

Landmarks

The Undergraduate Geography Journal

Volume Two | Fall 2016



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UNIVERSITY OF
TORONTO

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INTRODUCTORY NOTE

The Editorial Board is proud to present the second volume of *Landmarks: The Undergraduate Geography Journal*. Launched in 2015, *Landmarks* is an annual publication that brings together exemplary undergraduate work from across the diverse field of geography at the University of Toronto.

We want to extend a big thank you to the many students who submitted their papers for publication this year. 2015-16 presented us with a tremendous number of excellent papers to choose from—making the selection process a difficult one.

The submissions featured in this volume consolidated around a few key thematic areas. The first four papers reflect a strong emphasis on critical, locally-oriented studies and field methods in geography here at University of Toronto. They present distinctive examinations of processes of gentrification and urban change in Toronto, highlighting how these relate to geographies of inequality and social difference. These critical themes of representation and marginality carry over in the next two papers, both of which draw on archival sources to explore questions of race, identity and nationhood in settler colonialism. The last four papers speak to the longstanding interest in questions of resource management and human-environmental relations within geography, exploring questions of privatization, state regulation and social exclusion within changing policy regimes.

This second volume of *Landmarks* would not have been possible without the collaborative efforts of our dedicated editors and authors who took time during busy semesters to bring the journal together. We would also like to thank the Toronto Undergraduate Geography Society, the Department of Geography & Planning, and the Arts & Science Students Union at the University of Toronto for assisting us in the production of this journal.

We sincerely hope you enjoy the second volume of *Landmarks*.

The Landmarks Editorial Board

Transit-led Development and Gentrification: A Case Study on the Eglinton Crosstown

Aayesha Patel

This essay examines a Toronto neighbourhood along Eglinton Avenue West, known locally as ‘Little Jamaica,’ where a light rail transit (LRT) project called the Eglinton Crosstown is currently being constructed. Drawing on personal observations and secondary sources, the paper examines negative effects of this transit development on the low income immigrant community, as the process of gentrification has quietly begun to ‘improve’ their neighbourhood. Residents and small businesses of the area face displacement pressures as developers, Business Improvement Areas, city government, and other stakeholders race to take advantage of urban renewal opportunities which come with new transit infrastructure. This paper examines three redevelopment models: Creative City, Ethnic Packaging, and Green Economy, and how they work together to design a gentrified future of Eglinton West. In the final sections, I critique these visions as racialized class projects, consider the ethnic community’s absence from redevelopment plans, and suggest possible planning tools which could promote revitalization without displacement.

Introduction

My daily commute entails an observation of the streetscape, people and shopfronts on Eglinton Avenue West from the windows of the 32 bus route. Over the past two years I have seen considerable change as countless small businesses have vacated, leaving nothing but yellowing newspaper and ‘for lease’ signs in their windows. Slow movement of the bus is attributed to Eglinton being reduced to two lanes of traffic where the Metrolinx Crosstown is being constructed. Projected to open in 2021, the Eglinton Crosstown is a large-scale transportation project which will bring desperately needed improvements in service and efficiency¹. The light rail transit line will extend along a 19 kilometre corridor of Eglinton Avenue between Mount Dennis and Kennedy Station (Metrolinx, 2014). In this study, I will be looking at the Crosstown in the western end of Toronto between Keele Street and Allen Road. This strip has a predominantly low-income, working class population with high

levels of immigrants and visible minorities (City of Toronto, 2011).

With rapid increases in population, high demand for housing and a burgeoning real estate market, Toronto’s center of gravity is steadily moving northwards into inner suburbs such as Eglinton West. The area is expected to face redevelopment pressures as different stakeholders race to take advantage of new transit infrastructure while attracting urban renewal opportunities. This study examines the Crosstown’s potential long term effects on Eglinton West’s residents and small businesses, including the threat of gentrification and displacement. Although multiple stakeholders have advanced different models for the redevelopment of Eglinton, none can be defined as mutually exclusive. The Creative City, Ethnic Packaging, and Green Economy visions overlap, working together in designing a gentrified future of Eglinton West. In the final sections, I critique these visions as racialized class projects and explore possible planning tools that could promote revitalization without displacement.

¹ The \$5.3 billion (CAD 2010) investment is projected to be 60% faster than existing bus service (Metrolinx, 2015).



Figure 1: “Due to unforeseen circumstances.”

An example of one of the many small businesses along Eglinton Avenue West that have been forced to shut down or relocate since construction of the Crosstown began in 2013 (Source: Aayesha Patel, 2015).

Voices of Vulnerability

The area of study, known colloquially as Little Jamaica, has historically been an Afro-Caribbean ethnic enclave. According to Jacobs (1985), commercial streets which appear to have high visible minority populations, multiple vacancies, and low levels of maintenance are increasingly vulnerable to gentrification, especially if adjacent to new public developments (p. 104). Since construction of the LRT began, small businesses along the strip, largely owned by black immigrants, have faced pressures of slow turnover and concerns of increased rent, some having lost 20-30% of customers (Aziz & Bachour, 2014).

Gentrification itself is most succinctly described as “the production of space for progressively more affluent users” (Hackworth & Rekers, 2005, p. 3). An independent coffee shop, specialty bike store, and the sales office for a new high-rise condominium development punctuate the pattern of Little Jamaica’s old, weathered shop-

fronts. A small business owner who had been forced to relocate from Eglinton West told a local newspaper that “most people living in this community don’t want this condo here... the community should stay how it is” (Aziz & Bachour, 2014). Prices for a unit start at \$250,000, a sum far beyond affordability levels of the neighbourhood’s current residents who work low skill wage jobs. Residents have expressed a consciousness of the Crosstown’s negative potential and a common notion that Afro-Caribbean businesses and residents “may not survive the neighbourhood make-over” (Armstrong, 2014). The community’s well-deserved transit infrastructure remains overshadowed by a fear of displacement and an opposition to commercial gentrification². This incites debate on urban socio-spatial inequality and the disadvantage of low-income communities in the distribution of and access to public services across the city.

Creative City Vision

The community’s deep roots on Eglinton West date to the 1950s when the first Jamaican immigrants landed in the area, bringing with them their culture and traditions (Armstrong, 2014). To honour this, in 2014 a local politician initiated a project to name a laneway behind Eglinton ‘Reggae Lane’ in light of the changing neighbourhood. The name and an additional mural was to commemorate the history and legacy of Little Jamaica in the 1970s and ‘80s, as a vibrant epicenter of reggae music. Record shops, recording studios, and concert venues once lined Eglinton West where the immigrant community settled down. The initiative, led in part by BIAs, is evocative of tokenism as a practice of gentrification in which cultural and historical landmarks are ‘preserved’ to give an area commercial appeal (Relph, 1987, p. 219). As young professionals search for creative ambience in the places they live, Jamaican culture is deliberately constructed in an effort to “recreate a townscape not as it once was but as the gentrifiers wished it

² As one resident succinctly put it, “This whole neighbourhood ain’t gonna be Little Jamaica anymore” (Aziz & Bachour, 2014).

might have been” (Relph, 1987, p. 223).

Local residents of Little Jamaica felt the initiative was a token gesture which would not do much to help with pressing issues in the community such as economic development. They questioned whether the city would help to “keep the mom and pop shops open, given the LRT construction and gentrification creeping in” (Armstrong, 2014). The population was well aware that the initiative was “someone’s political move,” given to the black community as a justification for the unmentioned gentrification. Residents felt the larger issue was how Caribbean presence and subsequent displacement in the neighbourhood was being neglected (Armstrong, 2014). The Creative City vision of Eglinton West as a gentrified artistic hub is advanced by local politicians to sell Little Jamaica in a process of ethnic branding. The neighbourhood’s rich cultural identity is being packaged and sold to attract affluent professionals, intersecting the two visions as they employ similar practices.

Ethnic Packaging Vision

Business Improvement Areas (BIAs) often work to actively manufacture a marketable form of ethnicity that targets tourists and prospective residents. The two BIAs included in the study area promote Eglinton West as a business and shopping destination, “offering shoppers and visitors a vibrant international market with

shops and restaurants catering to the community’s diverse heritage” (Fairbank BIA, 2015). An annual street festival on Eglinton West showcases the neighbourhood’s multicultural food and arts, working to develop “a larger tourism pull” (York BIA, 2015). Packaged ethnicity often facilitates gentrification as efforts to beautify and market the neighbourhood as a niche to wealthy prospective resident has been shown to cause a decline of the original ethnic population (Hackworth & Rekers, 2005, p. iii). The York and Fairbank BIAs have collaborated with local politicians to deliberately construct a multicultural urbanity using art and culture in order to advance the Ethnic-Creative City vision of gentrification. Such processes are not novel to Toronto’s ethnic enclaves. Hackworth & Rekers (2005) have documented similar forms of BIA-led gentrification occurring in Corso Italia, Greektown on the Danforth, and Little India.

Green Economy Vision

The marketing of Eglinton West as an ethnic enclave parallels aspects of the Green Economy vision, whose main proponent is the municipal government. The comprehensive planning study called ‘Eglinton Connects’ offers an extensively detailed vision and planning recommendations in anticipation of Eglinton’s rapid growth following the Crosstown’s arrival (Eglinton Connects, 2014). The plan proposes construction of mid-rise buildings along the corridor and a complete



Figure 2a, 2b: “It may be in the decades to come that one of the few remaining reminders of the Caribbean presence in that neighbourhood is the street name: Reggae Lane” – Local Resident (Armstrong, 2014). (Source: Hector Vasquez, 2015).



Figures 3a, 3b and 3c: Eglinton Connects’ Green Economy vision sets the stage for long term intensification as more than 100,000 new people and jobs are projected to enter the Avenue, and justifies midrise development for yielding a private sector profit. (Source: Eglinton Connects, City of Toronto, 2014).

revitalisation of Eglinton’s streetscape to include bicycle lanes, wider sidewalks, patios, benches and other street furniture. Emphasis is placed on the beautification and ‘greening’ of Eglinton with a continuous canopy of large trees, green roofs, community gardens, connections to the city’s trails and ravines including the Humber and Don River Valleys, and green transit infrastructure (Eglinton Connects, 2014: 9).

Through transit investment providing an opportunity to rebuild Eglinton’s streetscape, the vision aims to “attract new populations looking for a high quality of life” (Eglinton Connects, 2014, p. 7). This New Urbanist Creative City model, led by City of Toronto Planning, has collaborated with Metrolinx to create ‘green jobs’ in a Community Benefits Agreement. Jobs generat-

ed by transit allow local residents to participate in inclusive employment and apprenticeship programs, resulting in blue-collar living wages for the community (Metrolinx, 2014, p. 15).

The Green Economy plan suggests neighbourhood revitalization will foster local identity and support economic development, claiming Eglinton’s “unique heritage and character of a vibrant culture” will be strengthened with a new streetscape design (Eglinton Connects, 2014, p. 7). The rhetoric assumes current residents and businesses will not be displaced, avoiding debate on gentrification by styling it as ‘revitalization.’ The vision employs elements of Ethnic Packaging, demonstrating how the models intersect in their collective goal of gentrification³.

³ York-Eglinton BIA held its first farmers market in the summer of 2015 with expensive organic produce,

Racialized Class Projects

The process of gentrification is known to be “predicated on and reproduced by existing racial inequalities” (Rankin & McLean, 2015, p. 221). The visions explored can be defined as ‘racialized class projects,’ planning visions and practices that naturalize ideologies of race and class as unequal distributions of opportunity. This can be seen through the “erasure of racialized people from redevelopment plans” and “the mobilization of white privilege” in non-inclusive consultations (Rankin & McLean, 2015, p. 221). The visions are advanced by privileged white homeowners with the time and financial resources to support redevelopment projects and the remaking of their neighbourhoods to suit Anglo-Canadian lifestyles (Rankin & McLean, 2015, p. 237).

Attendants of Metrolinx Public Consultation meetings provided overwhelming support to the Crosstown for its positive commercial and social impact on the neighbourhood and its direct connection to increased property values (Metrolinx, 2012, p. 16). Attendants called for the promotion of Eglinton West as a “destination,” and shared a desire to revitalize Eglinton West as a trendy, gentrified neighbourhood. One person however, criticised the demographic and motives of attendants, writing “there was no discussion on gentrification and displacement. There was one black woman at the consultation, why? Better outreach is needed” (Metrolinx, 2013, p. 25). Furthermore, diversity in the Creative City model “commodifies difference and normalizes processes of racialization through practices such as Ethnic Packaging” (Rankin & McLean, 2015, p. 221).

Proponents of racialized class projects “mobilize an elite sense of entitlement to speak for the neighbourhood” and “generate existing commercial space as empty and deficient” despite the existence of thriving community bonds artisan and handcrafted goods, clearly meant to attract a different clientele from the existing population. Only 3 of more than 15 vendors at the farmer’s market were businesses from Eglinton West (York BIA, 2015).

(Rankin & McLean, 2015, p. 221). Survey comments described the commercial street as dead space that needed to be “enlivened” by new businesses and people (Metrolinx, 2012, p. 19). When asked whether new station design should integrate into the local community, one attendant wrote: “Do not make it fit with existing shoddy neighbourhood, should be modern and contemporary to raise the quality of the neighbourhood” (Metrolinx, 2012:18). This statement and many others convey how attitudinal racism is present within redevelopment visions as commercial space oriented towards the needs of the black community is stigmatized as lacklustre and uneventful.

Despite these efforts of erasure, a deeply connected ethnic community lives and works on Eglinton West, strengthening ties in support of small businesses and entrepreneurs. Community members frequent Eglinton’s Caribbean restaurants and churches to socialize while local barbershops offer informal apprenticeships to young entrepreneurs as well as space for black fatherhood workshops (Armstrong, 2014). Before relocating due to loss of business, an Afro-Caribbean bookstore hosted workshops, poetry readings, and oral history events connecting residents and youth to their heritage (Casas, 2014). This strong black identity within the community currently stands in a vulnerable position, a possibility entirely overlooked by proponents of gentrification.

Racialized class projects promote only a sanitised consumption of ethnicity that is acceptable to middle class tastes (Rankin, 2015, p. 229). Although attendants supported ‘diverse’ neighbourhood branding, they also criticised black businesses as unattractive and in need of replacement. The Creative City process of selective historical preservation in Reggae Lane is wrapped up in ideologies and biases as gentrifiers’ preferred image of history is preserved (Relph, 1987, p. 224). This appropriation of Jamaican culture is an exploitation of multiculturalism in which creative, artistic elements are desired while small businesses with little aes-

thetic appeal are rejected. Racist implications are clearly shown to be embedded in the visions and practices of gentrification, advanced by planners, BIAs and homeowners.

Revitalisation without Displacement

Although redevelopment of Toronto's inner suburbs will soon become inevitable, it is possible for incomers to be integrated into existing communities. To prevent the act of gentrification itself, the provincial and municipal governments should implement various policies promoting revitalisation without displacement. Inclusionary zoning can be employed in new mixed tenure residential developments meaning 15-20% of units would be affordable rental housing. Dwellings of different sizes and costs in a single mid-rise building can relieve the middle class' demand for housing while allowing the existing low income community to afford to remain in their neighbourhood. Furthermore, the provincial government can enforce rent control, under which landlords would no longer have the right to increase rent prices at will. Consistency of rent would prevent the displacement of low-income residents in a gentrifying area, promoting a broader socio-economic mix of households (Hulchanski, 2010, p. 21).

Residential and commercial gentrification work in tandem as preventing one inhibits the other. As small businesses lining commercial strips of low-income neighbourhoods provide affordable goods to the ethnic community, displaced residents and a subsequent lack of consumer base would eventually lead to their closure or relocation. Therefore, small businesses must be provided with various supports against gentrification through policy change. Business owners should be encouraged to own their properties in order to prevent being priced out by their landlords. This can be achieved by income or property tax incentives and low-interest loans offered to owner occupied businesses. Alternately, retail space could be owned by the city or community and leased to small businesses at a stable rent or no profit (Rankin, 2008, p. 41).

The City of Toronto Economic Development Office could provide marketing support to businesses in adapting to the changing demographics of their customers. Often, ethnically oriented businesses can market well to the immigrant community, but fall behind when competing with new middle class businesses. Small adjustments in stock, décor, and service style could make a significant difference in appealing to newcomers as well as the existing community. Retaining ethnically oriented and immigrant-owned businesses also promotes an inclusive diversity which may have attracted new residents to the area initially (Rankin, 2008, p. 42).

Implementation of local knowledge in redevelopment plans remains a highly essential tool in promoting revitalisation without displacement (Rankin, 2008, p. 46). Community based research initiatives not only benefit the collaborative planning process with their lived experiences of the neighbourhood, but also work to empower local residents. Furthermore, the City should educate residents and small businesses on the social costs of gentrification. This could mean better access to information sessions, providing child care, and hosting flexible evening sessions to accommodate the working population (Rankin, 2008, pg. IV). The fundamental act of spreading awareness can allow a neighbourhood to unite against displacement and socio-spatial inequality. Thus, it is imperative for local residents to have a greater influence on city planning in order to build more equitable communities of the future.

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Revitalization on the Margins: Exploring 'Revitalization' as a Potentially (Dis)Empowering Process in Toronto's Inner Suburban Communities

Adriana Stark

Critical attention to recent 'revitalization' efforts in Toronto's inner suburbs reveals the varying degrees to which residents are meaningfully engaged in shaping their respective communities. A comparative case study of two inner suburban neighbourhoods, Kingston Galloway-Orton Park (KGO) and Weston-Mount Dennis, highlights the implications of resident inclusion in/exclusion from 'revitalization' visions and plans, within the specific context of marginalized communities. Drawing on theories from Lefebvre as well as environmental justice and critical race scholarship, 'revitalization' is presented as a non-uniform process that operates materially and symbolically, entails the enactment of power relations between unequal stakeholders, and represents a potentially destabilizing force in (re)shaping dominant structures of oppression. It is found that neighbourhood renewal processes in KGO are transformative of imbalanced social relations, and that the efforts of a community-based organization called the East Scarborough Storefront have played a large role in facilitating this success. In contrast, it is found that 'revitalization' in Weston-Mount Dennis reinforces existing patterns of class- and race-based exclusion. The article concludes by proposing a set of conditions that foster socially-just revitalization processes.

Introduction

It is well established that Toronto is becoming an increasingly divided city, with its inner suburban neighbourhoods housing a growing share of the city's ever-expanding low-income population (Hulchanski, 2010; Walks and Maaranen, 2008). This suburbanization of poverty has been accompanied by the racialization of poverty (Galabuzi, 2006), producing the inner suburbs as "racialized spaces" (Parlette, 2012, p. 7) where "interlocking systems of oppression" (Razack, 2002, p. 16) limit residents' life chances. Yet, against a backdrop of intense disadvantage, the inner suburbs are changing. Countering the dominant portrayal of inner suburban communities as declining, disinvested spaces and receptors of social injustice, recent scholarship has begun to recognize these peripheral areas as dynamic and contested sites (Cowen & Parlette, 2011; Rankin & McLean, 2015; Parlette, 2012). Extending this line of scholarship,

a critical comparative analysis of recent revitalization initiatives in two inner suburban Toronto neighbourhoods, Kingston Galloway-Orton Park (KGO), and Weston-Mount Dennis, evaluates the degree to which residents have been meaningfully involved in planning and executing 'revitalization' projects in their respective neighbourhoods, and considers the material and symbolic implications of resident inclusion in or exclusion from 'revitalization' processes.

The need to consider both physical and symbolic dimensions of space is informed by Lefebvre's theorization, whereby space is socially produced by the interplay of material and representational processes (Razack, 2002). Lefebvre establishes "conceived" space, which involves "representations of space" through symbols and ideas, as an essential mechanism through which space is socially produced (Razack, 2002). A key tenet of Lefebvre's theory is that powerful groups struggle to control the production of space in or-

der to reproduce existing hierarchies of privilege that establish their dominance (Razack, 2002). This suggests that representations of space, as perpetuated by the mainstream media, academic literature, and popular discourses, are not harmless, abstract imaginings, but rather powerful forces with real consequences for neighbourhood outcomes and broader social relations.

Kingston Galloway-Orton Park and Weston-Mount Dennis are selected as case study neighbourhoods, as they have followed typical inner suburban trajectories of disinvestment, yet they face different futures, as indicated by the ‘revitalization’ processes they are beginning to experience. Both case study neighbourhoods were constructed in the postwar era according to modernist planning principles that assumed the centrality of the automobile and favoured a separation of residential/non-residential uses. However, both neighbourhoods are also textbook examples of the failures of modernist planning: currently, they contain a high concentration of aging high-rise residential towers and a deficiency of accessible amenities and common spaces (MacDonnell et al., 2011). Under these circumstances, both KGO and Weston-Mount Dennis have come to be associated with the problems outlined in influential studies such as the United Way’s “Poverty by Postal Code” publications (see MacDonnell et al., 2011), prompting the City to designate both communities within the boundaries of Neighbourhood Improvement Areas for targeted public investment. Despite their many similarities, recent differences have emerged between the two case study neighbourhoods. Weston-Mount Dennis has faced intense redevelopment pressures, as it will soon become a hub in the city’s transit infrastructure via the completion of the Eglinton LRT (Winsa, 2013). As such, developers, investors, city officials, and others, recognizing the profits to be made from rebuilding this disinvested community, have begun to take interest in urban renewal initiatives (Rankin & McLean, 2015). While redevelopment pressures in Weston-Mount Dennis have largely come from external groups, in KGO,

initiatives have originated internally from the efforts of local community members (Cowen & Parlette, 2011; Parlette, 2012; Elliott-Ngugi & Gloger, 2014). The KGO community, supported by the East Scarborough Storefront, has begun taking steps to transform their neighbourhood through resident-led design (Elliott-Ngugi & Gloger, 2014).

In comparing change in the two case study neighbourhoods, particular emphasis is placed on analyzing how meaningful resident inclusion in ‘revitalization’ can potentially subvert prevailing social structures that position inner suburban residents as marginal relative to other social groups. First, a critical look at material processes of ‘revitalization’ in the case study neighbourhoods reveals the differing extents to which these physical changes reflect local interests and promote residents’ wellbeing. Second, an analysis of common themes in popular representations of the case study neighbourhoods highlights the implications of these representations for existing power hierarchies. Following these analyses, a personal interview with Anne Gloger, Director of East Scarborough Storefront, is used as a basis to propose a set of conditions that foster socially-just ‘revitalization’ processes.

Given that it is a contested term carrying both positive and negative connotations, it is important to clarify exactly what is meant by ‘revitalization.’ The definition of ‘revitalization’ used here is informed by environmental justice and critical race perspectives, presenting revitalization as a phenomenon that is not inherently productive of socially-just or unjust outcomes, but rather a highly varied process that manifests differently in different contexts. An environmental justice framework, as articulated by Anguelovski (2014), provides the concept of “holistic” revitalization, which “balances environmental care, economic development, and social protection” (p. 106) in a process intimately linked with community empowerment. Therefore, revitalization is a potentially redistributive tool that can help to equalize power imbalances by empowering marginalized communities. Anguelovski (2014)

also draws attention to the dual nature of revitalization in that it not only involves the production of new urban spaces, but also entails the “opposition” of existing spaces, making it a potentially subversive tool in re-organizing existing power relationships inscribed in the urban form. On the other hand, ‘revitalization’ can also serve to deepen inequalities if it hurts the wellbeing of disadvantaged groups. Critical race theory helps distinguish ‘gentrification’ as a distinct form of revitalization, whereby neighbourhood change is accompanied by a class-based, and therefore also often racialized, shift in the local demographic (Rankin & McLean, 2015). Overall, when interpreted as a non-uniform and power-laden process, revitalization becomes a lens to explore the inner suburbs, which are imagined as stagnant and victimized spaces, as in fact dynamic sites experiencing complex physical and symbolic change.

Revitalization or Gentrification?

The extent to which neighbourhood ‘upgrading’ reflects residents’ interests and supports community wellbeing

If revitalization is to empower local residents, it must materialize in such a way that is based on the needs and preferences that residents value most, yet this is not always achieved. Revitalization initiatives in the two case study neighbourhoods integrate residents’ interests to varying degrees. To explore this, it is illustrative to compare the different ways in which Weston-Mount Dennis and KGO use the Tower Neighbourhood Renewal program to support local revitalization processes. The Tower Neighbourhood Renewal initiative provides funding to upgrade deteriorating high-rise residential buildings, but allows relative flexibility in how the funding is used, which enables projects to take different forms. Therefore, it offers a useful point of comparison between the two case study neighbourhoods.

In KGO, one of the projects the Tower Neighbourhood Renewal program has supported is the transformation of a “redundant asphalt

driveway” adjacent to a cluster of residential towers into an “oasis” through resident-led design (East Scarborough Storefront, n.d.). Specifically, this project has entailed the construction of a multipurpose sports pad, as well as an innovative, eco-friendly Sky-o-Swale: a contraption that doubles as both a water filtration system for an adjacent community garden, and a shaded outdoor gathering space for community members (Elliott-Ngugi & Gloger, 2014). This ongoing revitalization initiative has been accomplished through Storefront’s Community Design framework for participatory planning, which brings together a variety of stakeholders, including tenants, landlords, and architects (Elliott-Ngugi & Gloger, 2014). While this Tower Neighbourhood Renewal project has upgraded the physical environment by providing a sustainable, accessible and attractive gathering space that promotes healthy active living and fosters community wellbeing, Storefront envisions the initiative’s main objective as beyond environmental upgrading (Elliott-Ngugi & Gloger, 2014). Rather, Storefront sees the Tower Neighbourhood Renewal initiative as a “catalyst for people to work together differently” (Elliott-Ngugi & Gloger, 2014, p. 6). This statement reflects Storefront’s commitment to “holistic” revitalization, as they conceptualize renewal as a piece in a much broader effort of community development guided by the organization’s belief that “change will be more meaningful and sustainable if residents have as much power, responsibility and say as possible” (Elliott-Ngugi & Gloger, 2014, p. 6).

In Weston-Mount Dennis, the Tower Neighbourhood Renewal initiative has been incorporated into a plan to develop a Community Cultural Hub through a public-private partnership between Artscape, the City of Toronto, and a private development corporation (Artscape, n.d.). The plans for this project involve the establishment of ‘creative programming space’, 26 affordable live-work units for artists, and a 30-storey market-rate apartment tower (Artscape, n.d.). Resident involvement in this project

has been largely limited to information sessions, public consultations, design charettes, and participation in feasibility studies. It is likely that if local residents were better integrated into leading the process for the Weston Hub, the plans would have evolved quite differently, as residents have expressed their disapproval of the project in its current form for a variety of reasons. To reconstruct a narrative of residents' perspectives, I consulted a community blog called WestonWeb to gain insight into residents' opinions of the project. One (presumed) Weston-Mount Dennis resident writes: "This development is the lazy way of allowing developers to dictate the kind of community structures we build rather than designing them so that the people gain... the benefit[s]" (murraycr, 2015). This statement captures two themes commonly articulated by Weston-Web commenters: first, that the Weston Hub is not beneficial to the current community, and second, that the exclusionary planning process for the Hub is paving the way for further resident disenfranchisement in future initiatives.

Perhaps the reason residents' interests have not been adequately represented in the plans for the Weston Hub is because the development coalition spearheading the initiative does not appreciate the presence of the existing community. Artscape (n.d.) describes the current site for the proposed Weston Hub as a "surplus parking lot" (para. 2), omitting the key detail that this parking lot hosts the popular Weston Village Farmers' Market that has run for the past 35 years (Weston Village BIA, 2014). This reflects an elite gaze through which developers look upon disinvested neighbourhoods as terra nullius sites to be colonized by new interests. Furthermore, it can be argued that the very concept of a Cultural Hub caters to Florida's (2012) 'creative class', a generally affluent, white subgroup that does not represent the neighbourhood's current demographic. Given this, it appears that the Weston Hub project contributes to a pattern of what Rankin and McLean (2015) describe as "the erasure of racialized people from redevelopment plans and visions", which "work[s] to reinforce

white privilege and the histories of investment and disinvestment that systematically concentrate people of colour in marginalized spaces of the city and restrict their life chances" (Rankin & McLean, 2015, p. 221). In light of the race- and class-based exclusion it encourages, it is reasonable to suggest that 'revitalization' in Weston-Mount Dennis should be distinguished as gentrification to draw attention to these injustices (Rankin & McLean, 2015).

The Representational Impacts of Revitalization: Changing discourses of 'priority' neighbourhoods

The typical media representation of 'priority neighbourhoods' is unfavourable, focusing on negative themes such as violent crime and police activity (Lindgren, 2009). Therefore, it is relevant to consider the ways in which processes of neighbourhood change in the case study neighbourhoods have led to changing neighbourhood discourses, as the extent to which these discourses deviate from the 'priority neighbourhood' stereotype has implications of this for the (dis)empowerment of local residents. A media content analysis is employed as a tool to synthesize the ways in which the case study neighbourhoods are represented to the general public, given the role of mainstream media in shaping dominant geographical imaginations of particular places. My methodology for this component involved running a search in the Google News database for keywords "Kingston Galloway-Orton Park" and "Weston-Mount Dennis", respectively, and coding the articles generated according to their primary themes.

Through this analysis, it was found that KGO and Weston-Mount Dennis are represented quite differently in mainstream news circuits. The themes of the articles analyzed are summarized in Table 1 below, and highlight two important trends. First, while both neighbourhoods receive considerable coverage about positive aspects of community programming, these articles differ in the actors they attribute successes to. Second, articles about KGO fo-

cus primarily on positive community elements, while pieces on Weston-Mount Dennis are more balanced in terms of positive, negative, and ambivalent representations.

Popular news reports of successful community programs in KGO generally attribute these positive outcomes to local residents rather than powerful groups, while in Weston-Mount Dennis, the opposite is true. A focus on the actors highlighted in headlines about KGO, such as “Scarborough opens the ivory tower” (Chiose, 2014), “A community helps cook up business” (Lu, 2014) and “The Storefront on Lawrence Ave. gets reimagined, from the grassroots up” (Delap, 2012), reveals that popular news accounts give agency to local community members as the creators of positive change. This type of representation challenges embedded structures of oppression by directing attention to marginalized groups’ autonomy and capacity to improve local conditions.

By contrast, reports on community interventions in Weston-Mount Dennis generally strip residents of their agency and portray them as passive and in need of ‘rescue’. Close attention to the actors and verbs featured in headlines such as “Weston-Mount Dennis residents look to Metrolinx to create jobs” (Winsa, 2013), “Federal government gives \$500,000 to Weston-Mount Dennis anti-gang program” (Winsa, 2014) and “Toronto hopes to change high-rise living...” (Naughton, 2014) reveals how media accounts commonly credit political leaders and influential corporations with positive change. Especially within the context of Canada as a

“white settler society” (Razack, 2002), this type of coverage (re)creates a dominant narrative of a dynamic where an ‘incompetent’ and ‘desperate’ local population depends on the benevolence of an external elite class. This is a narrative that reasserts the dominance of powerful groups, while de-emphasizing the capacities of local populations. August (2014) describes how this type of negative narrative contributes to a process of “territorial stigmatization” that makes marginalized communities particularly vulnerable to redevelopment pressures from external actors. On one hand, stigmatizing discourses serve to degrade low-income neighbourhoods and strengthen powerful groups’ rationale for intervention (August, 2014). At the same time, the mobilization of these discourses frames public perception in such a way where developers’ interventions are presented as benevolent and morally unquestionable (August, 2014). This works to deflect criticism and silence potential objections to redevelopment projects (August, 2014).

Conditions for Socially-Just Neighbourhood Change

The finding that revitalization processes in KGO have been more effective in empowering marginalized residents than in Weston-Mount Dennis raises questions about what defines socially-just neighbourhood change. In response to these questions, I present insights from an interview with Anne Gloger, Director of East Scarborough Storefront, to propose three primary conditions underlying socially-just revitalization processes.

	Community-organized event is a success	Community program achieves successful results	New community program receives funding	Crime	Negative conditions in neighbourhood (excluding crime)	Neighbourhood change/revitalization	Community activism	Total
KGO	5	11	4	6	1	1	2	30
Weston-Mount Dennis	3	8	2	6	5	6	0	30

Table 1: Comparison of primary themes in news reports about KGO and Weston-Mount Dennis

First, the presence of a culture of resident involvement is thought to enhance community capacity to plan or resist neighbourhood change. This concept is articulated in Anguelovski's (2014) findings that community-based activism fosters place attachment and builds community confidence in overcoming future obstacles. Gloger's insights echo these findings as she raises the idea that a history of resident participation and activism strengthens community resilience, which is alluded to in her recounting of the history of resident integration in Storefront:

"[A] reason I think residents feel ownership for the place is because they rallied and they staged a march, and we got tons of newspaper coverage, and were on TV and the whole thing. And we ended up getting [the Storefront space] and enough funding to get going. So residents feel like they did it, because they did" (A. Gloger, personal communication, November 3, 2015).

Second, well-developed social infrastructure, "constituted by the networks, relationships, organizations, services and facilities that allow communities to build capacity" (Cowen & Parlette, 2011, p. 8), is essential in ensuring cohesive inner suburban communities that are able to work collectively toward common neighbourhood goals. Cowen and Parlette (2011) identify investment in social infrastructure as a primary "effective practice" in improving quality of life in inner suburban neighbourhoods. This is further elaborated by Gloger (2015) in an unpublished piece she has written for the Toronto Foundation, in which she discusses the importance of particular frameworks for social infrastructure in Storefront's vision for "Connected Communities". The Connected Communities approach aims to address the issue that "there are very few if any mechanisms that integrate the work of all players responsible for community wellbeing in any kind of intentional way" (p. 3). Gloger (2015) describes the Storefront's ideal:

"There would be two kinds of formalized social supports in every community: service providers and connectors. There would be organizations

that provide professional services and expertise when people need it to overcome barriers in their lives... The other type of social support organization would foster connectedness within the neighbourhood and between the neighbourhood and broader systems." (p. 3)

Third, a strong commitment to being 'in place', adopted by all parties involved, is viewed as critical in ensuring that revitalization processes advance social justice. The concept of being 'in place', as outlined by Gloger, has two components. The first is integrating a collaborative approach to community development that recognizes professionals and residents as equals. This idea is summarized in the following comment: "To me, social justice is served when there is a deep respect for what people are doing, what people are striving towards. And the professionals coming in being all about helping make that work, or helping to support it, or integrate it, or co-create something... investment in the community, socially, environmentally and economically, a real commitment to being 'in place' and all that entails" (A. Gloger, personal communication, November 3, 2015).

The second piece of this commitment to being 'in place' relates to recognizing the uniqueness of local conditions, and adopting an appropriate approach for the specific context. This is a concept articulated by Cowen and Parlette (2011) in their rejection of "cookie-cutter" formulas to community development. This notion is further captured in Gloger's statement that:

"It's how we do work that is totally replicable, what we've done is not replicable because it's by-the-community for-the-community, so we don't want to take our Service Hub model and transplant it somewhere else. What we want to take are the values and principles and the approach to community development that led to the Service Hub. Or led to Tower Neighbourhood Renewal, or any of the things we do, and help people to use that lens to develop different things in their own neighbourhoods" (A. Gloger, personal communication, November 3, 2015).

Conclusion: Towards ‘Connected Communities’

A comparative case study of two inner suburban Toronto neighbourhoods, Weston-Mount Dennis and Kingston Galloway-Orton Park, reveals that different approaches to ‘revitalization’ privilege different stakeholders’ claims to urban space, and advance social justice to varying degrees. Taking into account Lefebvre’s theory that space is socially produced through both material and symbolic processes, this research considers whose interests are reflected in each case study neighbourhood’s revitalization plans, and how revitalization processes shape popular neighbourhood representations. Importantly, Lefebvre’s claim that controlling the production of space is one way in which powerful groups preserve their dominance enables ‘revitalization’ to be recognized as a potentially empowering or disenfranchising process that can serve to reinforce or unsettle prevailing systems of oppression that marginalized communities face. With these theoretical underpinnings, this research finds that in KGO, residents are transforming the community from within, in such a way that “shatter[s] entrenched forms of inequality” (Cowen & Parlette, 2011, p. 6). On the other hand, in Weston-Mount Dennis, the neighbourhood’s racialized, low-income population has been “erase[d]” from visions and planning for revitalization (Rankin & McLean, 2015, p. 221). However, it is important to note that these conclusions should be interpreted alongside an understanding that this research would undoubtedly be strengthened by voices from members of the Weston-Mount Dennis community.

It is clear that it is a critical moment to direct attention to the changing inner suburbs, where competing visions for neighbourhood futures have great potential to threaten or enhance residents’ quality of life. Gloger (2015) admits that addressing the problems inner suburbs face “won’t be easy” as it entails a “shift from a simple to a complex approach to place-based change” (p. 3). However, the East Scarborough

Storefront is taking steps to lead this change. The Storefront is in the process of introducing a “sharing agenda” that aims to “introduce the Connected Community Approach to community development, and to provide tools, resources and forums for people and organizations interested in making that shift” (Gloger, 2015, p. 3). Beyond community-based efforts, there is perhaps a broader need to reframe common narratives that label Toronto’s inner suburbs as ‘disinvested’ places. To some extent, ‘disinvestment’ is a useful concept in that it draws attention to the role of external actors, namely neglectful governments, in contributing to the difficulties inner suburban neighbourhoods presently face. However, diagnosing the troubles of the inner suburbs as symptoms of ‘disinvestment’ is problematic in that it implies that re-investment is always a solution. This makes it tempting to equate revitalization with progress, yet the case of the Weston Hub proves that this assumption would be misguided. Indeed the concept of investment, with its financial connotations, may obscure the fact that a ‘disinvested’ neighbourhood contains not only disinvested spaces, but also (and perhaps more importantly) disinvested people. Therefore, revitalization will only be meaningful and socially-just when it attends to both the material and human dimensions of re-investment by empowering residents to direct neighbourhood change on their own terms.

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Homelessness: A Dilemma of Public Space and Public Policy

Amilia Cervantes

This paper critically examines the socio-spatial dimensions of homelessness in Toronto, Ontario with respect to policy and public space. Using the Ontario Safe Streets Act (1991) as a case study, it challenges the idea that homelessness simply exists in the urban landscape but rather is constructed and systematically perpetuated by social, political and spatial forces. Specifically, it focuses on how the homeless population is deemed 'illegitimate' and separate from the 'legitimate' public through processes of social (re)production, interactions in the public space and through anti-poor and anti-homeless city political and planning agendas. By questioning the political priority in Toronto this paper seeks to answer what purpose such hierarchical controls over the public space serve and to whom. Finally, this paper examines how the role of the activist and groups alike can challenge and promote change in the public sphere.

Introduction

Poverty and peril have always been plights of city life. The 'bum', the vagabond, the pauper, or 'bag lady' are all stereotypical descriptions for poor, homeless persons in the urban landscape. However, the term homelessness has not been in use for very long, only gaining entry to the vernacular in the 1980s. In many ways it is used as an umbrella term for social and economic policy failures (Hulchanski, Campsie, Chau, Hwang, & Paradis. 2009). This paper challenges the idea that these stereotypes, and homelessness itself simply exist in the urban landscape, but rather are constructed and systematically perpetuated by social, political, and spatial forces. The negative view towards homeless and street individuals within the urban landscape is apparent in social responses from the greater public, targeted policing, as well as anti-homeless, anti-poor agendas on the part of political agencies. This is a critical socio-political view focused on questions of the public space, and political rationales which affect and (re)produce homelessness in the public space, including which actors control and define it.

Firstly, research findings regarding homelessness and policy in Ontario will be shared. These findings will be discussed in the context of homelessness in Toronto, Ontario. How the social production and reproduction of 'legitimate' citizens and 'illegitimate' bodies within the public space perpetuates the negative views towards homeless people and differentiates them from the 'legitimate' citizens as degenerates, will be highlighted. Distinctions and transitions of space grounded in Lefebvre's (1991) concepts, will be used to show how the most powerful social and political forces shaping the city are not focused on solving the homeless crisis, but rather on catering the public space to 'legitimate' citizens with an anti-poor, capitalist agenda. Thus, the homeless population is deemed 'illegitimate' and separate from the 'legitimate' public. This is perpetuated by processes of social (re)production, interactions within the public space, and by the cities' anti-poor, and anti-homeless political and planning agendas. Lastly, not only are activist(s) and groups able to challenge and promote change in the public sphere; they are vitally important in addressing the disjuncture between policy and the well being of marginalized groups.

Research Findings

Initial research on homelessness in Toronto points mainly to the drastic numbers of the homeless population and the apparent shortage of affordable housing. This is largely due to the federal government's disinvestment in affordable housing since the 1990s which has decreased by 46% over the past 25 years compounded by a decrease in federal spending on low-income housing per capita by almost 50% (Gaetz, Gulliver & Richter, 2014; O'Grady, Gaetz & Buccieri, 2013). The shrinking supply of affordable housing in Toronto, declining wages or rather the fact that "minimum wage has not kept up with inflation in any jurisdiction in Canada" (Gaetz et al. 2014, p. 3) has put an increasing number of Canadians at risk of homelessness. According to Gaetz et al. (2014), in Canada 35,000 people are homeless on any given night and over 235,000 Canadians experience homelessness in a year. These numbers are striking and are even more so as they become concentrated in dense urban areas such as Toronto.

This research uses the Ontario Safe Streets Act (OSSA) as a case study for the situation of homeless people in highly controlled public spaces, using Toronto as an example. The OSSA (1999) states that no person shall solicit a person who is (a) using, waiting to use, or departing from an automated teller machine; (b) waiting to use a pay telephone or a public toilet facility; (c) waiting at a taxi stand or a public transit stop; (d) on a public transit vehicle; (e) in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or (f) on a roadway, in or on a stopped, standing or parked vehicle (section 3, ch. 8). It is crucial to note that these areas prohibiting solicitation make up a significant portion of the urban space in Toronto. Moreover, police officers may arrest a person without warrant based on "reasonable and probable grounds", leaving room for vague interpretations of offenses and definitions of solicitation.

Fines for a first offence range from \$60 to \$500 and up to \$1000 for each subsequent of-

fence. These fines are rarely paid by offenders as they are distributed disproportionately to groups living in extreme poverty who do not have the means to pay or challenge these tickets (O'Grady, Gaetz & Buccieri, 2011). This puts a burden of debt on homeless individuals and contributes to policing costs. O'Grady et al. (2011) estimate the real cost of Toronto Police Service to issue these tickets was "\$189,936 in 2009, and \$936,019 over the past eleven years... this does not include the cost of processing tickets, police follow up on bench warrants issued to homeless persons for non-payment of fines, or any follow-up overhead" (p. 35). O'Grady et al. (2011; 2013) highlight a 2,000 percent increase in ticketing by the Toronto Police Service from 2000 to 2010 in accordance with the Ontario Safe Streets Act (1999).

Closely related to the bans on panhandling and soliciting in the urban space of Toronto, the Toronto Transit Commission (2009) enacted By-law No.1 which notably prohibits anyone from loitering in TTC property and prohibits anyone from displaying, offering, distributing or placing handbills, signs, notices or any form of written or printed matter on or in TTC property without authorization (section 3.16). This clearly targets the homeless population and their methods for generating income.

Hulchanski et al. (2009) bring up the important point that some people see homelessness as an "individual problem, not a housing problem" (p. 10) and thus not a greater structural problem. Some individuals deal with mental illness and health issues hindering their ability to keep a job and stay housed (Hulchanski et al., 2009; Loukaitou-Sideris & Ehrenfeucht, 2009; Greene, 2014). However, anti-social behavioral legislation and political priorities for the 'legitimate' more affluent public is a greater factor (O'Grady et al., 2013; Hulchanski et al., 2009; Kirby, 2008). In an interview conducted with Helen Luu, an advocacy and outreach coordinator for the Right to Housing Coalition and the Advocacy Tenants Centre Ontario (ACTO), the lack of a national housing strategy and vacancy

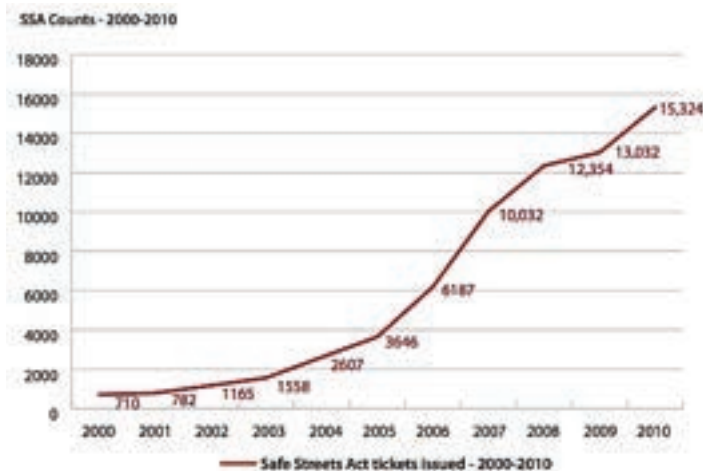


Figure 1. In “Can I See Your ID? The Policing of Youth Homelessness in Toronto.” by B. O’Grady, S. Gaetz, & K. Bucciari, 2011. Toronto: JFCY & Homeless Hub. p.31. Copyright 2011 by the Justice for Children and Youth, and Homeless Hub Press.

decontrol were cited as main issues perpetuating Toronto’s precarious housing situation. Furthermore, disinvestment and the down-loading of housing responsibilities to lower levels of government has only increased the numbers of at risk and homeless people. This again points to the structural issues regarding policymaking and legislation in Ontario as key contributors to the homelessness crisis in Toronto, rather than individuals.

These findings raise critical questions of political priority in Toronto. Particularly, how policies are aimed at controlling the public space to maintain order and project homogeneous utopian ideals of the urban public realm. To whom do these ideals cater? Who is the “legitimate” public? What purpose do these hierarchical controls over the urban space serve? These questions will be addressed in the discussion.

Discussion

In Toronto, especially in the downtown core, homelessness has become a common occurrence in the urban public space (Greene, 2014; O’Grady et al., 2011). Passing someone begging for change on the street, or sleeping over a sewer grate for warmth is not uncommon. How then,

has such a stark display of inequality become such a normal feature of urban living? The interactions between homeless people and people who have homes, creates a social dynamic and definition of homelessness as it is experienced in the urban public space everyday (Kirby, 2008; Valado, 2006; Razack, 2002). Homelessness is perpetuated by misguided public policy and a political and social system centered on capitalism and private ownership (Hulchanski et al., 2009; Baillergeau, 2014). Therefore, it is necessary to look at the complex interaction of social, political, and spatial factors which (re)produce and naturalize homelessness in the urban landscape.

Political Rationale

Since the 1980s, uneven development in Toronto has linked the geography and conceptual definitions of homelessness with gentrification. This has also coincided with Toronto’s ascendance to global city status (Greene, 2014) during which, certain political policies in Canada which Hulchanski et al. (2009) identify as “neo-conservatism or neo-liberalism” (p. 17) have gained prominence. The rise of neoliberalism can be traced to prime minister Mulroney in 1984 with

“deregulation, public spending cuts and tax cuts for the well-off [which] were supposed to trickle down to the less fortunate” (Hulchanski et al., 2009, p.17). However, these “trickle down benefits” have largely remained at the top of the economic ladder, making the rich even richer and leaving the poor worse off than they were before, as precarious housing and employment become commonplace characteristics of low-income groups (Gaetz et al., 2014). This draws a critical connection between Toronto’s changing urban landscape and the detrimental effects on homeless people. Additionally, this begs the question of whose needs or wants are priority for the Canadian government. It appears that supportive policy for homeless individuals has fallen by the wayside in light of city development and globalization.

During the interview, Luu raised an important point saying that “it costs more to keep people homeless than it costs to actually fix the issue” (H. Luu, Personal Communication, November 10, 2015). Thus, why spend more on incarcerating and policing the homeless than building affordable housing or contributing to long term solutions? It is clear even from such a utilitarian perspective that political actors are more concerned with public face and targeting the visibility of homelessness rather than addressing policy failures. Not only do policies such as the OSSA not include the well being of all citizens in concerns for public safety, but failure to recognize this anti-poor bias in policy making (Baillergeau, 2014; Valado, 2006) simply leads to inefficient, unsustainable solutions. This not only raises questions concerning the political rationales of the city but also highlights how policy excludes and dispossesses homeless populations from the framework and definition of the public.

Homelessness is viewed as a stain on the urban landscape in many ways (Yuen, 2011; Baillergeau, 2014). However on a basic level the very presence of a homeless person is unwelcome. A homeless person’s presence is seen firstly as a

threat (Baillergeau, 2014). The OSSA prohibits aggressive soliciting (Government of Ontario, 1999) for the sake of ‘public’ safety. Thus, criminalizing soliciting becomes a way of maintaining the illusion of public order. Most tickets are not for ‘aggressive’ acts and are seldom paid (O’Grady et al., 2013). Rather ticketing can be seen as an attempt, on the part of officials, to reduce the visibility of homelessness, and maintain a sense of public order (O’Grady et al., 2013; Baillergeau, 2014). However, these acts prohibited as per the OSSA, are largely means of survival for the homeless population and some of the few ways to generate income (O’Grady et al., 2011). Thus the needs of the homeless population are of less concern than the political rationale for ‘public’ safety. This highlights the apparent anti-poor bias in the OSSA policy.

The mapping of capitalism in the urban landscape becomes apparent through policies, such as the OSSA, where acts of homelessness and even the presence of homeless bodies are unwelcome (Kirby, 2008; Loukaitou-Sideris & Ehrenfeucht, 2009). Local businesses don’t like homeless people in their vicinity, as they think customers may be deterred from entering their establishments. Moreover, people generally don’t want homeless aids such as shelters in their neighborhood as they think it will drive down real estate values in the area (Cross, 2015). In these instances the capitalist economy quite literally rejects homeless people, putting economic gains before the inclusion and well being of the homeless population. This can also be seen in city efforts to beautify the streets in order to attract global investment and tourism (Mitchell, 1998; Loukaitou-Sideris, & Ehrenfeucht, 2009). Thus the capitalist system inherently excludes the homeless population as it seeks to eliminate visible homelessness from the urban space. In this sense, homelessness is largely a systemic issue perpetuated by political forces. Meanwhile, these underlying systemic issues of homelessness are not resolved and the symptoms of homelessness remain the priority.

The Dilemma of Public Space

Mitchell (1999) suggests the public space is a material location where social interactions and political activities of all members occur (p.1116). However policies such as the OSSA control the public space by defining which actions are acceptable and prohibited. Criminalization of acts such as panhandling, squeegeeing or loitering in public areas (Toronto Transit Commission, 2009; OSSA, 1999) directly targets the homeless population, making their actions in the public space unacceptable. The neoliberal capitalist system caters the public space to more affluent groups; firstly by making it so that the public space is somewhere one comes and goes from, but does not stay in (Greene, 2014; Gibson, 2008), and secondly by defining which actions are acceptable in the public space.

Public spaces are privatized and controlled by forces other than the individual which inhabits the public space (Lefebvre, 1991; Razack, 2002; Mitchell, 1999). In this sense the “manifestation of globalizing neoliberalism” inevitably includes the “taking back of public spaces from the poor and from the homeless” (Kirby, 2008. p. 76). In the view of Lefebvre (1991) this can be seen as representations of space, as the uses of the public space are premeditated, versus representational space, being the ways in which homeless people live in and use the public space (Razack, 2002; Valado, 2006). This presents the dilemma of public space for homeless people—socially acceptable private space does not exist for homeless people on the street, because they are forced to use the public space for private activities (Mitchell, 1999; Loukaitou-Sideris & Ehrenfeucht, 2009; Valado, 2006). Their representational space does not fit with the representations of space as outlined by political agencies and social norms (Razack, 2002; Kirby, 2008; Valado, 2006). Furthermore, implementations of defensive architecture like ‘bum-proof’ benches in bus shelters for example, deter homeless people from sleeping in certain public areas and cater to the citizen who moves through the public

space with an inevitable destination to a private space (Loukaitou-Sideris & Ehrenfeucht, 2009; Valado, 2006). Mitchell (1999) drives this point of delegitimizing the homeless person further by suggesting that homeless people cannot be legitimate citizens in a democratic society as they live involuntarily in the public space, and that this goes against the very idea of citizenship in a modern democracy. Thus the public space is catered to housed citizens by policy, policing, and architecture. These factors act as spatial forces which aim to push the homeless population out of the public space with few (if any) alternatives.

Social (Re)Productions

While spatial and political relations are crucial in the exclusion and delegitimization of homeless individuals, social relations are paramount in the production and reproduction of homelessness. The term homeless is after all a social construction (Loukaitou-Sideris & Ehrenfeucht, 2009; Valado, 2006). As Hulchanski et al. (2009) state “by hiding a broad set of socially undesirable outcomes under the rubric of homelessness, society can recognize and condemn the undesirable social outcome we call homelessness” (p.13). Yet the very dynamics creating the problem of homelessness are not named under this umbrella term (Hulchanski et al., 2009). Instead, homelessness is associated with social stigma and this acts as a negative social force against homeless individuals. The word homelessness evokes a notion of helplessness (Loukaitou-Sideris & Ehrenfeucht, 2009), and in this definition the individual remains trapped unless they find permanent housing. With few alternatives to living on the street, homelessness has become naturalized in the city (Mitchell, 1998; O’Grady et al., 2013; Gaetz et al., 2014).

Framing homeless people as a public nuisance and threat to public safety (Baillergeau, 2014) through policies such as the OSSA further perpetuates the negative views towards homeless people. Furthermore, this ignores the factors which drive individuals to the status of

homeless. By dealing with visible homelessness rather than the factors leading to homelessness, it is impossible to create real solutions or prevent people from falling into a state of homelessness (Hulchanski et al., 2009). Instead homeless people are deemed illegitimate as they are not truly a part of the definition of ‘public’ according to policy and law, and are viewed negatively as individuals through political rhetoric. For example in a 2011 newspaper interview, Deputy mayor Doug Holyday stated “I don’t know if it’s a matter of tossing them in jail but it’s letting them know they’re not allowed to utilize public space [in a way] that makes it their own” in regards to the homeless (Yuen, 2011). This kind of public rhetoric not only emphasizes the exclusion of homeless people from the urban public space but reinforces and perpetuates negative, delegitimizing social perspectives regarding homeless people.

The Role of Advocacy and Outreach

Grassroots organization plays a vital role in challenging the dominant capitalist and neoliberal systems in place. Groups such as Advocacy Center for Tenants Ontario and Right to Housing Coalition are doing just this, by firstly creating public awareness of the situations and secondly, criticizing the priorities of the government. As Luu stated “it is a matter of political will” (H. Luu, Personal Communication, November 10, 2015). It is also a matter of de-naturalizing homelessness in the urban landscape and promoting critical public discourse which challenges hegemonic political agencies. During the interview Luu raised this very point and urged that “[Canada] may actually win a national housing strategy ... [through] the [social] campaign and not through the courts” (H. Luu, Personal Communication, November 10, 2015). Social advocacy is key in pushing for the kind of structural change necessary to better the homelessness crisis in Canada. By putting the structural issues at hand on the public radar, these advocacy groups act as a “watch dog from the civil society level” (H. Luu, Personal Communication, November 10, 2015), and can push the governments atten-

tion towards the well being of the people as a whole and not just the ‘legitimate’ public.

Conclusion

This paper challenges the idea that homelessness simply exists in the urban landscape, but rather that it is constructed and systematically perpetuated by social, political and spatial forces. The negative view of homeless and street people within the urban landscape is apparent, in both social responses from the greater public, targeted policing, and anti-homeless and anti-poor agendas on part of political agencies and neoliberal tendencies. The most powerful social and political forces shaping the city, including the government, police and everyday citizens are not focused on solving the homeless crisis but rather catering the public space to ‘legitimate’ citizens in an anti-poor, global capitalist agenda. Political actors and public policy create the situations, systems and spaces in which homelessness occurs and is systemically constructed (Hulchanski et al., 2009; Razack, 2002; O’Grady et al., 2009; Casey, Goudie & Reeve, 2008). These systems — namely the capitalist and neoliberal public policies— cater the public space to more affluent, ‘legitimate’ and housed populations.

A lack of options or long term solutions for homeless people in the urban space perpetuates homelessness within the urban landscape. Homelessness is thus entangled with a dilemma of the public space. Failures of the capitalist and neoliberal policies to address the needs of all people in the urban public space, not just those deemed ‘legitimate’ are at the heart of the problem. By including and excluding certain bodies within the public space, homelessness is socially, politically and spatially produced and re-produced (Razack, 2002; Loukaitou-Sideris & Ehrenfeucht, 2009). It becomes the primary job of activists and grassroots organizations to challenge the naturalization of homelessness in the urban landscape and the policies which lead individuals to become homeless by creating critical public discourse. The issue of homelessness in Canada rests primarily with the government.

Policies must stop penalizing the individual for being homeless and instead recognize and amend the shortcomings of policies in aiding homeless individuals. Until such structural changes are made, these stark inequalities and exclusions in the urban public space will simply continue as they have; to the detriment of many.

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Rise of the Neoliberal City: Condominium Development and Toronto's CityPlace

Rachel Phillips

Condominium developments have become ubiquitous features of Toronto's urban landscape, emerging in disinvested neighbourhoods, former industrial sites, and defining entirely new neighbourhoods. This paper examines Toronto's condominium boom in the context of the city's increasingly neoliberal urban governance strategies. The development of City Place – a 44-acre condominium project located near Toronto's waterfront on former railway lands – is used in this paper as a case study that highlights how a neoliberal conception of the roles of government and the private sector has shaped condominium development in Toronto. Focusing on how City Place was planned, financed, and then sold to particular demographic groups in Toronto, this paper attempts to illustrate who benefits from the city's condominium boom, who loses out, and how public and private interests work together to produce an increasingly privatized and commodified urban landscape.

Introduction

The rise of the condominium is a well-documented phenomenon in Toronto. Since the 1990s, a condominium boom has been transforming the city (Lehrer & Wieditz, 2009), with condos popping up in disinvested inner-city neighbourhoods, former industrial sites, public housing redevelopment projects, and new-build master-planned neighbourhoods. Few places in the city, it seems, are safe from condominium developments. While many explanations for Toronto's unprecedented condo market growth have been proposed – including changing consumer preferences and middle class demands for inner city living, the city's shift to a service economy, and the need to house influxes of immigrants and young people – these analyses tend to minimize the neoliberal political context in which the condominium boom has occurred. Neoliberalism has been an important influence in Toronto since the 1990s, shaping not only political and economic conditions, but also urban development policy, working to create a neoliberal urban landscape characterized by the privatization of urban space, urban processes, and urban citizenship.

This paper will attempt to understand how condominiums fit into this neoliberal landscape by exploring a series of sub-questions: whose interests are served by condominium development? What policy goals do they help to achieve? How does a neoliberal conception of citizenship and the role of government relate to condominiums and the lifestyles they encourage? In order to address these questions, I will begin by grounding my paper in a theoretical framework of the effects of neoliberalism on urban governance, development, and citizenship, before focusing on neoliberalism in Toronto specifically. I will then try to situate the city's condominium boom in the context of the neoliberal city, looking at how this boom serves (and is served by) neoliberal policy objectives and private interests. Finally, I will ground this analysis in a case study of Toronto's CityPlace neighbourhood, a 44-acre condominium development on the city's former Railway Lands.

The Neoliberal City

Neoliberalism is a political ideology rooted in a 'rejection of egalitarian liberalism... combined with a selective return to the ideas

of classical liberalism' (Hackworth, 2007, p. 9). It emphasizes individual responsibility, the anti-interventionist state, and the belief that the free market is the 'optimal mechanism for socioeconomic development' (Peck, Theodore & Brenner, 2009, p. 50). Under neoliberalism, these core tenets justify various state actions (and inactions), including the de-regulation of industry, non-intervention in markets, and the roll-back and/or privatization of social services and welfare state institutions (Peck et al., 2009).

In cities, neoliberalism works to shift the boundaries and priorities of urban governance. As neoliberal policies are adopted at higher levels of government, the responsibility for public service provision is 'downloaded' (Peck et al., 2009, p. 11) to municipalities, who, lacking the financial base to support these programs, must either roll-back, privatize, or cut these programs (Hackworth, 2007). Cities are thus forced to embrace neoliberal policies and values regardless of their political context (Hackworth, 2007), as the ideology has become 'naturalized as the "only" available choice to cities' (Hackworth, 2007, p. 11).

In this context, 'urban neoliberalism' (Keil, 2002, p. 697) emerges as a political and economic restructuring project (Keil, 2002) that results in the roll-back of various government funded social and welfare programs and urban development activities, combined with the roll-out of policies that focus on privatization and marketization (Peck et al., 2009). This roll-back/roll-out process can be understood as part of what Harvey (1989) identifies as a shift from urban managerialism to entrepreneurialism. In the context of increasing inter-urban competition, urban governments begin to focus less on their 'managerial' duties of providing services and infrastructure, and more on 'entrepreneurial' activities of marketing the city as an attractive place for investors, tourists and affluent citizens (Harvey, 1989). Taken together, these changes in urban policy result in a new neoliberal urban landscape characterized by: a declining significance of public housing and public spac-

es, alongside an increased significance of privatized landscapes; an emphasis on downtown redevelopment; the rise of mega-projects and Public-Private Partnerships (PPPs); and various forms of uneven development (Rosen & Walks, 2013).

Neoliberalism in Toronto

Neoliberalism has been a significant political and economic force in Toronto's urban politics since the mid-1990s, when Mike Harris's newly-elected Progressive Conservative provincial government began to push through various neoliberal reform agendas (Keil, 2002). Harris's reforms focused on cutting social services, downloading service-provision responsibilities to municipalities, and withdrawing funding for urban infrastructure and development projects (Keil, 2002). In response to this provincially-led neoliberalization, Toronto's leadership adapted by reconfiguring its urban policy, privatizing or cutting various social programs and services and engaging in Public-Private Partnerships to achieve many development goals (Keil, 2002).

Neoliberal provincial policies, alongside the political rhetoric employed by Harris and various other Progressive Conservative politicians, also changed conceptions of citizenship in Toronto (Keil, 2002). The roll-back of public services and welfare worked to 'encourage people to see themselves as individualized and active subjects responsible for enhancing their own well-being' (Larner, 2000, p. 13). Torontonians, therefore, began to exist in a more privatized and commodified urban environment (Keil, 2002).

Pressure to embrace neoliberalism and entrepreneurialism also came from Toronto's leaders' desire to compete globally with other cities for investment, business activity, and highly mobile workers (Keil, 2002). In pursuit of global city status, the city has embraced various spatial and economic restructuring projects that are designed to 'create the local political and economic base required for a development strategy which is ever more global in its reach, and thoroughly

commodifying in its intent' (Todd, 2002, p. 202). This restructuring, Todd (2002) argues, tends to prioritize the needs of capital and elites over the city's needs for social services. This process of 'going global' (Todd, 2002, p. 192) is therefore indicative of a shift toward more entrepreneurial strategies in Toronto, as economic development is increasingly predicated on the ability to attract private investment, corporate headquarters, and service economy workers. In combination with neoliberal provincial policy, this 'global city strategy' (Keil, 2002, p. 591) has worked to reconfigure Toronto's economic, social, and political landscapes.

The Condominium in the Neoliberal City

The condominium is a central figure in this reconfigured neoliberal landscape, and its dramatic rise in Toronto's housing market can be linked to neoliberal policy objectives in two key ways. First, condominiums are indicative of the previously mentioned shift from managerialism to entrepreneurialism. Private-sector led condominium developments transfer development costs away from municipal governments (thereby decreasing their managerial role), while also re-fashioning the city as an attractive place for affluent consumers and investors and thereby fulfilling the city's new, more entrepreneurial goals (Lehrer, Keil & Kipfer, 2010).

Second, condominiums can increase the number of home owners in the city, theoretically decreasing these citizens' reliance on the state and increasing their support for privatization (Kern, 2007; Rosen & Walks, 2013). Neoliberal policies in turn work to support condominium development, embracing the deregulation of planning controls, and supporting unfettered private investment and development (Hayek, 1960). This gives developers more freedom and, theoretically, the ability to extract more profits from condominium projects. This section will explore these two intersections of condominiums and neoliberalism in more detail.

Condominiums first emerged in Toronto in 1968, positioned as a response to inner-city housing shortages (Risk, 1968) and as a way to increase the number of home owners in the city (Harris, 2011). The condominium introduced a new and innovative form of property regime that combines individual and common ownership, allowing for the subdivision of a single parcel of land into multiple units, contributing to urban density and to the re-intensification of the inner city (Lehrer et al., 2010). Condominiums went beyond the functional consideration of dealing with housing shortages, however, and by the 1990s they occupied a more strategic and political role in Toronto's urban landscape.

In the context of entrepreneurial urban governance strategies, condominiums can be understood as a place-marketing tool for cities, working to attract consumers, businesses and investors to the downtown core. As a result of the inter-urban competition that occurs under neoliberalism, local governments increasingly support downtown residential development, with the aim of reproducing inner cities as attractive spaces for affluent groups (Lehrer & Wieditz, 2009). According to Ley (1996) middle classes have a strong desire for home ownership, which is increasingly coupled with a desire to live in the amenity-rich inner city. The condominium, as a form that works to satisfy these desires, thus 'joins renovated property as the landscape face of embourgeoisement' (Ley, 1996, p. 49), drawing affluent citizens into the city with promises of security, social status, and exciting inner city living (Lehrer & Wieditz, 2009; Rosen & Walks, 2013).

The rationale for supporting this inner city residential development is to encourage real estate development and intensification (Kern, 2010). Harvey (1985) argues that this intensification primes the city for large flows of capital investment, which allows economic growth to occur even as cities lose their traditional manufacturing and industrial economic bases. The real estate sector can thus work to support urban

economies as they go through economic transitions, not only providing a source of capital investment, but also working to re-fashion disinvested built environments into new, productive forms (Kern, 2010).

In the context of transitions to a service-economy and the decline of industrial activities in North American cities, the condominium can be understood as one form that this real estate investment can take (Kern, 2010). Condominiums re-purpose disused industrial land in order to make it profitable again, by providing housing to service-economy workers (Kern, 2010). In the context of neoliberalism, condominiums are useful because they work to serve government policy goals – turning disused real estate into new sources of profit – without state spending or interference in market processes (Rosen & Walks, 2013), thereby maintaining the kind of non-interventionism that is key to neoliberal urban politics.

The condominium also extends this non-interventionism into the relationship between urban governments and their citizens. Condominiums help to cultivate ideal neoliberal citizens who are individualistic and less reliant on public services and spending (Kern, 2007; Rosen & Walks, 2013). This occurs in two key ways. First, condominiums increase the number of private property owners in the city (Harris, 2011) by dividing a single parcel of land into multiple units, and by providing an affordable route to home ownership to large numbers of people (Lehrer et al., 2010; Harris, 2011). According to Harris (2011), ‘many observers touted the condominium and its capacity to increase the density of private interests as a legal mechanism with enormous potential to effect positive change’ (p. 703) and to foster a new class of ‘responsible citizens’ (p. 703). From a neoliberal perspective, this positive change comes in the form of decreased reliance on public and social services. Home ownership increases a person’s asset-based welfare, which in turn decreases their reliance on state welfare, social insurance, and redistributive pol-

icies (Ansell, 2014). Private property ownership has long been understood as a means of fostering independence and responsibility (Reich, 1964) – a concept that is easily embraced under neoliberal ideologies.

The condominium’s link to neoliberal citizenship goes beyond home ownership, however. Rosen and Walks (2013) argue that condominiums act as a ‘private club realm’ (p. 162), where residents enjoy exclusive access to the amenities and services provided by their condominium, including private security, gyms, and recreation and community spaces. Kern (2007) argues that these club realms transform the nature of public and private urban life, as condo dwellers rely increasingly on the private services provided by their condominium, and less on the public services provided by the state. Condominiums also work to increase support bases for neoliberal policy objectives. In a survey of urban residents, Rosen and Walks (2013) found that the greatest predictor of a citizens’ support for the privatization of public services was living in or owning a condo. This support, they argue, indicates that condominiums facilitate a ‘neoliberalization of urban life and urban policy’ (Rosen & Walks, 2013, p. 169), not only by decreasing reliance on public services, but also by increasing the base of support for neoliberal privatization policies (Rosen & Walks, 2013).

The relationship between condominiums and neoliberal policy objectives is mutually beneficial. While the condominium works to support neoliberal policy objectives, neoliberal policy environments work to support condominium development by privileging the interests of private investors, emphasizing private over public spending, and de-regulating development controls and taxation (Peck et al., 2009). Although condominiums have been understood as a route to easy profits for developers since their inception (Callaway, 1975), political non-interventionism and looser taxation rules (which have emerged in Toronto under neoliberal political leadership) allow condominium

developers to extract maximum profits from their developments (Rosen & Walks, 2013). Neoliberal policies also encourage the privatization of state-owned assets, including publically held land in valuable downtown locations (Lehrer et al., 2010). As the inner city is ‘rediscovered as a profit-maximizing place’ (Lehrer et al., 2010, p. 88), this privatization serves developer interests by opening up valuable public land for profitable downtown residential developments (Lehrer et al., 2010).

Condominiums and a neoliberal policy environment thus exist in a reciprocal relationship. Neoliberal policies open up opportunities for developers to increase their profits on developments, and these developments in turn work to serve neoliberal policy goals of privatization and spending cut-backs. The condominium thus becomes a key feature of neoliberal urban landscapes, joining other forms of privatized, entrepreneurial spaces and uneven developments that mark the neoliberal city (Rosen & Walks, 2013). In Toronto, this relationship between neoliberalism and condominium development is evident at CityPlace, the city’s largest residential condominium development.

Case Study: CityPlace

CityPlace is a master-planned condominium development on Toronto’s former Railway Lands (DeMara, 1999). Originally home to the Canadian National Railway’s Spadina Street Yard, the site had fallen into disuse by the mid-1960s, as a wave of de-industrialization swept through the city’s downtown, and Canadian National moved their operations to suburban Vaughn (Zehr, 1996). The empty Railway Lands quickly became seen as a blight, prompting the City of Toronto to call for development proposals for the site in the late 1960s (DeMara, 1999). Many plans were put forward, beginning with the 1968 Metro Centre Project, a dramatic proposal that called for demolition of Union Station and the building of the CN tower (DeMara, 1999). Later plans envisioned the area redeveloped as an office park

that would provide a major expansion to downtown (DeMara, 1999). Still other plans imagined a large public park (DeMara, 1999). All of these plans were met with citizen opposition and political debate, however, and redevelopment stalled until the 1980s, when the building of the Metro Convention Centre drew attention back to the area and reignited debate over its revitalization (DeMara, 1999). At this time, office towers were the redevelopment option of choice, but a major recession and city budget restraints made this unlikely, and shifted the emphasis of the redevelopment toward tourism (DeMara, 1999).

The decisive phase in the site’s redevelopment came in the mid-1990s, when the Canada Lands Co. Ltd., a crown corporation, decided to sell off the land to a private interest (DeMara, 1999). In 1996, the corporation began to seek proposals for a private-sector redevelopment of the Railway Lands that would centre around entertainment and tourism, envisioning an entertainment expansion around the CN Tower (Zehr, 1996). At odds with this vision, however, the proposal which eventually won out did not focus on entertainment and tourism. Instead, Concord Adex, a residential real estate giant owned by Concord Pacific and Adex Developments, proposed a 44 acre condominium development for the site (Immen, 1999). The company entered negotiations to purchase the site in 1996, and in 1997 the sale of the land to Concord Adex was finalized, and the proposal to build 20 high-rise condominiums in a ‘dynamic, master-planned community’ was approved (Loving, 2002). Concord Adex broke ground on the site in 1999, with a plan to spend \$1.5 to \$2-billion and ten years redeveloping the site, which is projected to house 12,000 condominium residents in 6,000 units (van Rijn, 1999).

Although the CityPlace condominiums are now a prominent feature in Toronto’s urban landscape, their construction was far from inevitable. Concord Adex’s purchase of the west Railway Lands was the culmination of almost 30 years of contentious and conflict-ridden efforts

to redevelop the site (van Rijn, 1999). So the question is: why, after years of debate and struggle, did condominiums win out as the development option of choice? Neoliberal urban policy goals, along with Concord Adex's economic clout appear to have been the decisive factors.

Concord Adex's development for CityPlace served neoliberal policies in three key ways. First, it can be seen to facilitate the shift from managerialism to entrepreneurialism which was taking place in Toronto at the time. The CityPlace site occupies prime real estate in the city's downtown core, and its development has been used to attract the affluent professional population that Toronto is competing with other cities to attract. It has been marketed as 'Yorkville by the lake,' (Wong, 1999, p. 1) and 'Bloor West Village by the SkyDome' (Wong, 1999, p. 1) appealing to middle class consumers' renewed taste for chic, downtown spaces. Concord Adex's advertising tends to target young, single, and affluent first-time buyers (Carlucci, 1999), and has been largely successful in attracting these residents. In doing so, CityPlace clearly compliments Toronto's entrepreneurial turn, helping it to compete for desirable citizens who are wealthy, young, and creative.

CityPlace is demographically and physically distinct from the rest of Toronto. It is growing much faster, its population is much younger (and made up of far more singles), and it is much

denser than the rest of the city (see table 1). The neighbourhood's demographic profile speaks to the city's interest in attracting young professionals who will theoretically contribute to the service-oriented economy with their work and consumption patterns. The neighbourhood's density and its growth-rate speak to the city's interest in re-intensifying the downtown core and re-fashioning it as an attractive place for affluent consumers.

This emphasis on entrepreneurialism is also evident in the rhetoric surrounding the project. In 1999, then-mayor Mel Lastman used a variety of superlatives to describe the project, including the claim that it was the 'largest development in the history of Canada' (Wong, 1999, p. 1) (a statement that was categorically untrue). Concord Adex's senior vice president called CityPlace a 'once in a lifetime opportunity' (Wong, 1999, p. 1) for the developer and for condominium buyers, portraying the development as an exciting, exclusive opening in Toronto's booming housing market. Part of the CityPlace conversation also surrounded the neighbouring SkyDome, which was called, in one article, the 'world's greatest entertainment centre' and credited with attracting residential development to the area (Harding, 2002, p. B02). This discourse, which positioned CityPlace as a large, exciting and vital project, is symptomatic of broader attempts to market Toronto as a globally competitive city, and to

	<u>Census Tract 5350012.01</u>	<u>City of Toronto</u>
Population change from 2006-2011	434.4%	9.2%
Population density per square km	14,120.9	945.4
% population aged 25-29	30%	6.97%
% population aged 20-35	64.5%	20.7%
% population living alone	35%	8.52%

Table 1: 2011 Census Data for Census Tract 5350012.01 (Statistics Canada, 2011)

market the condominium development to consumers as part of the city's competitive package.

As part of this substitution movement away from managerialism and towards entrepreneurialism, Concord's development project can also be understood to serve the city's interest in rolling back social services and decreasing infrastructure provision costs. In terms of service provision, CityPlace de-emphasizes public housing provision, while focusing on private and exclusive housing for the city's middle class. While the city ensured that Concord Adex would cede 3 blocks of land to build 1,200 units of public housing as part of its negotiations with the developer (DeMara, 1999), the public housing buildings have not been completed and are not projected to meet the 1,200 unit goal (Bentley Mays, 2014). Other so-called public amenities, like parks and community spaces, have been built and maintained by Concord as part of the redevelopment (Bentley Mays, 2005). Although these spaces are ostensibly public, they are not managed or funded by a public body, and are thus indicative of the privatized landscapes of the neoliberal city.

CityPlace's private amenities and the typical profile of its residents may also reduce demands for public services. Residents of CityPlace tend to be single young professionals or couples who spend much of their time working (Korducki, 2013), and thus might rely on public services less than a typical family or lower-income resident would. The services they do need can often be found in their condominium, instead of in the public sphere, as CityPlace offers its residents luxe condominiums with a wide range of amenities and services (Bentley Mays, 2005). Thus, we can see CityPlace – and its emphasis on privatized service delivery – as part of neoliberal processes that 'reorient the private and public nature of urban life' (Rosen & Walks, 2013, p. 168).

Finally, the CityPlace development has served the city's neoliberal policy goals by allowing it to shift redevelopment costs to the private

sector. The City of Toronto had been trying to redevelop the Railway Lands for close to 30 years by the time Concord Adex submitted their proposal, and had faced enormous pressure to find a solution to the perceived 'blight' of the disused waterfront area (DeMara, 1999). The city could not carry out any redevelopment itself, however (DeMara, 1999): by the 1990s, provincial policies led to the downloading of service provision responsibilities to the municipal level, and dramatically cut funding for urban development projects. The city thus faced the challenge of severe financial constraints, along with the newly dominant neoliberal conception that government involvement in urban development needed to be reduced in order to prioritize private sector activity.

When it called for redevelopment proposals in the 1990s, the city and the Canada Lands Co. Ltd. were explicit about the need for the project to be funded by the private sector (Zehr, 1996), and symbolically rejected any involvement in the project by seeking a private buyer for the publically held land. According to many observers, it became clear that money was the major expedient in getting the redevelopment project off the ground (DeMara, 1999). Jack Layton, a city councillor at the time, remarked that 'the visions have flopped back and forth. It was going to be office, then it was going to be housing, it was going to be office, then it was going to be housing. Finally, the guy with the money walked in and said, it's housing' (DeMara, 1999, p. 1). Similarly, a major Toronto developer was quoted as saying 'What the railway lands need is someone with deep pockets and lots of patience' (DeMara, 1999, p. 1). In the context of neoliberal provincial policies that slashed the city's spending power, those deep pockets had to come from the private sector if the city was to achieve its goals of redeveloping the Railway Lands as a productive and profitable downtown site after years of de-industrialization induced disuse.

The need for private sector planning and funding put Concord Adex in a position of ex-

treme influence. The development company is jointly owned by the Concord Pacific Group, which was founded by billionaire Li Ka-shing, and Grand Adex Developments Inc., a firm that is privately held by the famously wealthy Hui family of Hong Kong (Littlemore, 1997). Concord Adex and the CityPlace project are backed by a 'bevy of blue-chip Asian investors' (Littlemore, 1997, p. 37), giving the company the ability to put up enormous amounts of money up front, in order to buy the location for CityPlace (Littlemore, 1997). Terry Hui, the president of BurCon Properties Ltd. (the parent-company of the Concord Pacific Group, and the official owner of the Railway Lands) explained that the key factor in the companies success in securing the purchase Railway Lands, was purely a matter of financial influence, telling his interviewer that 'All you need is money' (Littlemore, 1997, p. 36), which Concord Adex has in abundance.

Concord Adex had more than just the money to purchase the land, however. It had a reputation. Concord Pacific, one of its parent companies, had recently purchased the Vancouver Expo lands in 1988, in order to build a \$3 billion condominium community on the city's waterfront called Concord Pacific Place. Hui, the man behind the CityPlace redevelopment, controlled the Pacific Place redevelopment, which is to date the largest residential development project in Canada (Wong, 1999). The company's track record is impressive, and its experience turning a disused brownfield site on prime inner city real estate gave its plans for the Railway Lands credibility (Littlemore, 1997). This reputation and credibility, coupled with its major financial power, put Concord Adex in a privileged and influential position in the Railway Lands redevelopment project (DeMara, 1999). In the context of a neoliberal urban policy environment, its ability to achieve the city's goals, without the city's financial assistance, would have proved extremely appealing to the City of Toronto.

Concord's involvement in the CityPlace redevelopment was not only desirable for the city

and its goals. CityPlace represented an opportunity for enormous profit for Concord Adex (DeMara, 1999). Toronto's condominium market was among the strongest in the world at the time (Boyle, 2006), and the CityPlace property offered Concord Adex the opportunity to buy into that market on an unprecedented scale. The empty, 44-acre site provided the company with enough real estate to provide a 10-year supply of housing in 20 high-rise buildings (DeMara, 1999). With a total of 6,000 units to sell to an eager population of condo-enthusiasts (Wong, 1999), CityPlace will undoubtedly be extremely profitable. Though the projected costs of the project are \$1.5 to \$2 billion (Wong, 1999), and Concord's potential profits are somewhat limited by zoning restrictions and planning policies (including requirements that it provide public art and parks, and conform to controls on density, height, and design) (Bentley Mays, 2005) Concord stands to make a substantial profit off of CityPlace. In 2011, the average value of one of the 6,000 units at city place was \$377,159 (Statistics Canada, 2011). Although this does not represent the average original price that Concord sold the units for, this number can be used to make a rough estimate of Concord Adex's profits. A crude analysis using the 2011 average value for a CityPlace unit indicates that Concord Adex would have made more than \$90 million from its CityPlace redevelopment. Although analysts have warned of a condominium market bust (Reguly, 2004) in coming years, Concord Adex appears to have gotten into the condo game early enough to avoid this problem: it's sales are fairly still strong, and CityPlace is nearly complete (Wong, 2009). If the condominium market bubble does burst in coming years, and the value of CityPlace depreciates, Concord Adex's stake will be practically non-existent. For Concord Adex, therefore, CityPlace has been a dramatic success.

The redevelopment of CityPlace makes clear the intersections that exist between city policy goals and developer interests. Concord Adex's plan for CityPlace helped to achieve the City of Toronto's goals to redevelop the site in the con-

text of neoliberal privatization and reductions in city expenditures. In turn, the city's shifts toward neoliberal policy created an environment in which Concord's money was highly influential, and where private investment was privileged. CityPlace adds an important dimension to the conversation surrounding the role of the condominium in Toronto's evolution as a neoliberal city, illustrating how neoliberal goals both serve, and are served by, private-sector residential development that re-fashions disinvested areas into newly profitable sites of capital accumulation. While the condominium is just one part of the neoliberal landscape, it plays a central role in the creative destruction processes that are working to reshape the Toronto's formerly industrialized built environment into one that serves the current conditions of the city's new service economy and facilitate the reproduction of capitalist accumulation processes.

Conclusion: Condominium Development and Neoliberalism

The process of condominium-oriented redevelopment seen at CityPlace is now fairly common in Toronto. From Liberty Village to Regent Park, the condominium seems to have become a tool for achieving and financing the city's redevelopment goals, and for attracting young service-economy workers to the inner city. Less obviously, however, the condominium has become a tool for promoting privatization and commodification of urban space, for privileging private interests and profits over the needs of citizens, and for rolling-back public service provision. In this context, CityPlace is a fairly benign case: the outcomes of privatization and public service reduction are problematic, but not dire for the relatively affluent citizens who live there. As condominium development spreads, however, into heavily disinvested neighbourhoods like Parkdale and Regent Park which are home to public housing projects and low-income populations, these effects will be increasingly challenging for the city's marginalized populations.

The condominium can thus be understood as a form that privileges certain policy goals and private interests, while disregarding others. In the neoliberal city, the condominium supports privatization and profitable redevelopment, while it de-emphasizes public spending, service provision, and state-led development. This results in a close relationship between the condominium and the neoliberal city, as the two work together to support and reproduce each other. While it would be wrong to dismiss the other factors that have supported Toronto's condominium boom – including consumer demand, immigration and downtown intensification – it is important to acknowledge the central position that the condominium occupies in the landscape of the neoliberal city that Toronto has become. In the context of neoliberalism, it is easy to understand how state policies and developer interests have worked to promote and sustain the city's condominium boom. Therefore, we can understand the rise of the condominium in Toronto as one facet of the rise of the neoliberal city.

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Borderlands: Mapping Race, Representation and Resistance to the Australian National Project

Symon James-Wilson

The Something for a Rising Generation (1910) propaganda poster powerfully illustrates what is perhaps the greatest irony of the world's largest borderless state (Figure 1). While the landmass we know today to be Australia has remained fixed in its island physicality for millions of years, the geographic imaginations of its place-makers have been nothing less than dynamic. Considering the range of human territorial strategies that have been a part of this landscape, from Indigenous people's culturally situated knowledge of Country to white bushmen's terra nullis ("land belonging to no one") thesis, images such as the map of "Unoccupied White Australia" invite careful consideration of how historical and contemporary geographic discourses have denied the socio-spatial plurality of landscape by choosing to map and represent 'whiteness' as opposed to points, lines, and zones of multiple contentions (as depicted in Figure 2) (Bawaka Country, 2013; Lake, 2003, pp. 350; Langton, 1996, pp. 29). Moving away from a critique that has traditionally relied on colonizer/colonized, male/female, and black/white binaries, I aim to reposition bordering as a process of socio-spatial differentiation that occurs across multiple scales and positionalities (Van Houtom & Van Naerssen, 2011, p.126). Using identity intersectionality theory and critical feminist geography as conceptual frameworks, this analysis of the national project's material, cultural, and ideological borderlands disrupts traditional conceptualizations of nation as a space of either unity or polarity, to re-establish is a vital site of in-betweenness.

Founding Fathers: A Gendered Critique of Nation

In the history of the Western canon, the nation-state has predominately been framed as man's creation (Grimshaw, Lake, McGrath, & Quartly, 2006, p. 1). Whether by war, divine right, or constitution, the founding fathers archetype has been the pioneering bushman, the heroic outback nomad, the model labourer of industrial capitalism, and the author of Federation (Curthoys, 1993, pp.168-169). Far more than statically occupying "the male part" in a range of national fairy-tales, many critical feminists have argued that the active male 'gendering' of nation-making has been insufficiently interrogated for its many contradictions (Damousi, 1999, p. 613). Mobilizing gendering as "a process and symbolic system of lived relations," this

scholarship suggests that the privileging of masculine performances lies in the hegemonic power of white paternalism to re-cast and re-frame Australian history in ways that deny claims to production of multiple nationhoods (Damousi, 1999, p. 621; Moreton-Robinson, 2004).

In their critical analysis of Australian novelist Kate Grenville's *The Secret River*, Kelada (2010) and Kossew (2007) de-neutralize the gendered history of colonial contact and settlement as male by examining female representations within the quest for self-actualization and the imperial project. In this narrative, imaginations of women's bodies (namely Indigenous) frequently converge with the land (Kelada, 2010, p. 9). Central protagonist William Thornhill's sexualized descriptions of the land and waterways as sites of opportunity, destruction, and



Figure 1. Something For the Rising Generation (1910).

collusion between imperialist and ‘other’ worlds not only present compelling feminine subtexts of nation-making, but aims to legitimate men’s instinctual mandates to explore, produce knowledge about, and conquer place (Kossew, 2007, p.13; Kelada, 2010, p. 9).

While this exploitation, dispossession, and domination of the existing virgin yet womanly landscapes for the industrious male colonizer deny the possibility for a dignified “motherhood of nation,” returning to the blank map of Australia from the Something from a Rising Generation poster suggests that the darkness of this gendered construction can only be fully understood by deconstructing its whiteness. Describing the Hawkesbury River as a “blank page onto which a man might write a new life,” Thornhill positions his individual quest within a broader ideological framework of Euro-centric colonialism that justified the inscription of so-called “blank spaces” of uninhabited and ungoverned territories (through violence and dispossession) by imagining them as were void of a diverse mixture of languages, kin groups, and cultures (Kossew, 2007, p.13; Sheppard et al., 2009).

Although this literature’s attempted erasure of the Indigenous female’s existence and rights to the land (via metaphorical rape of the landscape) may at first appear to be the ultimate expulsion of female gendering from the colonial

mythscape, it in fact more accurately transforms the female space, through archetypes of darkness versus light, to invite white female place-making to the “newly found” nation (Kelada, 2010, p. 9). In contrast to the prevailing assumption that the male gendering of nationhood has operated at the exclusion of (or in opposition to) female gendering, deconstructing Something from a Rising Generation and *The Secret River* suggests that either/or gender dichotomies of nation-making are dangerously reductionary. Representing a beacon of light and truth to the unruly bush of untamed men and “savages,” the extension of what Rudyard Kipling famously coined “White Man’s Burden” onto white female counterparts, at the dispossession of Aboriginal women’s place in the landscape, makes a case for the importance of intersectional analysis (Jacobs, 2005, pp. 461,464; Sheppard et al., 2009, pp. 63). Here it is evident that there is not only a concurrence in the male and female ‘gendering’ of the landscape, but coinciding processes of racialization across time and space.

(M)othering Nation: A Racialized Critique

The Australian nation-state has been said to have had “her birth and baptism in the blood of her sons” (Lake, 1992, p. 309). While directly referring to the Anzacs (Australian soldiers who fought in the Gallipoli campaign during World War I) who have been credited for conceiving and delivering Australia through their heroic combat on the international scale, this violent, yet powerful notion of nationhood is arguably rooted in a coming of age story far closer to home than the shores of the Ottoman Empire (Lake, 1992, pp. 309-310). A critical inquiry into the mind of the narrator who constructs (in addition to the object that is constructed), this male appropriation of the birth of the nation is significant not only in its deliberate ‘gendering’ but racialization (Sercombe, 1995, p. 91). Locating the national birth outside of the nation, this ideological project strategically valorizes the masculinity of war necessary to rise above ‘feminine’ private concerns to the defend citizenship, and denies of the violence, dispossession, and

resistance of the on-going Aboriginal/Settler conflicts that might otherwise be capable of destabilizing terra nullis, ‘othering,’ and whiteness (Lake, 1992 p. 319; Reynolds, 2014, pp. 229, 234).

This “great Australian silence” about the Aboriginal/Settler frontier wars is powerfully represented in the contrast between the Something for a Rising Generation poster and map of Aboriginal Australia (Reynolds, 2014, pp. 229). Declaring “Unoccupied White Australia” as a blank space in need of filling not only erases the visual distinctness of Aboriginal Australia’s rainbow of cultural and linguistic multiplicity, but more fundamentally denies Indigenous nationhood and self-determination. Faced with the perceived threats of Asian migration and tenacity of ‘full-blood’ Indigenous persons (despite Native Administration Acts which granted the state with legal custody to all Indigenous children and an aggressive ‘half-caste’ assimilation project aimed at cultural extinction) innovated gendered and racialized constructions “more

dangerous than war”- white maternity (Anderson, 2003, pp. 182-183; Lake, 1992, pp. 313, 307; Cunneen, 2006, p. 351).

Intersecting the well-documented links between nationalism and anti-feminism with race illuminates the complex unevenness of place-making power beyond the male/female binary (Curthoys, 1993, p. 173). As the mothers of citizen soldiers, white women activists of the pre- and post-war periods not only campaigned to be economically and politically compensated for their provision of invaluable national resources (the white child), but an all-encompassing celebration for their “maternal citizenship” (Lake, 1992, pp. 314, 316, 319). A zealous effort to transform mothers from childbearers to right-bearers, this decades-long project was hardly inclusive of all women (Lake, 2006, p. 349). Many of the state policies enacted through the Australian Federation of Women Voters and the Women’s Christian Temperance Union (WCTU), such as the Maternal Allowance (which gave women a



Figure 2. Map of Aboriginal Australia (Mihaly, 2012).

£5 lump sum at the birth of their child) and the Commonwealth Franchise Act of 1902 (which granted adult right to vote and run for office in federal elections), were built on a foundation of cultural imperialism that explicitly denied non-white (i.e. Aboriginal and Asian) mothers the same privileges (Grimshaw, 1999, p. 333; Lake, 1999, p. 349, 355). In fact, at no point between the colonial suffrage campaigns of 1885 to 1908 were Indigenous civil rights even mentioned (Grimshaw, 1999, p. 333).

Though some historians have suggested that it was merely social and cultural “distance” that compromised Aboriginal and white women’s political solidarity, anti-racist scholarship has challenged this assumptive paradigm for its critical inattention to the role of racism, segregation, and exploitation in the mobilization of white female empowerment and agency (Curt-hoys, 1993, p. 173). Rather than complacent by-products of historical era and social circumstance, the active gendering of nation-making as male and female social, political, and economic project is intrinsically linked to the (re)production of whiteness (as a polarized contrast to indigeneity or ‘colour’), inequity, and exclusion through the concomitant racialization of ‘other’ mothers.

The Forgotten Nation: An Intersectional Critique

While these gendered and racialized critiques of nation-making have encouraged considerable interrogation into the hidden ‘bordering’ of “Unoccupied White Australia,” profound intersections with additional categories of identity and social difference have been largely overlooked areas of inquiry. Rather than being shaped discursively through male/female and black/white polarities, intersectional thinking encourages a more holistic, relational, and ‘in-between’ analysis of nation-making focused on exploring spaces and social positions of liminality.

Karen Soldatic’s (2015) groundbreaking work on the biopolitics of the nation-state exemplifies the potential for intersectionality to offer new considerations (p. 53). Engaging with gender, whiteness, indigeneity, and (dis)ability, she not only situates these identity categories as “co-evolving” systems that ‘border’ bodies, minds, and frontiers, but locates their often over-looked centrality to the scientific racism and ableism campaigns that cultivated white, masculine power and Social Darwinism (Soldatic, 2015, pp. 54-55; emphasis added). Both denied claims to nation-hood in white, able-bodied Australia, Indigenous and disabled people share many histories of exclusion and genocide in legacies of institutionalization, reproductive regulation, sterilization, and child removal (Soldatic, 2015, pp. 60-61). Examined from this identity intersection, under-theorized means of state power supported similar ideologies (e.g. eugenics) through different sets of practices challenges colonial enterprises’ administrative and management practices to catalyze new sites of agency, resistance, and transformative solidarity between historically marginalized groups (Soldatic, 2015, p. 59). From a decolonizing and anti-racist perspective, this framework has transformative potential to ‘unsettle’ the white colonial able-bodied nation-state and mobilize the acknowledgement of pluralistic nation-making (Soldatic, 2015, pp. 64-65).

Another under-scrutinized frame of nation building is sexuality. Anne O’Brien’s (2008) interrogation into the intersections of race and homosexuality in the story of Gilbert White, an Anglican missionary in North Queensland from 1885 to 1926, as he navigates relationships between religion and imperialism (pp. 68-69). While the ideal missionary is often assumed to be a ultra-masculine heterosexual, elaborate descriptions of White’s attraction to the landscape (and the Indigenous male bodies living within it) throughout his log books encourages a re-reading of the gendering and sexualization of land to consider how it may not only be female, but homoerotic (O’Brien, 2008, pp. 69-71). Blurring

the boundaries between the homosocial, homosexual, and homoerotic invites further consideration of the particular situatedness, yet pervasiveness of bordering processes across a diverse range social actors and spaces (O'Brien, 2008, p. 73). White's story also serves as a powerful reminder that the archetypal image of the white, heterosexual, male, able-bodied settler is often over-generalized. Detailing the tension between patient and disciplined Christian femininity and heroic Christian masculinity suggests that the existence of multiple constructions of 'Australian' masculinity contentiously intersects nation-making across scales (O'Brien, 2008, p. 77).

Rather than assuming that narrowly defined identity categories are sufficient in the production of situated lived knowledge, both Soldatic's and O'Brien's framing of gendered and racialized nation-making through (dis)ability and sexuality lenses empower vital paradigm shifts and socio-spatial actors with the agency to unsettle many (post)colonial assumptions of race and nation.

Stolen Lands, Stolen Agency?

Returning to the two mapped representations of continental Australia for the last time suggests that the intersecting bordering of gender, race, ability, and sexuality can ultimately never be completed. An on-going process of performing nation through a series of encounters, outcomes, and collaborations suggests that nationscapes are constantly in the process of becoming through both development and resistance. From positioning contested Indigenous motherhood as a site of radical transformation (rather than as passive victims in the dispossession of their culture, land, and perhaps most tragically, their children) and destabilizing the white feminist savior complexes by drawing attention to their active construction of 'the colonial' challenge a singleness of nation as a space of agency or subjugation. Similarly, the collusion of race/ability alongside contested sexualities highlights the relevance of intersectional identity theory and critical geographies to re-read-

ing the physical, textual, and mapped colonial mythscape. With entrenched legacies of domestic violence, incarceration, colonial ethnocide, and the Stolen Generation (by oppressors who are frequently constructed as political and moral agents of "welfare" and "saving"), (re)positioning hybridity and alternative place-making is at the heart of this gendered, racialized, ableist, and sexualized critique of nation-making as the project of masculine, white, able-bodied, heterosexual patriarchs and invisible, voiceless victims (Jacobs, 2005).

Caught between an imperialist past and an imagined post-colonial future, while whiteness has been problematically employed through multicultural discourses and capitalist structures, the new millennium has motioned crucial developments in decolonizing scholarship such as action research and community performance (Aanerud, 2007; Puwar, 2004, p.131; Shaw, 2000, p. 303). From rethinking the diverse meanings of nation and kinship ties to re-framing history curricula, renewed commitments to social justice and advocacy continue to explore new opportunities for inclusive and pluralistic place-making of bordered agency and resistance (Cunneen, 2006, p. 337; Curthoys, p.127; Langton, 2008, p.23)

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Dependence, Disgust and Desire: Indigenous Women and Settler Identity in 19th Century Victoria, British Columbia

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This paper examines the relations between Indigenous women and settler men in the mid to late 19th century in what is now known as Victoria, British Columbia. Examining the unique conditions of the area of that time, specifically the large influx of settler men accompanied by very few settler women, I will discuss the simultaneous and intersecting conquest of bodies and land. Drawing upon the ongoing discursive tendency to associate Indigenous women with nature, this paper argues that settler men attempted to use Indigenous women as a ‘natural resource’, mined in order to reaffirm their masculinity and heteronormativity in a foreign and threatening landscape. Concurrently, Lekwungen women resisted spatial practices of domination.

Introduction

In colonial discourses, Indigenous women’s bodies have frequently been conflated with land, nature, and wilderness (Mackey, 2000). Concurrently, nature is feminized (Thorpe, 2012). The colonial conquest of land in North America has also been a sexual conquest of Indigenous women’s bodies. This paper explores the dynamics between male settlers and Indigenous women in Victoria, BC in the mid to late 19th century. This was a time and place where a significant number of white men were settling with very few white women accompanying them (Perry, 2001). While these men furthered the westward expansion of the Canadian colonial project, they developed unique relationships between each other and with Indigenous women. I argue that in a space with very few settler women, Indigenous women’s bodies were treated as a resource for settler men to reaffirm their masculinity and heteronormativity.

I will begin by giving context to the place and time period I am discussing in this paper, which will include a brief historical background of colonial settlement in Victoria, BC. Then, I will discuss the prevailing attitudes towards In-

Indigenous women in that period and region and link them to broader ideas conflating Indigenous women’s bodies with nature. Next, I will explore how the specific conditions in this geographical moment defined relationships between Indigenous women and settler men. I argue that these relationships were characterized by a treatment of Indigenous women’s bodies as natural resources to be used by settler men. Finally, I will explain how this bodily resource was mined by settler men to assert their threatened masculinity and in turn fit into a national colonial identity.

I write this paper as a white settler woman who was raised on Lekwungen and Songhees territory (Victoria, BC). My acknowledgment of positionality is not meant to be taken as a token, but instead considered as Corntassel, Dhamoon and Snelgrove (2014) describe self-location: “a political practice that, while susceptible to performativity, ultimately reveals how each of us is coming to the paper differently and differentially” (p. 4). I position myself in order to point out my limitations in writing on this subject, and furthermore, the bias and privilege from which I approach my work. Learning about my positioning has also increased my awareness of the tendency of settlers, particularly white settlers,

to reproduce the victimizing, essentialist discourse which they attempt to critique. As I will discuss throughout my paper, it is essential to consider the nuances of agency and oppression in any conversation of colonialism. My research is admittedly not selfless; it is part of a process in which I am learning to understand my position and privilege as a settler and what it means to have grown up on stolen Lekwungen territory. However, I also attempt to illuminate racist and imperialist historical discourses which continue to inform state-Indigenous relationships across Turtle Island.

Indigenous Women and Nature

A major component of building a national identity in Canada was asserting the superiority of white settlers over Indigenous people. One way this was done was by associating Indigenous people with nature, framing them as wild and uncivilized (Mackey, 2000). Historically, women have also been constructed as closer to nature, considered to be more in tune with natural rhythms through menses and childbirth (I acknowledge that this discourse is essentializing towards gender and therefore problematic, although being pervasive) (Mackey, 2000). Indigenous women — racialized, and gendered through colonial discourses — were not considered by settlers to be distinct from nature, but a part of it. European colonists saw nature and civilization (and therefore, the civilized) as distinct. Conflating Indigenous women with nature gave them a status of an inferior Other, and subjectified Indigenous women as being ‘knowable’ by the settler. While Indigenous women’s bodies were conflated with nature, European colonists also gendered the land as feminine (Thorpe, 2012). New, unexplored lands were often represented in European paintings as young women. Describing Theodor Galle’s 1570 engraving America (see Figure 1), depicting Vespucci’s discovery of America, Montrose (1991) writes:

“here a naked woman, crowned with feathers, upraises herself from her hammock to meet the gaze [of Vespucci] ... Standing with his feet

firmly planted upon the ground, Vespucci observes the personified and feminized space that will bear his name” (p. 3).

While this image is rich with material for further analysis (as Montrose has provided), I call upon it to demonstrate that the feminization of land was firmly rooted in the European consciousness long before the colonial period I am investigating. It is explicitly clear that the construction of the land not only as feminine, but also as open, empty, and penetrable was essential to justifying conquest and colonial expansion.

Historical Context

Before the arrival of European settlers, the area we now refer to as Victoria was inhabited by the Lekwungen people (it is important to note that Lekwungen people, as well as Indigenous people from other territories, continue to live and resist settler colonialism in this territory today). Victoria sits at the southern tip of Vancouver Island. Fort Victoria, a fur-trading outpost of the Hudson Bay Company, was established on Lekwungen territory in 1843 (Duff, 1969; Edmonds, 2010). European settlement of Victoria progressed slowly (Edmonds, 2010; Perry, 2001). For many years, the Indigenous population of the territory outnumbered the settlers. Finding accurate population numbers of the Lekwungen pre-settlement is difficult. James Douglas, governor of the Colony of Vancouver Island, conducted a census in 1850 estimating 700 Lekwungen people (Lutz, 2008; Duff 1969). This census, however, was conducted shortly after a measles and influenza outbreak in 1848 which killed much of the Indigenous population. Lutz (2008) estimates the Lekwungen population pre-epidemic to be roughly 1600. Ten years after the establishment of Fort Victoria, the settler population of the area was 435 (Edmonds, 2010).

Vancouver Island was officially established as a Crown Colony in 1849. James Douglas, who was an agent of the Hudson’s Bay Company and then appointed Governor of the new colony in 1851 (Duff, 1969), went about the business of

extinguishing Aboriginal title. Over the next few years, Douglas negotiated 14 treaties around Vancouver Island, including the creation of Lekwungen Indian reserve (Edmonds, 2010). As Edmonds (2010) argues, the Douglas treaties signified the division of Indigenous space, which was considered chaotic, dirty, and deviant, and white space, which was considered orderly, clean, and civilized. The city was civilization, and the reserve was wilderness. The vast majority of settlers on Vancouver Island, and BC at large, were male. Douglas' 1855 census showed almost twice as many settler men on the island as settler women (Perry, 2001).

Settler Perceptions of Indigenous Women in Victoria

Early Victoria was no exception from the persistent associations of Indigenous women and nature. Indigenous women were most frequently represented through bodily descriptors. An example of settler accounts of Indigenous women's bodies shows up in a poem printed in the Weekly Victoria Gazette in April, 1859.

Excerpt from Lines to a Klootchman [Aboriginal woman]

*Thy feet were bare, and slightly inward turn'd
Thy slender waist and swelling limbs did bind
A mild but fishy odor round thee clung,
As though dried salmon thou hadst been among*

...

*But though smellest strong of salmon dry,
Though innocent of soap thy hands appear,
Although thy toes turn inwards with a curl,
And though thy skull is smash'd from front to rear;
Though nameless animals thy hair infest,
Still do I love thee of all maidens best.*

(Perry, 2001, p. 51)

I quote this poem extensively to show the way it makes corporeal connections between Indigenous women and nature. The Indigenous woman is described as dirty, barefoot, lousy, and stinky. Her smell is derived from working with fish. Despite being written as a love poem, it feels

satirical as the verses conjure an animal-like image. The poem exclusively focuses on the woman's bodily nature, particularly the aspects the author would consider unusual or grotesque. The woman is described both as an object of lust and an object of disgust.

An 1868 photograph of four Songhees (Lekwungen) people by J.C. Eastcott exemplifies the settler male's fascination with the Indigenous woman's body (see Figure 2). The woman is in the centre of the photo, but her face is blurry. The clearer focus on her exposed breast may indicate the true focus of attention. The eye is drawn to the woman's exposed breast, on which a baby is nursing. Undoubtedly this type of public bodily exposure would have been shocking to the white male settler. These representations give examples of the way Indigenous women's bodies were treated as less-than-human, described in terms closer to animals. Qualities of nature, like wild, untamable, out of control (or in need of control), dirty, and animalistic were read onto their bodies. These qualities were specifically tied to Indigenous women's sexuality, and can be linked to the trope of the 'squaw', a lustful, debased, and sexually promiscuous Indigenous woman.

European colonizers were simultaneously fascinated and threatened by Indigenous women (Barman, 1997). Their very bodies signified the opposite to an "ideal of purity and sexual innocence" (Barman, 1997, p. 239) which formed the Victorian model of respectable female sexuality. Barman writes that "in British Columbia, gender, power, and race came together in a manner that made it possible for men in power to condemn Aboriginal sexuality and at the same time, if they so chose, to use for their own gratification the very women they had turned into sexual objects" (1997, p. 240). Barman (1997), argues that because mid 19th century thinking considered female sexual autonomy as deviant, Indigenous women's agency over their sexuality was considered wild and in need of control. One of the ways this played out specifically in Victoria was through sex trade. Indigenous women in Victoria were often generalized as all participating in



Figure 1. America, ca. 1580. Engraving by Theodor Galle after a drawing by Jan van der Straet (ca. 1575) (Montrose, 1991, p.2)

sex work in colonial newspapers and documents (Edmonds, 2010; Barman, 2005). The sex trade in Victoria can be both seen as an Indigenous disruption of colonial space and as a space where settler men could exercise their dominance over Indigenous women. Placing this history into a binary of violator and victim is an oversimplification which strips Indigenous women of their agency, although it is important not to distract from the violence inflicted on Indigenous women's bodies in this space.

Disrupting Colonial Spaces

While many of the Lekwungen were banished from colonial space through the establishment of the reserve in the Douglas Treaty, Indigenous women remained present in the city. In response to the introduction of Euro-American capitalism, working in the sex trade could be considered both a survival mechanism and also an action of resistance. While the women were engaged in many activities other than sex work, their blatant presence in an exclusionary space

inevitably pruned their identities down to 'prostitute' and nothing else (Barman, 2005). There were, however, spaces where sex work was explicit. "Squaw-dancing houses" were bars where Indigenous women would work, often in the sex trade (Edmonds, 2010). These spaces of deviance within the colonial city were seen as dirty and depraved, as were the women who worked within them.

While the presence of Indigenous women in the city was generally considered a social ill, not everyone wanted them exiled. Indigenous women's bodies, despite their deviance, had use to the predominantly male settler population. An editorial in *The British Colonist* from June 2, 1862 illustrates this tension (see Figure 3). "Prostitution recognized by government", the headline reads. The piece describes police legislations to evacuate the city of all Indigenous residents with the exception of Indigenous women who are employed by white men. A permit, which may be obtained by Indigenous sex workers, protects



Figure 2. Songish [Songhees] Group V. I. Photograph by J.C .Eastcott, 1868.

them from removal from the city. The author is outraged by the injustice of this proposed policy, and sees no reason why “honest and well disposed Indians, who have been vaccinated and were employed in town as servants” should be forced to leave (*The British Colonist*, 1862). To the author, Indigenous sex workers represents the opposite: wild, dishonest, dirty, and disease-ridden. Furthermore, because the women are not employed as servants, but are perceived to be asserting their sexual agency, they represent a threat to the order of the city this author values. Despite his opinion, the policy-makers made a different choice, allowing Indigenous sex-workers to remain in the city with a permit. In a sense, the presence of Indigenous women within the city was perceived as the wilderness of the reserve within the order of colonial space.

Settler Identity Building

A strong tension was present in the settler psyche in 19th century Victoria: repulsion to Indigenous women’s bodies, and simultaneous desire for them, even perhaps dependence on them to buttress fragile masculinities. Settler men were going through a process of identity building in a strange new environment. Familiar family structures were often impossible in the new city, due to the lack of available settler women. Perry (2001) argues that “the society that developed in colonial British Columbia was one that substantially departed from Victorian social norms and ideals” (p. 17). Group male households were common (Perry, 2001). Men were required to learn domestic skills normally left to their mothers and wives. Perry (2001) writes that there was not always a distinct line between homosocial and homosexual behaviours. Although accounts of homosexuality in this time and place are not common, they were treated as criminal when exposed. One well-known case of reported homosexuality in Victoria was John Butts. Butts was charged for homosexual acts in 1860, and was publicly ridiculed for his actions (Perry, 2001). Butts’ case shows that this was a time and place where the suspicion of homosexuality was unacceptable. A fear of being perceived as homosexual, and therefore both deviant and feminine, informed the behaviours of male settlers in Victoria. On a larger scale, it was important that the colony not be viewed as queer. Although relations with Indigenous women was not the behaviour of the ideal settler, it was certainly more acceptable than homosexuality. Settlers in Victoria were engaging in some forms deviant sexualities to avoid being labelled with others.

Virility, heteronormativity, and masculinity characterized the developing Canadian settler identity. One way men in Victoria could assert this was through the conquest of nature. Penetrating lands to obtain natural resources, such as in the Gold Rush, was the rough and tough work of strong settler men. As I have shown in this paper, another way of men asserting their dominance over the landscape, was through the sex-

ual conquest of Indigenous women. Indigenous women's bodies were treated quite literally as natural resources to be mined of their services, a service which in turn reaffirmed the heteronormativity of the white settler male. Therefore, while the Indigenous sex worker was considered by many colonizers of the time as a plague to the growing colony, the men of the colony (who represented the majority) also depended on the women's bodies and services.

Complicating Links Between Resource Exploitation and Exploitation of Indigenous Women's Bodies

Colonial logic tells us that Indigenous people, particularly women, were part of the landscape in the early colonial period, and could be eliminated or used by the the colonizer. Critiquing this conflation, and the resulting exploitation of Indigenous women, is a key purpose of this paper. However, we must be careful not to assume that natural resource exploitation and the exploitation of Indigenous women's bodies are simply equivalent, and that sex work is the process through which this happens. As a response to the continual sexual stereotyping of Indigenous women, particularly the idea that all Indigenous women participate in the sex trade, there has been a tendency to identify sex work as inherently exploitative, to make an assumption that all sex workers are victims. This narrative of sex work fails to acknowledge that the Indigenous sex worker's agency — although it may be muddled in the context of settler colonialism — must be considered inherently valid. Hunt (2013) asks “has Indigenous women's refusal of these sexual stereotypes resulted in simultaneously distancing ourselves from women who are working in the sex trade?” (p. 87). This reactionary position results in a discursive erasure of Indigenous women's agency, and can be seen in abolitionist and prohibitionist positions in regard to sex work.¹ An analysis that takes

¹Abolitionist and prohibitionist are different approaches towards regulating and/or eliminating the sex trade. I argue that both of these stances result in erasure of sex workers agency, however an extended discussion of this

into account both the colonial exploitation of Indigenous women's bodies and Indigenous sex workers agency and practices of resistance is essential.

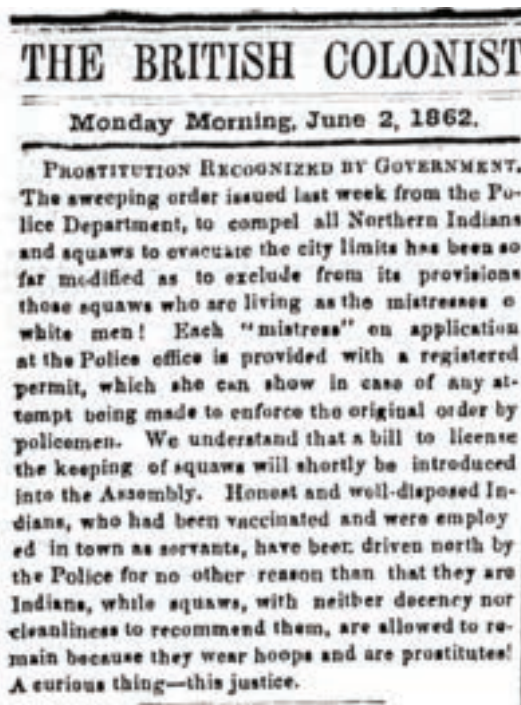


Figure 3. The British Colonist. “Prostitution recognized by government”. June 2, 1862

Anti-prostitution laws were written into the Indian Act of 1876 (Sayers, 2013a). The Indian Act, a piece of legislation which is still in use today, is rooted in imperialist ideology; it's original goals to assimilate or eliminate Indigenous people. Since 1876, the Indian Act has been amended many times, including the removal of sex work legislation, which was incorporated into the Criminal Code of Canada in 1892 (Sayers, 2013a). Sayers argues that because it is not widely known that anti-prostitution laws were originally part of the Indian Act, there is a tendency to ignore the links between anti-prostitution laws and colonialism. The North West Mounted Police (NWMP), established in 1873, and functioning now as the Royal Canadian Mounted Po- is beyond the scope of this paper. See Hunt, 2013 or the work of Naomi Sayers which can be found at <https://kwetoday.com/>

lice (RCMP), was (and is) one method through which Indian Act policies were enforced (Sayers, 2013b). Sayers (2013b) argues that the creation of police agencies is closely tied to the transition to industrial capitalism, as maintaining control over the Indigenous population was essential to economic growth. Sayers (2013b) writes “an effective and essential way to exploit Indigenous lands is to control the movement of Indigenous bodies on the land” (para. 19). As I have described throughout this essay, Indigenous women were considered by settlers as highly sexual, promiscuous, and often constructed as prostitutes even when not participating in the sex trade.² In turn, Indigenous women’s movement became highly regulated and controlled. Historical examples of this spatial control can be seen earlier in this paper, such as the regulations of dance-houses and requirement of permits for Indigenous sex trade workers. Anti-prostitution legislation in the Indian Act was applied to all Indigenous women, therefore when this legislation was transferred to the Criminal Code of Canada, Indigenous women were widely criminalized (Sayers, 2013b).

Indigenous bodies are moved out of the way in order for settlers to exploit the land in which they inhabit. Guised under the appearance of protecting Indigenous women (typical to colonial heteropatriarchalism³ in Canada), sex work and sex trafficking policies in Canada further control and disenfranchise Indigenous women. As Sayers (2013) writes “this lack of concern over exploitation of Indigenous lands, and policing of Indigenous women’s bodies is disheartening” (para. 6). In Canada’s paltry attempts to mediate

² See Hunt, 2013 for a discussion of this specifically in relation to sex work.

³ Arvin, Morill, and Tuck (2013) define heteropatriarchalism as “the presumption that heteropatriarchal nuclear-domestic arrangements, in which the father is both center and leader/boss, should serve as the model for social arrangements of the state and its institutions” (p.13). In this context, I am using the term to refer to the way the state acts as a (heterosexual) father of its subjects, particularly through infantilizing Indigenous people as wards of the state.

violence against Indigenous women, they fail to address the dispossession of land and resource exploitation that has led to these conditions.

Conclusion

The sexual conquest of Indigenous women’s bodies is not a unique story to early colonial Victoria. This practice has been common and still exists in colonial projects around the world. However, it is useful to examine the particular conditions of Victoria in the late 19th century to interrogate how sexual conquest served a greater purpose, one of helping the members of an outlying colony to participate in national identity building. In a sense, the deviance of the colony was remedied by the participation in further acts of deviance. The attitudes developed in colonial nation-building form the basis for Indigenous-state relations today. We can see this echoed in the current violence inflicted on Indigenous women. Looking at spatial practices of bodily domination of the past helps us to understand the current challenges faced by Indigenous women today, as well as the spatial resistances being practiced by Indigenous people both in Lekwungen territory, and across Turtle Island.

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Water Resource Management in England and Wales

Francesca Hannan

In 1989, the assets of each of the regional authorities responsible for water treatment, provision, and sewerage in England and Wales were transferred to limited companies floated on the London Stock Exchange. To this date, this is the only fully privatized water sector in the world. This paper explains how the nature of water resource management requires that even under this privatized model, government has a constant hand in the sector. This is required to ensure that privatization actually brings about the results it was meant to achieve; careful regulation aims to ensure that water suppliers do not charge unjustly high prices, that they meet environmental standards and that investment is directed into infrastructure maintenance and service improvements. The success of this regulation has been mixed. The private-public nexus is also assessed in light of its ability to meet future challenges facing the water sector, such as rising demand and climate change.

Introduction

Water resource management is a highly complex endeavour. As the world has modernized growing populations, urbanization, industrialization, and the intensification of agriculture have coalesced to place pressure on existing supply and treatment systems, creating the need for new infrastructure. In an era of fiscal austerity among governments, the result has been that the private sector has taken the opportunity to enter the water supply and sewerage business. Around the world, water services in many countries are becoming a public-private nexus as governments turn to private companies to finance investment in constructing or maintaining their systems.

The consummate example of this trend is found in the United Kingdom. Previously, water supply and sewerage in England and Wales were undertaken by Regional Water Authorities, watershed-level public bodies with national coordination. In 1989, the assets of each of the regional authorities were transferred to limited companies, floated on the London Stock Exchange. Since then, these companies have operated as regulated monopolies that are allowed to make a profit from selling water to households. This

paper will explain and assess how the privatized system is operating in England and Wales (usually referred to as “the UK” for simplicity, although it should be noted that Scotland and Northern Ireland are excluded from the discussion).

After a brief explanation of the British government’s reason for privatizing its water service, the next section will relate the structure and results of the regulatory regime that is required to ensure that the private water companies meet public objectives. The bulk of this discussion will focus on economic regulation, the most complex and contested feature of the privatized sector. Next, the role and performance of the private water companies will be discussed in the context of sustainable development of the UK’s water resources in the coming decades. Throughout, it will be evident that the government has not abnegated responsibility for the water service, but must remain heavily involved to oversee the functioning of the privatized industry.

Reasons for Privatization

By the late twentieth century, the UK water service faced a crisis of under-investment. National coordination of water provision had only

begun after 1945, at which point over 1000 bodies were involved in providing water, and 1400 in sewerage. These small bodies had done little to upgrade the already aging infrastructure. As population boomed throughout the century, the government struggled to finance more supply and sewerage to meet rising demand (Ofwat and Defra, 2010). With mismanaged increases in both abstraction and wastewater discharge, the quality of drinking water and of water sources suffered. In 1985 it was found that the total length of deteriorating rivers in the UK exceeded that of rivers that were improving. Meanwhile, the UK had joined the European Community, subjecting itself to stringent environmental standards. Failure to meet these standards was made known publicly, just when the environmental movement was taking hold and people were generally more aware of pollution and its consequences (Kinnersley, 1992). There was a strong demand for change.

The government was aware that addressing these problems would require expensive investment. Water authorities were already in debt, and tax increases were deemed undesirable by the administration at the time under Prime Minister Margaret Thatcher (Ofwat and Defra, 2010). Indeed, during this period the British government was implementing a suite of privatizations of formerly public enterprises, such as telecommunications, electricity and gas. The government's rationale for these privatizations was sparing taxpayers from financing a traditionally loss-making industry and, through the profit motive, ensuring that investment from the private capital markets would be leveraged to fund ongoing upgrades (King, 1987). A similar course was chosen for the water sector.

The Need for Regulation and Its Results So Far

However, water supply and sewerage are in no way services that can be offered more efficiently in a free market context without government intervention. Rather, the industry is a natural monopoly—the sheer size of the operation means that only one firm can operate prof-

itably in a given region. The beneficial results of market competition, the achievement of low costs and encouragement of innovation, are therefore absent. So, market forces must be simulated through economic regulation (Bakker, 2001). Hence, a regulatory authority, the Office of Water Services (Ofwat), was created at privatization to control the prices charged by the water companies. There was also insistence from civil society that public health and environmental protection required independent oversight from entities not exposed to the profit motive (Cook, 1998). Two other regulatory agencies were thus created: The National Rivers Authority (NRA) to see that environmental standards were met, and the Drinking Water Inspectorate (DWI) to ensure proper water treatment.

Environmental and Quality Regulation

The DWI undertakes the testing of water to ensure that UK, EU, and WHO standards are met, and addresses any quality problems that arise, levying a cost on companies for its inspections. The NRA was given a broader range of duties, including: protecting the quality of coastal waters, estuaries, inland waters and aquifers, flood control, and conservation of water resources through abstraction licensing. The 1995 Environment Act transferred all of the NRA's duties to a new public body, the Environment Agency (EA). The EA operates at arm's length from government and holds all responsibilities related to environmental protection and enhancement, with an explicit mandate of promoting sustainable development (Cook, 1998). So, compared to the prior regime in which the Regional Water Authorities were the "environmental guardians" (Heather and Bridgeman, 2006, p. 128), water and environmental quality regulation are now standardized throughout the industry, in line with national objectives, and are performed by specialized bodies with devoted resources and expertise. These authorities explicitly hold the private companies responsible for achieving public interest objectives. This more exogenous form of regulation allows increased stringency in environmental management. Accountability

through standards creates points of impermissibility, so that companies are compelled to do what is necessary to avoid harm. The regulatory agencies determine how standards can be met and direct the companies to adopt the proper practices. Such requirements are taken for granted in price setting, so that companies are not discouraged from compliance by cost-saving considerations, as truly competitive firms might be. Resultantly, the pollution problems that prevented standards from being met at the time of privatization have largely been resolved. Ofwat and Defra (2010) report that compliance with drinking water and sanitary sewage treatment standards has risen to over 99 percent. Further, there has been a reduction in pollution incidents, and between 1990 and 2003 there was a marked increase in the total length of rivers with “good” or “very good” chemical and biological quality (p. 77-82).

Notably, the first wave of environmental upgrading has addressed discrete pollution problems, and it will be seen that further evolution of the management regime is a required component of the water industry’s sustainable development. That aside, privatization has so far not prevented environmental and quality objectives from being achieved, as public bodies were put in place to maintain control over source and drinking water quality.

Pricing and Profits

Economic regulation of the water companies is far more complex than environmental or quality regulation. Instead of the singular goal of meeting science-based standards, there are multiple and sometimes competing objectives. It is desired that companies will achieve low costs, consumers will pay low prices, investors will make returns, and market forces will be simulated sufficiently to encourage creativity and innovation. Success since privatization has been variable, with achievement in the different areas occurring in different periods. This section will relate the major events in the evolution of industry structure and regulation, and the constant

engagement that has been required to balance public and private concerns.

Since increased capital investment was the motive of privatization, it was decided that Ofwat would undertake the form of price regulation known as RPI+K. Every five years, prices are capped at some amount “K” over and above the Retail Price Index, the prevailing rate of inflation. The “K factor” is meant to provide any extra income needed by companies to maintain and upgrade their physical capital, the water supply, sewerage and treatment infrastructure. “K” is set for each company after Ofwat considers operating costs, required capital investment, taxes and returns to investors (Ofwat and Defra, 2010). This last component is called the “Weighted Average Cost of Capital” (WACC). It is constructed through an estimation of the interest which must be paid on debt, and the dividends paid to shareholders, in order for the company to continue attracting investors. These costs are averaged according to the companies’ relative proportions of debt and equity financing (Turner, 2013).

The price setting process also considers efficiency, the ratio of companies’ output to their expenditure on both capital and operating costs. Ofwat assumes an average level of efficiency for the industry in setting the price caps. Therefore, particularly inefficient firms make lower revenues than others and are incentivized to find ways to cut costs. Since 1999, companies have had the right to retain gains from operating particularly efficiently for five years before passing the benefit to customers through lower prices (Ofwat and Defra, 2010). This “yardstick” (Winward, 1989, p. 512) regulation is a government-constructed form of competition necessary for encouraging the companies to achieve the social goal of making water available at the lowest cost possible.

Price setting is not a perfect science, however, and this goal is not easily achieved. Although Ofwat’s decisions are based on rigorous analysis of the data and business plans that must be

submitted by the companies, it always involves estimation and therefore a degree of discretion. At privatization, Ofwat's prime directive was ensuring the companies' successful flotation on the stock market and instigating the wave of investment needed to address the pressing infrastructural and environmental crises. Thus, as might have been expected¹, price caps were generous throughout the 1990s. Resultantly, "water poverty" became an increasingly visible problem, as described by Karen Bakker (2001): Low-income families spent an increasing proportion of their budgets on water. Many customers owed debt to companies or faced disconnection of their water service. The Conservative government, wanting privatization to appear successful, attempted to assist water-poor families through the income support system. Ofwat was thus encouraged to keep focusing on companies' interests in its price reviews. Public discontent burgeoned, to the point that the Labour Party campaigned in the 1997 election on a platform of reform in water industry regulation. Upon its victory, the new government held a summit where the companies and regulators collaborated on a plan to achieve lower prices.

The decennial of privatization in 1999 thus brought many changes to the industry. The government passed the Water Industry Act 1999, which included the provisions that consumers could no longer be disconnected for missing payments and that Ofwat would be responsible for approving companies' charging schemes. As well, the 1999 price review reduced price caps (Ofwat and Defra, 2010). To bring about lower costs, the regulator assumed 55% debt financing in the WACC estimation. This was much higher than the companies' actual level of debt, making the WACC an underestimate since debt securities are lower risk financial instruments that

¹ "The short-term gains from ensuring that the flotation is successful will weigh more heavily than longer-term advantages of rigorous regulation. The immediately post-privatization regime is therefore likely to be less beneficial to consumers than would be optimal, or indeed than might be expected under continued public ownership" (Winward, 1989, p. 512)

require lower returns to be paid to investors in comparison with stocks. In response, companies indeed took on more debt, lowering capital costs (Turner, 2013). The efficiency incentive allowing companies to retain their saved costs was also put in place with this price review. The net result was that, according to a later review, in the post-1999 period companies achieved improvements in "pure technical efficiency" (Cave, 2009, p. 106). That is, rather than merely reducing costs through the substitution of more capital input—machination and infrastructure—for labour, companies truly approached the lowest possible cost for their output by lowering total input and avoiding leakage or other forms of waste. So, a shift in the priorities of the regulator altered the performance of the privatized industry.

Importantly, it was expected that companies would not increase their debt financing much beyond the 55% assumed by Ofwat in 1999 (Turner, 2013). To explain, firms must maintain some equity financing since it allows flexibility; dividends unlike loan interest can be withheld for a period if there is an unexpected need for extra income. With more debt, however, attracting shareholders to maintain this equity buffer becomes increasingly expensive. This is because large debts make a firm a riskier investment for shareholders, who in the event of bankruptcy will only be paid after bondholders, if funds remain. In theory, companies should settle on an optimal balance of debt and equity financing. In the water industry, though, a trend began of companies being acquired by private equity funds (Tinson and Kenway, 2013)—investment funds which purchase companies, taking their shares off of the stock market so that full control of the enterprise rests with the fund managers. A private equity-owned firm has a high risk appetite because it does not need to attract shareholders in the public stock market. So, as might be expected, water companies began taking on high levels of debt. As of 2013 the average debt ratio in the industry was 70% (Turner, 2013).

With excessive debt financing, companies' credit ratings have dropped (Turner, 2013), and thus their debt itself has become more expensive to finance. This has meant that in the reviews following 1999, prices once again had to rise to allow companies sufficient revenue. It has been difficult for Ofwat to encourage efficiency because the now financially inflexible companies have less ability to withstand price cuts, which constitute negative income shocks. Exacerbating the problem, independent economic reviews have suggested that Ofwat has consistently overestimated the albeit rising WACC (Turner, 2013). As a result, companies have been able to reap extra profits despite the increasing cost of their debt. Troublingly, the proportion of these profits retained for reinvestment has been very low, as a result of the private equity firms paying high dividends to shareholders (Tinson and Kenway, 2013; see Figure 1). Therefore, rising prices in recent years have disproportionately benefitted investors rather than funding service improvements for customers.

Again as in the 1990s, public reaction to the price increases has brought about necessary change. One major source of discontent was opposition to Thames Water's request for government funding for a major sewer project in London—the Thames Tideway Tunnel, approved in 2014 after much controversy (BBC, 12 September 2014). Since the purpose of privatization had been to fund major infrastructural projects through private investment rather than taxpayer money, the fact that Thames Water had lost the ability to do so signaled a major failure of the regulatory regime (Turner, 2103). So, the same year brought reform. The 2014 price review included the establishment of Customer Challenge Groups, independent groups of local stakeholders from each region with the right to review and challenge their respective water companies' business plans. Further, price caps were reduced for the first time since 1999 as Ofwat adjusted the estimated WACC downward, although an economic consultant commissioned by the Consumer Council for Water argued that the cost of

equity assumed by Ofwat was still a slight overestimate (Consumer Council for Water, 2015).

Overall, it can be seen that as continued financing of the water service depends on the drive to generate profits, firms tend to default toward an industry structure requiring constant price increases. This is only averted when public discontent forces the regulator to prioritize accountability to consumers. This brings to light a problem identified by Manchester University's Duncan Thomas in a submission to the All Party Parliamentary Water Group in 2008, namely that regulation is reactive rather than proactive. The focus is financing activities over five year periods and occasionally addressing consumer unrest. As a result, Ofwat has failed to prioritize the innovation that should result from true market forces. In 2009, the government commissioned an independent review of competition and innovation in the water industry by regulatory economist Martin Cave, which found that water companies' spending on research and development was below the international average and was declining further. Both Cave and Thomas found that innovation in the industry is incremental, responding to present requirements, while breakthrough operational efficiency improvements are needed in order to meet future challenges. Cave suggested that company financing should be de-risked to allow more research funding. That is, since funding innovation is itself risky, companies should reduce their debt and maintain larger equity buffers.

In addition to this necessary move, achieving higher retention of profits for reinvestment also requires some control of the magnitude of dividend payments. In fact, the financial insolvency of the company responsible for Wales' water supply was resolved by its being transferred a not-for-profit company with no share capital, owned and controlled by a local board (Thomas, 2001). This may not be the direction chosen for all water firms, but stands as evidence that the for-profit model can become untenable when company financing is mismanaged in the pursuit of high dividends. Ofwat will likely be pressed to

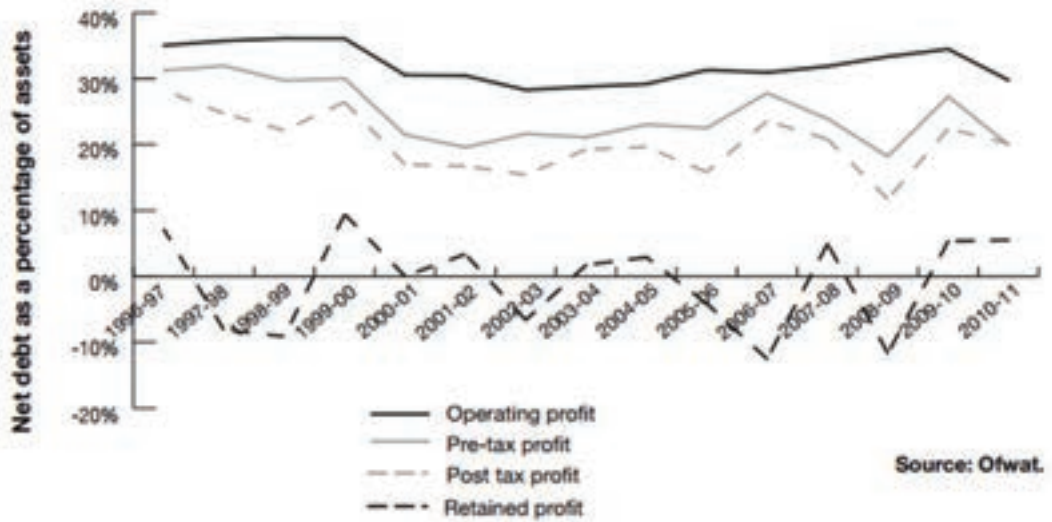


Figure 1. Water Industry profit as a percentage of turnover, 1996-97 to 2010-11

examine the appropriateness of the other companies' current structures, in the face of a slew of threats to the water service's sustainability.

Sustainability

While the modernization that was needed at the time of privatization has been achieved, continued population growth and a changing environment cast new doubt on the water industry's ongoing serviceability. Explaining that climate change is likely to result in less overall rainfall and more intense precipitation events, as well as increased evaporation, the government's Department of Food, Environment and Rural Affairs (Defra) identifies several new realities requiring adaptation: reduced levels in reservoirs and rivers, reduced river flow, reduced aquifer recharge, flooding and drought (2011). The Environment Agency already classifies nine water company areas as water stressed, meaning that demand for water is a high proportion of available rainfall in the area (National Audit Office, 2014).

In the face of these challenges, the regulators are calling for an emphasis on demand management. Defra's white paper (2011) on water management calls for companies to set out measures

to bring about reduced demand in the management plans they submit to Ofwat. As such, onus is now being placed on water companies to be not only suppliers but service companies that provide efficiency-increasing solutions. As well, the abstraction licensing regime which had been in place since the 1960s is being reformed, with the goal of "making the most" of water and preventing over-abstraction (Defra, 2013). Finally, Defra (2011) also states that innovative water recycling technologies are needed to further reduce the pressure on existing sources.

In addition to availability problems, the intensity of predicted precipitation requires adaptation in drainage networks to mitigate erosion and pollution caused by stormwater runoff. A government review (Committee of Public Accounts, 2004) found that, in contrast to supply, there are no long term plans or requirements in place for the sewerage system. This is another area in which Defra (2011) is calling for increased proactivity and involvement by the water companies, requesting assistance with the necessary research and consulting with Ofwat on how financing issues may be addressed to enable companies to build new sustainable drainage systems.

Another threat to long-term sustainability is the deteriorating ecological quality of rivers. While it is true that environmental regulation succeeded in reversing the trend of degradation that existed at privatization, this was exclusively in terms of the chemistry of river water, which returned to a more natural condition as point-source pollution was greatly reduced. By today's European Union metrics, a river is classified as being in "good" state only if it passes tests not only of chemistry, but of flow and wildlife composition. Although most of these tests are individually passed, less than twenty percent of rivers pass all three (Harrabin, 26 March 2015). From this more holistic perspective, river quality is showing overall decline. Indeed, Defra (2011) reports that "only a quarter of [the UK's] water bodies are fully functioning ecosystems" (p. 3). One reason for this ecological degradation is unsustainable abstraction, contributing to the new focus on conservation of supply outlined above. The other significant factor is diffuse pollution from agricultural and urban runoff, which has been addressed to a far lesser extent than point-source pollution by the command-and-control regulatory regime. Since the EU requires all bodies of water to achieve "good" status by 2027 (National Audit Office, 2014), there is an identified need for the future of environmental regulation to lie in pollution prevention, which requires collaboration among all stakeholders at the catchment scale (Defra, 2011). This includes the regulator, farmers, urban and rural households, and importantly, the water companies.

It is clear that the expectations placed on water companies are changing. Adapting to climate change and achieving truly sustainable development requires transformation at every stage of water abstraction, supply, and drainage. This kind of wholesale change can likely only be achieved if the companies have an active role in research and innovation—exactly what has been identified as lacking—rather than continuing to be mere responders to regulation. Heather and Bridgeman (2006) argue that the companies may need to adopt an entirely new meth-

od of asset management, employing a complex "service-performance model" that takes future demand, regulation and environmental possibilities into account and determines where there is unacceptable risk of failure to meet future requirements. Compared to "like-for-like replacement" (p. 132) that merely upgrades physical assets in response to deterioration, this is a more dynamic, soft-path approach of targeted action to avoid problems before they arise and achieve sustainability improvements without being prodded by government. Were companies to make this their business model, the public-private nexus would involve less tension and more cooperation. What kind of restructuring this re-thinking will require or bring about remains to be seen.

Conclusion

The privatization of the UK's water service was the product of its particular context. At the same moment of history when it became clear that there was a need for an overhaul of the sector and a massive injection of funds, the prevailing political ethos was that it was best for government to unload as many services as possible to private enterprise. It is difficult to make a judgement as to whether privatization was the best or only response to the challenges that faced the UK in 1989 since we cannot conjecture how the government would have performed had it continued as the sole operator and financier of the water service. What can be said, however, is that the public sector did not truly disengage from water supply and sewerage. Rather, a complex public-private relationship now influences the management of the UK's water resources. That the move to privatization was successful in bringing England and Wales' water management into the twenty-first century without major crisis was as much the result of government policy as private sector resources; Ofwat's regulatory regime was designed to allow companies to raise significant capital for expenditure, while the DWI and EA held them accountable for improving environmental and water quality performance. Meanwhile, the availability and acces-

sibility of water has become subject to the whims of the financial markets, the ups and downs—too often the ups—of returns required by private investors. The government, under pressure from citizens, has been constantly and increasingly engaged in mitigating the social impacts of this arrangement. What has been demonstrated, then, is that any type of water system can only perform as required if stakeholders come together to oversee its evolution. Today, the next phase of evolution appears to require a new set of changes in the financing of the water service. The privatization experiment is therefore ongoing, but has not provided favourable precedent for those who would completely unload water from public responsibility.

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Mumbai's Water Supply: A Politics of Exclusion, Dispossession and Capital Accumulation

Vaibhavi Shinde

This paper reveals the interconnectedness between water supply and dispossession of slums in contemporary Mumbai. Despite copious monsoons, the municipality is unable to provide more than half its residents with water for basic hydration and sanitation. Although this water crisis is largely attributed to Mumbai's worn out pipelines that lose about a quarter of the water received through leakages, the State falsely blames growing number of slum dwellers for this constant shortage. Subsequently, wealthy inhabitants utilise their political contacts to divert increasing quantities of water towards themselves, while the city's slum dwellers are forced to resort to illegitimate means in order to gain access to this basic necessity. The demonization of these slum populations serves as a tool to deprive them of municipal water connections, which makes it simple to reclaim slum areas and dispossess informal settlers when the land occupied becomes lucrative to redevelop. However, the strategy to provoke the abandonment of slums is met with resistance by politicians, elites and slumlords that supply water at exorbitant rates and make enormous profits by enabling the survival of shanty towns. Paradoxically, these profits are invested in slum demolition projects, whose aim is to encourage global investment and help Mumbai achieve the world class city status. Thus, while city's slum populations are responsible for capital accumulation, the elites' need to expand this capital often leads to the dispossession of these settlers, which is justified by claiming that these populations are causing water shortage.

Introduction

Mumbai, India's financial capital and a significant centre of global financial flow is also characterised by its high population, of which more than half dwells in informal residences or slums that lack access to a regular water supply. While the city's population has quadrupled since 1968, and continues to grow rapidly, its infrastructural capacity has not developed adequately and has resulted in a scramble between inhabitants for the city's resources, particularly its water supply (Graham, Desai, McFarlane 2013: 119). Such scarcity is inevitable since water from the Bhatsa Dam and six major lakes in its vicinity is made accessible to inhabitants by means of a century and half old, worn out colonial network of pipes that are estimated to waste at least 25% through leakages (Anand

2011: 200). Although this shortage affects everyone, the slum dwelling populations are most vulnerable as the State deploys this paucity of water and its power to ration it as a tool to vacate ghettos and redevelop these areas as recreational parks or commercial zones. Since land and real estate prices are extremely high and investing in construction projects is extremely lucrative, informal settlements that occupy 5% of the city's land are perceived by the social and political elites as a limit to their capital and lavish lifestyles. Subsequently, rather than sympathising with people living in abject poverty, wealthy residents are incentivised to support the government's demolition of shanty settlements (Graham, et al 2013: 119). Through the polarisation of water supply in favor of wealthy residents and the interlinkage between land ownership and right to water, slum dwellers are dispossessed as

they do not conform to the elites' desired patterns of capital accumulation or their aspirations for transforming Mumbai into a world class city.

The disparity between the distribution of water between inhabitants is evidenced in the fact that the Brihan Mumbai Municipal Corporation (BMC), the civic body responsible for the administration of the city and its suburbs, provides formal residences with 145 liters of water per resident, while informal settlers are rationed with a third of that amount (Graham, et al 2013: 121). Also, the elites influence the water system through their economic power and political linkages to divert more water towards the burgeoning metropolitan areas (Anand 2011: 544). They request municipal councillors to pressure BMC employees to direct more water to a certain ward or provide connections to newly constructed structures. Consequently, not just the slum dwellers, but even the lower-middle class residents who live in suburbs and regions like Thane, just outside of the city, find water becoming increasingly scarce due to the urbanisation of its allocation (Gandy 2014: 132). The water crisis within Mumbai's slums is further exacerbated by their infrastructural inability to store the supplied water. While the wealthier classes have individual or shared storage tanks within their residential enclaves and corporate complexes, storage ability for slum dwellers is either nominal or non-existent altogether and they are most often forced to line up before communal taps and even then they might not receive water (Graham, et al 2013: 134). The inequality in water allocation is further highlighted by the fact that while millions of slum dwellers lack water for basic hydration and sanitation, the BMC has provided high quantities of water to bottled water companies, presided over the construction of multiple swimming pools and most significantly, sanctioned water theme parks in the vicinity of the city (Graham, et al 2013: 131). While these structures perpetuate the global image of the city, they also intensify the struggles of its slum residents, who are compelled to resort to heavily polluted and disease ridden water-bod-

ies such as Mahim Creek and Mithi River to mitigate their water crisis (Gandy 2014: 125).

In multiple facets, Mumbai's gentry that derived the control of the city's administration from British colonists in the 1850s further the process of urban fragmentation of the landscape started by their colonisers (Gandy 2014: 116). They focus their investments in infrastructure like roads, flyovers, skyways, airports, recreational complexes and so on, which benefit only the upper classes (Guha 2010: 205). Paradoxically, they hold people that live in abject conditions responsible for the poorness of the landscape, thus, naturalising their poverty and justifying their reluctance to invest in improvements of the urban condition of this vast underclass. The State participates in the demonization of slum dwellers by perpetually destructing networks of illegal pipes set up by them, confiscating water boosters and portraying such militaristic actions against the poor, as part of "save water" drives that will benefit the city's taxpayers (Graham, et al 2013: 126). The mainstream media plays a significant role in supporting such claims that characterize slums dwellers as encroachers, portraying them as antithetical to the moral, law abiding, and taxpaying population. Since there is no mention of how these populations have negligible or no formal access to water at all, their illegitimate actions become a tool to advocate the alienation of their claims to the city. A powerful revanchist logic is set in motion, where the middle class, elite consumers and corporate investors collectively believe that if they reclaim the city and its resources from these illegitimate users then Mumbai might attain civil order, with a high quality of life for its upper and middle classes and emerge as a world-class city (Graham, et al 2013: 125). This idea of reclamation is an exclusionary discourse as it assumes that the slum dwellers have no right to the city in the first place. Thus, the scramble for water becomes a targeted war against the urban poor, wherein the dehydration of these communities becomes crucial to discourage formation or force the abandonment of slums (Graham, et al

2013: 129). However, this strategy is resisted by multiple slum communities that mobilise their money, relationships with political leaders and most importantly their votes, to achieve unmet-tered connections that are complicity sanctioned by the BMC. In contrast, poor populations lacking such contacts rely on slumlords who literally puncture the water lines to make water available. While this enables slum dwellers to survive within their existing settlements, they are looted by politicians and slumlords that charge one hundred to two hundred times more than a legal connection (Graham, et al 2013: 135). The economic vulnerability of these populations is further worsened by legal crackdowns, wherein illegitimate water infrastructure is confiscated, as well as predatory rackets run by politicians who want to ensure they receive votes in exchange for providing water or slumlords who want to further drive up water prices.

The exclusion of marginalised populations from the water system, fits into the broader political maneuver of capturing slum spaces in lucrative locations, for the enjoyment of formal residents of the city as well as speculative urban development (Gandy 2014: 135). Since the mid-1990s, the Maharashtra State Government as well as the BMC have been dominated by Shiv Sena, a Hindu nationalist, Marathi-centered political party that has blamed migrants and Muslims settler populations as the primary reason for the unemployment of Maharashtrians (Graham, et al 2013: 122). By portraying these settlers as outsiders who are responsible for fostering social disarray within the city, it has been argued that the right to the city and its resources extends to only native religious populations, rather than national citizens (Gandy 2014: 132). No attention is brought to the fact most of these migrants do not voluntarily move to the city, but rather, are dispossessed farmers that have lost their lands in famines or due to encroachment by industries, thus, forcing them to work as wage workers (Guha 2010: 210). This regional party's attempt to eliminate migrants and secure the land they occupy can be seen in its linking of the formal

access to water to the geographical land tenure of the settlement (Graham, et al 2013: 129). According to one such policy, all slums formed after January 1995 are considered illegal and, therefore, 1.2 million or more slum dwellers living in post 1995 settlements have been completely excluded from the process of applying for water services (Anand 2011: 549). Amongst Mumbai's vast population of slum dwellers, the Muslims have suffered the most at the hands of Shiv Sena and its urban renewal tactics, evidenced in the fact that most water raids and slum demolitions conducted by BMC occur in predominantly Muslim settlement areas (Gandy 2014: 127). By perpetually raiding areas like Rafinagar, and demonising its inhabitants, this political party tries to impress on the public its beliefs of Muslims being imposters within the Hindu country of India (Graham, et al 2013: 122). Consequently, by diminishing the moral claim of these migrants and Muslims on the city's land and its services, the State leaves them at the mercy of its urban renewal reforms. A similar attempt to dispossess slum dwellers for land redevelopment can be seen in an influential and controversial report called Vision Mumbai published by McKinsey and Company, subsequently taken up by Maharashtra State Government, which states that the population of people living in slums must fall to 10-20 percent and delineates proposals to build low-income housing for only three hundred thousand people (Graham, et al 2013: 118). Considering that 9 million people currently live in slums, this document implies the Government plans to remove 8.7 million settlers from Mumbai, in order to pursue its vision of Mumbai as a world-class city. Accordingly, in the wake of this neo-Hausmannite agenda, there have been intensified efforts to eliminate slums that occupy commercially valuable real estate, through the denial of basic services such as water and electricity. Furthermore, since 2004, various forms of harassment such as threats, violence against persons and property have emerged and approximately rendered 350,000 poverty-stricken migrants homeless (Gandy 2014: 140).

Although the objective of achieving the world-class status is to make Mumbai investment friendly, acceptable to credit rating agencies and establish it as an irreplaceable commercial node in the Global South is seemingly positive, the persuasion of this credential has led to a disproportionate targeting of the urban poor (Guha 2010: 203). It has negatively impacted the cityscape that is now characterised by growing internal differentiation, with certain locales having extremely modern facilities, contrasted by slums lacking access to basic services such as water. All recent campaigns to globalise Mumbai have revolved around demolishing informal settlements by judging them as illegal, in order to bring these lands into the capitalist land market as their value appreciates (Gandy 2014: 139). In the meanwhile, slum dwellers are economically exploited by slumlords, political and municipal officials, who make incredible profits from slum rents and ensure that these populations remain dependent on their expensive, informal and inadequate provision of water and other basic amenities (Graham, et al 2013: 137). Paradoxically, these profits necessitate growth through reinvestment, which dispossesses the very slum residents that helped generated these funds. Thus, while informal settlers contribute to the process of capital accumulation that promotes the elites' dream of Mumbai as a global city, the latter's desire to expand this capital excludes these slum dwellers from this vision

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Neither Failed nor Sufficient: Success and Shortcomings in Multi-Cultural Policy-Writing in the Canadian Environmental Assessment Act

Anna Bianca Roach

This paper aims to assess the success of the section of the Canadian Environmental Assessment Act (CEAA) involving Indigenous rights in environmental impact assessment. First, it acknowledges and highlights the arguments of prior researchers who discuss the inability of the CEAA to resolve the inherent structural incompatibility between Western and Indigenous epistemologies. This paper argues that this crucial shortcoming by the legislation is less a sign of a policy failure than it is a demonstration that the struggle for Indigenous rights is still very much in its incipient stages. The rigidity of the process offered by the CEAA is due to the current necessity for complete transparency and regulated interaction for the purpose of trust building between Aboriginal communities and their governmental counterparts, as well as protecting Indigenous negative rights from federal and Western development. Overall, findings suggest that while the CEAA is far from providing our Aboriginal people with the land rights they are due, its shortcomings are less a failure in policy design and more a sign of how early along the Canadian federal government is in its recognition of Indigenous rights.

Introduction

The concept of Environmental Impact Assessment (EIA) is among the most widespread, popular and, arguably, successfully implemented attempts among the many approaches to the struggle for the rights of Indigenous people to inhabit, influence, and manage their own communities and land. The Canadian Environmental Assessment Act represents the most influential and authoritative body of legislation that seeks to incorporate EIA into environmental decision-making in Canada. At the heart of EIAs – and, indeed, of all environmental research when it involves and affects Aboriginal communities – lies the concept of traditional ecological knowledge (otherwise known as Aboriginal traditional knowledge, native science, or other analogous terms), and its epistemological and dialectic relations to Euro-Canadian science and governance.

This paper serves to discuss the Canadian Environmental Assessment Act and evaluate

the success of its goals towards Indigenous communities in Canada, specifically in regards to their access to platforms that may allow the integration of traditional ecological knowledge to policy-making. The argument proposed in the following pages is twofold: on the one hand, the Canadian Environmental Assessment Act has failed to provide the framework necessary for a sustainable, long-term collaboration between Indigenous and Western epistemologies. On the other hand, this does not make it a failed policy; rather, it frames the Act as a negative rights policy and demonstrates that, though the shift towards Aboriginal recognition has been underway already for two to three decades, Canadian policy is still in the incipient stages of Indigenous-federal collaboration.

Before developing either argument, two definitions are necessary. The first is of traditional ecological knowledge (or TEK), defined by aboriginal scholar Nicholas Houde as “all types of knowledge about the environment derived from experience and traditions of a particular group

of people” (Houde, 2007, p. 3). Though this definition is accurate, it remains incomplete, as it does not encompass some facets of TEK that are relevant to the following arguments. Specifically, it should be noted that TEK within the framework of this paper refers specifically to Canadian First Nations. Furthermore, an apt definition must include a discussion of traditional epistemology: that is to say, the term TEK refers not only to the knowledge itself but its sources and the cultural perceptions of legitimate knowledge sources (Manseau, Parlee, & Ayles, 2005, p. 142). Thus, TEK encompasses Indigenous values and information surrounding environmental issues as well as the traditions they stem from (White, 2006, p. 406).

The second definition is of the Canadian Environmental Assessment Act, or CEAA. Environmental Impact Assessment (EIA), or the evaluation of potential ecological effects of proposed projects, is carried out in Canada at both the federal and provincial levels; the CEAA is the federal component of this. Established in 1995, it replaces the former Environmental Assessment Review Process, established in 1984 (Paci, Tobin, & Robb, 2001, p. 114). Its purpose is to protect the environment from harm due to any given project; promote cooperation between federal and provincial governments; promote communication and cooperation with Aboriginal peoples; ensure the provision of opportunities for public participation; ensure the timeliness of EIAs; encourage federal authorities to promote sustainable development; and encourage further study of the cumulative effects of physical activities in a region and the consideration of the study results in environmental assessments (Canadian Environmental Assessment Agency, 2015). Since the Act’s beginnings in the mid-nineties, it has been amended to effectively incorporate Aboriginal voices in the EIA process. The most recent review of the CEAA, in 2012, includes the ‘duty to consult,’ which is the obligation per federal legislation to consult Aboriginal groups and offer them opportunities for participation (Canadian Environmental Assessment Agen-

cy, 2013). Overall, the CEAA is the Canadian federal government’s most recent response to its obligation to protect the country’s environment while fostering productive discourse with its First Nations (Hunter, Sahni, & McKibbin, 2012, pp. 1-2).

Structural and Integrative Failures of the CEAA

Although the CEAA provides administrative framework for the integration of Aboriginal peoples and opinions in the decision-making process behind environmentally significant projects, the framework is insufficient for effective, long-term, and co-operative incorporation of TEK to Western administrative and bureaucratic processes. Because it incorporates First Nations groups only in the assessment of projects and not in the projects themselves, and as it forces TEK into a Western epistemological framework, the collaboration promoted by the CEAA fails to address the cultural differences between Euro-Canadian and Indigenous systems.

As mentioned above, the failure of the CEAA to provide a long-term model for the integration of TEK to Western bureaucratic systems stems from two main factors. First, by incorporating TEK to projects only during assessments, and not during the formation of the project itself, the CEAA puts Aboriginal communities in a defensive stance instead of fostering a federal-Indigenous dialogue. Second, the CEAA’s attempt to integrate Aboriginal voices to Western administrative processes ignores the radical differences between Euro-Canadian and Indigenous epistemology and, thus, is not conducive to a longer-term collaboration between Western science and TEK (Manseau, Parlee, & Ayles, 2005, p. 160).

Perhaps one of the biggest barriers to the integration of TEK to the corporate and governmental decision-making processes targeted by the CEAA is the incompatibility of Western and Indigenous epistemological frameworks (White,

2006, p. 407). The Western, or Euro-Canadian framework, is based quite extensively on the doctrine of empirical scientific proof that came out of the Enlightenment, which itself came out of a society with a very long history of reliable historical writing (White, 2006, p. 407). Thus, in Western epistemology, for information to be reliable, the source of knowledge must be recorded in some way. This is in direct contrast with Aboriginal epistemology, which itself comes from a history of intergenerational knowledge, oral tradition and mnemonic objects. By Western standards, then, Aboriginal sources of knowledge are often considered unreliable (Casimiri, 2003, p. 3). In recent years however, TEK has become increasingly legitimate in the eyes of the academic community; despite this, academia continues to struggle to recognize the strengths and weaknesses of both systems, and to combine them accordingly (Johannes, 1993).

This is a core dynamic that the CEAA fails to address. By design, rather than promoting Western-Aboriginal collaboration in research, it creates an inherently confrontational platform for their interaction. Environmental assessments as imposed by the CEAA act as a barrier to the beginning of projects: subsequently, organizations that seek to commence such a project have strong motives to attempt to bypass the CEAA and the discussions it offers with Aboriginal communities. TEK, then, acts not as a complement to Western science but as an imposed barrier to the completion of projects and goals. Furthermore, this approach demonstrates an epistemological bias: TEK is incorporated only as a filter for potential mistakes, and not embedded in the process of project design and creation. The CEAA, hence, does little to encourage the legitimization of TEK within scientific communities or to further the resolution of epistemological differences, and furthermore creates an inherently competitive framework not only between the two epistemologies but also between Indigenous communities and the project leaders (Hookimaw-Witt & Witt, 2003, p. 378).

Also noteworthy is the difficulty of incorporating TEK into any hierarchical, bureaucratic decision-making system. Going back once again to the roots of both epistemological systems, Western knowledge is founded on documented arguments, discussion, and confrontation. It is linear, and, especially in the case of democratic government, it includes mechanisms for the consultation and inclusion of willing relevant participants. TEK, on the other hand, comes out of a highly participatory, communal discussion, where confrontation is considered counterproductive and avoided (Hookimaw-Witt & Witt, 2003, p. 382). The CEAA, then, overall, provides a framework that is not conducive to the effective complementation of Western and Indigenous knowledge processes, and does not foster a long-term partnership.

The Long Road Ahead: Failed policy?

Though only negative aspects of the CEAA have been described thus far, the central argument here is not that the CEAA is a failed policy. Rather, it represents a facet of the negative versus positive rights debate – in the words of Margaret Atwood, the question of how to get from ‘freedom from’ to ‘freedom to’ – and thus demonstrates how far Canadian law still needs to go to effectively incorporate Aboriginal governance into government. The CEAA provides Aboriginal communities with negative, and not positive rights, to their land. That is to say that, by posing the discourse between Euro-Canadian ‘settlers’ and indigenous community as a barrier to project development, Aboriginal communities receive the opportunity to block their environment from harm, but are not included as an active component of their land management. In short, the CEAA creates a platform for Aboriginal defense, not action.

The Stanford Encyclopedia of Philosophy distinguishes between negative and positive rights in the following way: “The holder of a negative right is entitled to non-interference, while the holder of a positive right is entitled to provi-

sion of some good or service” other than protection from interference (Stanford Encyclopedia of Philosophy, 2011). In this particular case, the CEAA, by allowing a sort of veto mechanism, aims to allow Indigenous communities a right to non-interference, while it fails to provide them with positive agency in the project-drafting process. Logically, negative rights are a necessary precursor to positive rights: a community or individual must be protected from harm (such as, in the case of the CEAA, the exploitation of land resources) before it is possible for them to claim goods and services (Stanford Encyclopedia of Philosophy, 2011). This dynamic between negative and positive rights can be found between the CEAA and its critiques.

The core argument about the CEAA’s shortcomings here touch upon its effect on the wider perception of TEK and its relation to the dominant discourse of Western epistemology, science, and legislation. As has been argued within academia as well as within this paper, the policy does little to effectively promote the incorporation of TEK to the dominant methodology, however, by creating a platform where Aboriginal communities must be heard, it does create a dialogue. For a comprehensive assessment of the progress that the CEAA represents in the Canadian federal approach to TEK, it is important to note that, over the past two to three decades, TEK has gone from being virtually unrecognized by authorities to being considered a necessary component of environmental decision-making by policy-makers (Usher, 2000, p. 187). The CEAA, thus, is a part of framework that strives to protect TEK from being undermined and delegitimized.

Barriers to the Formal Incorporation of TEK

The issue with the legislation, as Usher notes, is that “although the general policy in place” within the CEAA, “its wording is neither clear nor consistent, and there is virtually no guidance on how to implement it in the public arenas where knowledge must be tested” (Usher, 2000, p. 187). In order to effectively move for-

ward with the promotion of positive Aboriginal rights and of the legitimization of TEK, forthcoming legislation – such as upcoming reviews of the CEAA – should be more specific in their implementation.

If the implementation of federal-Indigenous collaboration has been highly formalized and rendered extremely rigid, however, even to the detriment of TEK, it is because the CEAA is a product of its sociopolitical context. Though the integration of TEK to Western decision-making processes is the end-goal, there are significant concerns within the Aboriginal community in its regards. One concern, for instance, is that the formalization of TEK through writing might dissociate it from its traditional and cultural context (Usher, 2000, p. 196). Before this is possible, then, it is important to build a positive, trusting relationship between Aboriginal communities and federal agencies, such as the Environmental Assessment Agency.

Philosopher Kyle Whyte theorizes the ideal methodology to incorporate TEK to Western processes. TEK, he argues, should be understood “as a collaborative concept [...] to invite diverse populations to learn from one another” (Whyte, 2013, p. 1). R.E. Johannes engages with his argument by pointing out a dichotomy in the dominant discourse around TEK: that of the noble or ignoble savage, which posits that Indigenous understandings of environmental affairs are either inherently superior or inferior to their Western counterparts – both of which assumptions connote prejudice and fail to provide a framework for cooperation between the epistemologies (Johannes, 1993, p. 36).

Policy-makers involved with Indigenous communities, then, should aim to incorporate TEK as a framework that informs the Western scientific process and spurs inquiry, investigation, and takes part in leading projects and policy creation and analysis. The CEAA’s current approach to this, which is vague, highly formalized, and very biased towards Western modes of governance, is only the first of many steps to-

wards the legitimization and de-stigmatization of traditional sources of knowledge, and their incorporation to Canadian federal and corporate research, projects, and policy.

Conclusion

Overall, then, it is true that the CEAA has failed to create a policy that is accommodating of all aspects of TEK and federal-Indigenous collaboration. The postulation of EIAs as a project assessment mechanism instead of a component of project design, for one, fails to incorporate TEK into preliminary research and instead leads to an inherently confrontational structure for the platform of discussion between Aboriginal communities and agents of development. Moreover, the rigid, highly formalized process of EIAs is incompatible with Aboriginal epistemology and modes of governance. To date, the involvement of Indigenous communities in environmental decision-making is made through a process that was designed for a Western administrative organization.

While this is all true and important, and while these aspects of the CEAA must be considered in forthcoming legislation, they do not make the CEAA a failed policy. Rather, the rigidity of the process offered by the CEAA can be explained in part by the current necessity for complete transparency and regulated interaction for the purpose of trust building between Aboriginal communities and their governmental counterparts. The CEAA's approach to TEK is certainly flawed; however, it and the literature surrounding it, demonstrate increasing awareness of TEK and an increasing desire to incorporate it. This is a positive step towards better and more comprehensive collaboration with Aboriginal communities, their epistemology, and their methods of management.

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Forest and Range Practices Act: An Evaluation of Forest Policy in British Columbia

Quentin Cheung

Under Canada's international and domestic commitment to the practice of sustainable forest management, the Forest and Range Practices Act was passed in 2004. It replaced the Forest Practices Code and promised a 'results-oriented' governance scheme, purportedly through a 55% reduction in regulatory paperwork and the shortening of compliance rules. However, the deregulation and simplification of rules has allowed greater leeway in the requirements to operate on public land. Changes in policy dialogue and direction represent a dangerous shift towards deregulation, where the responsibility of forest management has been transferred to third parties governed by "professional reliance", with minimal recognition of community rights and stakeholder participation amidst public ownership of British Columbia's forest resources. This paper conducts a primary review of policy documents and literature to evaluate the performance of sustainability goals under each policy through the concepts of criterion and indicators (C&I), top-down/ bottom-up approach, and common pool resource theory. The results suggest that the current provincial legislation under the Forest and Range Practices Act is not only systematically vulnerable, but if continued, could have severe impacts on an already marginalized First Nations community and their environment. Further, through the use of a decentralized model, future variables such as climate change and endangered species protection may be hampered by the reliance on dated C&I values that must adapt to meet new challenges facing contemporary Sustainable Forest Management (SFM).

Introduction

Canada's domestic policy has long echoed the need for the sustainable management of forest resources. Following the seminal publication of A National Forest Sector in Canada by the Canadian Council of Forest Ministers and the Forest Practices Council, a national forestry framework was established in 1998, detailing the need for greater provincial involvement in forest management. Subsequent policy initiatives have furthered the idea of a sustainable forest sector, legislating the need for an up-to-date inventory of provincial timber stock and the incorporation of Sustainable Forest Management (SFM), a then budding forest management paradigm introduced by the 1992 United States Conference on Environment and Development (UNCED) in Rio 1992. Proposed by the UNCED was the idea

that sustainable development and sustainable management were complementary, and could be achieved through a set of non-legally binding "Forest Principles" which attempted to formulate a global set of Criterion and Indicators for the use of sustainable forest management (SFM) – the dominant silvicultural management paradigm that emphasizes sustainable yield of timber for perpetual logging supply.

A corollary of the Canadian commitment to SFM is the institutional evolution of policy at the provincial level. Under the pressure of international and domestic political demands, and the integration of Sustainable Forest Management practices in 1991 in Canada, British Columbia adapted its forest codes under the Ministry of Forests, Lands and Natural Resources into two successive policies, the Forest Practices Code

and the Forest and Range Practices Act. Both policies were implemented to achieve three sustainability goals: an enduring supply of timber for future generations, mitigating the impact on the natural ecology and surrounding environment, and maintaining strong community involvement in decision making and license-distribution (Ministry of Forests, Lands and Natural Resources, 2002). This critical shift represents a completely new form of policy within Canada, where participants, management decisions and certain regulatory responsibilities are placed on self-selected participants without some of the penalties associated with leviathan or centralized governance approach.

The purpose of this paper is to examine the factors, both conceptual and in policy that have contributed to the negative consequences of the Forest and Range Practices Act (FRPA), and to discuss possible policy amendments in the future. We begin by exploring the concept of deregulation and its function as the leading policy design tool within the FRPA. While the process of deregulation is inherently benign, we analyze the use of criterion and indicators – one of the monitoring mechanisms of sustainable forest management (SFM) – and draw upon lessons from commons literature to explain the systemic problems with deregulation yielded in the FRPA, from a theoretical perspective and Canadian context. The resulting insights present both a critical framework for understanding institutional failure within the context of forestry policy and are relevant to policy formation in the future.

Revision of the Forest and Range Practices Act (FRPA) to the Forest Practices Code (FPC)

After the institution of the Forest Practices Code in 1996, the new Forest and Range Practices Act was brought to the house in 2002 by the Liberal government and passed in 2004, on the basis of promoting greater economic efficiency and lower bureaucratic burden. This would be achieved by a fundamental change in forest management and accountability – rather than a

detailed, stringent forest management plan submitted to the government for approval under the FPC, the FRPA's reformed system established a set of broad government objectives, leaving market participants to formulate their own sustainability plans and operations (Ministry of Forests, Forests Practices Branch, 2004). Under the new law, penalties have also been reduced and ministries are limited to a set of basic instruments to enforce rules, with five of seven offence clauses repealed in the FRPA. Hence, disregarding the reduced effectiveness of enforcement and lax rules of the FRPA, the worst-case liabilities for malpractice are greatly reduced; contraventions now face lower maximum fines (of up to \$500,000) and a lower maximum imprisonment term than the FRPA, from five years to two.

A ten-year review conducted by the Forest Practices Board (FPB), an independent public organization, corroborated the issues surrounding increases in non-compliance, lax and unclear government goals to the detriment of forest and land-use values. Attributing these issues to “a vacuum in government policy”, the FPB suggested further clarity in monitoring and evaluation of practices, and greater government enforcement (Forest Practices Board, 2014). While lessened punishment or unclear forest requirements may be contributory to diminishing forest health under the FRPA, it is important as well to consider the systemic dangers and vulnerabilities introduced through the current system of self-governance.

Deregulation and Forest Health: Incompatible?

One concept that explains a possible cause for failure is that of deregulation, where within a resource system participants are allowed to establish their own rules on resource appropriation and determine their own enforcement standards, which ultimately generate positive outcomes for themselves whilst barring or excluding resource access to others. Deregulation is often touted as an efficient and cost effective form of governance. The assumed logic suggests

greater efficiency, responsiveness from the government to stake holder demands, and greater equity as participation is extended to small groups and communities (Agrawal & Krishna, 2005).

In effect, deregulation offers the delineation of authority, including property rights, to actors and institutions at lower levels through the creation of an area for lower level decision-making and provides autonomy to participants within a natural resource unit. This is most commonly achieved when local authorities are provided discretionary powers to implement their own management decisions and objectives, providing them with mechanisms to further transfer power to smaller entities, such as corporations and other stakeholders.

The practice is sound methodologically, as the institutional structure eliminates the theoretical and practical problems of collusion, cooperation, and participation to solve collective action problems. The delineation of private property or use rights allows market participants to form markets, facilitating exchanges that are intended to result in the efficient and sustainable use of the resource through self-interest and competition (Frischmann, 2013). Proponents of deregulation also suggest that the issues of economic efficiency and information asymmetry are addressed, offering clear distinctions between management responsibilities of private and public entities whilst allowing the greater management role of communities and First Nations through shareholding.

Under the FRPA, however, rather than placing the community and immediate stakeholders as the governance actor, the license system was amended such that private corporations were able to wield the greatest power. This not only led to the marginalization of public input but also allowed corporations to sidestep legal requirements by only complying with provincial or jurisdictional rights instead of the more stringent Federal standards.

The disconnect of theory from praxis is the result of three key reforms, in the areas of planning, assurance and accountability. Firstly, planning approval and government oversight has been reduced. In the Forest and Range Practices Act, only one submission of documentation is required – the broad forest stewardship plan. By contrast, under the Forest Practices Code, regulatory authority required the submission of two plans, a site approval plan and forest development plan, governing on-site operations, and the overall value of forest operation respectively (West Coast Environmental Law, 2004). This is problematic as under the FPC's site approval regime, silvicultural prescriptions, identifying specifically how and where logging would occur were replaced under the new stewardship plan by the construct of Forest Development Units (FDU), which are larger spatial units detailing only the plan holder's obligations for their license period.

Transparency and oversight of on-site operation has now been lost through the use of FDUs, which describe only the area of cutblock and logging range (the physical boundaries of a logging operation), leading to a single term that masks the impact of logging activity on a wide range of environmental values such as habitat encroachment and visual quality. Moreover, on-the-ground requirements are also relaxed, particularly for woodlot licenses due to their smaller size compared to timber farms, allowing licenses to produce "alternative performance requirements" and even-simpler logging plans that only identifies the licensee's obligations during the woodlot license's five year period (Ministry of Forests, Lands and Natural Resources, 2002). Owing the small size of woodlots, it is therefore assumed that logging at such small scales has a negligible environmental impact, giving users almost free reign on how to manage their land.

Deregulation in the current regime has also made it considerably more difficult to reject plans. Where under the FPC, district managers could refuse plans that were inadequate in provisioning the protection of resource values,

the FRPA sidelines governmental authority by turning the approval process into a reactive one. Now, plans must be approved unless “the Minister of Forests, or his delegate, determines that the industry’s results and strategies are not consistent with government’s very generally worded objectives in the Act or landscape level plans” (West Coast Environmental Law, 2004). Unless the benefits to the public outweigh “material adverse impact of the order on the delivered wood costs of a holder of an agreement”, or the “undue constraint on the ability of a holder of an agreement”, Ministers are also constrained in their ability to limit permits (Ministry of Forests, Lands and Natural Resources Operations, 2004). This is through the case law that stipulates that all plans must be approved unless operations are found to possess narrowly defined variety of noncompliance indicators to the government’s objectives in the Act.

Governmental responsibility has also been undermined through an external assurance process. While forester licenses are guaranteed by the certification body, and are hence environmentally sensitive, the actual outcome of prescribing management rights and plan approval to professional foresters has led to a state where ‘effectiveness monitoring’ is completely overseen by this entity. Furthermore, delineating forest management to numerous agents has undermined the overall capability of the government to respond to forest threats and monitor macro forest health. As individual forest units are assumed to be well managed through the ‘professional reliance’ process, there has been steady loss of funding and jobs for the Forest service, which suffered reduced funding by a quarter from 2008 to 2011 and the loss of over 1000 Forest Staff (British Columbia Government and Service Employee’s Union (BCGEU), 2011). Consequently, there is little to no large-scale data concerning the overall state of Forests in British Columbia. Under the old system of the FPC, forest plans would have had to be signed by both a professional forester and the district manager, allowing a two-tiered system of checks

and balances from both the private and public sector. Conversely, in the FPRA, input of professional foresters is required, but they do not have to sign and seal operational plans themselves, separating the activities of the resource users from both the charter and codes of professional foresters, but also eliminating input from the government’s Forest Service in site level plans.

Lastly, convoluted approval standards and compliance requirements have given corporations greater leeway and ability to circumvent regulations. Under section 72 of the Act, the provision for ‘due diligence’ provides a de jure provision for protection in corporate malpractice, under the term ‘mistake of fact’ (where agency is placed on the company), or ‘officially induced error’ (where the government takes responsibility for private sector mistakes). The West Coast Environmental Law agency, a legal advocacy lobby, describes this re-phrasing and reform as one where “industry writes its own legally binding rules” (2004). Timber interest has also been promoted as among the government objectives that stewardship plans have to abide by, and can be met so long as they “[do not] unduly reduc[e] the supply of timber from British Columbia’s forests” with no regard for wildlife, visual quality and cultural heritage values (Ministry of Forests, Lands and Natural Resources, 2002). Legal vagueness in the writing of the policy, such as above, allows companies to render themselves exempt from punishment and indirectly encourages cheating and rule breaking.

Criterion and Indicators

Another key division between the FPC and the FRPA is implementation of different types of criterion and indicators. Criteria and indicators have become pervasive tools by which sustainable forestry is assessed; referring to a set of sustainability values (criteria), and a system of identified, relevant and measurable results to show the level of attainment of said sustainability value. For example, in the criteria of habitat preservation, a suitable indicator may be the achievement of a minimum level set-aside for

each harvested stand. Indicators are classified as being either action or state, which describe the differences in what specific indicators can measure and their roles in the decision making process. State indicators provision a contextual assessment of a system, describing the response of the environment to the policy, while action indicators track the intensity of management actions (Ferris & Humphrey, 1999). For example, a state indicator may describe the amount of mature trees, while an action indicator may be represented as the rate of compliance with a particular logging law.

Another key distinction in C&I are in a top-down or bottom-up orientation. Under a top-down approach, suitable criteria are selected by experts to fit the local situation, while the bottom-up approach favors “[local engagement] in the development process in a participatory manner by proposing C & I based on their perception of the individual situation” (Khadka & Vacik, 2012). Where modern forest management is concerned, a top-down approach is often preferred, not only because it is the most bureaucratically efficient, but is also considered most scientifically sound as indicators are developed by ‘experts’ as opposed to being shaped by the opinions of the community. It is only in recent literature that scholars have acknowledged the importance of participatory formation of C&I and the inclusion of community knowledge within the policy decision-making process, leading to greater trust and relationships between residents and resource users (Gordon & Innes, 2005).

In the case of the Forest and Range Practices Code, a top-down approach was adopted under the Government Actions Regulation and Forest Planning and Practices Regulation of the FRPA. Both regulations target several over-arching conservation values such as “natural hydrological conditions” (Ministry of Forests, Lands, and Resource Operations, 2002), but do not provide benchmarking methods, reflecting the intrinsic flaws of top-down approaches to place

specificity in the hands of agents instead of the originators of the policy (Ostrom, 1999). The development of vague and broad state C&I to address a general government objective, such as “timber supply”, “projected volume per hectare” and “average stand diameter” (Nemus Consulting, 2002) are legitimate measures in the perspective of the provincial government, but given their heavy scientific connotation, may not share equal validity by First Nations groups or private landowners (Steenberg, Duinkier, Damme & Zeilke, 2012). The reliance on these values belies the intentions of SFM from sustained yield (never-ending wood supply), to the promotion of multiple forest use including non-timber activities and resource, provide little ability nor transparency to local authorities, encouraging government oversight and limiting the state forest sector to identify and operationalize emergent issues. If sustainable management is to be truly achieved, governments must be armed with commensurate ability to monitor and observe resource systems over time, allowing for the continual improvement in line with evolving definitions of sustainability.

Ultimately, without capturing the intricacies of British Columbia’s unique ecosystem, and through the simplification of terms and reduction of content required for plan approval, it has become increasingly difficult for the government to react to poor management within Forest management units. Likewise, the lack of normative and perceptual dimensions in the sparing use of C&I limits the public’s ability to meaningfully comment or evaluate on the approval and regulatory process.

Common Pool Resources

Where forest resources are characterised as common pool; bearing the characteristics of high cost to exclude all beneficiaries (excludability), and reduction of benefits marginally (subtractability), the crown tenure system serves as a theoretical analogue to the problems of common pool resource (Ostrom, 2003).

If no resource appropriation rules are set, it is likely that the entire resource unit may deteriorate over time, as stipulated by Demestez in the well-known case study of the tragedy of the commons (Frischmann, 2013). In the FRPA, a government-oriented approach was adopted, with sustainable performance proposed to be achieved through the expectation that property rights can facilitate market exchanges; in turn promoting efficient use of the timber resource through competition and self-interest.

It is suggested that the failure of collective action in the commons can be attributed to the conditions within the property rights scheme (Ostrom, 1999). Based on her framework, common pool resources are most likely to fail when “effective rules for restraint on access and use are unlikely to last when there are many users, when the boundaries of common pool-resources are unclear, [and] when detection of rule-breakers is difficult” (Agrawal, 2003). Under the FRPA, three of these issues are encountered, including unclear terminology in the forest objectives where license holders are able to write environmental results they are legally required to achieve, lack of legally binding or graduated sanctions on rule-breakers, and absence of government monitoring on the cutblock/ site level. Beyond group and resource system characteristics, government policies are best when the rules are easy to understand and easily enforced with graduated sanctions and accountability of monitors to users which, as reflected by ten-year report, is not the case (Ostrom, 2006).

Finally, the problem of common pool resources has been further exacerbated as the transfers of licenses (resource boundaries) have become less fluid. Under the FRPA, the duration of a tree farm term was extended from 5 years to a minimum of 25 years, incentivizing corporations to accrue large and long timber tenures in an effort to reduce competition. Assuming that market participants are fully aware of the difficulties in losing license and the ease of license renewability, companies have begun

treating their lumber tenure not as withdrawal rights, but as private property rights, leading to a worse overall outcome in terms forest health and available forest resource for future generations as they become inadequately managed. Companies can harvest with little limitation for a full rotation of timber, leaving successor companies degraded forest patches.

Conclusion

Both empirical and theoretical analysis has shown that deregulation under the Forest and Range Practices Act has endangered many of the ecological and human values that are *de jure* rights under multiple levels of legislation and environmental commitment. Post-reform accountability and transparency has decreased under the ‘results-oriented’ scheme of legal streamlining, and public input has become less meaningful in a common pool resource system where the use of technical indicators has limited the introduction of more normative and stakeholder oriented measures (Steenberg et al., 2012). Government authority has also been weakened through structural limitations on imposing punishments and the mandatory approval of stewardship plans, despite the principle guarantor of the land.

This analysis supports the contention that deregulation under the FRPA has had deleterious effects on British Columbia’s forests, despite its objective-driven and results-oriented scheme. Through the simplification of rules to achieve the conceptual goal of greater equity and efficiency, user groups have instead taken advantage of their new-found powers to usurp regulatory functions and misappropriate resources, resulting in both negative consequences for the environment but also in confusion over the jurisdictional boundaries and authorities of companies operating on crown land (BCGEU, 2011). These outcomes are supported through the use of criterion and indicators at both larger scales and greater biophysical emphasis, operationalizing the regulation of values that have little im-

pact on both communities and on the ground. Common pool resource theory also suggests that some of the mismanagement may be attributable to differential participation of license holders in the regulatory process, and presents a strikingly accurate narrative of excess resource exploitation when the net negative utility or cost of marginal harvest becomes reduced through the law. As a result, we can conclude that the institutional failures of the FRPA are not circumstantial, but systemic.

Where there is power transfer from the government to lower level entities, one must consider the political and economic incentives to do so (Baland & Platteau, 1999). Local governments may be discouraged to undertake forest management activities themselves as sustainability objectives are often established at considerably higher levels of government (leading to a downward accountability system), but are willing to intervene when there are political or financial benefits from policy change (Baland & Platteau, 1999). Consequently, the selection of institutional arrangement may be established based on political expediency, rather than alignment to long-term sustainability goals. Emphasis must therefore be placed on the underlying reasons for why institutions take power away from themselves and the intentions of the recipient agents or authorities that take on such new powers. Agrawal (2014) suggests that deregulation policies similar to the FPRA- that are primarily aimed at increasing transparency, and lowering costs are not designed to increase participation or community involvement, but are used as instruments for territorial governments to create the necessary governance preconditions for promoting private investment (Ribot, Agrawal & Larson, 2006). Key features of the FRPA display this characteristic, including the function of deregulation and type of streamlining. The dominant paradigm of sustainable forest management defined as sustainable yield (never-ending wood supply), lowered transaction costs through the assignment of long use rights and reduction of penalties signal greater institutional stability

conductive to return on capital, compared to a once highly centralized, and regulated system of the FPC. These contrast with a true ‘democratic’ decentralization process that attempt to reduce the exclusionary and top-down perspectives conferred by this developmental and technocratic approach (Hickey & Innes, 2005).

As for the future, a particular challenge is the threat of climate change and associated disturbances such as the pine beetle infestation. Both add stress on the current management scheme by increasing the “riskiness and unpredictability of resource flows”, and the “mobility of resources” (Agrawal, 2003). Both these effects impart pressures on the FPRA as a system of 1) common pool resources, and 2) criterion and indicators. Greater variability in timber stock affects the financial bottom line of timber license holders, as timber harvest within Canada is based on sustained yield rather than financial optimization. Subsequently, diminished growth rates or shortage of merchantable wood has pertinent effects down the lumber supply chain, with major consequences in the employment of value-added facilities downstream such as milling and pulping operations. Some failures of the current regime can already be witnessed, such as the expectation of lower yields in the future coupled with a major pine beetle epidemic. This has led to widespread harvest of wood with little regard to issues surrounding First Nations or considerations for alternative management techniques. The strength of C&I are also undermined under interaction with climate change (Gough, Innes & Allen, 2008). Criterion and indicator systems are most effective when all certain characteristics are preserved: effective indicators are measurable, feasible, responsive, relevant, understandable, valid and predictable, but will be subject to change under new conditions after climate change. In particularly, biophysical (TD) indicators, which are a core component of the assurance process in the FPRA, are expected to see major declines in their responsiveness and relevance in measuring their management targets. These problems are also linked with their

inherent spatial scales; new conditions from climate change will occur in larger scales than those at the site level under the FRPA.

In recognizing these problems, legislation must be changed to protect vulnerable groups and re-enshrine accountability to companies while uploading adequate avenues for public input, especially when the benefits from changes in forest policy require longer time frames to be realized (Ostrom, 1999). From a management perspective, criterion and indicators are also intrinsically passive, offering information in response to the changes and fluctuations on-site. Therefore, greater protection against heightened unpredictability in both benefit and resource flows in the future must be rooted in the development of a set of forward looking and robust C&I in the present. Increased stakeholder-ship and clearer definitions regarding term boundaries and punishments will also mitigate corporate malpractice and limit the level of unsustainable management before licenses are revoked. With the British Columbia government's push for public accountability and voice through the proposed 'Modern Community Engagement Framework', time will tell if effective policies can restore some of British Columbia's lost forests.

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