
	publicity-focused protests	presentation of briefs to public bodies	public relations; image-building ads, press releases	confrontation with politicians, officials	regular contact with officials	regular contact, representation on advisory boards, staff exchanges
Institution-alized			■			■
Mature		■			■	
Fledgling		■		■		
Issue-oriented	■			■		

SOURCE: Paul A. Pross, Pressure Group Behaviour in Canadian Politics, pp.14-15.

small staff, and mature groups have alliances with other groups and staff includes professionals. Secondly, he ascribes the following types of objectives to each category. Whereas issue-oriented groups are depicted as having single and narrowly defined objectives; fledgling groups have multiple but closely related objectives; mature groups have multiple broadly defined and collective objectives; and institutionalized groups have multiple, broadly defined, collective and selective objectives. Pross is careful to point out, however, that in practice the aforementioned distinctions between each category are not clear cut. "Given different resources, different concerns and the variation in the levels of communication. . . it is inevitable that few groups will conform to the pattern described here. The pattern is a mean, a central tendency."[16] This observation also applies to the techniques and nature of their lobbying activity described below.

Techniques and Nature of Lobbying Activity - Pross also provides a continuum to categorize the various techniques that pressure groups may employ to influence the actors within the policy making process. The techniques are grouped into two broad categories. First, there are media-oriented techniques which primarily include "publicity stunts and protests . . . , public presentations of prepared briefs to officials, commissions of inquiry regulatory boards, . . . public service advertising and . . . public relations gimmicks".[17] Access-oriented techniques on the other

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[16] Ibid., p. 16.

[17] Ibid., p. 13.

hand include confrontation with politicians and/or officials, regular contacts with officials, and regular contacts with politicians and officials along with representation on advisory boards and occasionally even staff exchanges. The relationship between these techniques and various types of groups is illustrated in Appendix A.

On these two broad categories of pressure group influence techniques Pross superimposes another continuum which describes the nature of the groups' influence attempts. In his words, "confrontation is at one end of this continuum, but a more frequently used technique is the cultivation of regular and private meetings with officials and politicians. At the other extreme such contact leads to the infiltration of group members into the public establishment and vice versa".[18] What Pross is alluding to in contradistinction to confrontation, is what has been described as the ethos of mutual accomodation which Jackson and Atkinson have succinctly described as:

> the interaction involving interest groups in the political system. . . characterized by cooperation in which each party is considered by the others to have a legitimate share in the making of public policy. The accomodation depends upon all parties receiving enough satisfaction that continued interaction is deemed worthwhile.[19]

Pross points out that particularly in the case of institutionalized and to some extent also the other three types of groups involved with government officials, they tend to "prefer to avoid public discussions of issues relying on co-operation and consultation rather than on conflict, to

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[18]Ibid.

[19]R.J. Jackson and M. Atkinson, The Canadian Legislative System, (Toronto: Macmillan of Canada, 1974), p. 33.

achieve their objectives".[20] Pross notes, however, that either due to

problems in obtaining access, or due to an obvious or perceived failure

to influence decisionmakers, occasions arise when it becomes, or at least

it seems, ". . . advantageous for pressure groups to defy accepted norms

of pressure group-agency relations and encourage public review of issues".[21]

In short, they resort to more media-oriented techniques that are either

accommodation or confrontationist in nature. Although Pross does not

mention it, another major technique utilized by pressure groups in influ-

encing policies, regulations and even administrative actions is what has

been referred to as "legal advocacy".[22] This entails recourse to the

courts on some legal point, but is usually employed almost exclusively as

a last resort after almost all the other techniques have been tried and

an acceptable resolution has not been achieved.[23]

Locus of Lobbying Activity - Pross and other pressure group anal-

ysts tend to agree that in addition to human and financial resources the

ability of a pressure group to exert influence within the policy and de-

cision making processes also depends on the locus of its lobbying acti-

vity.[24] Lobbying is broadly defined here as the activities of pressure

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[20]Pross, "Pressure Groups: Adaptive Instruments of Political Com-
munication", op. cit., p. 21.

[21]Ibid., p. 23.

[22]Jonah Goldstein, "Public Interest Groups and Public Policy: The
Case of the Consumers' Association of Canada", Canadian Journal of Polit-
ical Science, XII: I, (March, 1979), pp. 137-155.

[23]V.O. Key, Jr., Politics Parties and Pressure Groups, 5th edition,
(New York: Thomas Y. Crowell Co., 1964) p. 142.

[24]Pross, "Pressure Groups: Talking Chameleons", op. cit., p. 227.

groups intended to influence actors involved in the public policy process. Influence, on the other hand, is defined as "a relation among actors in which one actor induces other actors to act in some way that they would not otherwise act".[25] Furthermore, it is considered axiomatic that a pre-condition of influence is access which can be generally defined as "the ability to gain entry to key decision makers to make a representation".[26] The importance of access is emphasized by Jackson and Atkinson who note that:

> The existence of an access point is not a guarantee of influence, but without access almost nothing else is possible. . . groups must succeed in adopting the legislative system and using access points provided. . . . There are a limited number of access points, so few groups can afford to continually ignore any possibilities of influence. . . .[27]

Pross, asserts that access may be conditioned by certain structural features of the political system. He points out that pressure groups attempting to lobby and exert influence within the Canadian political system must therefore be cognizant of both its federal and parliamentary nature.[28] The parliamentary nature of the system, in which there is a fusion of executive and legislative power concentrated in the Cabinet, has been identified as a factor determining the choice of targets for

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[25]R. Dahl, Modern Political Analysis, (Englewood-Cliffs: Prentice Hall Inc., 1963), p. 76.

[26]W.T. Stanbury, "Lobbying and Interest Group Representation in the Legislative Process", in The Legislative Process in Canada, eds., W.A. Neilson, et al., (Montreal: Institute for Research on Public Policy, 1978), p. 185.

[27]Jackson and Atkinson, op. cit., p. 33-34.

[28]Pross, "Pressure Groups: Adaptive Instruments of Political Communication", op. cit., pp. 21-22.

pressure groups.[29] The three major governmental arenas where pressure

groups might concentrate their lobbying activities are the legislature,

the executive and the bureaucracy. Most scholars and participants in

the process tend to agree that the Canadian ". . . parliamentary system

forces lobbyists to focus on the Cabinet and the Bureaucracy rather than

the House or Senate".[30] Some even posit that contacts between govern-

ments and pressure groups occur predominantly within the middle and upper

echelons of the bureaucracy. This focus is usually attributed to a

"shift in the balance of real power, discretion and initiative away from

courts, legislatures and even cabinets to public servants" who have

broadened their role beyond policy interpretation and implementation to

include policy initiation and formulation.[31] Yet, despite such power

shifts the Cabinet still retains a dominant position in the policy and

decision making process. Therefore, according to H.J. Dawson, groups

wishing to have a significant and continuing influence in the process

must make their views known to the Cabinet as a whole while concentrating

on ". . . persuading influential ministers to take a sympathetic attitude

toward the needs of their clientele".[32] To be sure, given the highly

departmentalized nature of the Canadian executive and bureaucratic arenas,

the most important or influential ministers in this regard tend to be

[29]R.J. Vanloon and M.S. Whittington, The Canadian Political System: Environment Structure and Process, 1st ed., (Toronto: McGraw Hill of Canada Ltd., 1971), pp. 305-306.

[30]Pross, op. cit., p. 21.

[31]J.E. Hodgetts, "Challenge and Response: A Retrospective View of the Public Service of Canada", Public Administration in Canada, ed., K. Kernaghan, (Toronto: Methuen Publications, 1977), p. 53.

[32]H.J. Dawson, "National Pressure Groups and the Federal Government", Pressure Group Behaviour in Canadian Politics, Paul A. Pross ed. (Toronto: McGraw-Hill Ryerson, 1975), p. 33.