

**The Blended Accountability Regime of
British Columbia Land Trusts**

by

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Abstract

Scholars maintain that public service activities of non-profit organizations require carefully constructed accountability mechanisms to ensure the public interest is upheld. I interviewed decision makers at public-service-oriented non-profit land trusts in British Columbia, and examined the constitutions and missions of these organizations, to investigate accountability experiences and attitudes in practice; I compared this practical perspective with accountability theory in the literature on non-profit organizations. Results reveal a mission for land trusts that parallels the state's role in land conservation, theoretically invoking a blended accountability regime with elements of state-like downward and democratic accountability to members and beneficiaries of the trust's services. Membership and peer accountability were central to participants' experiences, but not fully aligned with a blended regime. Membership votes were not always focused on mission, and peer accountability was sometimes considered to be too powerful to unleash. I provide recommendations for improved land trust accountability in a blended regime.

Keywords: Non-profit accountability; Accountability regime; Land trust; Blended accountability; Peer accountability; Membership accountability

Dedication

I dedicate this project to the memory of my friend and mentor Wolfgang Haider who was always open to new knowledge and new perspectives and a great person to share my ideas with.

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List of Acronyms

AGM	Annual General Meeting
CLTA	Canadian Land Trust Alliance
IUCN	International Union for the Conservation of Nature
LT-A	Land Trust A (LT-B – Land trust B, etc....)
LTABC	Land Trust Alliance of British Columbia
NACP	Natural Areas Conservation Plan
NCC	Nature Conservancy of Canada
NGO	Non-governmental organization
PPA	Privately protected area
SFU	Simon Fraser University
SGM	Special General Meeting

Chapter 1.

Introduction

In this study, I examine knowledge and practices of accountability in land trusts—non-governmental organizations that acquire and hold land, or rights in land, to achieve conservation objectives or other public-interest purposes. Land trusts have proliferated in Canada and the United States in the last few decades, but there is little research on how these organizations manage their responsibility to account for their decisions and actions to their members, donors and third parties. In my research, I interviewed high-level decision makers in land trusts in British Columbia about their experiences with accountability in these organizations. I then compared these experiences with the literature on accountability in non-profit organizations generally.

In this first chapter, I introduce the problem of accountability in non-government organizations, discuss particular issues of accountability for land trusts, provide background on the expanding role of land trusts in conservation, and give an overview of the rest of the report.

1.1. Two events in the land trust sector

On May 17 2014 the government of Canada announced \$100 million in funding to the Nature Conservancy of Canada (NCC) through the government's Natural Areas Conservation Program (NACP) (Canada. Parliament, 2015) (all dollar amounts are stated in Canadian currency). This was the second major injection of public funding to the land trust community through the NACP, following an inaugural \$225 million grant by the federal government to NCC in 2007. NACP funds administered by NCC were distributed to a wide variety of non-profit land trusts across Canada. The NACP grant to land trusts in 2007 was the first direct transfer of funds of this magnitude from the federal government to non-governmental conservation initiatives (Canada. Parliament, 2015). In

addition to its sheer size, this program has two noteworthy features: that the NACP was forged as a dedicated project and became a high profile element of the 2007 federal government budget, and that it was renewed. Taken together these are strong signals of ongoing direct state support for this alternative means of conserving land.

Seven months previously, on October 7, 2013, The Land Conservancy of British Columbia filed for creditor protection after a long struggle to remain viable. As a result, some properties owned by The Land Conservancy became vulnerable to disposal on the open market at the hands of the trustee appointed to manage its affairs. Media accounts questioned whether other properties under the control of The Land Conservancy had been properly protected through enduring covenants, leaving the fate of more properties unknown (Mulgrew, 2013; Wilson, 2013).

Thus, within the span of six months as I was writing this project, the Canadian land trust movement had a stunning success and a catastrophic failure. These events highlight the growing importance of land trusts for land conservation in Canada, and also the risks associated with this approach to land conservation. Both events also raise questions of accountability.

1.1.1. Why accountability?

When I began my Master's research, I was manager of the non-profit Canadian Avalanche Centre. My personal experiences there often led to introspection on the role of non-profit organizations in society. Why, for instance, was public avalanche safety information provided as a core government service in most alpine nations but delivered through a non-profit agency in Canada? Are there inherent advantages (and disadvantages) of providing public services in this way?

The question of accountability was frequently discussed in our young organization as we designed programs that were funded by a variety of patrons, including public-sector, private-sector and non-profit agencies, each requesting specific deliverables. Our work was performed for a variety of interests that included the public at large. Who measured our success? By what criteria was it evaluated? Who was watching how well we did our work, and was there a healthy balance between

independence to pursue our mission, and monitoring and controls to ensure wise and efficient use of resources? These are accountability questions.

The puzzle, to me, was that surely these questions had been discussed in other venues, sister non-profit organizations or academic circles, and perhaps there was a consensus on solutions and practices that would help organizations such as ours to navigate their accountability obligations. Yet in thirteen years of board retreats, governance advice, and the writing and amendment of a constitution and operational policies, our thoughts on organizational accountability never moved from the category of 'questioned' to 'answered'.

1.1.2. Non profits and accountability

Accountability in non-profit organizations is indeed a topic of considerable debate and attention in academic circles, and poor accountability has been identified as a potentially important factor in non-profit failure (Edwards and Hulme, 1996; Wapner, 2002; Goodin, 2003). One recurrent theme in this discussion is that the fundamental differences between non-profit organizations, for-profit organizations, and government organizations deeply affect how accountability works in each of these sectors. However, non-profit organizations are increasingly taking on roles that involve the provision of services to the public that in the past were typically delivered by governments. In such circumstances there is a strong argument that non profits should be held accountable in ways that live up to the standards expected from the state (Anderson, 2009; Bluemel, 2005; Jordan, 2005; Goodin, 2003; Zaidi, 1999).

The two events in the land trust sector that I described at the beginning of this section illustrate that the broad concerns about accountability in non-profits discussed in the literature are highly relevant for land trust organizations. Land trusts are NGOs that acquire and protect land, and as such they often provide services to the public, depending on their specific goals and practices. The public service role of non-profits, and how it overlaps with the role of the state, is a question directly posed in relation to land trusts in a report on private protected areas (PPAs) published in 2014 by the International Union for Conservation of Nature (IUCN):

A broader question relates to the extent that the state is shifting environmental responsibilities towards civil society and the private sector and neglecting its own responsibilities. PPAs are part of this movement and must be monitored to ensure that their creation is beneficial to both public and private actors. (Stoulton, 2014, p. xi)

1.2. Defining accountability

Accountability can be defined as: “the process of holding actors responsible for their actions” (Fox and Brown, 1998, p. 12). By this definition, accountability is strongly related to responsibility. Thus, the question “To whom, and for what, is an organization responsible?” is a question about accountability.

Beyond the conceptual level, parsing the elements of the Fox and Brown definition highlights features of accountability that are especially important to non-profit organizations and central to my research. ‘Actions’ is a broad concept that can include decisions to act, decisions not to act, non-decisions, and the ensuing outcomes. The intentions underlying actions may also be important. For non-profit organizations the intention to ‘do good’ may be a key part of their reason for being (Fisher, 1997). On the other hand, private-sector corporations are often held to account primarily for their results, characterized by a focus on ‘the bottom line’.

Any accountability relationship requires at least two parties. The “actor” held responsible is one party, sometimes called the “accountable agent.” The “accountability holder” judges and holds the accountable agent responsible. An organization may have several different accountability relationships defined by its different responsibilities. For example, non-profits have responsibilities to the communities they serve, and these may be different than their responsibilities to the patrons that provide resources for their work.

Finally, “holding actors responsible” requires some form of constraint that can be applied by the accountability holder on the accountable agent (Keohane, 2002). This supplies power to the accountability relationship. The power of the constraint can be obvious, as in the case of accountability backed by laws and enforced by the power of the state, or it can be more subtle, for instance where the accountability holder is able to affect the reputation of the accountable agent.

1.3. The third sector: NGOs and non profits

Non profit, non-governmental organization, civil society organization, and 'the third sector' all refer to an institutional arrangement characterized by the constitutional rule that earnings, including both profits and the retained wealth of the organization, cannot be distributed to shareholders, partners, or members (Salaman and Anheier, 1992; Rose-Ackerman, 1996; Goodin, 2005). Many people use the terms interchangeably, especially 'NGO' and 'non profit'. This is consistent with the United Nations definition of NGO as, "any non-profit voluntary citizens' group which is organized on a local, national or international level" (Bluemel 2005, P. 141). In the international domain these organizations are often referred to as non-governmental organizations; in domestic situations in Canada and many western countries they are called non profits. I use both designations, sticking largely to the convention as appropriate, but using NGO generically because of its brevity.

By calling them 'third-sector organizations' scholars allude to their differences from public (state) sector and private sector organizations, with non-profit NGOs as a distinct third type. These differences derive from the way NGOs treat wealth and earnings. Because there are typically no owners entitled to the capital or profits of an NGO, these organizations have emerged as an alternative way to accomplish the goals of society, characteristically motivated by values, particularly altruism (Rose-Ackerman, 1996). This in turn motivates donations and encourages participation of volunteers who share the cause (Kilby, 2006, Rose-Ackerman, 1996). Volunteers performed over 40% of NGO work world wide as of 2010 (Salamon, 2010). The non-profit nature of NGOs may also encourage them to engage in networking and collaboration with other NGOs because they may not be as concerned as for-profit organizations about giving away competitive advantages to peer organizations (Goodin, 2003).

Non-governmental organizations are: "the fastest growing form of civic association worldwide" (Jordan and Van Tuijl, 2008, p. 12), with a rate of growth considerably higher than the rate of growth of the global economy (Salamon, 2010). In Canada, as of 2010 the non profit sector was responsible for employing 12% of the workforce, more than double the average of 40 developed and developing countries

participating in the John's Hopkins Comparative Nonprofit Sector Project (Salamon, 2010).

1.4. Choosing land trusts as a focus of research

The land trusts that I examine in this research are non-profit organizations that hold land, or a subset of property rights to land, primarily for the purpose of ecological conservation. This function is consistent with one of the classes of privately protected areas described by the IUCN (Stoulton et al., 2014). NGOs are recognized as a main contributor to privately protected areas by the IUCN, especially in the North American context (Stoulton et al. 2014). Overall, privately protected areas are described as locally important, including in Canada and the United states, but less important globally, representing only 0.2% of land registered in the IUCN protected areas database; however, the global data is notably incomplete and the number of privately protected areas is on the rise (Holmes, 2013).

The situation in British Columbia aligns with the IUCN information. Twenty-three of 30 listed members of the Land Trust Alliance of British Columbia (LTABC) are non profit organizations that have declared a purpose of holding land for conservation. Twenty of these land-holding trusts have a publicly articulated purpose of ecological conservation as their first goal. Six members of the LTABC support land trusts but do not hold land, and one is not registered as a non profit organization (see Appendix A).

The LTABC lists many land trusts, but membership is voluntary. Neither land trusts, nor their holdings, are officially or comprehensively listed in British Columbia (Hannah, 2006), so it is difficult to know the exact scope of land trust operations. It is, however, possible to say that the area conserved is substantial. As of October 2015 the three land trusts listed by LTABC as active at the provincial scale (i.e., operating in all areas of the province) claimed a total combined area conserved of over 640,000 ha, having grown from a combined 301,000 ha in 2003 (Appendix A). By comparison, the area of the national parks system in British Columbia was nearly stable over the same period at approximately 637,000 ha (Appendix B). The number of land trust organizations is also on the rise in British Columbia. Of 22 LTABC land trusts that

provided a founding date in their listing with the LTABC, only four were founded by 1990. This number grew to 19 by 2000, and to 22 by 2013 (Appendix A).

By and large these land trusts have prominent public service goals. Of the 23 LTBA land-owning non-profit organizations, 20 explicitly refer to public beneficiaries (Appendix A). These land trusts are an excellent example of public-service-providing NGOs. The type of work they do is well known, there are many replicates, and several of them wield significant resources.

1.5. Research overview

My research unfolds in the remainder of this report as follows: Chapter 2 is a description of my research methodology. It begins with a conceptual explanation of the project as a study of how accountability is perceived by decision makers in land trusts, and a comparison of these perceptions with the academic literature on accountability in NGOs. Next I explain the choice, and execution, of a qualitative approach to collect data from expert informants using semi-structured interviews. I follow this with a description of the thematic analysis I used to draw out relevant themes and organize the data. The chapter concludes with a description of some limitations of the methodological approach.

In Chapter 3, I examine literature on accountability and non-profits in order to identify academic findings and theories that are pertinent to non-profit land trusts. I am particularly interested in what happens to accountability requirements when organizations straddle sectors, for instance when non-profits take on public service roles that may be commonly associated with government. After discussing implications of institutional structure, I provide additional depth concerning the roles of, and relationships between, accountability holders and agents.

The results of my interviews and my review of land trust documentation are presented in Chapter 4. They include the analyzed results of over 15 hours of interviews as well as information from publicly available documentation on the constitutions and operations of their land trust organizations. After introductory information about the participants and their organizations, I briefly summarize their personal views on accountability before revealing the themes that emerged from analysis of the interviews.

Because of the subjective nature of the data, based on the personal experiences of participants, I do not mix discussion with results, choosing instead to present the input of participants in their own words within this chapter.

I reserve discussion for Chapter 5, beginning with participants' views about the importance of accountability to the mission of their land trusts. Then I discuss two different land trust governance structures that affect the application of accountability. Finally, I discuss the practical experiences and theoretical applications of accountability in order to discover opportunities for improving both.

Chapter 6 summarizes this report and reviews how it contributes to knowledge of accountability practices in land trusts. I also highlight some key limitations of this work. I end with recommendations that may be useful to land trust decision makers and managers in planning and implementing accountability structures in their organizations.

Chapter 2.

Methodology

This chapter presents my research questions and discusses the selection of methods for research and analysis. There were two streams of this research that merge in my discussion of the results. In one stream the objective was to record a range of accountability practices in land trusts as observed by high-level decision makers in these organizations, while also investigating the perspectives of these decision makers on accountability. The other stream consisted of an analysis of the academic work on structures and theories of non-profit accountability to uncover implications that might be relevant to the practical application of accountability in land trusts. On one hand this involved seeking out land trust experts and allowing their knowledge to emerge in the results. On the other hand, it involved reading and assimilating as much relevant scholarship as possible and extracting the appropriate information. By separating my research into these two components, I was able to make comparisons between academic and applied perspectives.

After presenting my research questions, the rest of this chapter largely focuses on the design and execution of participant interviews. My analysis of the academic literature on accountability follows in chapter 3.

2.1. Research questions

There is little existing scholarship on land trusts in Canada. My interest in this topic arose from my broader interest in how the most appropriate accountability regime for an NGO varies with the role the organization plays in society. Land trusts appeared to represent a good example of NGOs with potentially blended accountability, because their mission typically includes a public interest dimension. With these considerations in mind my research focuses on the following questions:

- Is accountability perceived to be an important issue by high-level decision makers in land trusts?
- Is the accountability regime of land trusts blended? If so, in what way?
- What accountability mechanisms are used in land trusts?
- How could accountability be improved in land trusts that perform a public interest function?

2.2. Qualitative inquiry

Qualitative inquiry is frequently used when a topic has not been extensively studied, or the type of knowledge sought is broad. Some qualitative research is purposely designed to be not only broad, but open ended, letting the flow of information from the subjects and participants inform and expand the scope of significant findings (Glaser and Strauss, 1967). In the domain of Canadian land trusts, where almost all of the knowledge of the topic is in the possession of practitioners working in or with land trusts, a qualitative approach is appropriate. My approach is designed to allow the expertise of my participants to guide the process rather than attempting to impose a framework of my own design.

2.2.1. Qualitative research and recognition of patterns

The complex interplay of attributes that are relevant to organizational accountability also suits a qualitative research approach. These types of complex relationships are difficult to parse quantitatively. Experts, on the other hand, through their experience and wisdom, may be able to synthesize many streams of data into a coherent viewpoint that can provide reliable truths even when the relationships between variables are complex (Ross, 1992). In such cases qualitative inquiry based on expert insight may provide a better understanding of the topic at hand than quantitative analysis. Qualitative research presents expert evidence in a way that preserves the expert's synthesis. By preserving the insights in the expert's own words they are enriched by context; the quality of findings can be better as a result (Guest et al, 2012).

2.3. Semi-structured interviews

I interviewed nine key informants about the accountability of land trusts in BC. Each interviewee had been involved with higher-level decision making in one or more of these land trusts. In total, they had direct experience as decision makers in eight different land trusts operating in BC. The interviews were conducted individually, and each interview unfolded as a conversation about the experiences of the interviewee with the land trust. As much as possible, I presented our interaction as a mutual exploration of a series of themes related to organizational accountability, where I raised the theme and the participant provided the input including feedback on the relevance of the theme. I feel that this appropriately situated the participant as the expert knowledge source.

2.4. Selection of participants

I limited the pool of candidates to people at the same echelon in their organizations, so that I would be able to make reasonable comparisons across respondents. I sent 24 interview requests to candidates identified via a web search that was based on land trust organizations listed on the LTABC website. Ten of these candidates agreed to interviews and 14 did not respond. Of those who agreed to interviews, one candidate indicated that the land trust they were involved with had no land holdings and suggested that any data would, as a result, be of limited relevance. I did not interview this candidate. Of the remaining nine, two were involved with the same land trust organization and seven were involved with a single unique land trust each.

Participants were business owners, retired professionals or active professionals. None of the participants were paid employees of the land trusts, but two participants had in the past either worked for one of the land trusts or been retained by it to do contract or consulting work. Specific occupations of participants included: environmental consultant, corporate director, financial planner, marketing consultant, scientist, and lawyer.

At the time of the interviews (late 2013 and early 2014), four participants were currently involved with their land trust and five were formerly involved. Of the latter, two had discontinued involvement within the preceding year and two had discontinued involvement within the 7 years prior to the interviews.

2.5. The interview questions

I developed a question template to guide the interviews. In the absence of specific research on accountability in land trust organizations, I drew on the work of scholars who had studied accountability in NGOs in the wider sense. Jordan (2005) outlines types of questions about accountability that NGOs can be asked in order to understand accountability in practice. The questions may be asked by different actors and accountability holders according to their particular interest in ensuring accountability, which could range from protecting reputation (their own or others') to ensuring that a potential partner is viable. Jordan identifies three main types of questions: reliability, legitimacy, and effectiveness. Under reliability, she lists both independence of the organization and structural elements related to how the organization is constructed.

- *Reliability* questions probe the composition and procedures for selecting the board of directors as well as the policy and management practices of the organization. These are important questions for upward accountability holders (e.g., donors, regulators). They are also important to peer NGOs interested in maintaining the strength of the sector.
- *Legitimacy* questions focus on the relationship to the community served by the NGO, how it interacts with the exercise of liberal democratic principles and whether the NGO supplies benefit to society. Opponents to the NGO's mission or even opponents to NGO participation in society raise legitimacy questions, but supportive governments concerned with how their support might be perceived also raise them. NGO peers who are interested in assessing coalition and collaboration partners also raise questions of legitimacy. Thus, legitimacy is a topic that is related to upward accountability (donors, regulators), downward accountability (beneficiaries) and horizontal accountability (peers).
- *Effectiveness* relates to the delivery of the NGO mission and is often reported by a description of quality and quantity of services. Effectiveness questions are often asked to discuss and demonstrate upward accountability to donors and regulators.

I modified Jordan's three types of accountability questions to disaggregate questions about land trust governance and structure from questions about organizational independence. This was based on the work of Hannah (2006) who focuses on governance issues and underlines the importance of understanding how the structures of the organization support its ability to undertake its mission. Thus, my question template asked participants specifically about four areas of accountability: structural reliability, legitimacy, effectiveness, and influence-independence. The complete question template is presented in Appendix C.

2.6. Collection of data

Data collection consisted of ten one-on-one interviews. Nine interviews took place in person at a location of the participants' choosing, and one was conducted by telephone. Interviews occurred between Sept 11, 2013 and January 31, 2014. The discrepancy between nine participants and ten interviews resulted from a recording error on the telephone interview that occurred when the digital recording software failed. The participant graciously agreed to a follow-up in-person interview.

Interviews were recorded digitally, and then professionally transcribed. I verified the transcriptions by comparing them with the recordings, retaining copies of both the original transcription and any corrections made. Seven participants received follow-up email questions to clarify the meaning of portions of their interview, and/or to expand on significant points, and all seven participants responded with additions, clarifications or confirmations.

2.7. Thematic analysis

Thematic analysis is an interpretive process whereby the researcher identifies the implicit and explicit ideas within the data (Guest, et al, 2012). Themes are identified heuristically by assigning a code that captures the essence of the idea. The snippet of data is tagged with the code in such a way that it can be retrieved, sorted, and matched by the researcher. Ideas may be expressed explicitly by direct statement, or may be implicit to the context or situation described. The researcher assembles a collection of occurrences relating to a theme, which can be described, inter-compared and synthesized, or contrasted with other collections relating to different themes.

Thematic analysis is useful for capturing complexities of meaning within textual data, and then comparing between texts. Likewise, it is appropriate for comparing the inputs of different participants. Significant findings can include the frequency of the theme's occurrence within a single source, the importance or relative importance of themes within the text, and comparisons of themes between sources. However, the method's main utility as a way to investigate data is the identification, matching, and ordering of textual evidence to support the researcher's assertions (Guest, et al 2012).

One powerful way of presenting the data is to use the words of a participant in direct quotes to support an argument.

Guest, et al (2012), describe thematic analysis as a technique that borrows from several qualitative research paradigms. Because data are directly used as evidence to support the researcher's assertions, thematic analysis has a positivist bent — that is to say knowledge depends directly on the observable facts of the situation, and the researcher strings together the facts into an explanatory model. However, when the results are not subjected to statistical analysis, there is room to interpret the data and identify alternative ways to construct knowledge and place it within an appropriate context. In this sense thematic analysis also supports interpretivist approaches to knowledge.

In thematic analysis new or unexpected themes can emerge from the data and be incorporated into the research. This is consistent with grounded theory; the researcher is free to examine the data in ways that are not limited by a preconceived framework. One of the strengths of this technique is that the breadth of knowledge about a given topic can be explored to its widest extent (Glaser and Strauss, 1962).

2.7.1. Summary and participant review

From each interview transcription, I developed a written summary that focused on the specific elements of the interview related to accountability, and the main topics of discussion. Each participant was invited to comment on the summary and provide corrections or additional input. This process is formally called “member checking” and is a method of verifying reliability of data (Guest, et al, 2012). Participants received the summary as well as the original transcript of their interview for verification.

I asked the participants to retain copies of both the summary and the interview transcript in the interest of maintaining an audit trail for the data. Additional items in the audit trail were a record of the dates of transcription and copies of the original transcription together with corrections and additions. An audit trail enhances the validity of the data by providing a way of checking its authenticity (Guest, et al, 2012).

2.7.2. Thematic coding

Beginning after the completion of the interview phase of the project, I examined the transcribed interviews in the order received. On examination of the first interview I highlighted all statements relevant to accountability without assigning categories or significance. Using QSR NVivo software I extracted the statements as data snippets and tagged them with codes. The software allowed me to sort and examine the coded snippets separately from the interview text and also within it.

I compared the ad hoc themes of the interviews with themes drawn from the literature to determine areas of congruence and divergence. From this comparison I developed a codebook to standardize and describe the observed themes. Each subsequent interview was then examined using the codebook and I extracted content according to each code. When I encountered new themes they were identified and added to the codebook.

Once all of the interviews were coded, I did a final review of the codebook, resorting and redefining the codes where necessary and discarding some codes and related content as irrelevant or not within the scope of the project. I was then able to analyze supporting materials including land trust constitutions, website materials, press articles and online forum entries. By extracting information according to the codebook I was able to match relevant information from external sources to participant accounts.

2.7.3. Triangulation and corroboration

I compared important assertions by participants with available supportive evidence. Sources included public information on land trust websites such as mission and vision statements as well as annual reports and land trust constitutions. In three cases where the constitution wasn't available publicly I obtained electronic copies from participants directly. I also referred to news media websites on topics that were reported in the mainstream press. One online discussion forum for outdoor enthusiasts contained a thread that was related to events at a land trust discussed by participants and I consulted it to confirm the tenor of the debate. Participants themselves provided a great amount of supportive evidence by discussing the same, or similar, events. On one

occasion input from a participant was reviewed by a contemporary who experienced the same events.

2.8. Limitations

2.8.1. Limitations of qualitative data

Most of the data collected for this research consisted of subjective accounts of individuals. Since the primary goal of the project was to determine a range of views and opinions on accountability in land trusts, such subjectivity was essential. In using these subjective accounts, I tried to ensure that I did not favour one person's interpretation of events over the views of another.

The interpretation of what was significant and important in the accounts of participants was also influenced by a subjective opinion — mine. This opinion was definitely shaped by my background and experiences, both as a non-profit manager and as someone who has read extensively on non-profits and land trusts in the academic literature. Doubtless, instances occur where I have introduced subjective bias into the data as a result. I compensated for this by adding in some wisdom derived from both of these activities, in particular, by recognizing patterns of significance and pursuing lines of questioning based on internal insight.

2.8.2. Selection of participants

The participants were aware of the topic of my research and that knowledge may have influenced their desire to participate. The participants were not randomly selected in the sense that they knew *a priori* that they were participating in a study that was discussing accountability in land trusts. Therefore, participants who responded to my initial approach were possibly inclined to the topic in a way that was not representative of the population of land trust governors as a whole.

Chapter 3.

Selected features of accountability for land trusts

This chapter reviews characteristics of NGO accountability that are discussed by academics. Its purpose is to identify features of accountability that are especially relevant to land trusts and the context in which they operate. I focus particular attention on two aspects: first, I describe the basis for treating accountability in NGOs differently from accountability in for-profit organizations and government; and second, I look at the lively academic debate over what happens in the grey area when NGOs undertake activities that overlap with what may be considered to be the business of government.

3.1. Accountability regimes in the public, private and NGO sectors

According to Goodin (2003), organizations may be accountable for their intentions, their actions, and their results. The relative importance assigned to each of these 'subjects' of accountability will vary with the sector in which the organization exists (public, private, or NGO); moreover, the way that accountability is described, evaluated and constrained—the mechanism—for each subject is also different. Goodin (2003) calls this combination of the subject of accountability together with the preferred mechanisms an 'accountability regime'. A private sector organization such as a company, for instance, is mainly held to account by its owners for results. This process depends on the external competitive market forces that determine the firm's results, so competition is the key mechanism. The state, on the other hand, is held to account principally for actions; that is not to say that results are unimportant, but that above all citizens want assurances that the state acts consistently and fairly. For example, ministerial responsibility, a cornerstone of parliamentary tradition, posits that ministers are responsible for the actions of government (Canada. Parliament, 2005). The mechanism

of accountability for the state is hierarchical control both internally through supervisory power, and externally through the power of the ballot box.

NGOs are distinct from public and private sector organizations as a direct consequence of their typical non-profit status and their values-based motivations.. The intent of NGOs to 'do good' is a powerful legitimating factor for their role in society. Accordingly, NGOs are expected to demonstrate good intentions and are held to account for them. Although expectations of performance are also important, motives play much more of a central role when NGOs are expected to explain themselves (Goodin, 2003; Jepson, 2005). The mechanisms of accountability relevant to demonstrating good intent are much different than the rigid command and control or market mechanisms relevant to the other sectors. For NGOs, reputation is very important as a mechanism of accountability because reputation, constructed on past behaviour, is one of the few pieces of evidence that can provide corroboration of an NGO's assertion of good future intentions.

Often the reputation of an NGO is established and judged within a community of similar NGOs, because these organizations typically function and collaborate within networks of peer organizations. This characteristic is supported empirically by observing that NGOs operate in clusters (Thiele, 1999; Lawry, 2009). A study of 90 high-revenue NGO agencies working in international development observed that clustering of NGOs did occur in spite of factors, such as higher need in underserved locations, that could be expected to otherwise affect the distribution of activities (Koch et al, 2009).

These accountability regimes—results-based market accountability for the private sector, action-based hierarchical accountability for the state sector, and intention-based network accountability for the NGO sector—are simplified models of real situations in which multiple layers of accountability occur; subjects and mechanisms overlap; and the roles of the sectors overlap (Goodin, 2003). But these simplified regimes do provide insight into the relative focus and means of accountability across sectors. That is to say accountability for intentions is core for the NGO sector and accountability for actions is core for the state sector, but both subjects of accountability may be very important for either sector (Goodin, 2003). The overlap between state and

NGO sectors, in particular, is frequent as NGOs often perform public services, and the state often holds itself out as an organ of altruism.

3.2. Blended accountability regimes

When the roles of the sectors overlap, accountability regimes become more complex, and accountability may be eroded:

Different sectors being accountable, each in their own complimentary [sic] way, can yield greater accountability across social institutions overall. But arrangements that straddle sectors (whether through partnership or competition) inherently blur the distinctions between the sectors. In so doing, those arrangements undermine the accountability of each sector in its own terms and, hence, the interlocking system of social accountability overall. (Goodin, 2003, p. 360)

Thus, organizations operating across sectors pose complex challenges for accountability. For example, if an NGO takes on tasks typically considered to be in the public sector, should it be held to all of the elements of state accountability in addition to all of the elements of NGO accountability? More accountability is not always better because it could saddle the organization with a significant burden that might interfere with its performance; (Keohane, 2002; Bovens, 2010). Satisfying the requirements of accountability can involve expenditure of significant energy in collecting evidence of performance and reporting to various accountability holders, thereby interfering with an NGO's ability to perform other tasks.

While there is reason to be mindful of the burden of accountability, Bluemel (2005) asserts it is not sufficient for an NGO delivering public services to be accountable only for its intentions. Accounting for intentions appropriately dominates accountability controls for NGOs performing political functions, but actions (or competence) are the most important aspect of accountability of NGOs undertaking administrative functions (Bluemel, 2005). Accordingly, NGOs simulating or substituting for the role of the state have additional accountability requirements. When NGOs undertake state functions their accountability obligations become more like those of the state. "They should be subjected to formal mechanisms of accountability, as any other representative body would" (Peruzzotti, 2006, p. 50).

The most appropriate accountability structure in a blended situation will depend on the specific mission of the organization in question and should be designed so that it “strengthens and reasserts their distinctive contribution to society” (Jepson, 2005, p. 523). Furthermore, where public constituencies are served, it is essential that the blended accountability regime not be counter to the principle of democratic accountability. This is because democratic accountability is the “master accountability regime” (Goodin, 2003, p. 382) for delivery of public services.

A specific case to discuss is the principal-agent view of NGO accountability. The supervision by principals in the principal-agent relationship has been proposed as the obvious solution to blended accountability regimes involving NGOs in public service roles, on the premise that the state is ultimately responsible and should, and will, supervise accordingly (Bluemel, 2005). However, the idea that supervisory accountability alone is sufficient to handle this problem has been criticized on philosophical, practical, and empirical grounds. Neo-liberal philosophy that favours delivery of services by NGOs promotes transfer of risk away from government; retaining responsibility for delivery of the service is counter to that notion (Hacker, 2004; Dixon, 2009). On the practical side, the capacity of governments to oversee a growing contingent of NGOs that perform public services is also problematic. Finally, lack of such supervisory oversight has been specifically linked to many recorded instances of accountability failure in NGOs (Gibelman and Gelman, 2001).

3.2.1. Implications of blended accountability for land trusts

As NGOs, land trusts fit within that sector's typical accountability regime. Therefore, a land trust's good intentions in performing its mission are a key feature of its accountability picture. Intentions are hard to measure and not as subject to evaluation as other kinds of performance. Whether an organization's intentions are trustworthy is one way the question might be framed; therefore, trust is a key indicator of good intentions. Donors, regulators, peer organizations, and beneficiaries of land trusts all have separate trust relationships that can be examined.

Beyond the intention-based accountability regime of a typical NGO, do land trusts have a blended accountability regime? The answer to this question depends on

whether, as agents of land conservation, land trusts provide public benefits, and how central are they to public service imperatives. Thus, investigation of accountability in land trusts should examine the public service role of these organizations, its scope, magnitude, and evolution.

The literature on accountability does not specifically describe an appropriate blended accountability regime for an NGO performing public sector tasks. A key step toward developing such a prescription would be to examine what elements of public service ‘accountability for actions’ are active in land trusts, and to identify the relative strengths and weaknesses of such existing accountability arrangements.

3.3. Understanding accountability mechanisms

As introduced in Section 1.2, any single mechanism of accountability involves three essential parts: an accountable agent, an accountability holder, and a constraint that binds the two parties together (Goodin, 2003; Keohane, 2002; Wapner, 2002; Bovens, 2010). Accountability mechanisms are used to demonstrate, discuss, and affect performance in an organization (Grant and Keohane, 2005; Jordan, 2005). Expanding on this concept, two additional aspects of the research on accountability mechanisms are particularly relevant to a discussion of accountability for land trusts: a classification scheme for mechanisms of accountability; and additional information on the mechanism of peer accountability that is so closely associated with NGOs.

Goodin’s (2003) model of accountability regimes highlights three accountability mechanisms that are important for specific types of organizations. Other scholars have focused research on providing a comprehensive typology of accountability mechanisms. One scheme describes seven mechanisms used by accountability holders to invoke accountability: *hierarchy, the market, supervision, legal accountability, peer accountability, reputation, and fiscal accounting* (Grant and Keohane, 2005).

Four of these seven mechanisms are based on delegation of responsibility and retention of authority. *Hierarchy* is iconic in this regard. Leaders hold subordinates accountable for their performance, and can exercise the power to deny opportunities or impose penalties. Democratic accountability is a particular case of hierarchical

accountability, where the government rules the people and holds them accountable to the laws of the land, but the electorate holds the ultimate power of accountability by choosing the government. *Supervisory* accountability refers to a relationship between organizations, such as a principal-agent relationship where the principal can extend or withdraw authority, or empower or censure the agent. This accountability mechanism works together with *fiscal* accountability in many instances, where the control of financial resources is sufficient to exert influence on the accountable agent. *Legal* accountability refers to the societal framework of laws and rules that agents must abide by as a condition to their existence. Legal accountability also comes into play with binding contracts that are backed by the power of the law.

The other three mechanisms operate through participation in the broader community under the give and take of social, cultural, and economic influences. *Peer* accountability results from the interaction between organizations that operate in the same, or overlapping, area of interest. The power of peer interaction is based on how collaborators, coequals, and counterparts can facilitate or impede the business of the accountable agent. Peer accountability is important for NGOs because of their collaborative underpinnings. *Reputational* accountability is part of other mechanisms of accountability, but also functions in its own right by opening or closing opportunities based on the reputation of the organization. Publicity and public knowledge are characteristic features of reputational accountability. Finally, the *market* provides accountability in the sense that investors and consumers may choose to participate, or not, in the business of an organization. Table 3.1 provides a summary of these accountability mechanisms.

The intention-based network accountability regime of NGOs, as proposed by Goodin (2003), is described as “mutual monitoring among a band of well intentioned coequals” (p. 392). This description is consistent with Jordan’s (2005) peer accountability mechanisms that are based on the interaction of collaborators and counterparts. Peer accountability is proposed by some scholars as uniquely relevant to and effective for NGOs (Goodin, 2003; Bendell, 2006; Jepson, 2005). They argue that peer accountability is powered by a constraint related to the rise and fall of reputation that is powerful because of the importance of reputation for NGOs. NGOs are extremely sensitive to reputational concerns because they need to gain sponsorship from donors

who evaluate reputation as part of the granting process. The strong connections within the community of like-minded NGOs provide an environment where information about performance is readily shared, forming a basis for reliable assessment of reputation and supporting the mechanism (Goodin, 2003). The same sensitivity argument also applies to the formation of peer networks because reputation is a factor in developing relationships among NGOs.

Detractors of peer accountability mechanisms point out that the constraints are weak compared to hierarchical control backed by laws (Bluemel, 2005). Also, powerful organizations may reach a threshold of size and power where they are no longer threatened by impact to their reputation meted by less powerful peers. For instance, large and powerful organizations may operate at a scope beyond what less powerful peers can affect – geographical reach is an example – or the reputation of the powerful organization may be able to withstand the effects of criticism from less influential peers. Another problem is auto-legitimation, where NGOs affirm each other’s roles and reputations in a circular fashion that has more to do with perpetuating their operating environment than with providing a constraint on each other’s activities (Anderson, 2011).

Table 3.1. Seven Accountability Mechanisms

Mechanism	Accountability holder	Constraint
hierarchical	leaders of organization	control of opportunities to advance
supervisory	principal	permission to act
fiscal	funders	access to resources
legal	courts	penalties
market	investors	access to capital
peer	peer organizations	network support
public reputational	peers and diffuse public	effects on prestige

Note. Adapted from Grant and Keohane, 2005.

3.4. The dimensions of accountability

Because NGOs have no owners and no broadly representative electorate, the relationships between the accountability holders and the accountable agents in these organizations may involve several different types of actors, and the priority and precedence of the relationships is not always clear (for instance, of two accountability holders, is one more important than the other?). One useful scheme for analyzing these relationships highlights the relative power of accountability actors using a concept of upward, downward and horizontal accountability (Edwards and Hulme, 1996). The power relationship can then be examined to determine how it interacts with accountability priorities.

NGOs are accountable upward to patrons and regulators, who generally wield more power over the organization than accountability holders at the other levels (Bendell, 2006; Bendell and Cox, 2006). The accountability relationship to these upward accountability holders is often very clear. Organizations have to obey the laws of the land. For patrons, accountability may be explicitly articulated in the form of a duty to report, or may be implicit to all parties. For instance, cancelling funding is an obvious consequence that a donor might invoke on becoming dissatisfied with the actions of the recipient. 'Downward' accountability refers to the responsibility of the organization to the beneficiaries of its actions and services. In this case the accountability holder may have little real power over the NGO. The case for downward accountability often rests on ethical arguments that offer a form of power, but are often perceived as weaker than command and control constraints of laws and regulations, or financial imperatives (Bluemel, 2005).

When relevant, organizations owe 'horizontal' accountability to networks of peer organizations, examples being: the chamber of commerce, the United Nations, or an alliance of enterprises with similar objectives or operations (Bluemel, 2005). These networks expect certain behaviours from members, and can apply certain constraints, including suspension or expulsion from the group (O'Donnell, 2003). In general, the accountability holders for horizontal, upward and downward accountability do not overlap.

NGOs are frequently described as being overly focused on upward accountability to donors (Risal, 2014; Banks and Hulme, 2012; Jepson, 2005; Jordan, 2009; Ebrahim, 2003; Najam, 1996). The logic underlying this focus is that the pursuit of resources possessed by donors results in an upward looking power dynamic between the NGO and the donor (Risal, 2014, Banks and Hulme, 2012). The ability to withhold resources is an instantly effective tool that sharply focuses NGO attention on being accountable in the donor's eyes. Such accountability may be differently or more narrowly focused than the mission of the NGO, because the donor may only support part of the NGO's mission or may fund activities that go beyond that mission. Donor dependence can tempt the NGO towards mission creep as it attempts to satisfy granting requirements set by donors whose goals may not be identical to the mission of the NGO (Banks and Hulme, 2012; Edwards and Hulme 1996).

In contrast to this focus of NGOs on upward accountability, many scholars argue that downward accountability should be more important for these organizations. NGOs often have altruistic missions, and are expected to act in the interests of the communities they serve, which may empower these beneficiaries (Kilby, 2006, Najam 1996, Goodin, 2003). Accountability is a hallmark of empowerment and downward accountability to beneficiaries aligns with and strengthens legitimacy of the NGO in this role, whereas the absence of downward accountability leaves a legitimacy gap:

Their bottom-up approach to development suggests implicitly that NGOs are accountable to the communities they represent, and it is this downwards accountability that impacts upon NGO effectiveness in empowerment outcomes for poor and marginalised groups. (Banks and Hulme, 2012, p. 16)

Thus, adherence to altruism, coupled with the explicit desire to perform public service, results in a moral obligation to be accountable to the constituency (Najam, 1996; Banks and Hulme, 2012; Kilby, 2006; Ebrahim, 2003).

Another argument in support of downward accountability asserts that the advantages conferred on NGOs by tax and regulatory exemptions entail that they must be accountable to the public at large (Lee, 2004; Jevons, 1997). In this view, the obligation is similar to that owed by NGOs to donors, because NGOs should be responsible "for the way they use resources that would otherwise have gone into the

public treasury” (Jevons, 1997, p.197). Scholars subscribing to this view propose that downward accountability is owed to the constituency and the broader public, which may be affected by the existence of the NGO even if not directly. Ultimately the effects of NGO activities flow downstream to the public at large who deserve to be able to hold the organization to account.

Finally, empirical research on development NGOs in India has examined internal attitudes to accountability. The analysis indicated that these NGOs placed primary importance on the idea of downward accountability (Kilby, 2006). Representatives of these NGOs readily identified that they felt most accountable towards the NGO’s values based on serving their constituency, and did not feel that their principal accountability was to donors (Kilby, 2006). While the recognition of whom they were doing the work for (beneficiaries) was clear, few of these NGOs had accountability mechanisms in place for beneficiaries to have a say in the organization’s mission and vision (Kilby, 2006).

A contrasting view of the obligation for downward accountability posits that it is only required when the work of the NGO affects beneficiaries’ rights or choices (Bluemel, 2005). This reasoning suggests that the priority for accountability might change according to the mission and operations of the NGO. Strong downward accountability is important when NGOs deliver services, but less so when they deliver advice (Jepson, 2005; Brown and Moore, 2001). This view aligns with a distinction between NGOs that claim to represent a constituency and those that attempt to articulate a voice. Downward accountability to the constituency is important in the first case and less so in the second (Charnovitz, 2006; Peruzzotti, 2006). Under this logic, service delivery NGOs, especially when the services begin to resemble those of the state, owe downward accountability to the constituency.

3.4.1. Internal and external accountability and the limitations of membership accountability

The concepts of internal and external accountability are complementary to upward, downward and horizontal accountability, providing an approach to accountability that highlights the role of the organization in accountability mechanisms. ‘External’ accountability is the accountability owed to actors in the environment in which the organization operates. These could be beneficiaries, patrons, peers, or regulators (Spiro,

2002; Wapner, 2002, Bluemel, 2005). Thus, external accountability depends on accountability mechanisms where the accountability holder is external to the organization.

'Internal' accountability is owed to the members, operational staff and volunteers of an organization; thus the accountability holder is within the organization (Bluemel, 2005; Spiro, 2002). The accountability of NGOs to staff and volunteers utilizes mechanisms that are intended to ensure fairness, adequate compensation and inclusiveness. Membership accountability involves the power and control (if any) given to members over the mission of the organization.

Membership accountability in NGOs may seem similar to democratic accountability, but several scholars point out why the comparison fails (Kilby, 2006; Spiro, 2002; Najam, 1996; Bluemel, 2005). In NGOs, members, who are sometimes numerous and may resemble a representative constituency, can hold ultimate power of accountability over an organization through the ability to elect the board of directors (and sometimes other constitutionally specified powers). However, the idea that this is equivalent to democratic accountability has been challenged on several fronts.

In the first place, not all NGOs have members, nor do members, where they exist, always have voting privileges (Edwards and Hulme, 1996). Where they do vote, capacity deficits provide serious challenges for members to monitor NGO performance. Capacity to monitor can be affected by the lack of interest of members in the inner workings of NGOs. Member participation in an NGO is often based on a sense of shared cause and the stake of members in the organization may have more to do with its good intentions than with the internal mechanics of operation:

The vast majority of such individual members, safe to say, are passive, with a material commitment that may not exceed nominal annual dues. Individual members are unlikely to monitor complete organizational agendas; insofar as they do engage in such monitoring, they are unlikely to take NGO leaderships to task on particular issues. (Spiro, 2002)

Members may also be remote from the activity of the NGO and therefore unable to monitor performance. Control of information given out by the NGO is another factor that may interfere with the ability of members to monitor activities (Najam, 1996).

A second way that memberships of NGOs cannot simulate democratic representation is in their natural bias, because members are often based more narrowly than the constituency that the organization serves (Kilby, 2006). Members may be predisposed to a positive view of the organization's performance because they choose to belong (Wapner, 2002). This may interfere with their dispassionate judgment of performance. If members become dissatisfied with the organization they can also easily leave, and no penalties apply. So membership bias is induced by self-selected membership inclined to be satisfied with the performance of the organization and exacerbated by the exit of those who become dissatisfied.

3.4.2. Democratic accountability and NGOs

The trend of NGOs increasingly performing tasks that may be considered to be in the domain of the state has prompted several researchers to ask: "Who elected NGOs?" (Jordan and Van Tuijl, 2006, p. 31; Bluemel, 2005, p. 141). This question evokes the issue of democratic accountability, by questioning what happens to democratic accountability's dominant symbol — the ballot box — when state-like services are performed by NGOs. As Edwards and Hulme (1996, p. 967) observe: "there are also deeper concerns about the possible re-writing of the 'social contract' between government and its citizens as a result of NGO substitution for the state in key areas of development."

Under the western democratic model, the pinnacle of state accountability is that the governed are able to hold those who govern them to account. Carving off services from the public domain and transferring them to NGOs is not legitimate without assuring equivalent accountability (Buchanan and Keohane, 2006; Anderson, 2011). Accountability is fundamental to the social contract between the state and its citizens, and consequently is a primary factor for institutional legitimacy (Anderson and Rieff, 2005). This conception of democratic accountability is a normative viewpoint, and there is considerable debate about its trans-national and international application (Wapner, 2002; Anderson, 2011). However, NGOs operating within Canada can expect this norm to be applied to them when they take on functions of the state.

The vaulted status of democratic accountability as the benchmark for state accountability poses several problems for NGOs providing state-like services. Duplicating democratic accountability in the sense of universal suffrage is not plausible for NGOs, because they do not have broadly representative constituencies. However, this does not mean that democratic accountability is entirely out of reach. Another mechanism of democratic accountability involves participation -- when people are offered the opportunity to participate in running the institutions that affect them and when their voices are equal in that regard they are able to hold those institutions to account (Bendell, 2006; Sawyer, 2005; Kilby, 2006). Thus, broad and equal participation of beneficiaries in NGO decision making is a way to enhance democratic accountability.

Chapter 4.

Results of interviews and document review

In this chapter I present the results of the participant interviews as well as information about participants' land trusts drawn from public sources. Section 4.1 starts with information about the land trusts including information on their public service mission that is instrumental to the discussion of whether their accountability regime is blended. Section 4.2 provides participants' views of what accountability meant to them, an important baseline that informs the discussion of upward and downward accountability in their land trusts.

The remaining sections of the chapter present the themes about accountability that emerged from the thematic analysis of the data. Section 4.4 presents much of the data through examples of accountability raised by participants and explored during the interviews. I purposely present some information in narrative form as relayed by participants because it preserves information about their perceptions and experiences of accountability. Their stories include descriptions of situations, actors, and events that participants considered instrumental to accountability within their organizations. How the participants perceived the balance between alternative outcomes and their interpretation of the interaction between actors provides valuable information on what accountability signified to them. To clarify the data I take forward from the accounts of Section 4.4 to discuss in Chapter 5, I present a table of results at the end of each subsection.

In sections 4.5 to 4.9 I present the data in several ways that highlight how participant's perspectives align on the thematic topics. The focus in these latter sections is to present the data in ways that compare and amalgamate perspectives across all participants in contrast to the narratives and cases presented in section 4.4 that follow a single participant or a group of participants selected for their similarities.

In my discussion of land trust accountability that follows in Chapter 5, I often refer back to evidence presented in this Chapter 4. To facilitate cross-referencing, in some sections of this chapter I have inserted tags into the text at the end of passages that hold key discussion points referred to in Chapter 5. The tags are enclosed in square brackets and identify the section in which they initially appear and their order within the tags in that section. Thus, [E4.1-1] is the first passage of evidence tagged in section 4.1 that I refer to specifically in the discussion in Chapter 5. In section 4.4, I inserted the tags in the consolidated tables of evidence at the end of each case description, rather than in the narrative descriptions of the cases.

4.1. Background on the land trusts

The participants' land trusts ranged in scope of operation from small, local operations with interests in a few properties, to a national scope operation with properties in all ten provinces and thousands of hectares of land under management. To disguise the identities of the land trusts I assigned them alphabetical labels (LT-A, LT-B, LT-C, LT-D, LT-E, LT-F, LT-G, and LT-H). Three of the land trusts were notably at the smaller end of the range in terms of holdings, geographical scope of operations, and staffing. Three land trusts were notably at the larger end of the range, and two were moderately sized with a scope of operations that was somewhere between the large and small land trusts. Three of the land trusts operated only on individual islands within the Salish Sea (one land trust for each of three islands). I occasionally refer to these land trusts as the "island land trusts".

Land trusts typically have valuable holdings and participants found this noteworthy in several ways. Participant 7 highlighted the relative size of LT-F in the region that it operated (an island), noting that LT-F was a major landowner on the island. Participant 5 noted that high property values in the operational region of LT-G meant that acquiring just a few properties required significant resources and effort. Participant 4 mentioned that small non-profit land trusts run by volunteers hold millions of dollars' worth of land and linked that to an increased burden of responsibility. Participants 3, 5 and 8 described the fundraising operations of mid- and large- sized land trusts as a fundamental preoccupation of the organizations in order to be able to acquire land.

Thus the high value of property holdings was a challenge whether from the point of view of acquisition, fundraising, or effects on the community and land base.

The land trusts were sustained by a variety of funding sources and a core component of volunteerism. Funding sources included: public funding, membership fees, private cash donations, and capital donations (such as direct donation of land). Not all land trusts availed themselves of all these sources. In particular, membership fees were not collected at LT-B and LT-H. Public funding, however, was a core source of funds for all of the land trusts and derived from several levels of government including federal, provincial, regional and municipal [E4.1-1].

All eight of the land trusts described by the interview participants were registered charitable organizations, either federally incorporated (two) or provincially incorporated in British Columbia (six). As charitable organizations, all of the land trusts had some part of their mission dedicated to fundraising. This was explicitly described in the constitutions, annual reports, or on the website pages dedicated to describing the organization

4.1.1. The missions of the land trusts

The land trusts listed a variety of missions and purposes that provide insight into what they do and who they do it for. They presented their missions in two main places. All had either an implicit or explicit public mission statement prominently presented on public reports and public websites; Seven of eight also had a formally worded statement of purpose as part of their constitution. The missions, universally, had a conservation theme, though the subject of conservation varied, including purposes that went beyond environmental conservation, touching on culture, history, and aesthetics. They also often specified whom the mission is being performed for. Several land trusts stated that, in addition to conservation, they had an educational mission intended to inculcate stewardship in the interest of their conservation aim.

The conservation aims were not the same for all of the land trusts. Some organizations limited themselves to conservation of the natural environment and others had broader aims. Specifically, of the eight land trust organizations, two listed a purpose of conservation of social/cultural and historic properties in addition to conservation of the

natural environment. A different pair listed the aim of conserving properties with scenic or aesthetic values. A third pair included productive land with active agriculture or silviculture as either a target for conservation or declared that such activities were not an impediment to conservation goals. In all eight of the land trusts, however, the mission of land conservation for the purposes linked to safeguarding the natural environment was clearly described. In seven of eight the conservation goal was listed first or clearly described as most important. By contrast, LT-D's conservation purpose was uniquely secondary to a goal targeting creation and maintenance of public amenities.

The eight land trusts also varied in how their natural environment conservation goal was articulated. One land trust, LT-D, had a relatively general goal to preserve the natural environment. In another, LT-G, the environmental conservation goal was inconsistent depending on the source consulted; the constitution of LT-G listed the purpose of the organization as habitat conservation without mention of ecosystem conservation, while statements on the organization's website identified the mission as both ecosystem and habitat conservation. The remaining land trusts articulated their mission in terms of ecosystem preservation (one land trust), or biodiversity protection (four land trusts). Enhancing and restoring, in addition to the static goal of conserving, ecosystems was specifically articulated as a conservation goal by two of the eight land trusts; although cursory inspection of the activities of the other land trusts by examination of their websites clearly showed that this was a *de facto* goal for all of them even if it was not explicitly stated.

Three other elements were frequently expressed in the missions of the land trusts. First, six of the eight land trusts explicitly stated that the mission of land trusts is ongoing and is intended to be perpetual. The perpetual nature of the mission was articulated directly by referring to perpetual protection of land, or indirectly by stating that the intended beneficiaries of activities are future generations (six land trusts) [E4.1.1-1]. Second, most of the land trusts (six) identified intended beneficiaries in their mission statements explicitly stating that the activities are to be performed for the benefit of the general public. The work of the land trust is thus performed for a broad community that extends beyond the scope of membership [E4.1.1-2]. The final mission element that was notably consistent across all of the land trusts was an explicit purpose to raise money, including public donations, to support the activities of the organization.

4.1.2. Land trust activities

The participants' land trusts were mainly concerned with the acquisition of land or rights in land. This focus reflected the core missions of the trusts. In the words of Participant 8: "I think all land trusts if you read their literature they talk about what they preserved that year, how many acres they have total. So I think a big measurement for land trust is just bigger is better. This is what we're doing." Acquisition of land and land rights was also considered to be important in order to ensure protection of a sufficient portion of the larger land-base, as explained by Participant 1: "So (...) in 2000 (the island) had roughly 1% parkland. Now we're at, I think, 11%. So we've made huge strides, the goal for the Islands Trust is 15% on every island."

Some land trusts were primarily interested in fee simple ownership of properties, whereas some used indirect means such as conservation covenants to achieve conservation goals. For LT-E, typical of the small land trusts, both covenants and ownership were used, but the preference was for ownership where possible, Participant 2 stated about the choice between covenants and land ownership: "They're both important. But we much more highly value the fee simple land." At the other end of the spectrum Participant 5 explained that LT-G's holdings were almost exclusively conservation covenants:

OK, so we actually only have one property where we have ownership and then all the rest are covenants. And I believe we're at 28 covenants now (...) We've always maintained within (LT-G) is that our covenants always have co-holders. And so, of those 28, we're the secondary on (...) 16? And then 12, we're the primary covenant holder.

Overlapping covenants with other land trusts were common to many land trusts including LT-C, LT-D, LT-E, LT-F, LT-G and LT-H. Another way to control land rights is through long-term leasing of public land, a strategy that was employed by two of the land trusts.

In some cases, acquisition was slowing down. For Participant 2, this resulted from the success at acquiring land and a transition to managing what they preserved: "We're now managers of land and acquisition is not really our big thing, which it had been for 15 years, right?" other participants agreed that there was a transition from a

phase of property acquisition to management of properties. This could be due to success, as above, but it could also be a defensive move. Participant 7 suggested there was a limit to acquisition because the burden of responsibility creates risk for the land trust: “We shouldn’t see our function as being acquiring more and more land, to become a big land bank, a big land owner because that’s just more and more responsibility and more and more risk.” Participant 4 indicated that management of the properties was a neglected priority that needed to receive more attention owing to the particular situation at LT-A (described in detail below, Section 4.4.1), so in that case a focus on management of the properties was developing as a result of the need to rebalance the priorities of the land trust after events that diverted energy and attention from its mission.

Education, and in particular, education about land stewardship was an important activity of the land trusts. Participant 5 related that LT-G viewed its educational purpose as equally important to land conservation: “I’d say it’s probably 60 to 70% of our identity and the work we do is actually around outreach and stewardship.” LT-G maintained programs aimed at landowners to help them improve conservation on their properties, but also engaged the general population as well, for example, through school programs on conservation. Participant 7 agreed that education was an important part of the activities of LT-F:

Most recently we added an additional purpose, which is six, which has an educational component because we were actually doing it but (...), it wasn’t specifically in our purposes and we were doing it under the catch all things incidental to the foregoing. We thought we should actually elevate it to a stated purpose because it was an important part of our activities.

Five participant land trusts listed education as a purpose in their constitutions, and two of the three remaining devoted significant profile to educational activities on their websites and public materials [E4.1.2-1].

4.2. What is accountability according to participants?

For participants, accountability was mainly related to accomplishing the organizational mission. Participant 7 articulated this mission focus for accountability by

talking about a self-examination of the organization's capacity to achieve its mission as essential:

You are taking on the responsibility to protect that land, and so you need to make sure that your organization can do that before you take it on. I mean it's just-, it's not good enough for me to [...] just step in and do it without having thought about how that's going to happen.

Participant 5 described accountability as successful performance of mission-related tasks including: perpetual conservation, stewardship, and education

Accountability was commonly perceived as being the result of a judgment, by an entity that scrutinized the activities of the organization; an 'accountable' land trust receives approbation for their performance, from some external or internal source. According to participant 3, the source may be the donors or funders of the organization. The verdict on accountability could also be delivered by internal membership according to participant 8, who suggested that this may be relevant for only a subset of land trusts because not all have an open membership:

I think it depends on the structure of the organization, because (LT-B) is very different than (LT-H) for example. (LT-B) had a membership base. So you have a lot of accountability to the members. Almost like shareholders because the members elected the board. They had to get the statements and the annual reports and all that. So it was a little different.

In this view a two-way obligation is the basis for accountability, the land trust must perform to a certain standard, but someone who is watchful must provide judgment. Participant 6 echoed this concept, while speaking of a specific example of accountability failure, involving performance on one hand, and watchfulness on the other:

I don't know if they have benefactors in (LT-B) (...) but those are the people that should have been (...) asking the questions, the board, the major benefactors and the people dealing with them. Somebody who's entrusted their land to them should have probably been asking more questions.

Accountability was related by all respondents to specific financial protocols in the practice of accounting. Participant 6 articulated a common perspective: "So in my language, (...) whether I was going horizontally (...) year over year over year or vertically

down a balance sheet, it was in good shape. So that was one piece of the due diligence.” While all participants agreed that financial accounting was part of accountability, not all agreed that this was the most important aspect of overall accountability of the organization. Participant 1 and Participant 7, when asked directly whether accounting was an important feature of organizational accountability replied that it was, but it was not interesting to talk about because there were structures in place within the rules of accounting and oversight by the state that meant it was mostly well handled by land trusts and non profits in general.

4.3. Themes concerning accountability

After identifying and coding accountability themes in the interview transcripts, I grouped together similar themes into 4 main categories, namely: examples of accountability; accountability mechanism; accountability model; and accountability dimensions. These categories correspond well with ideas discussed in the literature on NGO accountability. Before describing the details of the themes, I give a brief overview of each category.

Participants were interested in discussing accountability by relating particular episodes they experienced, and I coded these as ‘examples of accountability’. Between 15 and 36 (median 21) percent of the word content for each interview was coded in the category of examples of accountability.

The ‘accountability mechanism’ category included the participants’ input regarding the accountability mechanisms in place within their organization or in the land trust sector as a whole. This group of themes covered the next highest proportion of interviews, occupying between 11 and 35 (median 16) percent of content.

Content in the category of ‘accountability model’ corresponded directly with the themes of the four specific interview questions. These were: material concerning the legitimacy of land trusts; input on structural integrity of land trusts; evidence of influence on, or independence of, land trusts; and content about the effectiveness of land trusts. These themes accounted for between 2 and 12 (median 8) percent of interview content.

The fourth category, 'accountability dimensions', included discussion of upward and downward accountability, and covered between 1 and 7 (median 3) percent of the interviews.

In addition to these four main categories, I identified two themes that were not explicitly included in the accountability frameworks drawn from the literature; these were: 'strong personalities and internal influence', receiving between 0 and 7 (median 3) percent interview coverage; and 'perpetuity', referring to the perpetual conservation mission as a principal challenge for accountability, with 0 to 7 (median 1) percent of interview coverage.

4.4. Examples of accountability successes and failures

Much of the information about accountability shared by participants was in the form of stories and examples of successes and failures of accountability in land trusts. These experiences with accountability were very important to participants' overall experiences with their land trusts. For example, according to Participant 4, the motivation for becoming involved with LT-A was: "In response to what I perceived as a crisis of accountability at (LT-A)" [E4.4-1]. From these stories and examples, I assembled the following case narratives about accountability experiences in four of the land trusts.

4.4.1. Case 1: A close call with organizational capture

At the time of the interviews LT-A was a small community land trust that had succeeded in protecting several valuable properties in a local area. Though small, operating with one part-time administrative employee and minimal office overhead, LT-A controlled properties that had substantial monetary and ecological value. In the words of Participant 4, LT-A: "Owns millions of dollars' worth of land right, (...) and so there's a sort of capital part of it, that this...you know there's some serious assets at risk here, conservation assets."

The main accountability example that Participant 4 described occurred prior to 2013, when LT-A experienced a period of turmoil primarily related to a struggle for

control of the board of directors. Participant 4 was involved with LT-A before this struggle and before acceding to the board, having done business with them as a hired contractor, and as an active member of the environmental non-profit community in the local area. According to Participant 4 the main issue in the dispute at the board level was an attempt to divert the mission of LT-A to support a property transaction for purposes that did not fit within the mandate of LT-A. Two changes to the composition of the board of directors involving all but one board member in one case and the majority of board members in the other occurred during a single year as factions exchanged control of the organization over this issue.

According to Participant 4, LT-A enjoyed a high standing, though perhaps not a high profile, in the community. Regarding the standing of land trusts in general, but also specifically relevant to LT-A, Participant 4 said: "People love the idea and especially government because you know 'yes we are going to do restoration here' and 'it's going to be conserved in perpetuity because we own the land right and its sole purpose is for conservation.'" The profile of LT-A was described by Participant 4 as having reached a significant high point several years before, due to a particular high-profile conservation activity, but it is likely that most members of the general public would not, at the time of the events described in this case, have been aware of the internal struggle.

In the rest of this section I summarize the story of the accountability dispute in LT-A as told to me by Participant 4.

The land trust's assets and reputation made it a target of external parties interested in securing LT-A's influence in land use decisions. Participant 4 related that, in this particular case, LT-A publicly supported a specific development with the expectation that a significant land donation and potentially other benefits would accrue to LT-A if the project was successful. According to Participant 4, LT-A lobbied city council on behalf of the developer to allow the proposal to go ahead.

Participant 4 also said that there was disagreement with this activity: "Let's say in a lot of people's minds, in the NGO community, that it clearly crossed a line," because the activities proposed by senior management were not in keeping with the mission of LT-A. Dissent was sufficiently powerful that, according to Participant 4: "A lot of rumours were swirling around." Proponents of the proposed transaction, including the executive

director of the trust, arranged for a general meeting of the membership of LT-A on terms that would favour continued alignment with the proposed development.

At the general meeting there was significant controversy. Participant 4 said that the meeting was “stacked” with new members sympathetic to the interests of the executive director and one existing board member. Participant 4 recounted several unconventional aspects of the meeting, including that it was held at the place of business of the individual who was proposing the development in question, and that there were few controls on attendance: “There was no sort of sign up at the door, registration, or fees for joining.” According to Participant 4, many new members were recruited on the spot simply by attending, and manipulation of the meeting was possible because the executive director was able to choose the location, timing, and rules of the meeting with little effective resistance from the board of directors who were: “Very weak, didn’t even sort of really know what their rights were.”

The meeting was highly adversarial and resulted in the election of a new board of directors. Participant 4 said that the faction of freshly minted members, ‘the executive director (ED) faction’, supported the nominations put forward by the executive director and incumbent vice president with the opposition of a significant contingent of established membership attendees, many drawn from the community of fellow NGOs. These last were present out of concern for what they had been hearing in the community, as participant 4 related: “They were very aware, sure because ...it’s a small pool of people so the past board members of [LT-A] were active in them, in some cases on their boards.” Participant 4 underlined the strained discourse, “it was just cacophony.” The election of directors resulted, according to Participant 4, in a board of five members with the incumbent vice president acceding to president and four other directors elected who were sympathetic to the ED faction.

At the request of the dissenters at the meeting a motion was allowed, and narrowly passed, that resulted in the creation of two new board positions. But few people were willing to stand for election for these new positions under the circumstances of the meeting. Also, according to Participant 4, the ED faction had lined up a slate of five candidates, but had not considered the need to be prepared with more. Two attendees at the meeting who were not ED faction members were thus elected. This included

Participant 4. The board of directors, after the election, was composed of five ED faction members plus these two additional members who were not known to each other prior to their election. The business of LT-A proceeded with this board in place.

Participant 4 said that those board members who were not part of the ED faction found it very difficult to obtain information about the workings and state of affairs of the organization. The flow of requested information was slow, blocked at both the board and management levels: “And we were struggling to try and get information, you know asking for financial statements you know, it took months to get those.” This constriction on the flow of information was not limited to financial information. According to Participant 4: “It appeared [...] the president and the executive director were [...] meeting with developers, doing all kinds of things that the board knew nothing about.”

Within a few months, however, a second faction that Participant 4 characterized as “the community” began to reclaim the board in incremental steps. The community faction coalesced around the two additional board members elected from the floor (including Participant 4), who quickly found common cause. Over the course of a few months the balance of power on the board shifted towards this community faction. This shift was made possible in part because one member of the ED faction did not attend any board meetings after the election. According to Participant 4, a second ED faction member was increasingly swayed to support the community faction because of evidence of the poor state of affairs within LT-A: “[It] was starting to dawn [...] that things were, you know, seriously a mess with this organization.” With the board factions deadlocked at three apiece there were opportunities for both factions to influence the direction of the organization. However, eventually the stressful environment and personal reasons led to the resignation of one of the remaining ED faction members, and the community faction gained control of the board. Assistance from the broader community of NGOs allowed the community faction’s control of the board to be cemented when a replacement director, who was recruited through connections in the NGO network, was appointed. Participant 4 asserted that the continuing subsequent involvement of the broader NGO community helped to stabilize the operations of LT-A: “We were able to, very quickly had kind of a meeting of friendlies after all this happened, and sort of clawed out what our obligations were, particularly in terms of the grants, so basically how to meet our

deliverables with no money.” The elapsed time for these described events was approximately eight months.

Following the change of control of the board in favour of the community faction a series of events occurred that refocused the operations and structure of LT-A. Members of the NGO community were asked to assist in the recruitment of members for the land trust by explicitly supporting a membership drive, that was conducted unbeknownst to the opposing ED faction, so that a subsequent general meeting would not generate the same outcome as the one that led to the election of the ED faction. Then the executive director was dismissed using board authority under legal advice. Without a viable supporting faction, and according to Participant 4: “Under the threat of a special general meeting to remove the board president (with approximately 100 new community faction members signed up)”, the president resigned.

These events prompted LT-A to open its constitution and make changes with the intent of providing additional structural safeguards to ensure that the organization keeps to its mission. For instance, after the implementation of the changes, LT-A members elected directors of the board generally rather than to specific executive positions, and the elected board then voted to choose the executive from among themselves. This allowed the president, or other members of the executive, to be dismissed by vote of the other directors should the need arise. Prior to the change, a president elected directly by members could only be removed by another membership vote.

LT-A has been in a recovery phase since these occurrences. This means that some elements of its mission such as instituting a management plan for properties have not occurred. In the words of Participant 4: “We have, of course, given the situation, have a huge list of things we need to sort of get back on track and land management is at the top of that.”

Participant 4 added several comments that situate this episode with respect to LT-A’s ongoing activities. The events described bracket a period of LT-A’s existence that was marked by neglect of the properties in LT-A’s portfolio. The land trust was instead focused on raising funds. This divergence from its conservation mission was facilitated by the ease that land trusts generally have in securing grants based on the appeal of their conservation mission. Participant 4 put it thus: “I discovered also really how, having

written (...) millions of dollars' worth of grants in my career, how easy it is to get money for a (land trust).” Participant 4 also indicated that the problems of LT-A arose in part because the board was not sufficiently experienced to govern the organization properly:

It's endemic to an epidemic and in non-profits I know, environmental and to some extent social justice organizations, where you have got very well intentioned people involved as volunteers and on the board who often don't have a lot of board experience (...) but sort of will join the board almost as a favour to the organization because somebody needs to fill this seat to fill the legal requirement so you know 'I will do it'.

These board members may not fully understand the complexity of governance, nor do they necessarily have the aptitude or training for it. This played in to the situation where a strong executive director was able to control aspects of the organization beyond the normal or intended scope of the executive director function, for example, the timing and location of the crucial annual general meeting.

Table 4.1. Evidence from Case 1, Section 4.4.1

Identifier	Evidence	Source
[E4.4.1-1]	Participant 4 was motivated by concerns about a “crisis of accountability” to become involved with LT-A	Participant 4
[E4.4.1-2]	Participant 4 perceived that LT-A was engaging in activities that were not compatible with its mission	Participant 4 Cleared to publish*
[E4.4.1-3]	The executive director was able to choose the location, timing, and rules of the annual meeting with little effective resistance from the board of directors	Participant 4 Cleared to publish*
[E4.4.1-4]	Two changes to the composition of the board of directors involving all but one board member in one case and the majority of board members in the other occurred during a single year	Participant 4 Cleared to publish*
[E4.4.1-5]	Prior to Participant 4's involvement with LT-A there was an imbalance of power between the board of directors of LT-A and its management in favour of the latter	Participant 4 Cleared to publish*
[E4.4.1-6]	After the shift in board power towards the community faction, the board of directors ultimately used its power and authority to effect a change in senior management.	Participant 4 Cleared to publish*
[E4.4.1-7]	Senior management disregarded board direction regarding the location and timing of the annual meeting	Participant 4 Cleared to publish*
[E4.4.1-8]	Elections at the initial annual meeting first attended by Participant 4 resulted in six of seven new board members	Participant 4 Meeting minutes Cleared to publish*
[E4.4.1-9]	Resulting from a member motion at the initial annual meeting first attended by Participant 4 the board of directors was increased from five to seven members	Participant 4 Cleared to publish*

Identifier	Evidence	Source
		LT-A website
[E4.4.1-10]	The increase from five to seven board members [E4.4.1-9] narrowly passed.	Participant 4 Cleared to publish*
[E4.4.1-11]	The initial annual meeting first attended by Participant 4 meeting had poor controls on participation	Participant 4 Cleared to publish*
[E4.4.1-12]	Information about LT-A was shared in the non-profit community and sparked concern and action, including the initial involvement of Participant 4	Participant 4
[E4.4.1-13]	Participant 4 secured assistance through links with the non-profit community that affected the balance of power on the board of directors of LT-A	Participant 4 Cleared to publish*
[E4.4.1-14]	Links with the non-profit community helped when there was an effort by Participant 4 to recruit members for LT-A in order to counteract a perceived membership bias	Participant 4 Cleared to publish*

Note. * Cleared for publication by a second contemporary of Participant 4, also a decision maker at LT-A

4.4.2. Comparable evidence from LT-B

The main accountability examples at LT-B were related to events that Participant 8, and Participant 9 described as a contest for control of the board of directors. Several features of these events were substantially similar in nature to those at LT-A. In this section, after a brief introduction to the situation that generated most participant input, I present the main points of agreement and contrast between what Participant 4 encountered at LT-A and occurrences at LT-B.

As described by six participants, LT-B experienced a prolonged period of organizational stress related to financial performance and driven by risk-taking decisions of charismatic leaders. Stresses on the liquid finances of the organization, caused by aggressive capital purchases leveraged through mortgage loans, eventually led to organizational failure. Evidence from two participants, and written accounts including a legal judgement, showed that governance of this organization was challenged at the board level during this time at a special general meeting initiated by a group of members that elected a completely new set of directors.

From an accountability perspective, participants described the action and effectiveness of constraints that powered the relationship between accountability holders and the accountable agent. Three types of constraints were prominent in their discussion: the ability of the board of directors to ensure compliance with policy and

strategic direction, the power of members to choose the board, and the potential for peer organizations to influence LT-B's situation at various stages.

Table 4.2. Comparable evidence from LT-B

Identifier	Evidence	Source
[E4.4.2-1]	Participants described serious mission-threatening jeopardy to LT-B related to financial management	Participant 8 Participant 9
[E4.4.2-2]	Participants described efforts, but ultimate inability, of the board to implement crucial changes to the financial management of LT-B	Participant 8 Participant 9
[E4.4.2-3]	Participants described efforts to enact a governance model at LT-B and a policy structure to ensure board accountability, citing the adoption of the Carver Model	Participant 8 Participant 9
[E4.4.2-4]	The board of directors could not induce senior management to remedy the cause of financial policy triggers even when these were signalled to auditors designated in the policy	Participant 8 Participant 9
[E4.4.2-5]	There was an imbalance of power between the board of directors of LT-B and its management in favour of the latter	Participant 8 Participant 9 Participant 3
[E4.4.2-6]	As a result of continuing effort to assert its authority, the board of directors ultimately used its power and authority to effect a change in senior management. This change was later overturned, see [E4.4.2-7]	Participant 8 Participant 9
[E4.4.2-7]	There was a contest over direction of the organization culminating in a membership vote that installed a completely new board of directors	Participant 8 Participant 9 LT-B website
[E4.4.2-8]	The membership vote of [E4.4.2-7] pitted volunteer board members against full time campaigners. Participant 8 felt disadvantaged in getting the board's perspective before the membership.	Participant 8
[E4.4.2-9]	The broader land trust community was aware of the situation including the nature and seriousness of financial challenges faced by LT-B	Participant 3 Participant 6
[E4.4.2-10]	There were significant operational interlinks between LT-B and other land trusts such as overlapping covenants involving LT-B and another organization.	Participant 5 Participant 7 Participant 8
[E4.4.2-11]	Participants from LT-F and LT-G stated that repercussions of organizational failure or reduced capacity at LT-B would be directly felt by their organization because they would have to assume primary care of covenanted properties where formerly LT-B held the first covenant and their organization held a secondary covenant.	Participant 7 Participant 5

4.4.3. Case 2: Success in spite of accountability gaps

Land trust C was described by Participant 3 as successful and dynamic, securing high profile properties using a mix of grants, public donations and land gifts. On top of this LT-C had built a significant endowment that could help to assure the future security

and management of its properties. Participant 3 described LT-C as: “A great organization, driven by passion, as most non-profits are.” It was developed by a few individuals (approximately five), and had increased to about 15 participating members.

In the rest of this section I summarize the input of Participant 3 based on our interview. Where helpful I provide comments drawn from other participants’ interviews. These insertions are explicitly attributed.

Structurally, Participant 3 described LT-C as composed of a board of directors that was also the entire membership of the society. “Your members are your board of directors”, according to Participant 3, “and they guarded that like mad”. LT-C had no structured mechanism to permit a wider membership base or direct public input to its governance. Nor did LT-C have structures in place to guide recruitment and selection of the board members who, according to Participant 3 were selected by, “word of mouth”. Accession to the board was by vote of the existing board members. A candidate would be put forward by one of the existing directors and the board executive committee would make a decision to recruit the individual or not.

Like other land trusts, LT-C’s mission explicitly focused on conserving land for the public good. Its activities, in the words of Participant 3, were “ultimately for future generations, (...) For our kids and our grandkids.” The organization also focused on conserving land specifically in British Columbia, “You know raising money in BC that stays in BC.” Participant 3 stated the British Columbia focus was intentional: “So we really tried to focus ourselves as a BC organization, which really does distinguish us.”

LT-C built a significant endowment fund over time that was set aside to provide future resources to manage its land holdings; this was characteristic of the organization. Participant 3 recounted that from the outset LT-C maintained a reserve fund that totalled in the millions of dollars. Preserving the endowment was an organizational priority as even yearly deficits that amounted to less than 1% of the endowment fund were considered reason for consternation at the board level.

LT-C avoided carrying mortgages, if possible, or using capital for ongoing operations. According to Participant 3, the organization operated with a frugal budget: “So they're always really, really skinny, ... which is conservation organizations, right?”

On occasion LT-C had taken out a mortgage, but it became an operational priority to pay it off quickly: “When I came on board we had taken ... Just taken a mortgage out (...) which was the first time (LT-C) had ever done that and (...) everybody just wanted it gone as fast as possible, just get rid of it. So that was a huge focus, when I first came on board was to get that paid off, which we were very successful with.”

Private donations were a particularly important source of revenue for the organization. Participant 3 discussed an individual gift that totalled in the millions of dollars. Board members also contributed substantially: “All the board members were giving at least \$1,000 a month and we had a lot more capacity on the board than that, so there was a lot giving a lot more.” Staff were also expected to donate, as explained by Participant 3: “Everybody gives in the organization, because we’ve got to be able to say to people that everybody gives.”

As described, LT-C did not have a broad membership base. The voting members of the society were the members of the board of directors. Within the board of directors an executive committee numbering three or four people retained most of the decision-making power and was described as “all powerful” by Participant 3. The rest of the board had less influence on the operations of the organization.

Selection of board members evolved over time, from informal collegial recruitment of like-minded individuals, to a process of targeted recruitment overseen by a dedicated committee and driven by policy, and then back to a more informal process. Participant 3 observed: “We tried to develop a process around new board members, (...) and it's gone again now.” This was a source of frustration to Participant 3.

Board diversity was low in terms of gender, race, income and professional background. According to Participant 3, the board was largely dominated by socially connected businessmen. This factor may have limited the ability of the organization to attract investment from socially conscious partners alert to diversity within organizations that they choose to invest in or work with. As Participant 3 stated: “If I were doing that analysis and (...) I go look at the board. (...) And if I saw a board of 14 with one woman on it, I wouldn't even ask questions (...) I'd go elsewhere.” Lack of diversity may also have limited the ability of the organization to raise funding in ethnic communities:

Board governance was not based on any well-recognized formal governance model and was instead relatively informal. The board was described by Participant 3 as neither operational, nor policy focused, but involved with both aspects of the organization. This view was echoed by Participant 6 who felt that the board of LT-C was deeply involved in the operational decisions related to which parcels of land to buy: “The land that they bought was more... directors identified interested pieces of land interesting to them. It may have been valid or it may not have been valid, I don’t know...” There was resistance within the board to the idea of strategically developing a formal governance structure, according to Participant 3, who attributed this resistance to iconoclastic board members who were not interested in that kind of detailed structure for the organization.

Participant 3 commented that the quality of board members was high in terms of business management and financial acumen, and that this quality was transmitted to subsequent boards because of the ability of board members to select like-minded successors. According to Participant 3 it was because of the skill and stature of board members that the organization had weathered difficult financial times and was able to attract a high level of investment from various public and private sources for LT-C. This did not temper Participant 3’s opinion that lack of structure was a potential source of vulnerability to accountability problems.

Table 4.3. Evidence from Case 2, Section 4.4.3

Identifier	Evidence	Source
[E4.4.3-1]	Like other land trusts, LT-C’s mission explicitly focused on conserving land for the public good.	Participant 3 LT-C website
[E4.4.3-2]	“Your members are your board of directors”, according to Participant 3	Participant 3 LT-C constitution
[E4.4.3-3]	Lack of formal governance structure at LT-C was a source of frustration for Participant 3.	Participant 3
[E4.4.3-4]	“All the board members were giving at least \$1,000 a month and we had a lot more capacity on the board than that, so there was a lot giving a lot more.”	Participant 3
[E4.4.3-5]	Board diversity was low	Participant 3
[E4.4.3-6]	Low board diversity may have limited the ability of LT-C to attract investment from socially conscious partners alert to diversity within organizations that they choose to invest in or work with.	Participant 3
[E4.4.2-7]	Lack of structure was a potential source of vulnerability to accountability problems.	Participant 3

4.4.4. Case 3: Island land trusts embedded in the community

Three participants provided information on the operation of LT-D, LT-E, and LT-F, small to medium sized land trusts with operations restricted to a single island each. These land trusts were described as successful at conserving land using a variety of methods and through a variety of collaborations with other non-profits, governments, or local landowners. At the time of the interviews, the three islands had protected areas totalling up to 25% of their territory, including public parks and land trust holdings. The island land trusts had contributed to both public and private conservation.

The island land trust participants emphasized the importance of being aligned with community values and goals. According to Participant 1, LT-D was started as a way for the community to have a say in the use of land on the island. The community was seen by Participant 2 as a “significant force” that guided what the conservancy did because: “We all, all of us, all the board members are residents here, we have to live in this community.” If there was something that was against the will of the community: “It wouldn’t get very far before the board would look around and say, too many people, I’m not going to support this.”

In the view of the participants, the island communities were interested and engaged in the missions of the land trusts. Participant 7 stated land use issues are high profile because of the unique climate and ecosystem of the islands, but also because of the high amount of private property. As Participant 2 related above, there was a widely-held perception that the community was watching. In the case of LT-D, Participant 1 stated that non-profit organizations on the island shared directors and collaborated on projects, with the result that there was keen awareness of the activities of LT-D within the community. Local interest in the land trust was demonstrated by how many people participated. The island communities had a high participation rate in the membership of these land trusts. Membership in LT-E, for instance was around 5-15% of the island population. Membership in LT-D had been as high as 300 on an island with about 4000 permanent residents.

Participants felt that the community had high expectations for performance and had high levels of scrutiny of the trusts’ activities. In the case of LT-E, for instance, Participant 2 shared details of an instance where there was an undercurrent of

discontent towards the land trust in a situation where LT-E failed to take a position concerning a land use decision on the island: "It was expensive for (LT-E) in terms of community trust. It's taken us about five years to get out of that."

According to participants, the island communities held the land trusts in high regard as pillars of the conservation movement on the islands, and particularly as a major force to scrutinize land use practices. In the words of Participant 1: "So one of the things that I feel very good about is that of all the organizations on the island if you sort of measure the esteem in which the community holds the organization I'd say (LT-D) is close to the top of the list." Participant 2 related a specific example of the influence LT-E had: "Because if LT-E had said, yes, we'll go for this deal, most of the community would have then shut up and said, yeah, okay, LT-E wants it, let's do it." Island land trusts were particularly prominent in issues related to logging, where they were perceived to be articulating the voice of the community about logging practices that were no longer in line with community sentiment. In the words of Participant 7: "We've had a history of logging on the island which has now come to an end so we're in a transition period from... You know, that type of land use is no longer generally acceptable on the island." Participant 7 went on to say LT-F was central to this articulation of community values: "We kind of gave a voice to some of that activism and a structure to it so it wasn't just protest but: 'here we can take these lands'". Participant 2 specifically mentioned community efforts to mitigate the effects of logging on island properties. This included an attempt to form a cooperative to try to buy forestry property and add it to a community forest.

The islands' social environment included many organized NGO groups with overlapping board membership and often congruent goals. According to Participant 2: "There are fifty boards on the island, and everybody who is good at this is fully committed." Among other things this meant that there was a good exchange of information about the operations of land trusts within the local community on each island. Participant 7 reported many cross linkages between directors on boards of island non profits:

We try to interact positively with them and the fact that some of our directors are on other boards is fine. Not a problem. Small communities like that you can't... You've got to get as many allies and in as many places as you can.

Running a land trust in the island social environment posed particular difficulties. Polarization in the community created factions that the land trusts had to manage. Participant 1 related findings from a conference on island life: “Many islanders are either anarchists or they’re libertarians and either one likes to have their own way but on a totally different framework.” Participant 2 described how LT-E managed one situation:

In recovering from that strife that I was describing about the rezoning of the parkland, we, you know, there were community factions, right. And the old board was essentially all in one faction. And there were these other people out there who didn’t like us. So we invited a couple of good representatives who were in contact with that part of the community to come on the board. They did.

On the islands there was competition for good board members because of the numerous community groups; recruiting board members was therefore difficult. Often board members were recruited through a targeted process, especially when board executive positions needed to be filled. Even so it could be difficult to find people and get people to accept. In LT-F the board president position at the time of my interviews was held by Participant 7 who took the job because of a perception that nobody else wanted it.

Developing structures to ensure the robustness and sustainability of the organization can be a burden on a small land trust with limited resources. This includes governance provisions as well as strategic planning. For instance, LT-E did not have well defined rules about membership, including who was a voting member and how voting would occur at elections. In the words of Participant 2: “So uncertainty about just exactly who is a member and what are the qualifications and requirements. And nobody has wanted to open the bylaws. And the bylaws, when you read them, you’ll see that it’s complicated in the membership section.” LT-D had never had occasion to hold an election for board members, as there had never been a contested spot. When discussing the potential for unexpected consequences or abuse of vague membership rules Participant 1 said: “Well, we certainly don’t have any protection against that but we’re a long way from it happening so far. “... “I don’t know, I guess the, we don’t tend to worry about the hypotheticals, I guess would be the short answer.” LT-F had well-developed and articulated policies and a strategic approach to land acquisitions;

however, there were still structural gaps such as membership rules that allowed instantaneous recruiting and voting.

The island land trusts often held overlapping covenants on properties; so that if one land trust failed, another land trust would be able to assume responsibility for the conservation covenant. Informants reported that this practice had both positive and negative aspects. Participant 2 viewed overlapping covenants as a way to keep local interests active in a property that may be managed according to changing political will. Participant 1 agreed that overlapping covenants are an accountability mechanism designed to guard against future changes in government philosophy. Participant 1 paraphrased what a responsible agent of the Islands Trust (a quasi-governmental body) might say and projected how that might not be the case in the future:

Well, it's basically, yeah, it's all about accountability. It's a way of saying, well, okay, "We're a government body and we have good intentions now." but, you know, who knows with situation being different 20 years from now whether the government might try and change its policy.

Participant 7 had doubts about holding overlapping covenants after observing the added responsibility for properties as a result of LT-B being under creditor protection. Participant 7 said it was likely that LT-F would be hesitant to engage in overlapping covenants in the future.

Some of the island land trusts were in transition from land acquisition to land management. Participant 2 commented on the progress made during the two-decade existence of LT-E, saying that the original target for area of land conserved had been met. For LT-F, Participant 7 saw continual accumulation of property as risky: "we shouldn't see our function as being acquiring more and more land, to become a big land bank, a big land owner because that's just more and more responsibility and more and more risk." The potential exists for land trusts to neglect their land holdings and fail in their mission. Participant 7 used the example of extractive industries:

Well, that's one approach that they took on. They took on this land and used it and abused it and then-, went away declared bankruptcy, fell away and it just sits there and nobody wants it and nobody cleans it up and nobody deals with it. Well, I mean, that's, I guess, the future of land trust if we don't, if we aren't careful."

The transition to land management brings new challenges. Participant 7 pointed out that land management requires different competencies and capacities: “We’re very strong on the scientific species-at-risk work and I can go into that in more detail but we have very limited resources for other land management activities.” Participant 2 related that holding a significant amount of property brings public scrutiny on permitted land use:

We have certainly shifted towards recreation that it comprises only at the moment the use of trails. But we allow horses on trails on our own land which we would not have done, I don’t believe, in the past. And that’s, you know, it’s partly because so much land is now in conservation that people are beginning to notice, hey, if you’re shutting us out of this land, where are we going to walk?”

Participant 2 said LT-E recognized a shift in responsibility between 2000 and 2005 from acquisition to land ownership and management: “We’re now managers of land and acquisition is not really our big thing, which it had been for 15 years.” This realization triggered changes in operation and governance of the organization. “A task force ... came to the conclusion that we definitely should hire a land manager and could afford to pay somebody about quarter time.” The management of land could bring land trusts into conflict with each other and with public policy. Participant 1 raised some basic types of issues that LT-D faced with the Islands Trust Fund:

Their argument is (it’s) a nature reserve, it’s okay to have trails on it, it’s okay for people to use it but let’s not advertise it. And our point of view is if you’ve got a nature reserve, unless you’ve got endangered species or [...] a really sensitive ecosystem that’s a different matter. But we’re talking about second growth coastal Douglas fir which is nice but it’s not unique and you should have, allow people to go in and use it and become more educated and you end up having more support. So we just have this little argument all the time.

The complexity of policy on land access manifested in the opposite way for LT-F. Participant 7 raised the need to arbitrarily close off access to one of the properties controlled by LT-F:

It’s accessible, it’s sensitive watershed land, it’s got a fresh water lake that feeds into drinking system of (the island) but it already has some public use, there is going to be an expectation of public use, people are going to want it to be a park to take their dogs to. We can’t do that; we can’t have that, but how do we get that message across and yet still be inviting the public.

The future sustainability of the land trusts was a preoccupation for island informants. Participant 1 stated that land is a permanent asset that does not go away. It requires management in perpetuity, and the pressure to use it for alternative, non-conservation, purposes sometimes does not diminish. This makes the mission of a land trust different from many other non-profit organizations. Participant 7 listed several factors that could jeopardize the future sustainability of LT-F:

But the 'what if' is: What happens if the federal government decides they're not that interested in that anymore or, you know, what happens if our members just start getting donor fatigue? What happens if they get turned off by the experience and with other land trusts? What happens if we can't recruit some board members to take the place of those that have been there a long time that probably-, where we need to be thinking more long term and less project-specific thing.

On the other hand, sustainability could involve the island land trusts providing a bulwark against any future change in government policy that might threaten holdings primarily under government control but not incorporated into parks. Participant 2 articulated this fear:

Okay, we don't trust government. We really view this as; we are in this for the long haul. Perpetuity is in our mind. And our experience with government is that they really-, governments change, policies change and fine. If we've done all this work to secure this, ten years of blood, sweat and tears, to secure this land, we want a piece of it. We want a share in the control of it. So that's why we have covenants.

Land is inherently valuable and the island land trusts had acquired valuable portfolios of land. The amount of assets that they administered was a growing challenge for these small organizations. In the words of Participant 7 who placed it in the context of a volunteer board of directors: "That's a lot of assets for a small organization. [...] That is a lot of assets for us to administer to and we need to figure out how we're going to do it. That's really where we're at."

The island land trusts viewed governments as an important partner. Even while talking about the need to provide insurance against the vagaries of government, Participant 2 confirmed that the Islands Trust, a quasi government body, was a principal guiding force on LT-E's operations: "It's within our bylaws that we will respect what

Islands Trust is trying to do and not go [. . .], not work against Islands Trust. And you know, Islands Trust’s mandate is also to preserve and protect the island as a whole.” Participant 7 went further by concluding the interview with a statement about the relative responsibility of land trusts:

This is the last thing I’ll say is part of what I see as being important for land trust in terms of it’s accountability, is to work more with other agencies and with other, and with government agencies because the continuity that we want to see, really, it can be provided by land trust but it’s, in my view, not necessarily the ideal way because the land trust is taking on a responsibility to protect land for the public as a whole generally. (...) We have institutions that are supposed to act for the public as a whole and they’re called government.

Table 4.4. Evidence from Case 3, Section 4.4.4

Identifier	Evidence	Source
[E4.4.4-1]	The community was seen by Participant 2 as a “significant force” that guided what the land trust did because: “We all, all of us, all the board members are residents here, we have to live in this community.”	Participant 2 Participant 1
[E4.4.4-2]	Land use issues are high profile because of the unique climate and ecosystem of the islands, but also because of the high amount of private property.	Participant 7
[E4.4.4-3]	Members are happy to support and come to events and listen, but not necessarily engaged in the workings of LT-F nor willing to participate in an annual meeting.	Participant 7
[E4.4.4-4]	The island communities held the land trusts in high regard as pillars of the conservation movement on the islands, and particularly as a major force to scrutinize land use practices	Participant 1 Participant 2 Participant 7
[E4.4.4-5]	Land trusts are highly respected, or the most respected, non-profit organizations on the island	Participant 1 Participant 2 Participant 7
[E4.4.4-6]	Island land trusts were particularly prominent in issues related to logging, where they were perceived to be articulating the voice of the community about logging practices that were no longer in line with community sentiment.	Participant 1 Participant 2 Participant 7
[E4.4.4-7]	“We have institutions that are supposed to act for the public as a whole and they’re called government”	Participant 7

4.5. The accountability mechanism

The themes that emerged from participant interviews within this category were related to the three essential parts of the accountability mechanism. Mechanisms must

have an accountable agent, an accountability holder, and a constraint that acts between them (Bovens, 2010). Participants provided input about these themes directly, and the themes also appeared, both directly and indirectly, in participants' examples and experiences. This section presents material which overlaps with information presented in the cases related above. The main purpose here is to present the results in a way that highlights how participants' views and experiences aligned across cases and organizations.

4.5.1. The accountable agent

There was agreement by six participants that the board of directors was ultimately (five participants), or theoretically (1 participant), accountable for the organization, and thus the accountable agent. The two remaining participants clearly implied that the board was the accountable agent, in one case by describing their organization that consisted mainly of a board of directors with no additional staff, and in the other case by identifying the highest ranking staff member as accountable for the organization, but also describing instances of the board holding him to account. Some participants articulated this concept as 'where the buck stops'. According to Participant 5, "It stops at the - the board." Others, for instance, Participant 7, talked about being 'responsible' as analogous to 'accountable agent', as in: "Legally I am responsible as a member of the board."

4.5.2. The accountability holder

Participants described a wide variety of accountability holders and ranked some as more important than others. The accountability holders they mentioned included members, donors and sponsors, authorities who monitor and enforce the laws of the land, and those who have a contractual arrangement with the land trust. Participants referred to accountability holders both explicitly by naming them in response to a direct question, and implicitly by identifying for whom the activities of the organization are being performed, or to whom the decision-makers in the land trust felt responsible.

Five participants said that members were primary accountability holders. Participant 1 clearly placed accountability to members of the organization above that to

anyone else including donors. “The only people who literally have a say are the members [...] nobody else has a direct say.” Likewise, Participant 9, Participant 8, and Participant 4 all identified a primary accountability to members of their organization. Participant 2 stated that LT-E was accountable to two classes of people, one being the members and the other being the whole community of islanders. Thus, five of the six participants’ land trusts with self-selecting memberships indicated that the membership of the organization was either an important, or the primary, accountability holder.

According to Participant 9, accountability holders included beneficiaries of the land trusts’ activities. Participant 8 likewise mentioned accountability to a “broader public”. Participants 1, 2, and 7, the three participants from the island land trusts, felt accountable to a broader public that was the island community. Of these three, only Participant 7 included off islanders: “Obviously when we set aside, take on, a nature reserve it’s directed more towards society as a whole.” These three participants raised downward accountability to the public in the context of identifying for whom the organization was performing its mission. This was a different question (6) than the question that asked about accountability holders (7) (Appendix C).

4.5.3. Constraints

To discover information about accountability constraints, I asked participants several questions about what would happen to remedy divergence from the land trust’s mission or failure to keep its promises. This allowed participants to explore the checks and balances that kept their land trust on task in accordance with its mission. In discussing accountability constraints, participants focused on who was able to influence the organization’s mission, citing both internal influencers and external influencers. They also discussed the framework of internal policies, operational rules and the broader effect of laws governing the behaviour of non-profit corporations (and corporations in general). Together these form a basis for the operation and power of constraints.

Some of the organizations relied mainly on internal safeguards as constraints on action. Five participants talked of board oversight (in one case board and management acting in concert) as a basic (three participants), or the main (two participants) constraint that kept the organization on track. In this view, board members of the land trusts act

naturally to keep the organization focused on mission, often using rules set out in policy. Related to this role as an organ of oversight, two participants confirmed that there was a danger of the board becoming complacent, inattentive, or losing critical perspective. To guard against such hazards, two participants pointed to board renewal as key. New board members bring perspective and focus that can refresh and reinvigorate board oversight of the organization.

Governments and external funders often demanded reporting concerning goals on a project-by-project basis,. The land trust might obtain funding for a specific activity and be expected to report only on that activity. Participant 6 described this kind of reporting as a segment audit:

There are donors who require a specific - in my language [...] an audited segment statement. So here's what you did relative to this piece of land with my money. Give me a report, an externally verified report on that. We have to do that in some cases. There's lots of external people who look at various things we do.

Withholding of funds or denial of future opportunity were constraints mentioned by Participant 5 for failure to achieve satisfactory accountability with respect to a given project.

Constraints existed on some core aspects of land trust business as the price for doing business. Participant 4 discussed reporting to the Canada Revenue Agency via tax filing as an example of this. Participant 6 added that the enabling legislation for non-profit organizations provides boundaries on what land trusts can do: "There are... the Societies Act-, (...) and there's a federal Not-for- Profit Act, which set out certain requirements, (...) on your governance structures, how you behave." Notably, there were no instances where participants voiced concerns or signalled failures due to the malfunctioning of these basic structural accountability mechanisms.

Internal policies also constrain the activities of land trusts. Three participants said that having a policy in place to facilitate discovery of divergence from mission and objectives is important so that, if needed, a remedy can be applied. Participant 7 discussed policy in LT-F that required review of formalized documentation prior to land acquisition. Likewise, Participant 6 described LT-H policy for baseline reporting: "You

can't bring forward a piece of land to be bought without these reports being brought forward." Additional policy ensured that progress on land management was reviewed regularly in LT-H. In LT-B, Participant 8 recalled that there was an extensive set of policies that were effective in identifying when the land trust was in danger of mission failure. This included internal reports and accounting, such as an auditor review delivered to the board.

Reputation is an important potential external constraint, but sometimes external actors and the peer community of land trusts and other NGOs were reluctant to make disclosures that would damage the reputation of land trusts. Reputational consequences are serious enough that participant 4 and participant 8 described two scenarios where other NGOs avoided signalling accountability problems of a land trust because the ongoing mission of the organization would be at great risk if its reputation suffered publicly (see case 2 and confirming events at LT-B). Participant 8 described a reluctance to engage in public debate of shortcomings, "If you've got dirty laundry you don't want to -- or what could be perceived as dirty laundry or practices that not everybody would like, do you risk your donor base by telling them?" Participant 6 explained that the reputations of land trusts are cross linked, "I can't tell you which organization it was, but an organization dealt in poor faith with a ranch. And that made *our* lives difficult with all ranchers for some period of time." Participant 7, Participant 8, and Participant 9 all mentioned a similar cross contamination resulting from damage to another land trust's reputation [E4.5.3-2].

The industry association, the Land Trust Alliance of British Columbia (LTABC), was mentioned as a source of standards, but only one participant referred to it in the sense of its exerting influence (or not) on land trusts; Participant 4 saw LTABC as lacking any enforcement ability. The only other references to LTABC from the participants were related to its development of standards and practices for land trusts that were adopted by LT-E, and LT-A, or its support for very small land trusts as noted by Participant 5.

4.6. The accountability model

This section summarizes the participants' responses and examples that are relevant to the four accountability question areas: influence-independence; effectiveness; legitimacy; and structural reliability. As in section 4.5 the main purpose here is not to recapitulate results presented in the case studies, but to provide insight into how participants align with each other on these topics.

4.6.1. Influence-independence

When asked directly about influences on the organization, participants largely focused on external influencers. By participants' accounts, these land trusts are largely free from negative external influence (to act contrary to the organization's norms or mission). Participant 1, Participant 6 and Participant 9 explicitly stated that even large donations would not influence their land trust or change the way it acquires land. In the words of Participant 6 (regarding a large government grant): "Yeah, if they came to us and said we'll give you (millions) but... we want you to buy land only in [Location X] we'd say no, sorry, that's not the way we do business" [E4.6.1-1]. Participant 6 confirmed that this stance has been tested in the past: "Yeah, not in almost all, in all cases. We've returned funding, for example. People have given us money and we... in retrospect looked at it and said wrong, send it back."

Participant 5, Participant 3, and Participant 2 described their organization as both independent and connected to a broader community. Participant 5, referring to LT-G, identified a connection to peer land trusts: "Yes, you know, it's obviously strongly connected to the land trust movements. Within that, it's an independent organization for sure." Participant 3 also identified connection to peer land trusts but called LT-C, "totally independent" from both government and donor influence [E4.6.1-2]. Participant 2 described LT-E as connected to the island community.

Positive influence by the community on the land trust was described for three land trusts. Participants with the island land trusts, LT-D, LT-E and LT-F saw the community as both supportive and watchful. Other participants did not report community watchfulness as a factor. Participant 4 said that the community at large was not alert

enough to provide a significant check on the activities that led to the struggle for control of the board of directors at LT-A.

Internal influence on land trust organizations was not mentioned explicitly; however, indirectly, participants recounted instances where internal influence on their organization affected organizational accountability. These instances were often linked in participants' accounts to the effect of strong personalities within the organization. I coded these separately and they are discussed below in section 4.9

4.6.2. Effectiveness

Two participants spoke of effectiveness by referring to their organization's record of property acquisitions. LT-F was "definitely effective" according to Participant 7 because it succeeded in the fundamental mission of setting aside land for conservation. Participant 8 indicated that the tally of land area conserved is an easily proven measure of effectiveness: "I think management viewed the number of acquisitions as probably their most important target. And if indeed -- and I think all land trusts if you read their literature they talk about what they preserved that year. How many acres they have total. So I think a big measurement for land trusts is just bigger is better."

Beyond acquisitions, participants also discussed the effectiveness of conservation activities, focusing on the difficulties involved. Participant 4 said that challenges arising from the accountability crisis of LT-A (Case 1) interfered with managing acquired lands, and, that getting back to land management is an organizational priority [E4.6.2-1]. Participant 5 described that as LT-G matures it has become more concerned with the management of properties, and recognized that LT-G needs more expertise on land management at the board level to fulfill that duty. As discussed in Case 3, Participant 7 raised the problem of finding resources for land management activities outside species-at-risk work [E4.6.2-2].

When asked directly how land trusts monitored their organization's effectiveness, four participants stated that the land trusts primarily relied on board oversight. According to Participant 2:

There's no formal organized process for that. It's only just the oversight that the board has of everything it does. I couldn't say that the AGM actually functions in that way. The people do ask questions. The AGMs, typically, people ask a few questions, but they wouldn't likely address that. So it's only just the board members trying to do their job.

Participant 1 and Participant 7 concurred that monitoring effectiveness was largely a result of the diligence of board members, but added that documented planning and reporting was part of the process. In the words of Participant 1:

"I would say again it's, it's mostly board diligence and we do have a strategic planning session at least every three years, sometimes every year. And as part of that strategic planning session we sort of review whatever was last time and figure out which ones have we accomplished and where are we at with the others."

Participant 6 described the same elements of board oversight and planning but described the latter as detailed, separate for each property, containing standardized elements and an evaluation of performance.

4.6.3. Legitimacy

When asked directly what makes their land trust legitimate, participants had responses ranging from 'the land trust acts in ways not proscribed by law' to the land trust being an organ of the community will. Participant 8, Participant 9 and Participant 4 articulated the first sentiment, the latter stating: "I think, well, there is a legal right to do it which is you know obvious and well enshrined and that conservancies have a, are a, recognised form of non-profit that can hold land." Participant 2 suggested that legitimacy derived from the mandate of the Islands Trust, whose goals LT-E enshrined in their constitution, but also that legitimacy derives from LT-E's reflection of community values and will: "We have a legitimacy based in respect for nature that's not legislated in our society but is very strongly held by members and a lot of people on the island." This stance was also shared by Participant 1, who said: "I think we look, we listen closely to the community so that we do try and stay, we do try and represent a position that's supported at least by a large segment of the community." Participant 7 concurred and added that there is a local responsibility to take care of the environment and supporting LT-F was a way that the responsibility could be addressed and met [E4.6.3-1]

Providing indirect commentary on legitimacy, almost all participants described their land trusts as highly respected and all described the land trust movement in those terms [E6.4.3-2]. In Case 3 (Section 4.4.4) Participant 1 said the community legitimizes LT-D by holding it in high regard. The other island land trusts were likewise explicitly held in high regard in the local island community according to Participant 2 and Participant 7. Participant 4 articulated a lower level of general community awareness about LT-A, a non-island trust of about the same size as the island trusts, but, as seen in Case 1, pointed out that the idea of land trusts is well regarded in a general, public, sense. LT-G, a regionally based trust, worked hard within the community to increase recognition of its brand. Participant 5 described progress in the brand recognition of LT-G, “I think that it, within the community, is much higher than it was, you know, six or eight years ago.” Among the larger land trusts, Participant 6 reported that there were targeted efforts in LT-H to gain the respect of specific groups of people, such as ranchers within a certain geographical area.

4.6.4. Structural reliability

Participants spoke at length about the structures that guide governance, revealing a preoccupation of their organizations. Participant 7 underlined the overall importance of the topic, relating failure of governance structure to organizational failure [E4.6.4-1]:

It is messy, and so that's again the examples that we have front and centre right now where your topic is so important. The topic of governance of land trusts, because we have an example of a very successful land trust that was able to convince a lot of people to join in but didn't have adequate... the judgement... I don't know why they failed, I'm not an insider, I can't say ...but I suspect that one of their problems was governance that didn't anticipate this and I guess the proof's in the pudding.

Participants described several features of the governance structure of land trusts including how the board is selected; how the selection of board members has evolved over time; the use of voting members to determine governance of the organization; and issues related to board capacity.

Boards were selected by voting members in all of the participants' land trust organizations; however, becoming a member and becoming a director of the land trusts followed two distinct paradigms. For LTC and LT-H, Participant 3 and Participant 6 stated that the existing group of sitting directors selected new directors and that the directors comprise the entire membership. As described by Participant 6: "We're not a member based organization [...] The members are the members of the board." In both of these organizations the actual constitutional rules were somewhat more complicated than these two participants expressed. While in LT-C only board members could be voting members of the land trust, there was latitude for the board to appoint non-voting members. LT-H had a slightly larger circle, allowing the board latitude to appoint voting members. Regardless of these small differences, the fundamental membership model for both of these land trusts was that the board controlled who became members. Members in turn selected the board from within their limited ranks [E4.6.4-2].

The other land trust organizations selected directors by membership ballot and membership was open to anyone meeting certain criteria [E4.6.4-3]. In all but one case the criteria were quite general. The only requirement to become a member was payment of a nominal membership fee. The remaining land trust, LT-E, restricted voting to members who were residents of the island on which it operated, while accepting non-voting membership from anyone. Participant 2 described the membership rules of LT-E as complex, not enforced, and under review [E4.6.4-4].

Participants from the three island trusts as well as LT-A mentioned some difficulty in recruiting qualified directors. In the case of LT-A this may have been coloured by the specific adversarial situation on the board. According to Participant 4, "There was no one else willing to sit on such an obviously dysfunctional and divided board." The island trusts have more systematic challenges. As seen above in Case 3, Participant 2 described that the pool of talented directors was already fully subscribed, and thus LT-E made recruiting a priority: "So the board has a discussion around November. Okay, so for the AGM coming up in March, who's going to, who's heading off, who's going to leave? Who's staying on?" Participant 7 related that there was reluctance to take on roles on the board that may bring substantial workload. In all cases these land trusts strategized to fill their boards.

As a result of strategizing, recruitment of board members was generally an engineered process designed to match candidates to vacancies; rarely was there competition for board spaces. This was certainly the case for LT-C and LT-H because new directors were chosen in an internal board process. For these land trusts, participant 6 reported that LT-H used a skills matrix approach whereby the qualities desired by the existing board were mapped and candidates for board membership measured against the set criteria [E4.6.4-5]. According to Participant 3, LT-C reverted from a similar approach to an informal process of director selection that relied on social and business network recruitment of “likeminded” individuals [E4.6.4-6]. Participant 3 identified this as problematic in terms of developing a reliable board: “Can they rely on it? Yes. Can they be successful? Yes. Should they rely on it? No. Personal opinion is: You're going to blow it sometimes too, because there's no due process.” [E4.6.4-7]

In the other land trusts, regardless of size or location, recruitment was also important, and competition for positions was scarce. Participant 8 spoke of the ideal of competitive selection for directors as an occasional occurrence. Participant 4 argued that the lack of competition for board spaces degraded the value and worth of directorship: “It devalues it to the point where it is [...] a favour somebody does for the organization or the staff even to join the board, and democratically it means the members aren't really being represented.” Participant 1 reported that in LT-D there was on one occasion a surplus of candidates who had accepted to become directors. The selection of directors did not proceed to open election; rather several candidates were informed that they would not receive the board endorsement for accession to the board. These individuals then did not pursue their candidacy. This is consistent with participants' reports of the board selection process at LT-E, LT-F and LT-G where the way that directors acceded to the board was by acclamation after being selected as part of a slate of candidates; although, according to the three participants from these land trusts, the organizations were always prepared to hold a vote if necessary. In fact the only instance of membership elections with competing candidates for board members related by participants was at LT-B during what Participant 8 and Participant 9 described as a struggle for control of the organization.

Evolution of the organization's board was also a preoccupation of several participants. The issues included the use of term limits as a means to encourage board

turnover, and how the early organizational stage of a land trust's existence can create a situation of imbalance between the board and executive. Five land trusts had term limits for directors, and two trusts were discussing them (in the remaining land trust there was no discussion of term limits). Term limits on directors were mentioned in a positive light, or as something that the land trust had implemented to ensure renewal, and in one case specifically as way to bolster accountability by bringing in individuals with new perspectives to review ongoing activities and situations. Participant 5 described a typical term limit structure: "We have it built into our policy that a board member can never sit more than two terms; two consecutive terms in a row. Each term being three years, so more than six years total for a board member before they have to step away for at least one full year." Participant 8 described another way that structural reliability is affected by board evolution: Non profits are frequently founded by people who take on the mission directly, focusing on operational imperatives; a board that oversees strategy and policy development often comes in later as the organization outgrows the ability of the founders to oversee all of the details of its business.

Five participants described that board volunteers face a burden of effort that can affect recruitment (4 participants), retention (1 participant), enthusiasm (3 participants), and performance (2 participants). Participant 8 identified both workload and stressful situations as disadvantages of becoming a director. The workload and effort can lead to serious effects such as burnout, which was seen both by Participant 8 and Participant 5.

Board diversity can be an issue for accountability. Good diversity of viewpoint on the board can lead to better decisions and is an accountability check according to participant 6: "Oh, the checks and balances are the... are the diversity of people involved. If you have a (single) decision maker, you have no check and balance." As seen in Case 3, Participant 3 identified diversity of the board as a way that the land trust can open access to different communities of donors and develop better business relationships.

Finally, according to Participant 8 and Participant 9, one of the land trusts, LT-B, devoted considerable effort to adopting and implementing formal policies with the goal of improving its governance structure. The Carver model of board governance was implemented. From an organizational structure perspective, a notable feature of this use

of policy was its inability, according to both Participant 8 and Participant 9, to supply accountability constraints against powerful internal influence wielded by senior management. According to Participant 9: “It didn’t give us the day-to-day hands on control of the organization that was required”, and: “The truth is it wasn’t good enough. It wasn’t a good model.”

4.7. Participants’ insights on dimensions of accountability

Interview content coded to this theme covered four topics where participants commented on, or provided examples related to, the dimensions of accountability: downward accountability to beneficiaries; upward accountability to donors and regulators; horizontal accountability to peers; and membership accountability. As with previous sections, some of these results overlap with information reported in the three cases (Section 4.4), but the results presented here focus on how the perceptions and experiences aligned among participants.

4.7.1. Downward accountability to beneficiaries

When talking about who benefitted from their land trust, participants said that the mission of land trusts is either partly or fully intended for the benefit of present and future generations of a general population. Participant 6 articulated a theme that was common to all of the participants: “Everywhere, throughout our words and statements it’s in perpetuity, forever, we’re doing it for (...) the next generations.” [E4.7.1-1]

In some cases, the benefit of the land trust was clearly intended primarily for the local community. Participant 5 said that the intended beneficiaries of the actions of LT-G, a regionally based land trust, were primarily the inhabitants of the region, and that the fact that it was a locally active land trust was a factor in this stance. Participant 7 described a typical island land trust attitude about who are the beneficiaries of LT-F activities: “they are performed for the residents and the visitors to [the island] primarily.” Both Participants 1 and 2 also described a hierarchy of beneficiaries that began with the island community but included some aspect of a broader public base [E4.7.1-2].

Two participants from island land trusts discussed how the people they saw as beneficiaries could exercise accountability. This was described in Case 3 as a strong feeling that the directors of the land trusts were part of the community and that there would be repercussions if they acted against the community sentiment. Both Participant 1 and Participant 2 voiced this thought in a similar fashion. Participants from other land trusts did not identify ways that the larger public could exercise accountability.

4.7.2. Upward accountability to donors and regulators

Participants described upward accountability holders as government and donors. According to Participant 3, core accountability rests with the donor: “The core of everything is always being able to look your donor in the face and in our case our donor was government, as well as individuals, as well as corporations” [E4.7.2-1]. Participant 6 described audits by donors as serious examples of accountability in action. Participant 9 described an accountability chain whereby members of the land trust provide accountability by proxy for individual donors: “Mrs. Brown gives us money, our members expect us to look after that money in the interest of the objects, you know, the purpose clause of that non-profit.”

The upward accountability to donors and governments for use of resources described by participants was largely specific to a set of deliverables or objectives that constituted a subset of the organization’s mission. Participant 5 stated that accountability in those instances was expected on a project-by-project basis: “Well, every time we get significant funding from the government we have to provide reporting.” Participant 6 echoed this, saying: “We have donors who give us money on condition, so they give to us with a specific purpose. And you can bet they hold us to account. We have to report back to them.” [E4.7.2-2]

Donor funding can come with detailed requirements. Participant 6 stated: “Depending on the donor, the donor may create very specific requirements. As I said, the easiest one to point to is Environment Canada who came in and audited us.” Participant 5 agreed and referred to a federal government granting program as an example:

We apply and say what we're going to do and we try and tailor it towards what we want to do, but then they say, 'Well you guys are going to do this, this and this' and then we have to do this, this and this and report back to them or else we don't satisfy the requirements of the granting organization. [E4.7.2-3]

Three participants also described strong upward accountability checks and balances for routine operations associated with running any business. Filing of taxes, business licencing, and remittances for employee benefit programs were all routine and not a source of accountability concerns.

4.7.3. Horizontal accountability to peers

The land trusts frequently worked in collaboration with each other. In some cases this collaboration could be a strategic choice to ally with other organizations, as in a partnership to purchase land that might require pooling of resources. Some examples of this were: Participant 6 and Participant 7 discussed properties purchased jointly with another land trust organization; Participant 1, Participant 2, Participant 5, Participant 6, and Participant 7 discussed specific instances where their land trust shared overlapping covenants with another land trust; and Participant 3 described strong ongoing collaboration among land trusts as an operational norm. Collaboration could also be a requirement imposed by an outside agency. Participant 6 described a relationship mandated by the Province of British Columbia to bring the large land trusts together so that the province only dealt with one group.

Land trusts also collaborated very closely with other non profits outside of the land trust sector. Specific instances described by participants were: ongoing assistance was lent by LT-D to another smaller non profit on the island in the form of allowing them to share financial accounts, insurance coverage, and even the development of a constitution; LT-E belonged to a formal coalition of NGOs with a shared regional purpose; and LT-D participated in an informal meeting of island NGOs to share information on activities. Participant 4 described being involved with a "sister organization" that mounted projects in the same locations as LT-A as key to learning about what was going on in LT-A, as told in Case 1 (Section 4.4.1). This supplied the motivation for Participant 4 to become involved with LT-A.

Knowledge of the activities of peers was common for participants. While coalitions, cooperation, and meetings are formal ways to share awareness of land trust and peer NGO activities, participants' land trusts were also able to share information in informal ways. Participant 3 described this as being "in the loop", made possible by being personally involved with more than one non-profit organization. Sharing board members was discussed as a significant way that land trusts share information. Three participants shared board members with other local non profits. Participant 2 described shared board members as inevitable in an island environment where there were a large number of non profit organizations and a relatively small pool of candidates. Participant 8 stated that the members of the community of land trusts watch each other.

Peer organizations had a significant impact on accountability in some of the participants' land trusts. Participant 4 was clear that the situation at LT-A involved jeopardy to the organization and the involvement of peer non profits was instrumental in the resolution of events [E4.7.3-1]. In addition to motivating Participant 4's involvement with LT-A, eventually another individual who was "strongly connected with the non-profit community" agreed to sit on the board of LT-A, affecting the balance of power on the board. According to Participant 4, the community of sister organizations also supplied the bulk of new members recruited to change the balance of membership support within the organization. Outside of LT-A, when asked about influences on the organization, Participant 5 stated that other land trusts exercised influence over the activities of LT-G.

The constraint that peer organizations could apply on land trusts was not limited to the actions of individuals. In the opinion of Participant 4 there was also the possibility of disclosure of information about the situation at LT-A, had things not gone the way they did. However, the consequences of such an action, whether the disclosure was only to granting agencies in order to affect funding opportunities, or to the public, would be potentially destructive to the mission of the organization. Consequently, such actions were difficult to consider and clearly had serious repercussions to land conservation no matter which faction prevailed [E4.7.3-a].

The repercussions of damage to the reputation of land trusts were described as very serious, because damage to one organization could affect the sector as a whole and because it could directly affect donation of properties [E4.7.3-2]. Participant 5 called

events at LT-B a “black mark” for the land trust movement and suggested that it could affect the decision of individuals to donate property to LT-G. Participant 8 agreed, stating that public airing of adverse situations in land trusts could put the “donor base” at risk. Participant 6 and Participant 9 agreed that there were impacts on the whole community of land trusts resulting from the situation at LT-B. According to Participant 6 one reason was because there was not a lot of discrimination between land trusts in the public perception. For LT-H, the possible effects included difficulties in fundraising as well as diminished public trust. Participant 9 described the effect as a “debased currency” for land trusts.

4.7.4. Membership accountability

The role of members in accountability was articulated in a variety of ways. When asked who could force compliance on LT-D, Participant 1 said: “The only people who literally have a say are the members”, implying that members are the ultimate accountability holder. Five participants said that members were primary accountability holders. Participant 1 clearly placed accountability to members of the organization above that to anyone else including donors. “The only people who literally have a say are the members [...] nobody else has a direct say.” Likewise, Participant 9, Participant 8, and Participant 4 all identified a primary accountability to members of their organization [E4.7.4-1].

Two participants mentioned members and broader accountability to the community in the same instance. Participant 2 stated that LT-E was accountable to two classes of people, one being the members and the other being the whole community of islanders. Participant 9 described layers of accountability holders, members held explicit, *de jure*, accountability, but other individuals and groups also hold accountability:

Well in theory they are-, and in practice, they’re accountable to their members because [...] we’re a non-profit society. And we have a membership to which we’re accountable. I think though that our accountability is to the broader community, and frankly to the planet...

Members can, and do, apply constraints on land trust activities as exemplified in Case 1 (Section 4.4.1). Participant 4, Participant 8 and Participant 9 described three occasions where, according to them, membership votes drastically changed the board

composition and affected the mission of the land trust. In two of these cases participants described their own efforts to recruit members and solidify a membership base that would support the election of one group of directors over the other. Regarding LT-B, in the opinion of Participant 9 the struggle for control of the organization, culminating in a membership vote that installed the opposing faction, represented a successful demonstration of membership accountability in action [E4.7.4-M1]. Thus, according to Participant 9, the membership accountability mechanism was effective at a theoretical level, even if the ultimate consequence damaged the viability of the organization.

4.8. Perpetuity

The ongoing nature of land trust work was a topic of central importance to participants and their land trusts. The mission of all the land trusts was both ongoing and open ended. Eight of nine participants used the word “perpetual” or “in perpetuity” to describe the mission of their land trust. The information presented in this section presents the perspectives and examples that related to the perpetual mission of land trusts with specific focus on how the views of participants aligned.

Participants viewed perpetual protection of land as a primary concern, a big responsibility, and an expectation placed on land trusts by people who donate land. This viewpoint was articulated by Participant 8, who stated:

But ultimately we felt we had a bigger mandate to basically the people of B.C. because these are properties-parks that are preserved in perpetuity ideally, that's the plan, for the province, the people of the province. Which is a big responsibility right? When you look at it that way.

The weight of responsibility on land trusts is significant, particularly on the board. Participant 9 said:

I think it's really critical that at the orientation of the new direction [the possibility of organizational failure] should be made known to all of the directors. They should think about their responsibilities because they're not just immediate, they can be forever.

Participant 7 said similarly:

I'm constantly thinking about how do we put this organization into a position that it can fulfill that trust. I don't want to be in the position of, at least not under my watch, of being the one that figures out, well what do we now do? ... Where do we find a home for these properties?

Donors expect perpetual preservation. Participant 5 and Participant 9 described these expectations using similar terms; in the words of Participant 5: "Yeah, if I'm going to put a significant amount of money in donating it toward land, donating it towards this organization, then you know I'd like to really know that it is actually protected in perpetuity." Participant 6 described an actual interaction between a donor and a director of LT-H: "And a lady, who was even shorter than he was, and older than he was - she was probably in her late eighties - basically had him by the lapels in the corner saying 'I gave you that land forever, you gotta tell me it's gonna be kept forever.'" Donor expectations were a motivation, mentioned by Participant 5, Participant 4, Participant 8, Participant 6, and Participant 9, for land trusts to take structured action to improve their ability to perpetuate their services.

Some participants described tools that land trusts can use to ensure perpetual conservation. Participant 6 related that LT-H policy evolved over time to require a stewardship fund for properties whereby a percentage of the purchase price was set aside in a foundation. This was specifically intended to provide for future management and needs of the properties. Participant 3 also described a similar reserve fund for LT-C that was created at the organization's outset, however in this case its use was not limited to stewardship or management of existing properties.

Two participants discussed transferring land to government as a way to assure perpetual protection. Participant 7 commented several times on contrasts between the role of government and land trusts in land conservation, suggesting that changing government priorities could potentially affect the sustainability of LT-F's programs. The federal Species At Risk Act had provided some leverage for grant financing but this was perceived to be at risk because of political currents. Participant 7 described the federal government as "...Not willing to fund Parks Canada for anything other than, very narrow, Species at Risk, they have to, reluctantly they have to do something about it and one of their strategies to do things like that is to, quote unquote, subcontract people like us." Participant 2 recalled that LT-E was founded with the idea that land secured by the land

trust would be given over to a quasi-government body to run in perpetuity. LT-E implemented this methodology in at least one case, but over time practices evolved to prefer retention of properties by LT-E.

In some ways government was seen as reducing its role as a player in land conservation, or even being a force that land trusts have to counter. Participant 3 described diminished capacity of government (both provincial and federal) to monitor performance. Participant 7 described an ebb of government interest in supporting public parks: “I guess they’ve been totally stripped because the government just seems to be stripping back in this area absolutely and it’s basically: ‘We’re not going to do it anymore so if you want to do it locally go ahead’. They are all stepping back.” Participant 1 and Participant 2 were concerned that a changing focus of government might affect their business and provided examples of preparation against that possibility. According to Participant 1, LT-D held covenants on property owned by the Islands Trust Fund in order to increase the accountability of this government body that may have changing policy according to the government of the day. An LT-D covenant on the property would also mean that LT-D would have the opportunity and obligation to inspect the property every year to make sure it was maintained for conservation. Participant 2 underlined this view:

We don’t trust government. We really view this as we are in this for the long haul. Perpetuity is in our mind. And our experience with government is that they really, governments change, policies change and fine. If we’ve done all this work to secure this, ten years of blood, sweat and tears, to secure this land, we want a piece of it.

Participant 4 referred to government oversight as effective for taxes and routine operation, calling it a “small amount of government oversight”, but implied that government oversight was not in place at the organizational mission level for LT-A. [E4.8-1]

Overlapping covenants are a tool that is specifically intended to perpetuate conservation in the event of dramatic change in the capacity of one partner to perform its conservation mission. Possible scenarios included organizational failure, or, as above, in the event that one of the partners (government in this case) had a marked change in mission. If one covenant holder fails, the property is still protected by the second holder. Participant 7 and Participant 5, faced with their organizations becoming the sole

remaining covenant holder on properties because LT-B had filed for creditor protection, both voiced concern that there were repercussions of overlapping covenants that they and their organizations had not anticipated. Participant 7 described the additional property management resources that LT-F would have to divert to manage covenants vacated by LT-B as an unexpected burden. Both participants said that they might feel differently about taking on responsibility as second covenant holders in the future [E4.8-2].

Finally, Participant 2 discussed perpetuity of covenants as an issue that was not yet well understood. If the reason a covenant was implemented ceased to exist there could be a request from the landowner to remove the covenant. At that point a future board of directors could be faced with a decision about whether to annul the covenant. The specific issue raised by participant 2 was that such a future board should be both informed and constrained by the original intent of the covenant in order to make a wise decision; however, Participant 2 pointed out there were no assurances this would happen.

4.9. Strong personalities and internal influence

All participants related experiences with strong personalities on the board or executive of land trusts. Among the observations there were both positive and negative effects of such individuals on the organizations and the sector as a whole. Strong personalities were acknowledged for being instrumental in the creation of land trusts; for instance, by Participant 9, and Participant 3 regarding the genesis of LT-B. This section describes results related to participants' perspectives and examples of strong personalities and internal influence.

Participants frequently described occasions when individuals with strong personalities in management positions or on the board for land trusts had overridden governance safeguards and organizational hierarchy. Calling the situation a problem of "personalities (and) conflicting motivations", Participant 8 linked the failure of LT-B to an executive director who, "chafed under a board" and circumvented the direction of the board, as outlined in Section 4.4.2. The scope and gravity of this particular situation of influence by a powerful personality was supported by, Participant 3, Participant 7, and

Participant 9. Three participants, Participant 4, Participant 5 and Participant 6, stated that they were aware of a situation within LT-B even to the extent that they were aware of internal dysfunction between management and board [E4.9-1].

The situation at LT-B was not the only example of the influence of powerful personalities on land trust organizations brought forward during interviews. Case 1 relates, from Participant 4's perspective, a situation in LT-A largely resulting from the acts of the executive director and a senior board member. Participant 4 identified one of the root causes of the situation as an imbalance of power between staff and board: "boards become kind of figureheads, and staff sort of run the show." Participant 1 also discussed an influential chair of another land trust and reflected, hypothetically, that it would be difficult for the board of that organization to assert power if there was disagreement between the chair and the rest of the board, because of the accumulation of power in the chair's role.

Strong personalities had also circumvented structures designed to provide organizational checks and balances such as Society Act rules, organization constitutional rules, and operational rules and policies. As related by Participant 4 in Case 1, the previous board objected to aspects of the crucial annual meeting but was not able to prevent it. As seen in Case 2, in LT-B there were clear policy rules in place, however Participant 8 reported that the executive director was still able to control the actions of the organization in spite of those safeguards.

Organizational growth can be one cause of internal conflicts. Participant 9 invoked the idea of dysfunction when founding members of the organization are reluctant to relinquish control: "It's my baby, I know what I'm doing. I started this damn thing and don't let anybody else get in the way." Participant 3 and Participant 8 articulated the same concerns about the role of founders.

Chapter 5.

Discussion

The sections of this chapter are arranged as much as possible to assemble answers to the research questions that I posed in Chapter 2 in the order I posed them. In Section 5.1, I discuss my first question that probes the participants' subjective views on accountability in their organizations. In Section 5.2, I identify two distinct types of land trust, based on differences in their governance structures. These differences strongly affect accountability, because member votes are powerful constraints in one, but not in the other.

Section 5.3 addresses my second research question. I argue that the missions and legitimacy of land trusts indicate that they operate in a blended accountability regime. The implications of this regime for land trust accountability are discussed in Section 5.4.

My third research question, about the mechanisms of accountability in land trusts, is addressed in Sections 5.5 and 5.6. In Section 5.5, I discuss membership and peer accountability, because both mechanisms were prominent in participants' accounts. I explore how these mechanisms suit downward and democratic accountability in Section 5.6. The final research question, about how to improve accountability structures, is examined in Section 5.7, focusing on the key issue of protecting lands in perpetuity. Throughout this chapter, I use the tags (enclosed in square brackets) from Chapter 4 to refer to specific passages of evidence from that chapter.

5.1. Participants' experiences with accountability failures in land trusts

Participants agreed that accountability failures had occurred in their own land trusts and they had also seen accountability problems in other land trusts. The extent to which participants agreed on this point was notable. Both the breadth and depth of agreement were strong.

Several participants were specifically concerned about accountability failures that had actually occurred in their own organizations, including Participant 4, Participant 8, and Participant 9. Other participants were worried about potential accountability failures in their organizations, including Participant 7 and Participant 3. All participants expressed concerns about accountability failures in other land trusts, and these concerns were particularly strong for Participant 3, Participant 5, Participant 6 and Participant 7. For some, notably Participant 4 and Participant 7, concerns about accountability were the primary motivator for their participation in my research [E4.4-1] [E4.6.4-1].

The narratives of section 4.4 reveal the urgency and importance that participants ascribed to issues of accountability. Participant 4 told of a struggle for control of LT-A based on “a crisis of accountability” and offered the view that there was a razor thin opportunity to manoeuvre LT-A back on its mission track [E4.4.1-1] [E4.4.1-10]. While the account is largely from Participant 4's single point of view¹ and the story might have been told differently from the perspective of someone described therein as an adversary, the subjective experience of Participant 4 clearly reveals a belief that accountability is a

¹ The credibility of Participant 4's account is supported by the fact that Section 4.4.1 was reviewed and approved for publication, without amendment of Participant 4's account, by a second (contemporary) decision maker at LT-A. Also, Participant 4 remained involved with a stable board of directors at LT-A well after the conclusion of the events described here, which is consistent with the story told in section 4.4.1. Finally, Participant 8 and Participant 9 framed events at LT-B in similar tones of existential struggle between adversaries in a stressful environment [E4.4.2-1] [E4.4.2-7]. Even the recourse to a membership vote as a powerful constraint on the activities of the land trusts was parallel.

problem for British Columbia's land trusts, and that the problem is not trivial and is fraught with peril to the point of organizational jeopardy [E4.7.3-1]. The problem of accountability for Participant 3 at LT-C was not adversarial; rather it was to motivate the organization to build structure to be more representative of, and responsive to, its accountability holders (largely upward in Participant 3's view) [E4.4.2-7] [E4.6.4-7]. Nevertheless, the failure to motivate change in LT-C was a source of real frustration [E4.4.3-3].

5.2. Two types of land trust: implications for accountability

Two of the participants' land trusts allowed only existing members of the governance team to vote on the selection of new board members [E4.6.4-2]. The other six land trusts I examined had a process where the election of directors occurred by vote of a broader membership base [E4.6.4-3]. In five of these six, there were no barriers to joining the organization except for payment of a nominal membership fee. The sixth formally limited voting to members that were residents of the island on which the trust operated, but this restriction was not enforced in practice [E4.6.4-4]. Thus, two land trusts selected the board from within, and six relied on a vote of an open membership.

This difference has important implications for accountability. In one instance the selection of directors cannot be used as a members' accountability mechanism because the board chooses its own directors. In the other, the selection process is potentially a powerful accountability mechanism. The board can be held to account by the membership through elections. The accountable agent and the accountability holder are separate and the power relationship is clear and upheld by solid constitutional and legal foundations. The characteristics of these two types of organization are further examined below.

5.2.1. Type 1: Philanthropic private club

The first kind of land trust is an organization that resembles a private club. Typically, in such clubs existing membership arbitrarily confers new memberships (Rohr, 1970). The existing members decide both the number of members and who can be a

member. In the case of both land trusts that I classified in this group, membership was strictly limited in this way. Participant 3 indicated that this membership structure was a valued feature of LT-C that the board “defended like mad,” and also described a more open membership model as potentially contributing to the existential difficulties of LT-B, and thus something to be avoided [E4.4.3-2].

In both LT-H and LT-C new board members were recruited by the existing board members rather than through individuals submitting applications or seeking to join. Participant 6 described a considered approach where the board of LT-H developed a matrix of desirable qualities and then vetted a list of suitable candidates [E4.6.4-5]. Participant 3 discussed an approach in LT-C that was more collegial, where existing board members used social contacts for recruitment purposes [E4.6.4-6]. In both cases, clearly the existing board retained complete control over who was allowed to apply for membership in the organization as well as who was elected to the board.

These private club land trusts can be labelled ‘philanthropic’ because they used private resources to achieve a mission that the board members perceived to be in the public good. This distinguishes them from other types of private clubs that use resources principally for the benefit of members. Private resources were a significant part of the funding for all of the land trusts I examined, but in an indication of the important role they played in the philanthropic private club land trusts, Participant 3 stated that all directors of LT-C were expected to donate to the organization; this was a fundamental requirement [E4.4.3-4]. The suggested amount to be donated was several orders of magnitude greater than a typical membership fee for the broader community-based land trusts.

Private resources were, however, not the only resources at the disposal of these philanthropic club land trusts. Prior to 2000, the revenues of the two land trusts in this group were, indeed, largely derived from private donations (Charities listings; n.d.). This changed over the decade 2000-2009 so that direct investment by governments became a major source of funding for these organizations, representing up to 40 percent of their revenues in 2009-13.

Receiving public money and channelling its use is a well-known practice in many similar philanthropic organizations. This does not change their private club nature

because they retain executive decision-making power concerning the use of resources, and public funds are treated as one among several sources of revenue available to pursue the organizational mission. Participants from the two organizations in this group confirmed that the boards retained such power over their public funding, describing their organizations as independent from government influence [E4.6.1-1] [E4.6.1-2].

5.2.2. Type 2: Community membership organization

The second type of land trusts had an open membership generally available to anyone. For the six land trusts in this category there was a nominal annual membership fee; less than fifty dollars in each case. Any member could stand for election to the board of directors. Members selected the board of directors by popular vote [E4.6.1-2].

Members could and did hold such community-based land trusts to account. Participant 9 indicated that this was exactly what occurred in the case of LT-B (case study 2), even if the eventual result was flawed (in Participant 9's opinion); members voted out the existing board and replaced it on a fundamental question of operational philosophy. This was, according to Participant 9, a successful exercise of the mechanism of accountability, regardless of personal opinion of whether the right outcome occurred [E4.7.4-M1].

The funding sources for the community membership land trusts were similar to those for the private philanthropic club land trusts. Both types of organization obtained funding from private and government sources [E4.1-1].

5.3. Towards a blended accountability regime

In this section I argue that land trusts perform a government-like role in land conservation and are increasingly accepted and used by government to achieve land conservation goals. Thus, in order to avoid a situation where fewer accountability assurances are in place for this public service, a blended accountability regime is required of land trusts. My argument is based on a comparison of the missions of land trusts with the missions of British Columbian and Canadian parks, and an examination of the perceived legitimacy of land trusts in conserving lands for the public. In support of

my argument, I discuss the evidence for the following assertions: 1) land trusts perform a public service mission that in the past has typically been performed by governments in Canada; and 2) land trusts are accepted as legitimate agents in performing this public service mission.

5.3.1. The mission of land trusts parallels the mission of national and provincial parks in British Columbia

All of the participants' land trusts declared a principal purpose of securing and conserving land. This declaration appeared either prominently on the land trust's website, in the annual report, or in the constitution. Regarding type of conservation, seven of eight of the land trusts listed ecological goals first, or described them as pre-eminent (Section 4.1.1). The participants in my interviews likewise focused primarily on ecological conservation when describing the work of their organizations.

The land trusts stated their ecological conservation missions in a variety of ways that included a broadly stated purpose to improve the environment, or a more specific mission to promote ecological integrity (Section 4.1.1). Despite differences in the stated missions of the different land trusts, their actual activities were much more uniform and included both protecting and restoring ecosystems.

Protecting and restoring ecosystems is also a primary component of the missions of national and provincial parks in British Columbia. In the national parks system this conservation mission is specified in statute. The National Parks Act lists preservation of ecological integrity, as well as its restoration, as the first priority of park management (Canada National Parks Act, 2000). Ecological integrity, according to this statute, includes conservation of biodiversity as well as abiotic components. The Park Act governing provincial parks in British Columbia, by contrast, does not explicitly specify ecological integrity as a principal mission. A prime goal of ecological integrity was proposed for inclusion in a protected areas statute for BC in 2000, but the relevant section was not enacted. The existing statute does specify that both ecological conservation and recreation are integral to park mission, but they are given equal weight (Boyd, 2002). Ecological integrity in provincial parks is, however, directly and prominently incorporated into policy documents such as the Protected Areas Strategy and Conservation Principles (British Columbia. Office of the Auditor General, 2010).

The *de facto* missions of the land trusts and the missions of national and provincial parks are alike in the important aspect of ecological goals. Both work to achieve ecological integrity, and both prioritize this part of their mission. Beyond the primary purpose of ecological integrity, the participants' land trusts and the public parks systems were congruent in the important subsidiary goal of public education. Educational goals were prominent in five, and evident in seven, of eight of the land trusts I studied [E4.1.2-1].

5.3.2. The mission beneficiaries: Public and future generations

The main mission of the land trusts was to provide a service that was intended to be beneficial to a broad public [E4.1.1-2]. Six of eight trusts explicitly identified the intended main beneficiary to be future generations of society in their constitutions [E4.1.1-1]. Again, this is very similar to the mandate of the public federal and provincial park systems. While the commitment of BC Parks to future generations is prominently articulated in its public mission statement, the national parks system has a commitment to benefit future generations written into statute: "The parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations" (Canada National Parks Act, 2000, s. 4.1).

There is one notable difference between the conception of beneficiaries of the land trusts and that of national and provincial parks. Five of eight participants described a local slant to the land trust mission, by identifying or prioritizing benefits intended for the local community over benefits to society as a whole [E4.7.1-2]. This difference is notable because it is consistent with a propensity of non-profit organizations to be focused on local priorities and issues (Banks and Hulme, 2012). Regardless of this local flavour to their services, the participants and the mission statements indicated that an important feature of the land trust movement is that the mission is performed for a generalized public.

5.3.3. Protected areas: From state sector to mixed sector business

The practice of land conservation in British Columbia is changing. Protected areas in BC and Canada as a whole were mainly within the purview of the state for much

of the time since the first public reserves at Banff, Alberta; Glacier, BC; and Yoho, BC were set aside in the late 19th century. Only beginning in the 1990s did land trust growth accelerate beyond a few isolated properties, but land trusts have accumulated significant holdings since then (Hannah, 2006). This, together with coincident statutory, policy, and discretionary changes at federal and provincial levels of government in Canada indicate a change in approach, away from the state being the sole holder of public protected areas and the sole conservator of these lands, and towards a mixed approach where land trusts are also encouraged and supported by the state to conserve land.

This approach of state support for parallel public and private streams of land conservation is consistent with a trend towards neoliberal governance, in Canada and elsewhere, that champions a reduced role for the state in a wide cross section of activities (McBride, 2001). Beginning in the last two decades of the twentieth century, a reduced government role has been observed and described in the environmental sector in British Columbia (Wilson, 2004). One result has been diminished capacity of the state (both federally and provincially) to manage species at risk and ensure conservation of biodiversity (Wilson, 2004). Among the notable effects of the neoliberal approach in environmental protection are an increased prominence and role of NGO actors who assume some of the load (Wilson, 2004).

Land trusts are part of this neo-liberal trend. Three main policy choices support an increased role and prominence of land trusts in land conservation: the introduction of legislation in British Columbia in 1995 that greatly expanded the ability of land trusts to obtain and hold property rights in land through conservation covenants; the provision of provincial and federal income tax credits for donors who contribute land to land trusts; and the growing direct funding of land trusts by the federal and provincial governments. The first two policies show that there is state acceptance of a role for land trusts. The magnitude of state investment in the eight land trusts investigated in this study—\$43 million, or 38.5% of their revenues in 2013, and its growth from \$8.6 million in 2004—suggests that the federal and BC provincial governments are treating land trusts as a significant and growing component of their protected areas strategies (Charities listings, n.d.).

Comparing state investment in privately protected areas managed by land trusts with the national and provincial parks systems is difficult because detailed information is not available. Funding of land trusts by the state is substantial and grew at a rapid pace over the past decade. Direct state investment in fifteen large Canadian land trusts totalled \$60 million in 2013 when all levels of government investment are summed (Appendix E). During the period 2003 to 2013, yearly state funding grew from approximately \$12 million and peaked at over \$90 million before descending to the 2013 level. State funding of national and provincial parks also grew over this time, but not as rapidly. Net of road and townsite costs, the federal government invested \$489 million in public protected areas in 2013; this was \$40 million more than ten years previously (Appendix D). At the provincial level, in 2013 British Columbia invested \$64 million in provincial parks down from \$76 million in 2006/07.

Thus, beginning with new legislation and other policy changes at the close of the 20th Century, and culminating in direct state investment in land trusts that has grown to be substantial in the last few years, land trusts appear to have become instruments of state policy for land conservation in British Columbia. Both the federal and provincial governments appear to be implicitly and explicitly relying on land trusts to accomplish public objectives in land conservation. Moreover, the self-identified mission of land trusts is one of public service, and participants in my interviews reported that this mission is well accepted by the public [E6.4.3-2].

Finally, as reported in Chapter 1, the world-wide perspective on the use of non-state actors to contribute to land conservation is uneven. Land trusts are common in North America, but less prevalent in many other regions of the globe where protected areas are often in the exclusive purview of governments (Holmes, 2013).

5.4. Land trusts' blended accountability regime

Section 5.3 makes the argument that land trusts in BC are in a blended accountability regime. One proposal for the nature of that regime is that it: "strengthens and reasserts their distinctive contribution to society" (Jepson, 2005, p. 523), but it is also important for it to meet the standards of democratic accountability expected of the

state (Goodin, 2003). In this section I explore some implications of what this might mean for land trusts.

As discussed in Chapter 2, the accountability regime for the state sector emphasizes accountability for actions, and accountability is judged on adherence to standards of fairness and justice, as articulated in rigid constitutional and legal structures (Goodin, 2003). To the extent that land trusts have a responsibility to serve the public interest, they should also be held accountable for their actions through standards specified in unambiguous constitutional rules, disciplined procedures, and effective enforcement.

In national and provincial parks in Canada, state standards are described in legislation. Federally, and provincially in British Columbia, public parks have their own dedicated statutes that have been amended over time to bolster certain kinds of protective structures. Two examples, one for each of these aspects, illustrate the point: First, section 5.3 of the Canada National Parks Act explicitly blocks the removal of land from national parks even by Cabinet decision. Removing land from a national park (except under prescribed circumstances related to title claims) requires amendment of the Canada National Parks Act by Parliament (Canada National Parks Act, 2000). The British Columbia Park Act (Section 5) specifies that an act of the legislature is required to remove land from Class A parks and Conservancies (which comprise the great majority of land set aside by the provincial government for ecological conservation) (Park Act, R.S.B.C., 1996). This eliminates the opportunity for a government to remove land from parks without public debate.

Second, in terms of conservation the management priority of the national park system, by statute, is ecological integrity (Canada National Parks Act, 2000). National park managers, the minister responsible for them, and even Cabinet cannot change this mission of national parks without a legislative amendment. These specific examples of rules for protected areas are supported by additional provisions in both provincial and federal legislation that empower dedicated personnel (park rangers under the British Columbia Park Act and park wardens under the Canada National Parks Act) to enforce conservation goals (Canada National Parks Act, 2000; Park Act, R.S.B.C., 1996).

My interviews and the documentation I examined on the eight BC land trusts offer evidence that these organizations have had challenges with basic action-oriented accountability. For example, removal of protected properties from a land trust's portfolio was not prohibited or even referred to at the constitutional level of five of the eight trusts I examined. In some cases, properties *have* been removed. In the case of LT-B, under creditor protection proceedings several properties have been designated for sale on the open market, some with no conservation covenant attached, meaning that land that once was protected will potentially become unprotected. One participant explicitly voiced concern about the inability of land trusts to perpetually protect land based on watching events at LT-B, but also rooted in philosophical concerns. Participant 7 suggested that there was a limit to the amount of land that land trusts should acquire because of the burden of responsibility posed by ever increasing land holdings, and said that instead government should assume the responsibility for perpetual protection, because that is its role [E4.4.4-7].

Regarding the imperative of ecological integrity, land trusts have experienced challenges in this area as well. Land trusts in BC are still largely in a phase of land acquisition. Maintaining ecological integrity, however, involves management of land as well as acquisition. Participants 3, 4, and 7 emphasized the scarcity of resources available to their land trust for management purposes [E4.6.2-2]. Participant 4 highlighted that LT-A's experience with a struggle for control at the board level meant that management of land became substantially less important than existential factors for a period of two years and that the struggle itself consumed resources that are no longer available for mission-related purposes [E4.6.2-1].

The case of LT-A is also remarkable for how closely the situation was balanced and how easily it could have turned in favour of either opposing group of directors (Case 1, section 4.5.1). Nor was this the only instance of this kind of hazard reported by participants. According to the perceptions of three participants, quick changes in direction of the organization due to board turnover was experienced twice in LT-A and once in LT-B, with all three changes in the board composition affecting core aspects of the land trust's mission. Overall, participants' land trusts had weaknesses in key accountability mechanisms for aspects of their "public interest" mission in comparison with those that exist for public protected areas.

5.5. Examining accountability to the membership in philanthropic club and community membership land trusts

Turning to the question of what accountability mechanisms were at work in participants' land trusts, I begin by discussing the role of accountability to the membership of the trust organization. According to some participants, the power of the constraint wielded by members and its priority as an accountability mechanism made membership accountability stand out. In contrast, this form of accountability is sometimes discussed by scholars as not being well suited to either downward or democratic accountability purposes, two types of accountability that are important in a blended accountability regime. Complicating the discussion, the availability of membership accountability as a mechanism to hold the board and management of a land trust to account depends on whether the trust is a philanthropic club land trust or a community membership land trust.

In philanthropic club land trusts membership accountability cannot be easily used as an accountability mechanism because the members and the board are the same. In contrast, participants from the community membership land trusts highlighted the importance of membership accountability in their organizations, with some calling members the most important accountability holders[E4.7.4-1].

As described in section 3.4.1, theorists have discussed shortcomings in the use of members' power as a mechanism of downward accountability to beneficiaries even if superficial parallels to democratic accountability such as equal voice in elections of organizational leaders are sometimes present. Members of NGO organizations often reflect, at best, a skewed sample of beneficiaries (Kilby, 2006; Bendell, 2006; Najam, 1996; Johns, 2000). Other scholars add that it is difficult for NGOs to capture the attention of members in a way that makes their vote fully informed (Bluemel, 2005; Spiro, 2002; Najam, 1996). Results from my interviews (especially the accountability examples described in Case 1, Section 4.4.1) support both of these positions,

My interviewees confirmed that membership votes were a powerful accountability constraint in the community membership land trusts, but identified membership bias as an issue that interfered with how well the vote served the organization's mission. The

member recruitment episodes at LT-A described in Case 1 provide extreme examples of how membership can become highly skewed. Another bias is introduced because members, as described by Participant 7 chose to join out of a desire to support the activities of the organization, not because they wanted a voice in how the organization was governed [E4.4.4-3]. Individuals who join land trusts as members are often supportive of the organization and may not be impartially vigilant about its activities. Combining these factors, the community membership land trusts did not have a membership that was representative of the beneficiaries of the trust's services. The reasons for this may be either acute, arising as suddenly as over the course of one membership meeting, or chronic, as a result of systematic selection bias in the membership.

In addition, the membership composition of these land trusts was highly vulnerable to manipulation in ways that could introduce acute and sudden bias. As the cases describe, Participant 4, Participant 8, and Participant 9 perceived biased recruitment of members and uneven resources for distribution of information to members during important exercises of membership voting. One striking observation in participants' accounts is that successive membership votes over a relatively short period of time produced divergent or opposite results in terms of composition of the board of directors. All of the community membership land trusts could be vulnerable to these types of sudden shifts, as they all were constructed similarly with few controls on membership recruiting, and instantaneous voting rights for new members.

These features of membership accountability in land trusts are not parallel to the situation for national and provincial parks. For the state, the electorate is more stable, the resources of those vying for votes are constrained by spending laws and other policies, and other limits constrain the power of the victor to effect rapid change in the park system mission.

In summary, I draw three inferences about membership accountability in these land trusts. First, membership accountability is limited in the philanthropic private club trusts. On one hand this removes a powerful force for accountability oversight, but on the other hand, complications of accountability related to membership composition are also avoided. Second, in community membership land trusts the membership accountability

mechanism is powerful, but prone to manipulation that casts doubt on its utility. In the land trusts that I examined, purposeful manipulation of the membership composition was occasionally used to introduce bias in the membership, with detrimental effects on accountability. Third, while membership accountability can be powerful, it is not naturally or easily a source of downward accountability to the broader public beneficiaries of land trust conservation services.

5.6. Downward accountability for actions

This section highlights two points about downward accountability that emerged from the interviews and inform my question about the functioning of accountability mechanisms in land trusts. First, the island land trusts showed strong links to the community that distinguished them from the other land trusts. Second, participants from the two private philanthropic clubs said very little about downward accountability other than acknowledging that there were public beneficiaries.

Membership accountability was not a well-constructed mechanism for downward accountability in the land trusts I examined; yet island participants described their island land trusts as bound by the will of the community to perform their designated mission. Factors of the social and community environment of these land trusts, particularly how involved the community was in the affairs of the land trusts, were also described by participants [E4.4.4-1]. These appear to be the instrumental differences that established stronger downward accountability for these organizations.

Land use issues on the islands have a naturally high profile due to geographic, ecological, and social factors. As Participant 7 discussed, the islands have a high proportion of private property compared to other areas of British Columbia [E4.4.4-2]. The territory covered by these island land trusts also includes a substantial amount of a rare ecosystem and is home to several high-profile species at risk. A hallmark of how important land issues are in the Gulf Islands is the special provincial legislation passed in 1974 that created the Islands Trust as a public body charged with preserving and protecting the trust area (consisting of most of the Canadian islands and waters of the South and Central Salish Sea). With land use issues so central to the island cultures,

land trusts are naturally well positioned to capture and maintain the interest of these communities.

Localism, in particular the idea that island land trusts should act in the interest of the local community first and foremost, was apparent in the interview responses of the three interviewees who had been involved with island trusts. One of the land trusts, unique among the six community membership land trusts, even had provisions to restrict voting to members who were island residents (although these provisions had never been enforced, according to Participant 2) [E4.6.4-3]. However, all three participants discussed the beneficiaries of the trusts' missions as "islanders first", and the wider public second [E4.7.1-2]. Providing a local perspective relative to their mission is an attribute of non-profits that is reported by scholars, so the localism of island land trusts is in keeping with this view of non-profit strengths (Edwards and Hulme, 1995, Banks and Hulme, 2012).

The interest of land trusts in serving the community is reciprocated by the community's interest in land trusts. Island residents were described as interested and involved in the affairs of the community in general. Many non-profit organizations are active on the islands, yet even in this crowded non-profit environment all three participants described the land trust as respected, or even the most respected, non-profit organization on their islands [E4.4.4-5]. Islanders pay attention to what the land trusts are doing to the extent that this attention influences the trust's ongoing work. Participants described the community as a force that has a strong effect, or even provides a limit, on the actions of the land trust, relating instances where the land trust acted to satisfy community sentiment. Participant 1 described part of the community power over the land trust as vested in the relationships that directors must maintain as part of the community [E4.4.4-1].

For the two private philanthropic club land trusts, downward accountability did not figure as prominently as upward accountability to donors for either Participant 6 or Participant 3. Both of these participants explicitly mentioned a serious obligation to be responsible to donors; and Participant 5 and Participant 6 described the obvious constraints that donors can apply [E4.7.2-1] [E4.7.2-3]. This does not mean that there was no recognition of downward responsibility to beneficiaries; both Participant 6 and

Participant 3 referred to public beneficiaries [E4.4.3-1] [E4.7.1-1]. Participant 6, also indicated that the community retained certain influence over the land trust's actions and referred to the social license that LT-H must nurture in order to operate. Good relationships with local landowners and the community in general facilitate future acquisitions and help the land trust manage properties. However, unlike the island land trusts, participants did not identify the community as a significant source of influence on the mission of the club land trusts. The community was considered to be an important stakeholder, but not a fundamental motivator of how the land trust carried out its mission.

Participant 3 raised board diversity as an important feature of an accountable organization [E4.4.3-5]. Specific examples involved the disadvantages that a non-diverse board might present in terms of developing relationships with funders [E4.4.3-6]. A diverse board may also be more representative of the community as a whole, thereby enhancing downward accountability. Diversifying the board of directors would not necessarily increase accountability in the club land trusts, however, because the board cannot hold itself to account. But, representativeness of the board may be a desirable feature of an accountability structure if it facilitates communication with service beneficiaries. In this sense representativeness on the board could facilitate downward accountability.

Both Participant 6 and Participant 3 were clear that the mission of their private philanthropic club land trust was specifically intended to benefit the public. The philanthropic club land trusts also benefit from considerable direct government funding for their missions as discussed above (Section 5.3). Do philanthropic organizations owe downward accountability to potential beneficiaries of their good works? My contention, based on the concept of a blended accountability regime, is that they do in the following specific circumstances: they express an intent to do public service in a domain where the state occupies an analogous role; they pursue public resources for their mission; and, they act beyond the strict confines of a principal-agent relationship with the state (Goodin, 2003; Bluemel, 2005; Peruzzotti, 2006; Jepson, 2005; Brown and Moore, 2001). All of these elements are true in the case of both of the philanthropic private club land trusts I examined.

5.7. Perpetuity of mission: Implications for accountability

My fourth research question presents an opportunity to consider how accountability could be improved for land trusts that perform a public interest function. Downward and democratic accountability are particularly important because a blended regime for land trusts would involve improved alignment with public-sector accountability priorities. The focus of this exploration is the issue that emerged as an existential priority for land trusts from the academic point of view as well as the practical perspective of participants—perpetuity of mission.

From an academic perspective, perpetuating their mission defines whether privately protected areas can even be considered to contribute to the goal of long-term land conservation (Holmes, 2013); but it was also an urgent practical concern for participants and an obvious weakness discussed in the cases. Linked with perpetuity of mission because of its future perspective, the land trusts' obligation to benefit future generations was the most obvious shared feature of their guiding principles. This presents two important accountability issues. First, is the question of downward accountability. If the beneficiaries of the mission are future generations, how can the unborn exercise influence on the organization and hold it to account? The second question is how well are land trusts structured to endure?

5.7.1. Future generations

Since 'future generations' cannot apply a direct constraint to the land trust, the ideal of full downward accountability to beneficiaries cannot be met, except to the extent that the views of present generations include concern for the welfare of future generations. But the idea that land conservation should benefit the future was very important in the land trusts I examined as discussed in Section 5.3.2. The literature on NGOs suggests that this problem of downward accountability is particularly important in the case of a blended public-sector/non-profit sector accountability regime because the responsibility of the state to its citizens is the paramount accountability regime that must be respected (Goodin, 2003; Peruzzotti, 2005; Jepson, 2006; Bluemel, 2005).

Two of the seven accountability mechanisms advanced by Grant and Keohane (2005) (discussed in Section 2.3) might be suitable to this task because they possibly project into the future. They are supervisory accountability and peer accountability. For instance, a government organization supervising a land trust might be equally concerned with the benefits that accrue to future generations, and consequently mindful of how activities of a land trust could have future impacts.

Because the state might fairly be considered the steward of public resources conserved for future generations, an arrangement where the state is the accountability holder on behalf of future generations, and supervises the performance of land trusts in this regard, might be appropriate. However, as discussed in Section 4.6.3, the participants in my interviews did not believe that the state is engaged enough in the mission of land trusts to act as an accountability holder for projects on behalf of current generations, let alone taking on an accountability role on behalf of future generations. Also, as discussed in Section 2.3.1 the literature discusses reasons to be sceptical of this arrangement, including a reluctance of neoliberal states to take on the principal role in the principal-agent relationship, and empirical evidence of oversight failures (Hacker, 2004; Dixon, 2009; Gibelman and Gelman, 2001)

Peer accountability is the remaining mechanism that might serve as a proxy for accountability to future generations: The community of NGOs that interact with land trusts could hold them to account for their stewardship of lands on behalf of future generations. This possibility has an attractive symmetry since many members of the community of NGO peers of land trusts are other land trusts who have the same obligation, and, peer accountability is aligned with the typical NGO accountability regime.

Some scholars question the effectiveness of peer accountability because they see the power of the mechanism as weak in comparison with command and control accountability mechanisms such as supervisory and legal accountability, and the theoretically impartial and invisible hand of the market (Bluemel, 2005; Anderson, 2011). This is not consistent with my interview results. Five participants said they were reluctant to disclose accountability failures that might affect the reputation of a peer land trust because the effect of doing so would be very damaging to the land trust in question, and would also have spill-over consequences for the whole community of land trusts [E4.7.3-

2]. In other words, they believed that the power of peer accountability was too strong to unleash rather than too weak. Another example of peer accountability reported by a participant involved direct intervention in the affairs of a land trust, Participant 4 attributed key advances in the contest for control of LT-A to the action of the community of “friendly” NGOs who interceded on behalf of one faction by furnishing advice and ultimately seeding the membership of LT-A [E4.4.1-14]. This was also a powerful use of peer accountability to directly affect the strategic direction of a land trust.

Peer accountability is not only a matter of relationships between organizations. The use of overlapping covenants held by more than one organization is a more formalized mechanism of peer accountability that could allow land trusts to oversee each other’s actions in a structured way. This mechanism was effective in assuring the protection of several properties that otherwise might have been endangered by the failure of LT-B.

Overlapping covenants can be effective at retaining land within the conserved land base [E4.4.2-11]. However, as the events at LT-B played out these covenants were not used to bolster accountability but rather as a failsafe. In other words, the use of overlapping covenants did not compel LT-B to alter course, it just ensured that another organization was there to take over when LT-B failed. The use of overlapping covenants is also not universal. Many properties with conservation covenants, including some held by LT-B, do (or did) not have a second covenant holder. Therefore, the mechanism is only partially in place as a bulwark of protection. Furthermore, there is no guarantee as to how properties will be managed if the initial covenant holder fails. The secondary covenant is not necessarily subject to the same conditions as the original covenant, and the board of directors of the secondary covenant holder may retain significant latitude on how to manage the property. Finally, as discussed previously, the participants that found themselves in the position of assuming responsibility for covenants formerly retained by LT-B questioned whether it was a wise choice to have accepted that responsibility [E4.8-2].

Returning to the accountability effects of peer relationships and to the question about how accountability could be improved in land trusts, moderating the power unleashed when peers speak out about ongoing affairs within the land trust community

is not an obvious prospect. According to participants, the power of this mechanism arose from the fact that public disclosure would affect the reputation of the land trust in question (and by association the entire land trust community) [E4.7.3-2]. Thus, peer accountability would trigger reputational accountability. The damage this might do was considered too severe to risk in the cases of LT-A and LT-B even though the peril to these organizations was extreme [E4.7.3-a]. An alternative to public disclosure, bi-lateral discussion between organizations, was dismissed as ineffective by Participant 6 because it would, at that level, simply be a difference of opinion between peers. To be effective as an accountability check there would need to be a forum where peers could speak out without bringing on repercussions perceived to be out of proportion to the problem at hand, at the same time as gathering enough weight to motivate action.

In the example of direct intervention of peer NGOs, the action of NGO “friendlies” that interceded in the affairs of LT-A was perceived by Participant 4 to be ultimately successful. However, Participant 4 confirmed that even with the help of the community of NGOs the outcome of the struggle for control of the organization was a very close contest that could have turned for either faction [E4.4.1-10] [E4.4.1-9]. Thus, even when the NGO community perceived the stakes to be critical, the mechanism of peer accountability, as enacted, was barely able to effect change in the course of LT-A. Another problematic aspect in this example is the use of targeted member recruiting to assist the aim of reasserting control of the board of directors [E4.4.1-14]. Ironically, membership manipulation was blamed by Participant 4 as the way that the opposing faction obtained control of LT-A in the first place. In essence, the accountability holders exploited a weakness of the structure of LT-A to apply their constraint.

The outcome of this discussion of peer accountability is that it is suitable and available as an accountability mechanism for improving downward accountability to future generations, as other accountability mechanisms are not. The fear that it is a weak constraint is not supported by participants’ experiences, rather the opposite is true, it is sometimes too powerful to unleash. Construction of a mechanism that would wield the appropriate constraint in the appropriate forum of accountability actors is not obvious but in some instances it could include increased use of shared covenants on properties within an accountability framework.

5.7.2. Improving land trusts structure so they can endure.

The question of how well land trusts are structured to endure is entwined with the question of accountability to future generations. The use of accountability mechanisms to address this problem, and the opportunities to improve these mechanisms, are not different than described in the section above, but how they are structured is important. As discussed in Section 5.4, well-structured accountability mechanisms with unambiguous constitutional rules, disciplined procedures, and effective enforcement offer the opportunity to improve the blended accountability regime.

The implication for land trusts is that the strength and resilience of accountability mechanisms is important. For the different mechanisms of accountability this means more attention to defining, mandating, and empowering the accountability holder and prescribing the proper action of the constraint on the accountable agent.

For membership accountability, two general considerations for improved structure emerge from the discussion to date. As discussed in Section 5.5, both scholars and participants are concerned about capacity of members to comment on accountability, and bias in the membership. Also, participants experienced restrictions on membership that overwhelmed its accountability purpose. These considerations each touch on one of the elements of the membership accountability mechanism and offer good starting points to consider potential improvements.

Regarding capacity of members to comment on accountability, it can be examined in many ways, but fundamentally it is necessary that members understand and accept an accountability role. As described by Participant 7 and raised by scholars, becoming a member is not directly related to wanting a voice in how the organization is governed [E4.4.4-3]; therefore, a first measure to improve membership accountability would be improved designation of, and communication with, voting members. A second important factor for consideration is the capacity of members to influence land trust mission. Participant 4 raised a concern that instantly recruited members were able to cast votes for directors [E4.4.1-11], and indeed no community membership land trust had rules against this. It takes time to learn about the mission of an organization and it may be beneficial to implement a waiting period or educational program before members are able to vote on substantial issues.

Membership bias is an issue raised by both scholars and participants. Strategizing to minimize membership bias is a small measure that can reduce associated problems. However, building membership that represents a public constituency is difficult given the propensity of members to have a favourable image of the organization. The goal of minimizing bias in the membership should be to ensure that member votes are cast according to the best opportunity to further the land trust mission and not for off-mission priorities.

The strength of the membership constraint was a concern of three participants who linked it to rapid changes in strategic direction of the board threatening the mission of the land trusts [E4.4.1-4] [E4.4.2-7]. The contrasting example of how core aspects of national and provincial parks mandates are insulated from a change in regime by provisions in legislation invites consideration of an analogue for land trusts. Constitutional provisions of land trusts offer insulation from sudden change because they require a membership vote to overturn, and some can be declared to be unalterable—the land trust would otherwise be subject to dissolution. Three of the participants' land trusts already had constitutional provisions against disposal of land in their conservation portfolio, but five didn't. Insulating core mission priorities by writing them in to the constitution is an opportunity to reduce the strength of the membership constraint to keep it in line with its accountability purpose.

Finally, I discussed the use of peer accountability above in Section 5.7.1 as a way to enhance accountability to future generations. Participants discussed the action of peer organizations in specific examples, and I discussed the use of overlapping covenants as a specific example of structured peer accountability. There are several types of peer mechanisms at work. Providing structure by defining the group of accountability holders, prescribing the appropriate constraint in each instance, and perhaps developing a specific forum for peer feedback, would improve the action of the peer accountability mechanisms and align peer accountability with a blended accountability regime.

5.8. Powerful influencers: Implications for accountability

Participants saw powerful influencers at the root of two instances of organizational failure or near failure of British Columbia land trusts in the past decade. Five participants described negative effects on land trust mission due to powerful internal influence from individual top-level decision makers. Examples included the perception of Participant 4 that senior management disregarded board direction [E4.4.1-7], by Participant 8 and Participant 9 that they could not invoke remedies to situations that triggered checks built into policy [E4.4.2-4], and all three of these participants' perception of interference [E4.4.1-4], or imbalance [E4.4.2-8] in the election of officers and directors. Overall, seven of nine participants found the problem of undue influence of powerful internal influencers to be a significant accountability challenge for their land trust and/or the land trust movement as a whole [E4.9-1].

Hierarchical control is the mechanism typically linked with internal accountability that keeps personnel and volunteers on track and aligned with the organizational mission. Theoretically each echelon of the organization reports to the one above and can be held to account by that higher level, with internal authority held collectively by the board of directors. In both of the problematic cases, the power vested in the board was unable to divert the actions of individuals. In both situations the senior management and the board parted ways over the contested issues, a severe consequence regardless of how it occurred [E4.4.2-6] [E4.4.1-6]. Eventually there was a success of hierarchical power, but at a very serious level that became necessary after other checks and balances written into policy and the operational rules of the organizations failed.

For an accountability mechanism to improve a situation of internal accountability it would need to provide access to information on the inner workings of the accountable organization to the accountability holder. The non-profit environment provides a unique opportunity for this. In both LT-A and LT-B their situation was known in their broader network of sister non-profit organizations [E4.4.2-9] [E4.4.1-12]. Peer accountability mechanisms are therefore also a potential remedy for the problem of internal influencers.

5.9. Further study

I suggest two themes for additional work in the area of land trust accountability. There are questions that arise from the results of this project, and there are questions about factors related to land trust accountability I learned during the project but are not directly related to its results. In the first instance the main theme is related to defining a blended accountability regime. In the second, I was struck by the incomplete picture of land trust scope and dimensions in British Columbia and Canada.

Accountability is important for non-profit organizations because it is a common mode of failure. Trends in governance include more non profits in public service roles across many environmental domains. Therefore, a more structured view of how these organizations must account for their activities is an obvious focus of research interest

Some obvious questions about land trusts in British Columbia that were not answered in this project include the following basic questions on the scope and scale of land trust activity.

- How much land is held by land trusts in British Columbia and what are its characteristics, conservation value, and location?
- How does land conservation through land trusts contribute to national and international land conservation goals?
- There are hundreds of registered conservation covenant holders in British Columbia, and only 23 land trusts (with land holdings) listed on the LTABC website. Who is holding conservation covenants and for what purpose? How do the registered lands contribute to land conservation goals?
- What is the scale of public investment in land conservation through land trusts?

Chapter 6.

Conclusion and recommendations

I was interested in understanding the accountability experiences and practices of land trust decision makers, and the views of scholars who focus on accountability in non-profit organizations. I wanted to understand opportunities for improved conceptualization and/or improved application of accountability for land trusts.

The literature on accountability encouraged my view of the relevance of this topic. Scholars confirmed that non-profits have a special accountability regime because of their fundamental altruistic values and nature, leading to an expectation that they prove good intent when called to account. Beyond that, special considerations arise when the role of a non profit starts to resemble what is considered the purview of the state. Land trusts are mentioned in this context. A point of agreement among many scholars, who otherwise disagree about key features of non-profit accountability, is the precedence of state-like accountability, particularly its downward and democratic aspects, for non profits when their role straddles the boundary between the non-profit and the public sector. This is called a blended accountability regime.

I gathered practical perspectives on accountability by interviewing nine decision makers from eight British Columbia land trusts. Their experiences with accountability were varied, ranging from accountability crises that threatened the existence of two land trusts, to evidence of strong overall accountability in three island land trusts. I concluded that, across this spectrum of experiences, accountability was an important issue of organizational health and success for these nine participants.

To understand the public service role of land trusts and to evaluate whether their accountability regime is blended, I compared the missions of the eight land trusts to the mandate of national and provincial parks. I determined they were strongly aligned. Regarding their legitimacy, the state, at both federal and provincial levels in British

Columbia, supports land trust activities conceptually and financially such that land trusts can be considered an important agent of land conservation in British Columbia, and they control a substantial extent of land. This prominence is new, emerging over the past 25 years, while in many other countries the practice of conservation remains principally a state function. By virtue of their public service goals, their acceptance as legitimate players in land conservation by the government and the public, and the example of other situations where the state occupies and retains a central role in land conservation, I argued that a blended accountability regime for land trusts is a reasonable standard.

From the examples of accountability mechanisms in action in participants' land trusts, membership accountability emerged as an important factor. For participants in membership-based organizations there was a view that accountability to members was an important, and perhaps even the highest priority, mechanism. But participants linked the powerful constraint wielded by members to sudden changes in board composition that placed two land trusts in existential jeopardy. I concluded that sometimes the power of the constraint overwhelms its purpose as an accountability check.

Peer accountability also emerged as important. Theoretically this is expected in the non-profit environment of land trust organizations, and confirmed by participants' examples, but peer accountability showed varied success in terms of helping land trusts to weather existential threats related to accountability. Depending on the application, it was barely powerful enough to constrain divergence from mission or too powerful to unleash because of perceived severe consequences. I discussed structuring of peer accountability mechanisms as a way to improve their effectiveness. Peer accountability also provides an opportunity to improve downward accountability to beneficiaries and protect against internal influence. The example of overlapping covenants on land trust properties was one example of how peer accountability could be structured for its variety of purposes.

Finally, improved structure of land trust accountability mechanisms serves a dual purpose. Structured, robust, and resilient mechanisms address some observed accountability shortcomings, but also align land trust accountability with public-sector accountability, improving aspects of the blended accountability regime. The protections to park mandates provided by statutes are protective layers between changes of regime

and changes to land conservation. Improved constitutional rules insulating core land trust mission are an analogue available to land trusts.

An important limitation of this research that needs to be highlighted is the subjective way that participants were recruited, in that they knew on approach that the study was about accountability. It is likely that this coloured participants' decision to join. As a consequence, the findings cannot be generalized as conclusions that 'all land trusts are like this.' Instead, the findings represent the views of these important participants about the land trusts they were involved with, and pose interesting questions for further research.

The following six recommendations are based on the conclusions of this project and are intended for the benefit of land trust decision makers.

I recommend:

1. That land trust organizations carefully review the structure of membership accountability to balance the power of the constraint with the ability of membership to make mission-focused decisions.
2. Changes to membership rules designed to improve membership capacity to hold accountability. These should be implemented at the constitutional level.
3. Improved information exchange and information exchange structures with members who are exercising membership accountability. Land trust organizations should be mindful of the need for balanced perspectives on issues in exercises of membership accountability.
4. Land trust organizations review the role of, and opportunities for, peer accountability mechanisms, especially their use to improve downward and democratic accountability for their actions. This is especially important for land trusts that do not have open voting membership.
5. Land trust organizations implement formally described peer accountability mechanisms especially as they relate to downward and democratic accountability.
6. Land trust organizations insulate core mission activities from instantaneous decisions of the board of directors or membership.

References

- Adams, R., McCormick, K. (1993). The traditional distinction between public and private goods needs to be expanded, not abandoned. *Journal of Theoretical Politics*, 5(1), 109-116. doi:10.1177/0951692893005001005
- Alexander, L., & Hess, G. R. (2012). Land trust evaluation of progress toward conservation goals. *Conservation Biology*, 26(1), 7-12.
- Anderson, K. (2001). Limits of pragmatism in American foreign policy: Unsolicited advice to the bush administration on relations with international nongovernmental organizations, the. *Chi.J.Int'l L.*, 2, 371.
- Anderson, K. (2009). What NGO Accountability Means: And does Not Mean,
- Anderson, K. (2011). 'Accountability' as 'legitimacy': Global governance, global civil society and the united nations *Brooklyn Journal of International Law*, 36(3), 841-890.
- Anderson, K., & Rieff, D. (2005). 'Global civil society': A sceptical view. GLOBAL CIVIL SOCIETY, Helmut Anheier, Marlies Glasius, Mary Kaldor, Eds., Sage Publications, 2008-2069.
- Andreassen, T. A. (2008). Asymmetric mutuality: User involvement as a government-voluntary sector relationship in Norway. *Nonprofit and Voluntary Sector Quarterly*, 37(2), 281-299. doi:10.1177/0899764007310417
- Andrews, W. J., Loukidelis, D., & West Coast Environmental Law Research Foundation. (1996). *Leaving a living legacy: Using conservation covenants in BC* West Coast Environmental Law Research Foundation.
- Anheier, H. K., & Hawkes, A. (2009). Accountability in a globalising world: International non-governmental organisations and foundations. *Leadership in sozialen organisationen* (pp. 193-212) Springer.
- Appel, S. (2010). Toward culturally democratic citizens: Nongovernmental organizations and the state the case of bogota, colombia. *Voluntas*, 21(1), 3-21. doi:10.1007/s11266-009-9100-5
- Armsworth, P. R., Daily, G. C., Kareiva, P., & Sanchirico, J. N. (2006). Land market feedbacks can undermine biodiversity conservation. *Proceedings of the National Academy of Sciences*, 103(14), 5403-5408.

- Banks, N., & Hulme, D. (2012). The role of NGOs and civil society in development and poverty reduction. *Brooks World Poverty Institute Working Paper*, 171
- Bendell, J. (2006). Debating NGO accountability, UN.
- Bendell, J., & Cox, P. (2006). The donor accountability agenda. IN Jordan, L.& Van Tuijl, P.(Eds.) *NGO Accountability: Politics, Principles and Innovations*. London, Earthscan,
- Bernstein, J., & Mitchell, B. A. (2005). Land trusts, private reserves and conservation easements in the united states. *Parks*, 15(2), 48-59.
- Bigliardi, B., & Dormio, A. I. (2009). In Hahamis P. R.,D. (Ed.), *New management models of public administration: The Italian experience of e-government*
- Bjork, K., & Jones, R. (2005). Overcoming dilemmas created by the 21st century mercenaries: Conceptualising the use of private security companies in iraq. *Third World Quarterly*, 26(4-5), 777-796.
- Bluemel, E. B. (2005). Overcoming NGO accountability concerns in international governance. *Brooklyn Journal of International Law*, Vol.31, p.139, Winter 2005,
- Bob, C. (2007). NGO representation and accountability: A skeptical view. *Ssrn Elibrary*, Retrieved from <http://ssrn.com/paper=1023021>
- Boudon, R. (1991). What middle-range theories are. *Contemporary Sociology*, 20(4), pp. 519-522.
- Bouget, D., & Prouteau, L. (2002). National and supranational government-NGO relations: Anti-discrimination policy formation in the European Union. *Public Administration and Development*, 22(1), 31-37. doi:10.1002/pad.204
- Boyd, D. (2002). Wild by law: A report card on laws governing Canada's parks and protected areas, and a blueprint for making these laws more effective.
- Boyne, G., & Walker, R. (2004). Strategy content and public service organizations. *Journal of Public Administration Research and Theory*, 14(2), 231-252. doi:10.1093/jopart/muh015
- Brainard, L., & Siplon, P. (2002). The internet and NGO-government relations: Injecting chaos into order. *Public Administration and Development*, 22(1), 63-72. doi:10.1002/pad.207
- Bray, Z. (2010). Reconciling development and natural beauty: The promise and dilemma of conservation easements. *Harv.Envtl.L.Rev.*, 34, 119.

- Bertzky, B., Corrigan, C., Kemsey, J., Kenney, S., Ravilious, C., Besançon, C., & Burgess, N. (2012). Protected Planet Report 2012: Tracking progress towards global targets for protected areas. *IUCN, Gland, Switzerland and UNEP-WCMC, Cambridge, UK.*
- Brinkerhoff, J., & Brinkerhoff, D. (2002). Government-nonprofit relations in comparative perspective: Evolution, themes, and new directions. *Public Administration and Development, 22*(1), 3-18. doi:10.1002/pad.202
- British Columbia. Office of the Auditor General. (2010). Conservation of Ecological Integrity in B.C. Parks and Protected Areas. Retrieved from: www.bcauditor.com
- Brunner, R. (2008). The policy scientist of democracy revisited. *Policy Sciences, 41*(1), 3-19. doi:10.1007/s11077-007-9042-y
- Bryce, H. J. (2012). Review essay: Polycentric governance, capital markets, and NGOs as regulatory bodies: Expanding the scope of Ostrom's understanding institutional diversity. *Politics & Policy, 40*(3), 519-535. doi:10.1111/j.1747-1346.2012.00359.x
- Charities Listings. (n.d.). Retrieved October 25, 2015, from <http://www.cra-arc.gc.ca/chrts-gvng/lstngs/menu-eng.html>
- Canada National Parks Act. (2000). Revised Statutes of Canada, 2000, c. C-32. Retrieved from: <http://laws-lois.justice.gc.ca/eng>
- Canada, Parliament, House of Commons. Standing Committee on Public Accounts. (2005). *Governance in the Public Service of Canada: Ministerial and Deputy Ministerial Accountability*. Retrieved from: http://www.parl.gc.ca/content/hoc/Committee/381/PACP/Reports/RP1812721/PACP_Rpt10/PACP_Rpt10-e.pdf
- Canada, Parliament, House of Commons. Subcommittee on finance. (2015) .*Submission to the House of Commons subcommittee on finance pre-budget (2015) consultation*. Retrieved from: http://www.parl.gc.ca/Content/HOC/Committee/412/FINA/WebDoc/WD6615327/412_FINA_PBC2014_Briefs%5CNatureConservancyOfCanada-e.pdf
- Buchanan, A., & Keohane, R. O. (2006). The legitimacy of global governance institutions. *Ethics & International Affairs, 20*(4), 405-437.
- Canadian Blood Services. (2012). Canadian blood services FAQ Krever report. Retrieved July 22, 2012, from: http://www.bloodservices.ca/CentreApps/Internet/UW_V502_MainEngine.nsf/page/FAQKrever?OpenDocument#03
- Capen, K. (1998). There's more to Krever's report than the blood issue - much more. *Canadian Medical Association Journal, 158*(1), 92-94.

- Carver, J. (2011). Boards that make a difference: A new design for leadership in nonprofit and public organizations (Vol. 6). John Wiley & Sons.
- Charnovitz, S. (2006). Accountability of non-governmental organizations in global governance. *NGO Accountability: Politics, Principles and Innovations*,
- Chaskin, R. J. (2003). Fostering neighborhood democracy: Legitimacy and accountability within loosely coupled systems. *Nonprofit and Voluntary Sector Quarterly*, 32(2), 161-189.
- Cheever, F. (1996). Public good and private magic in the law of land trusts and conservation easements: A happy present and a troubled future. *Denver University Law Review*, 73, 1077.
- Cherney, D., & Clark, S. (2009). The American West's longest large mammal migration: Clarifying and securing the common interest. *Policy Sciences*, 42(2), 95-111. doi:10.1007/s11077-008-9059-x
- Clarke, J. (2004). Dissolving the public realm? the logics and limits of neo-liberalism. *Journal of Social Policy*, 33(1), 27-48.
- Collingwood, V. (2006). Non-governmental organisations, power and legitimacy in international society. *Review of International Studies*, 32(3), pp. 439-454.
- Cutler, T., & Waine, B. (2003). Advancing public accountability? the social services 'star' ratings. *Public Money & Management*, 23(2), 125-128. doi:10.1111/1467-9302.00356
- Daniels, T., & Lapping, M. (2005). Land preservation: An essential ingredient in smart growth. *Journal of Planning Literature*, 19(3), 316-329.
- Darity, W. A., Jr.(ed). (2008). In W. A. Darity Jr. (Ed.), *International encyclopedia of the social sciences* (2nd ed. ed., pp. 145-147). Detroit: Macmillan Reference USA.
- David Jr, B., & Rivkin, L. A. C. (2000). The rocky shoals of international law. *National Interest*, (62), 35-45.
- Directory. (n.d.). Retrieved April 14, 2015, from <http://ltabc.ca/member-directory>
- Dombrowski, K. (2010). Filling the gap? an analysis of non-governmental organizations responses to participation and representation deficits in global climate governance. *International Environmental Agreements-Politics Law and Economics*, 10(4), 397-416. doi:10.1007/s10784-010-9140-8
- Dreher, A., Sturm, J., & Ursprung, H. W. (2008). The impact of globalization on the composition of government expenditures: Evidence from panel data. *Public Choice*, 134(3-4), 263-292. doi:10.1007/s11127-007-9223-4

- Eagles, P., Havitz, M., McCutcheon, B., Buteau-Duitschaeffer, W., & Glover, T. (2010). The perceived implications of an outsourcing model on governance within British Columbia provincial parks in Canada: A quantitative study. *Environmental Management*, 45(6), 1244-1256.
- Ebrahim, A. (2003). Making sense of accountability: Conceptual perspectives for northern and southern nonprofits. *Nonprofit Management and Leadership*, 14(2), 191-212.
- Ebrahim, A. (2005). Accountability myopia: Losing sight of organizational learning. *Nonprofit and Voluntary Sector Quarterly*, 34(1), 56-87.
- Edwards, M., & Hulme, D. (1995). NGO performance and accountability in the post-cold war world. *Journal of International Development*, 7(6), 849-856.
- Edwards, M. (1997). Organizational learning in non-governmental organizations: What have we learned? *Public Administration and Development*, 17(2), 235-250.
- Elmendorf, W. F., & Luloff, A. (2001). Using qualitative data collection methods when planning for community forests. *Journal of Arboriculture*, 27(3), 139-151.
- Environment Canada, (2014, December 2) Ecological gifts program. Retrieved from <http://www.ec.gc.ca/pde-egp>
- Environment Canada, Canadian Wildlife Service. (2011) *The Canadian Ecological Gifts Program handbook: a legacy for tomorrow – a tax break for today*, 2011. Retrieved from http://www.ec.gc.ca/pde-egp/CF436970-2ABA-45C4-A4B2-D413B1D14F4B/guide-pde-egp_eng.pdf
- Farr, J., Hacker, J. S., & Kazee, N. (2006). The policy scientist of democracy: The discipline of Harold D. Lasswell. *American Political Science Review*, 100(4), 579-587.
- Fermin T, E. F. (2010). Crisis of the neoliberal cycle in countries of the Andean region. *Revista De Ciencias Sociales*, 16(4), 687-698.
- Fishburn, I. S., Kareiva, P., Gaston, K. J., & Armsworth, P. R. (2009). The growth of easements as a conservation tool. *PloS One*, 4(3), e4996.
- Fisher, W. F. (1997). Doing good? the politics and antipolitics of NGO practices. *Annual Review of Anthropology*, 26, pp. 439-464.
- Forfar v. Township of East Gwillimbury et al. (1971). Ontario Court of Appeal Retrieved from CanLII website: <http://canlii.ca/t/g19bq>
- Fox, J. (2007). The uncertain relationship between transparency and accountability. *Development in Practice*, 17(4-5), 663-671.

- Gao Meng, Li Bai-qi, & Quan Yong-bo. (2009). In Zhu X. (Ed.), Government-NGO cooperation: A study based on the framework of cognitive constructivism
- Gauri, & Galef, J. (2005). NGOs in Bangladesh: Activities, resources, and governance. *World Development*, 33(12), 2045-2065.
- Gazley, B. (2008). Beyond the contract: The scope and nature of informal government-nonprofit partnerships. *Public Administration Review*, 68(1), 141-154.
- Gerber, S. D. (1994). The republican revival in American constitutional theory. *Political Research Quarterly*, 47(4), pp. 985-997.
- Gibelman, M., & Gelman, S. R. (2001). Very public scandals: Nongovernmental organizations in trouble. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 12(1), 49-66.
- Glaser, B. G. (c1999). In Strauss A. L. (Ed.), The discovery of grounded theory : Strategies for qualitative research / Barney G. Glaser, Anselm L. Strauss. New Brunswick, N.J. : Aldine Transaction,.
- Goodin, R. E. (2003). Democratic accountability: The distinctiveness of the third sector. *Archives Europeennes De Sociologie*, 44(3), 359-+.
- Grande, E., & Pauly, L. W. (c2005.). In Grande E., 1956-, Pauly L. W.(Eds.), Complex sovereignty : Reconstituting political authority in the twenty-first century / edited by edgar grande and Louis W. Pauly. Toronto : University of Toronto Press,.
- Grant, R., & Keohane, R. (2005). Accountability and abuses of power in world politics. *American Political Science Review*, 99(1), 29-43.
- Gray, R., Bebbington, J., & Collison, D. (2006). NGOs, civil society and accountability: Making the people accountable to capital. *Accounting, Auditing & Accountability Journal*, 19(3), 319-348.
- Greene, D. (2005). Dynamic conservation easements: Facing the problem of perpetuity in land conservation. *Seattle University Law Review*, 28(3), 883-923.
- Gugerty, M. K. (2008). The effectiveness of NGO self-regulation: Theory and evidence from Africa. *Public Administration and Development*, 28(2), 105-118. doi:10.1002/pad.490
- Gugerty, M. K. (2009). Signaling virtue: Voluntary accountability programs among nonprofit organizations. *Policy Sciences*, 42(3), 243-273. doi:10.1007/s11077-009-9085-3
- Habibi, N. (1994). Budgetary policy and political liberty - a cross-sectional analysis. *World Development*, 22(4), 579-586. doi:10.1016/0305-750X(94)90113-9

- Habitat Conservation Trust Foundation (HCTF). (n.d.). Retrieved October 25, 2015, from <http://www.hctf.ca>
- Hajer, M. (2003). Policy without polity? policy analysis and the institutional void. *Policy Sciences*, 36(2), 175-195.
- Hall, M. H., & Reed, P. B. (1998). Shifting the burden: How much can government download to the non-profit sector? *Canadian Public Administration*, 41(1), 1-20.
- Hanulakova, E. (1998). The nature and peculiarities of marketing in nonprofit organizations. *Ekonomicky Casopis*, 46(5), 715-729.
- Herzlinger, R. E. (1996). Can public trust in nonprofits and governments be restored? *Harvard Business Review*, 74(2), 97-107.
- Hocker, J., Gustanski, J. A., & Squires, R. (2000). Protecting the land: Conservation easements past, present, and future Island Press.
- Hodge, I. D., & Adams, W. M. (2012). Neoliberalisation, rural land trusts and institutional blending. *Geoforum*, 43(3), 472-482.
- Holm, P. (2003). Crossing the border: On the relationship between science and Fishermen's knowledge in a resource management context. *Mast*, 2(1), 5-33.
- Holmes, G. (2013). What role do privately protected areas have in conserving global biodiversity? *SRI Papers Online, ISSN 1753-1330*, August, 12, 2013.
- Howlett, M. (2000). Managing the "hollow state": Procedural policy instruments and modern governance. *Canadian Public Administration-Administration Publique Du Canada*, 43(4), 412-431. doi:10.1111/j.1754-7121.2000.tb01152.x
- Islam, M. R., & Morgan, W. J. (2012). Non-governmental organizations in Bangladesh: Their contribution to social capital development and community empowerment. *Community Development Journal*, 47(3), 369-385.
- Janssen, M. The niche of non-governmental organizations in a changing landscape of citizens' preferences more.
- Jeavons, T. H. (1994). Ethics in nonprofit management: Creating a culture of integrity. *The Jossey-Bass Handbook of Nonprofit Leadership and Management*, , 184-207.
- Jepson, P. (2005). Governance and accountability of environmental NGOs. *Environmental Science & Policy*, 8(5), 515-524. doi:10.1016/j.envsci.2005.06.006
- Jordan, L. (2005). Mechanisms for NGO Accountability: GPPi Research Paper Series. *GPPi, Berlin: GPPi*, 1-20.

- Jordan, L., & van Tuijl, P. (2000). Political responsibility in transnational NGO advocacy. *World Development*, 28(12), 2051-2065. doi:10.1016/S0305-750X(00)00078-4
- Keohane, R. O. (1998). International institutions: Can interdependence work? *Foreign Policy*, , 82-194.
- Keohane, R. O. (2002). Commentary on the democratic accountability of non-governmental organizations. *Chi.J.Int'l L.*, 3, 477.
- Keohane, R. O. (2003). Global governance and democratic accountability na.
- Keohane, R. O. (2005). Abuse of power: Assessing accountability in world politics. *Harvard International Review*, 27(2), 48.
- Keohane, R. O. (2006). The contingent legitimacy of multilateralism. *Multilateralism Under Challenge*, , 56-77.
- Keohane, R. O. (Ed.). (2003). *Taming globalization: Frontiers of governance*. [Global Governance and Democratic Accountability]. Cambridge: Polity Press.
- Keohane, R. O. (2010). Beyond the tragedy of the commons A discussion of governing the commons: The evolution of institutions for collective action. *Perspectives on Politics*, 8(2), 577-580. doi:10.1017/S1537592700000368
- Keohane, R. O. (2011). Global governance and legitimacy. *Review of International Political Economy*, 18(1), 99-109.
- Kettl, D. F. (2000). The transformation of governance: Globalization, devolution, and the role of government. *Public Administration Review*, 60(6), 488-497.
- Kilby, P. (2006). Accountability for empowerment: Dilemmas facing non-governmental organizations. *World Development*, 34(6), 951-963.
- Kim, P. (2002). The development of Korean NGOs and governmental assistance to NGOs. *Korea Journal*, 42(2), 279-301.
- Kitchin, R., & Tate, N. J. (2000). *Conducting research in human geography: Theory, methodology and practice* Benjamin-Cummings Pub Co.
- Koch, D., Dreher, A., Nunnenkamp, P., & Thiele, R. (2009). Keeping a low profile: What determines the allocation of aid by non-governmental organizations? *World Development*, 37(5), 902-918.
- Kondro, W. (1997). Final Krever report paints picture of regulatory dysfunction. *Lancet*, 350(9092), 1688-1688. doi:10.1016/S0140-6736(05)64294-8
- Land Title Survey Act. (n.d.). Retrieved April 14, 2015, from <http://www.ltsa.ca/cms/bodies-able-to-hold-covenants>

- Lasswell, H. D. (2003). On the policy sciences in 1943. *Policy Sciences*, 36(1), 71.
- Lee, M. (2004). Public reporting: A neglected aspect of nonprofit accountability. *Nonprofit Management and Leadership*, 15(2), 169-185.
- Levin, R. H. (2000). When forever proves fleeting: The condemnation and conversion of conservation land. *NYU Env'tl.LJ*, 9, 592.
- Linaweaver, S. (2003). Catching the boomerang: EM, the world bank, and excess accountability: A case study of the Bujagali falls hydropower project Uganda. *International Journal of Sustainable Development & World Ecology*, 10(4), 283-301. doi:10.1080/13504500309470106
- Lister, S. (2003). NGO legitimacy technical issue or social construct? *Critique of Anthropology*, 23(2), 175-192.
- Locke, J., 1632-1704. (1713.). Two treatises of government [electronic resource]: In the former, the false principles and foundation of Sir Robert Filmer, and his followers are detected and overthrown. The latter, is an essay concerning the true original, extent, and end of civil-government. by John Locke, esq; (The fourth edition. ed.). London : printed for John Churchill,.
- Loukidelis, D., & Hillyer, A. (1992). Using conservation covenants to preserve private land in british columbia West Coast Environmental Law Research Foundation.
- Mahoney, J. D. (2002). Perpetual restrictions on land and the problem of the future. *Virginia Law Review*, , 739-787.
- Mahoney, J. D. (2004). Illusion of perpetuity and the preservation of privately owned lands, the. *Nat.Resources J.*, 44, 573.
- Mathews, J. T. (1997). Power shift. *Foreign Affairs*, , 50-66.
- McBride, S. (2005). *Paradigm shift: Globalization and the Canadian state* Fernwood Publishing Company, Limited.
- McCutcheon, B. (2009). Whose parks? A qualitative exploration of the governance of BC parks.
- McGann, J., & Johnstone, M. (2006). The power shift and NGO credibility. *The International Journal of Not for Profit Law*, 8(2), 65.
- McLoughlin, C. (2011). Factors affecting state-non-governmental organisation relations in service provision: Key themes from the literature. *Public Administration and Development*, 31(4), 240-251. doi:10.1002/pad.611

- Merenlender, A., Huntsinger, L., Guthey, G., & Fairfax, S. (2004). Land trusts and conservation easements: Who is conserving what for whom? *Conservation Biology*, 18(1), 65-76.
- Messer, K. D. (2006). The conservation benefits of cost-effective land acquisition: A case study in Maryland. *Journal of Environmental Management*, 79(3), 305-315.
- Mulgrew, I (2013, December 3) Time for the province to step in and clean up TLC mess. *Vancouver Sun*. Retrieved from <http://vancouver.sun.com>
- Milder, J. C., & Clark, S. (2011). Conservation development practices, extent, and land-use effects in the united states. *Conservation Biology*, 25(4), 697-707. doi:10.1111/j.1523-1739.2011.01688.x
- Minow, M. (2003). Public and private partnerships: Accounting for the new religion. *Harvard Law Review*, 116(5), 1229-1270. doi:10.2307/1342726
- Najam, A. (1996). NGO accountability: A conceptual framework. *Development Policy Review*, 14(4), 339-354.
- Nielson, N. K., & Hirokawa, K. H. (2012). Land trusts and conservation easements along the Hudson: How feasible is perpetuity? *Reports of the Tibor T. Polgar Fellowship Program, 2010*,
- O'donnell, G. (2003). Horizontal accountability: The legal institutionalization of mistrust. *Democratic Accountability in Latin America*, 22, 34-55.
- Ortner, S. (1973). Key symbols. *American Anthropologist*, 75(5), 1338-1346. doi:10.1525/aa.1973.75.5.02a00100
- Our Story. (n.d.). Retrieved April 13, 2015, from <http://www.natureconservancy.ca/en/who-we-are/our-story/>
- Pasquini, L., Fitzsimons, J. A., Cowell, S., Brandon, K., & Wescott, G. (2011). The establishment of large private nature reserves by conservation NGOs: Key factors for successful implementation. *Oryx*, 45(3), 373-380. doi:10.1017/S0030605310000876
- Patel, A. M., Xavier, R. J., & Broom, G. (2005). Toward a model of organizational legitimacy in public relations theory and practice.
- Peci, A., Figale, J., & Sobral, F. (2011). The "invasion" of manufactured civil society: Government-nonprofit partnerships in a Brazilian state. *Public Administration and Development*, 31(5), 377-389. doi:10.1002/pad.603
- Pedynowski, D. (2003). Toward a more "reflexive environmentalism": Ecological knowledge and advocacy in the crown of the continent ecosystem. *Society & Natural Resources*, 16(9), 807-825.

- Perera, J. (1995). In unequal dialogue with donors: The experience of the Sarvodaya Shramadana movement. *Journal of International Development*, 7(6), 869-878.
- Peruzzotti, E. (2006). Civil society, representation and accountability: Restating current debates on the representativeness and accountability of civic associations. *NGO Accountability: Politics, Principles and Innovations*, , 43-58.
- Prakash, A., & Gugerty, M. K. (2010). Trust but verify? voluntary regulation programs in the nonprofit sector. *Regulation & Governance*, 4(1), 22-47. doi:10.1111/j.1748-5991.2009.01067.x
- Preci, Z. (2003). Dialogue and partnership between government and civil society in Albania
- Previte, J., Pini, B., & Haslam-McKenzie, F. (2007). Q methodology and rural research. *Sociologia Ruralis*, 47(2), 135-147. doi:10.1111/j.1467-9523.2007.00433.x
- Park Act. R.S.B.C. 1996 c. 344. Retrieved from: http://www.bclaws.ca/Recon/document/ID/freeside/00_96344_01
- Province must step in to clean up Land Conservancy mess. [Editorial]. (2013, December 6) *Vancouver Sun*. Retrieved from <http://vancouver.sun.com>
- Rabkin, J. (1999). International law vs. the American constitution: Something's got to give. *The National Interest*, 55
- Risal, S. (2014). Mismatch between NGO services and beneficiaries' priorities: Examining contextual realities. *Development in Practice*, 24(7), 883-896.
- Rohr, M. (1970). Association, privacy and the private club: The constitutional conflict. *Harv.CR-CLL Rev.*, 5, 460.
- Rose-Ackerman, S. (1996). Altruism, nonprofits, and economic theory. *Journal of Economic Literature*, , 701-728.
- Ross, R. (1992). *Dancing with a ghost: Exploring Indian reality*. Octopus. Markham, Ontario.
- Rostrup, M. (2002). The role of nongovernmental organizations in providing health care. *Annual World Bank Conference on Development Economics 2001/2002*, , 175-186.
- Rousseau, J. J. (1762). *Du Contrat Social* (col. édition de poche ed.) Librairie Générale Française. doi:1996
- Rudder, C. E. (2008). Private governance as public policy: A paradigmatic shift. *The Journal of Politics*, 70(4), pp. 899-913.

- Salamon, L. M. (2010). Putting the civil society sector on the economic map of the world. *Annals of Public and Cooperative Economics*, 81(2), 167-210.
- Salamon, L. M., & Anheier, H. K. (1992). In search of the non-profit sector. I: The question of definitions. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 3(2), 125-151.
- Savard, S., Harvey, B., & Tremblay, S. (2008). Les relations de collaboration entre le secteur public et les organismes communautaires du secteur jeunesse-enfance-famille : Entre la sous-traitance et la coconstruction. *Canadian Public Administration-Administration Publique Du Canada*, 51(4), 569-588. doi:10.1111/j.1754-7121.2008.00042.x
- Sawyer, A. (2005). Beyond plunder: Toward democratic governance in Liberia Lynne Rienner Boulder, CO.
- Schuller, M. (2007). Seeing like a "Failed" NGO: Globalization-s impacts on state and civil society in Haiti. *PoLAR: Political and Legal Anthropology Review*, 30(1), 67-89.
- Silver, T. M. (2004). Canadian legislation for conservation covenants, easements and servitudes: The current situation North American Wetlands Conservation Council (Canada).
- Sinnar, S. (1995). Mixed blessing. *Harvard International Review*, 18(1), 54.
- Slim, H. (2002). By what authority? the legitimacy and accountability of non-governmental organisations. *The Journal of Humanitarian Assistance*, 10
- Spar, D., & Dail, J. (2002). Of measurement and mission: Accounting for performance in non-governmental organizations. *Chi.J.Int'l L.*, 3, 171.
- Spiro, P. J. (1998). Activists beyond borders: Advocacy networks in international politics. *American Journal of International Law*, 92(4), 808-811.
- Strange, S., 1923-. (1996.). *The retreat of the state : The diffusion of power in the world economy* / Susan strange. Cambridge ; New York : Cambridge University Press,.
- Stolton, S., Redford, K., Dudley, N. (2014). *The Futures of Privately Protected Areas*. Gland, Switzerland: IUCN.
- Submission to the House of Commons subcommittee on finance pre-budget (2015) consultation. (2015) (1st ed.). Retrieved from http://www.parl.gc.ca/Content/HOC/Committee/412/FINA/WebDoc/WD6615327/412_FINA_PBC2014_Briefs%5CNatureConservancyOfCanada-e.pdf
- Swyngedouw, E. (2005). Governance innovation and the citizen: The Janus face of governance-beyond-the-state. *Urban Studies*, 42(11), 1991-2006.

- Thiel, S. v. (c2001.). *Quangos : Trends, causes and consequences* / Sandra van Thiel. Aldershot ; Burlington, VT : Ashgate,.
- Thiele, L. P. (1999). *Environmentalism for a new millennium: the challenge of coevolution* (p. 336). New York: Oxford University Press.
- Tuijl, P. v., & Jordan, L. (2006). *NGO accountability : Politics, principles and innovations* Earthscan.
- Valor, C. (2005). Corporate social responsibility and corporate citizenship: Towards corporate accountability. *Business and Society Review*, 110(2), 191-212.
- Vliante, M. (1989). Our common future - Brundtland-commission. *Queens Quarterly*, 96(1), 23-35.
- Von Glasersfeld, E. (1996). *Radical constructivism: A way of knowing and learning* Routledge.
- Wapner, P. (2002). Defending accountability in NGOs. *Chicago Journal of International Law*, 3, 197.
- Wapner, P. K. (1996). *Environmental activism and world civic politics* State University of New York Press.
- Westby, C. E. (1990). Ethnographic interviewing: Asking the right questions to the right people in the right ways. *Communication Disorders Quarterly*, 13(1), 101-111.
- Wilson, C. (2013, November 9) Trust questions where money given to The Land Conservancy Went. *Times Colonist*. Retrieved from: <http://www.timescolonist.com>
- Wilson, J. (2010). For the birds?: Neoliberalism and the protection of biodiversity in British Columbia. *BC Studies: The British Columbian Quarterly*, (142/3), 241-277.
- Wilson, W. (1889). *The state: Elements of historical and practical politics* Heath. Retrieved from <http://books.google.ca/books?id=OgkKAAAAIAAJ>
- World Commission on Environment and Development. (1987). *Our common future*. Oxford; New York: Oxford University Press.
- Yaworsky, W. R. (2005). At the whim of the state: Neoliberalism and nongovernmental organizations in Guerrero, Mexico. *Mexican Studies/Estudios Mexicanos*, 21(2), pp. 403-427.
- Zaidi, S. A. (1999). NGO failure and the need to bring back the state. *Journal of International Development*, 11(2), 259-271.

Zanakis, S., Mandakovik, T., Gupta, S., Sahay, S., & Hong, S. (1995). A review of program-evaluation and fund allocation methods within the service and government sectors. *Socio-Economic Planning Sciences*, 29(1), 59-79. doi:10.1016/0038-0121(95)98607-W

Appendix A.

Land trusts in British Columbia.

This appendix assembles information about land trusts in British Columbia drawn from the Land Trust Alliance of British Columbia (LTABC) website, Canada Revenue Agency Website, and the public websites of the organizations identified as land trusts in British Columbia through the other two sites. The list of land trusts presented here is not exhaustive.

The information presented begins with a comparison of 2003 and 2013 land holdings of land trusts identified as having a provincial scope of operations on the LTABC website as of October 2015.

Table A.1 lists the publicly available mission, purpose and founding date for non profit organizations with a land conservation mission listed with the Land Trust Alliance of British Columbia as of October, 2015.

Table A. 2 lists additional members of LTABC not considered to be land trusts in the context of this research by virtue of the following: a mission that does not include land conservation as a priority, the organization is not listed as a non profit charity with Canada Revenue Agency, or it does not have prominent goals related to conservation of nature.

Table A.3 lists two land trusts that are not publicly listed as members of LTABC

Land holdings of provincial scope land trusts:

As of October 2015, there were three land trusts listed under the provincial scope category with LTABC. These three organizations with their 2015 land holdings were:

- Ducks Unlimited Canada, 179,211 ha
(<http://www.ducks.ca/assets/2014/07/2015-AR-web-full.pdf>)
- The Nature Conservancy of Canada, 392,014 ha
(<http://www.natureconservancy.ca/en/where-we-work/british-columbia/>)
- The Nature Trust of British Columbia, 70,000 ha
(<http://www.naturetrust.bc.ca>)

Total 2015 holdings for LTBA provincial-scope land trusts: 641,315 ha

Land trust holdings for these land trusts are available for 2003 from:

Scull, J. (2003). Land Trusts and Conservancies in British Columbia, a survey by the Land Trust Alliance of British Columbia, 2003. Retrieved from:
<http://ltabc.ca/resources/published-research>

- Ducks Unlimited Canada, 69,000 ha

- The Nature Conservancy of Canada, 179,299 ha
(<http://www.natureconservancy.ca/en/where-we-work/british-columbia/>)
- The Nature Trust of British Columbia, 61,000 ha
(<http://www.naturetrust.bc.ca>)

Total 2003 holdings: 301,299 ha

Table A.1. Non profit land trusts listed with LTABC

Organization, Mission and Purposes	(Founding date)	Future generations**	Ecological goals first*
<p>Bowen Island Conservancy http://bowenlandconservancy.org Mission: The Bowen Island Conservancy is committed to protecting and preserving the natural wonders of the island—from endangered coastal bluffs to inland lakes to wetlands and fens. We offer a hopeful future for future generations, and the amazing diversity of plant, animal, and insect species with whom we share this extraordinary place.</p> <p>Purposes (from constitution):</p> <ol style="list-style-type: none"> conserve, protect, sustain and enhance the quality of the natural environment. and heritage of Bowen Island, neighbouring islets and surrounding waters for the benefit of the inhabitants of Bowen Island and the province of British Columbia generally, identify and initiate the establishment., protection and management of vital habitat., conservation environmentally scenic value, areas; sensitive territories areas, including areas of protecting watersheds, and hold or administer, through conservation covenants or other legal means, the establishment, protection and management of environmentally sensitive areas and conservation heritage areas. raise money, acquire funds, accept gifts or other assistance and own, by purchase, donation, covenant or otherwise, land or personal property and to manage such property or to exchange, rent, lease or sell the property to further the purposes of the Society; participate in and contribute to the management of Bowen Island's natural resources on public and private lands; facilitate research, public education and community participation in environmental stewardship, land use management and conservation; increase public awareness of, appreciation for and understanding of the natural and heritage resources of Bowen Island and practices that sustain these resources; collect, interpret. and synthesize information about these resources and make this information readily available for use on Bowen Island, in order to contribute to public education and community planning; and undertake anything incidental and necessary to promote and attain the Society's purposes and periodically to reassess these purposes 	Founded: 1996	Y	Y
<p>Central Okanagan Land Trust http://coltrust.ca Mission: To protect land for wildlife and parks so bio-diversity and natural features are preserved for future generations.</p>	Founded: 1991	Y	Y

<p>Comox Valley Land Trust http://www.cvlandtrust.ca Mission:</p>	<p>Founded: 1998</p>	<p>Y</p>	<p>Y</p>
<p>Our vision is to protect and restore ecosystems through voluntary conservation and advocating for defined recreational trail and biodiversity linkages between parks and environmentally sensitive areas creating a network of protection throughout the region</p> <p>Purposes (from constitution)</p> <ol style="list-style-type: none"> a. To contribute to and improve the education, health and welfare of the community as a whole by the promotion and encouragement of the protection, preservation, restoration and beneficial use and management of: <ol style="list-style-type: none"> (i) Wilderness and other natural habitat preserves that represent the diversity of plants, animals and natural communities native to the Comox Valley; (ii) Areas of scientific, historical, cultural, scenic and compatible outdoor recreational value; and (111) Land for open space preservation and for ecologically sustainable agriculture and silviculture; b. To promote the use and protection of land in trust, for the benefit of this and future generations; c. To promote models of compatibility between land use and land characteristics, giving full and serious consideration to the ecological, biological and aesthetic values of the land; d. To conduct research programs with local citizens and qualified persons and to monitor public and private programs and performance in the fields of development and conservation in the Comox Valley; e. To facilitate public education and participation in resource stewardship and land use management; f. In furtherance of the foregoing purposes, to raise money, acquire funds and other assistance, and to own, acquire, and take by purchase, donation, devise or otherwise, land or personal property, and expend, sell, exchange, lease, et, improve or develop same for purposes of the Society; and g. To do everything necessary to promote and attain the foregoing purposes and periodically to reassess these purposes. 			
<p>Cowichan Land Trust http://www.cowichanlandtrust.ca Mission:</p>	<p>Founded: 1995</p>	<p>Y</p>	<p>Y</p>
<p>We help to take care of the land and water in the Cowichan Valley for the benefit of all life now and in the future. We do this by acquiring land, entering into conservation agreements, and by providing education and support to individuals and other groups who are caring for the land.</p> <p>Purposes (from constitution)</p> <ol style="list-style-type: none"> (1) To conserve, protect, and enhance the quality of the human and natural environment in and near the Cowichan Valley Regional District, British Columbia; (2) To promote the placement of land in trust for this and future generations of all life; (3) To promote land stewardship and the establishment of natural habitat reserves for the benefit of this and future generations; (4) To promote community participation in land stewardship and preservation; (5) To raise money, acquire funds and other assistance, and to own, acquire, and take by purchase, donations, devise, or otherwise, land or personal property and expend, sell, exchange, mortgage, lease, let, improve, or develop same for the purposes of the society; (6) To do everything incidental and necessary to promote and attain the foregoing purposes and periodically to reassess these purposes. 			
<p>Denman Conservancy Association http://www.denmanconservancy.org Mission:</p>	<p>Founded: 1991</p>	<p>Y</p>	<p>Y</p>

<p>The Denman Conservancy Association is a volunteer organization formed to preserve, protect and enhance the quality of the human and natural environment of Denman Island.</p>		
<p>Purposes (from constitution):</p> <ol style="list-style-type: none"> (1) To preserve, protect and enhance the quality of the human and natural environment of the Denman Island area; (2) To conduct research programs with local citizens and qualified persons on important issues in the fields of conservation and (or) development; (3) To facilitate public education and community participation in resource stewardship and land use practises; (4) To promote compatibility between land use and land characteristics, giving full and serious consideration to the biologic and aesthetic values of the land; (5) To promote the establishment of wilderness and other natural habitat preserves and encourage the retention of land parcels for open space preservation, sustainable agriculture and silviculture for the benefit of this and future generations; (6) To raise money, acquire funds and other assistance, and to own, acquire, and take by purchase, donations, devise or otherwise, land or personal property; and expend, sell, exchange, lease, let, improve or develop same for the purposes of the society; (7) To do everything incidental and necessary to promote and attain the foregoing purpose and periodically to reassess these purposes. 		
<p>Ducks Unlimited Canada http://www.ducks.ca Mission: Ducks Unlimited Canada conserves, restores and manages wetlands and associated habitats for North America's waterfowl. These habitats also benefit other wildlife and people. Our goal is to ensure abundant wetlands and waterfowl for generations to come while improving Canadian lives.</p>	<p>Founded: 1938</p>	<p>Y Y</p>
<p>Fraser Valley Conservancy http://www.fraservalleyconservancy.ca Mission: The Fraser Valley Conservancy was established in 1998 as a non governmental organization and charitable society enabled to protect land and water for future generations.</p> <p>The FVC has established specific goals to protect the biodiversity in the Fraser Valley:</p> <ul style="list-style-type: none"> ▪ Protect and preserve land and watercourses that have recognized local and regional ecological value ▪ Promote, facilitate and engage in land stewardship activities ▪ Protect, preserve and enhance habitat for native species including rare and endangered species ▪ Protect and preserve land of recognized local and regional historic value <p>Purposes (from constitution):</p> <ol style="list-style-type: none"> a. to operate as a charitable organization without profit to its members to promote the acquisition and preservation of areas with ecological and historic value in the Fraser Valley so as to: <ol style="list-style-type: none"> (i.) protect and preserve land and watercourses that have recognized local and regional ecological value (ii.) promote land stewardship (iii.) protect and preserve rare and endangered species (iv.) protect and preserve land of recognized local and regional historic value. 	<p>Founded: 1998</p>	<p>Y Y</p>
<p>Gabriola Land and Trails Trust http://www.galitt.ca Mission:</p>	<p>Founded: 2004</p>	

<p>The aims of Gabriola Land and Trails Trust are to secure, develop, and sustain a network of parkland and trails on Gabriola Island for the benefit of the public, and to preserve sites of environmental, historical, and social importance.</p>		
<p>Purposes (from constitution)</p> <ul style="list-style-type: none"> (a) Plan, promote and develop a network of trails that provide routes for non-motorized users to connect island neighbourhoods, parks, beach accesses and services; (b) Promote the preservation of representative examples of gulf island ecosystems and landforms by working with interested landowners and community groups to provide options and solutions; (c) Promote the conservation of sites of particular historical or social interest by working with interested landowners and community groups to provide options and solutions; (d) Promote such charitable activities or endeavors, including the acquisition, management and disposal of land and interests in land, as may, in the opinion of the Gabriola Land and Trail Trust board of directors, appear to contribute to the Gabriola Land and Trails Trust's general purposes and which, to the best extent possible, represents the variety of natural occurring habitat on Gabriola Island; (e) Raise money, acquire funds and other assistance necessary to own, acquire and take by purchase, donations, devise or otherwise, land or personal property and expend, sell, exchange, mortgage, lease, let, improve or develop same for the purposes of the Gabriola Land and Trails Trust; (f) Work closely with the community, First Nations, the Regional District of Nanaimo, the Islands Trust, and other land trusts and conservation groups to acquire, develop, and sustain such properties as meet the general purposes of the Gabriola Land and Trails Trust and support the objectives and policies of the Gabriola Island Official Community Plan; (g) Inform and educate the community about use and management of public lands for recreation and conservation; (h) Undertake everything necessary to promote and attain Gabriola Land and Trail Trust's purposes and periodically reassess these purposes. 		
<p>Galiano Conservancy Association http://galianoconservancy.ca Mission: the Galiano Conservancy has become a broad-based organization whose <u>primary purpose</u> is "To preserve, protect and enhance the quality of the human and natural environment" on Galiano Island. From its beginning, the Conservancy has been devoted to:</p> <ul style="list-style-type: none"> 1) land and marine conservation 2) stewardship and restoration; and 3) environmental education and public awareness 	<p>Founded: 1989</p>	<p>Y Y</p>

<p>Purposes (from constitution)</p> <ol style="list-style-type: none"> (1) To preserve, protect and enhance the quality of the human and natural environment of the area; (2) To conduct research programmes with local citizens and qualified persons on important issues in the fields of development and conservation; (3) To facilitate public education and participation in resource and land use management, including ecologically sound forestry practices; (4) To facilitate forestry practices that are directed towards the preservation, protection and enhancement of the human and natural environment; (5) To promote models of compatibility between land use and land characteristics, giving full and serious consideration to the biologic and esthetic values of the land; (6) To promote the establishment of wilderness and other natural habitat preserves for the benefit of this and future generations; (7) To raise money, acquire funds and other assistance, and to own, acquire, and take by purchase, donation, devise or otherwise, land or personal property; and expend, sell, exchange, lease, let, improve or develop same for the purposes of the society; and (8) To do everything incidental and necessary to promote and attain the foregoing purposes and periodically to reassess these purposes. 		
<p>Gambier Island Conservancy http://www.gambierc.ca Mission: Gambier Island Conservancy is dedicated to developing appropriate management strategies to preserve and restore Gambier's biological diversity and enhancing and sharing knowledge of it's ecosystems</p>	<p>Founded: 1995</p>	<p>Y</p>
<p>Greenways Land Trust http://www.greenwaystrust.ca Mission: Our mission is to restore, sustain and protect natural areas and critical habitats, particularly ecological and recreational greenways, for the benefit of our community.</p> <p>Purposes (from constitution): To preserve, protect and enhance the quality of the human and natural environment of the area; To promote the use and protection of land in trust; To promote compatibility between land use and land characteristics, in full consideration of the ecological, biological and aesthetic values of the land; To conduct research programs with local citizens and qualified persons and to monitor public and private programs and performance in the fields of development and conservation in the area; To facilitate public and local government education and participation in resource and land use management; To promote the establishment of wilderness and other natural habitat preserves for the benefit of this and future generations; To raise money, acquire funds and other assistance, and to own, acquire, and take by purchase, donation, or otherwise, land or personal property; and expend, sell, exchange, lease, let, improve or develop same for the purposes of the Trust; and To undertake everything necessary to promote and attain the foregoing purposes and periodically to reassess these purposes.</p>	<p>Founded: 1996</p>	<p>Y Y</p>
<p>Habitat Acquisition Trust http://www.hat.bc.ca Mission: Our mission remains the same: conserving natural environments on southern Vancouver Island and the southern Gulf Islands. We have 5 goals as we work towards protected habitats</p>	<p>Founded: 1996</p>	<p>Y</p>

<p>for the region:</p> <ul style="list-style-type: none"> • Protected habitat through land acquisition and conservation covenants • Improved stewardship of natural environments • Strengthened community support for conservation • HAT known throughout region as a progressive and stable organization <p>Improved performance through organisational excellence within HAT.</p> <p>Purposes (from constitution):</p> <ol style="list-style-type: none"> a. to promote the preservation of the natural environment through <ol style="list-style-type: none"> i. the conservation of habitats by acquisition, by conservation covenants, or by other legal mechanisms, ii. the promotion of habitat stewardship, education, and research; b. to solicit donations of money, land, interest in land, and improvements thereon, and other property to be used to advance the purposes of the Society; c. to receive bequests, trusts, funds, land, and improvements thereon, and to hold, invest, administer and distribute such funds and property to finance the programs and further the purposes of the Society as presently set out and for such other organizations as are "qualified donees" under the provision of the Income Tax Act 		
<ol style="list-style-type: none"> d. and for such other purposes and activities which are authorized for registered charities under the provisions of the Income Tax Act. The directors in their sole and absolute discretion may refuse to accept any bequests, trusts, funds, or property; e. to work with other societies and like bodies having interests in common with this Society, within and beyond the Province of British Columbia; and to do all such other things as are incidental, 		
<p>Juan de Fuca Land Trust Society Founded: 2013 http://www.jdflandtrust.ca Mission: The Juan de Fuca Community Land Trust Society was established to acquire environmentally important properties on southwestern Vancouver Island, and to operate those properties for public enjoyment and habitat preservation.</p> <p>Purposes (from constitution):</p> <ol style="list-style-type: none"> (a) To acquire lands in the Juan de Fuca Electoral Area for the benefit of the communities of South Vancouver Island (the "Lands") for one or more of the following exclusively charitable purposes: <ol style="list-style-type: none"> (i) To donate such lands to the municipal, regional, or provincial government to be used as park land so long as the donee is a "qualified donee" within the meaning of subsection 149.1(l) of the Income Tax Act; or (ii) To establish, administer, and maintain a multi-use outdoor recreational facility for the benefit of the public, in the South Vancouver Island Area; and (b) To undertake activities ancillary and incidental to the attainment of the above charitable purposes. 		Y
<p>Kootenay land trust society</p>		
<p>Malaspina Land Conservancy Society Founded: 2008 http://malaspinaland.ca Mission: Protection of natural, agricultural, recreational, historic, and scenic lands in our region through the use of conservation covenants, land acquisition and education.</p>	Y	Y

<p>Purposes (from constitution):</p> <ul style="list-style-type: none"> (a) to contribute to and improve the education, health and welfare of the general public and to benefit the community as a whole and future generations by the protection, preservation, maintenance, restoration, beneficial use and management of <ul style="list-style-type: none"> (1) plants, animals and natural communities that represent diversity of life on Earth by protecting the lands and waters they need to survive, and (2) areas of agricultural, scientific, historical, cultural, scenic and compatible outdoor recreational value; (b) to engage in such charitable activities or endeavours, including the acquisition, management and disposition of land and interests in land and the administration of conservation covenants as may, in the opinion of the Society board of directors, appear to contribute to the charitable purposes set forth in section 2(a), above; (c) to take action that advances and supports co-operation, research and education regarding all matters pertaining to the fulfillment of the charitable purposes set forth in section 2(a), above; (d) to raise money, to acquire funds, and to accept bequests and donations and other assistance as necessary to achieve the charitable purposes set forth in section 2(a), above; (e) to do all such other things as are incidental or ancillary to the attainment of the purposes and the exercise of the powers of the Society. 		
<p>Maine Island Conservancy http://www.conservancyonmayne.com Mission: Formed in 2003, our mission is to foster harmony between nature and community on Mayne Island BC. Staff and volunteers further this mission through offering general education and hands-on experiences for Mayne Island residents and visitors related to preserving the ecological integrity of the island for future generations. We also work to provide expert advice to government bodies on the ecosystems of Mayne Island.</p> <p>Purposes (from constitution):</p> <ul style="list-style-type: none"> a) To educate and increase the public's understanding of the environmental, ecological and recreational values of Mayne Island eco-systems and Mount Parke by offering seminars, workshops and ecological tours to the public b) To provide expert advice to government bodies on the eco-systems of Mayne Island c) To organize and participate in projects designed to encourage community participation in conservation of properties by land purchase, covenant, lease, stewardship, contract or other instrument. d) People who visit and live on Mayne Island know that it is a very special place. MICS will continue to develop best stewardship practices in collaboration with private landowners and other conservation groups associated with Mayne Island. The Society's mission is to ensure that the island's fragile eco-systems will be enhanced and its natural beauty will be protected for future generations. 	<p>Founded: 2003 Y</p>	<p>Y</p>
<p>Nanaimo & Area Land Trust http://www.nalt.bc.ca Mission: Since becoming a registered society in April of 1995, NALT has worked to fulfil its mission- to promote and protect the natural values of land in the Nanaimo area. NALT has pursued this goal by focussing on five areas of activity: conservation covenants; ...</p>	<p>Founded: 1995 Y</p>	<p>Y</p>

<p>Purposes (from constitution):</p> <ol style="list-style-type: none"> a) To preserve, protect and enhance the quality of the human and natural environment. b) To promote the use of land in trust, in which models of compatibility between land use and land characteristics are established, and the biologic and the esthetic needs of land are given full and serious consideration and are not primarily subordinated to human wants. c) To promote the establishment of wilderness and other natural habitat preserves for the benefit of this and future generations. d) To facilitate public education and participation in resource and land use management. e) To facilitate access to land habitation and employment needs for the purpose of fostering self- sufficiency, co-operation, trusteeship and conserver lifestyles. f) To conduct research programs with local citizens and qualified persons on important issues in the fields of development and conservation in Nanaimo and Area and to monitor public and private programs and performance in the fields of development and conservation. g) To raise money, acquire funds and other assistance, and to own, acquire and take by purchase, donations, devise or otherwise, land or personal property and expend, sell, exchange, mortgage, lease, let, improve or develop same for the purposes of the Society. h) To undertake everything necessary to promote and attain the foregoing purposes and periodically to reassess these purposes. 			
<p>Nature Conservancy of Canada http://www.natureconservancy.ca/en/ Mission: The Nature Conservancy of Canada (NCC) protects areas of natural diversity for their intrinsic value and for the benefit of our children and those after them. The Nature Conservancy of Canada will lead, innovate and use creativity in the conservation of Canada's natural heritage. We will secure important natural areas through their purchase, donation or other mechanisms, and then manage these properties for the long term.</p>	<p>Founded: 1962</p>	<p>Y</p>	<p>Y</p>
<p>North Okanagan Parks & Natural Area Trust http://nopnat.com Mission: An Organization dedicated to preserving the natural area of the North Okanagan for the enjoyment of present and future generations</p>	<p>Founded: 2000</p>	<p>Y</p>	<p>Y</p>
<p>Pender Islands Conservancy Association http://www.penderconservancy.org Mission: Dedicated to protecting and preserving special places for future generations</p>	<p>Founded: 1992</p>	<p>Y</p>	
<p>Salt Spring Island Conservancy http://saltspringconservancy.ca/wp/ Mission: The Salt Spring Island Conservancy protects and enhances the natural values of the island and its surrounding waters by acquiring land or covenants, and by educating landholders and the public toward improved land and water stewardship. Our functions are:</p> <ul style="list-style-type: none"> ▪ public education ▪ holding conservation covenants ▪ acquiring ecologically valuable land ▪ helping land owners become good stewards of their own land 	<p>Founded: 1995</p>	<p>Y</p>	<p>Y</p>

<p>Purposes (from constitution):</p> <ol style="list-style-type: none"> 1) To promote and initiate the formation of natural habitat preserves on Salt Spring Island. 2) To hold, manage or administer natural habitat preserves, and conservation covenants on Salt Spring Island for the benefit of this and future generations. 3) To restore, if deemed necessary, natural features and processes of lands held by the Society where such lands have been modified by human activities. 4) To facilitate public access to these lands for research, education or recreation as consistent with the natural features and processes where deemed appropriate. 5) To raise money, acquire funds, accept bequests and other assistance, and to own, by purchase, donation or otherwise, real or personal property, and to maintain and manage such property or to sell, exchange, let, lease, or develop the same for the aforesaid purposes of the Society. 6) To encourage protection of natural habitats on Salt Spring Island through public education. 7) To do everything incidental and necessary to promote and attain the foregoing purposes. 			
<p>Savary Island Land Trust Society http://www.silts.ca Mission: Committed to the preservation of natural areas and biological diversity on Savary Island for present and future generations.</p>	<p>Founded: 1997</p>	<p>Y</p>	<p>Y</p>
<p>The Nature Trust of BC http://www.naturetrust.bc.ca Mission: Conserving land in BC for future generations The Nature Trust of British Columbia is dedicated to conserving BC's biological diversity through securement and management of ecologically significant lands.</p>	<p>Founded: 1971</p>	<p>Y</p>	<p>Y</p>

* Ecological goals are listed first: Total 20 of 23

** Future generations are clearly identified as intended beneficiaries: Total 18 of 23

Table A.2. LTABC members determined to not be land-trusts

Organization	Rationale for exclusion
American friends of Canadian land trusts	Mission is to fund Canadian land trusts
Crystal Mountain society for eastern and western studies	Mission goals not related to conservation
Garry Oak Meadow preservation society	Conservation covenants are a "minor" part of its work
Islands Trust Fund	Not a registered as a non-profit charity
Native Plant Society of BC	Mission is "To conserve and protect native plants of BC; educational by nature."
Quamichan Watershed stewardship society	Land conservation not listed as part of mission
Salt Spring Island Water Conservation Society	

Table A.3. Known land trusts not listed with LTABC

Organization, Mission and Purposes	Future generations	Ecological goals first
(Founding date)		
<p>The Land Conservancy Founded: 1997</p> <p>Mission Special places forever for everyone The Land Conservancy is a non-profit, charitable Land Trust working throughout British Columbia. TLC protects important habitat for plants, animals and natural communities as well as properties with historical, cultural, scientific, scenic or compatible recreational value.</p> <p>Purposes (from constitution):</p> <ul style="list-style-type: none"> (a) to contribute to and improve the education, health and welfare of the general public and to benefit the community as a whole by the promotion and encouragement of the protection, preservation, restoration, beneficial use and management of primarily; <ul style="list-style-type: none"> (1) plants, animals and natural communities that represent diversity of life on Earth by protecting the lands and waters they need to survive, and secondarily; (2) areas of scientific, historical, cultural, scenic and compatible outdoor recreational value; (b) to promote such charitable activities or endeavors, including the acquisition, management and disposal of land and interests in land, as may in the opinion of the Society board of directors appear to contribute to the above objectives; (c) To encourage co-operation in, support for and research into, and education regarding all matters pertaining to the fulfillment of the above objectives; (d) to do all such other things as are incidental or ancillary to the attainment of the purposes and the exercise of the powers of the Society. 	Y	Y
<p>The Quadra Island Conservancy and Stewardship society Founded: 1992</p> <p>Mission: The Quadra Island Conservancy and Stewardship society was formed in 1992 in order to raise money and purchase the only private property fronting on Morte Lake. As well as being the stewards of the Morte Lake property and by extension the Morte Lake watershed, QICSS' stated purpose is to preserve, protect and enhance the quality of the human and natural environment of the area. To this end QICSS holds protective covenants on several properties on Quadra and Cortes Islands.</p>		

Appendix B. National parks area in British Columbia

Table B.1. Area of national parks in British Columbia in 2003 and 2013

Park	2003 Area (sq. km)*	2013 Area (sq. km)**
Glacier National Park of Canada	1350	1350
Gulf Islands National Park of Canada	33	36
Gwaii Haanas National Park Reserve and Haida Heritage Site	1495	1495
Kootenay National Park of Canada	1406	1406
Mount Revelstoke National Park of Canada	260	260
Pacific Rim National Park Reserve of Canada	511	511
Yoho National Park of Canada	1313	1313
Total area	6368	6371

* Data from: https://web.archive.org/web/20030802131201/http://www.pc.gc.ca/index_e.asp

** Data from: https://web.archive.org/web/20131220183614/http://www.pc.gc.ca/index_e.asp

Appendix C

Question Template

1. What are the most important things I should I ask you, wrt your organization about accountability?

Note: honours the informant's position as expert source.

Questions about current organizational status:

2. Describe the structure of the organization? (Grand tour question (GTQ) that will allow comparison of external vs. internal perspective)

3. Describe the future that the organization is trying to achieve? (GTQ that will allow comparison with public protected areas)

4. How are decisions made about policy and strategy (where does the buck stop etc.)? (Mini tour question (MTQ) that will allow triangulation of accountability measures. Measures can only be effective if they can influence decisions)

5. Describe significant changes in policy or strategy and how they came about. (MTQ)
Note: at this point I am attentive to opportunity to discuss cases or specific examples

Questions about accountability practices

6. For whom are the activities of the organization performed? (GTQ that provides benchmarks for accountability and identifies external and internal actors)

7. Describe in detail all the different groups who have a say in how your organization does business. (MTQ)

Note: at this point I am attentive to spontaneous mention of the dimensions of accountability: internal vs. external and upward vs. downward

8. Describe in detail the checks and balances that ensure the organization does what it is supposed to do. (MTQ)

Note: at this point I am attentive to opportunity to discuss cases or specific examples
Note2: I am attentive to exploring the cyclical nature of accountability.

9. Do you know any examples of checks and balances in action? (example question (ExQ))

Note: Monitor for and explore examples of strong accountability

10. Do you know any examples of gaps in checks and balances? (ExQ)

Monitor for and explore examples where the informant signals poor accountability

Elements of accountability (after Jordan, 2005)

Effectiveness questions

11. How does the organization make sure its efforts are effective? (MTQ)
12. What happens when results of efforts are different than anticipated? (EXQ)
13. Who is interested in the effectiveness of your organization? (optional based on response from previous section)
14. Describe how external actors that you deal with monitor the effectiveness of your organization. (MTQ, EXQ)
15. Describe examples of actions taken by external actors related to effectiveness (ExQ)
- Independence of the organization (influence).* Is the organization able to act as seen fit by its executive?

16. Who has the greatest influence on the activities of the organization? (MTQ)

Monitor for internal and external influences and explore

17. Describe examples of independent paths/decisions taken by the organization. (EXQ)

18. Describe how the board is selected. (MTQ)

Monitor breadth of pool for board members, intensity of competition for board spaces and explore. •

Structural reliability of the organization

19. How has the board composition changed over time? (MTQ)

20. How is corporate memory transmitted? (MTQ)

21. What happens in the case of misbehaviour at (executive level, management level, staff level)? (EXQ)

Legitimacy (after Schuman, 1995)

21. Describe your organization's right to do what it does (MTQ)

22. How did your organization establish itself? (MTQ)

23. How do you maintain your standing? (MTQ)

Questions about organizational learning (if not covered implicitly already):

23. How has the structure of the organization evolved over time?

24. What were the main influences on learning?

25. How has the mandate evolved over time? (explore evidence of double loop learning)

26. What haven't I asked you about accountability that I should ask?

Appendix D

Parks Canada Agency Cost of Operations

The amounts for the cost of operations for Parks Canada Agency as drawn from Parks Canada Agency departmental performance reviews.

Table D. 1. Parks Canada Agency Cost of Operations 2003-2013

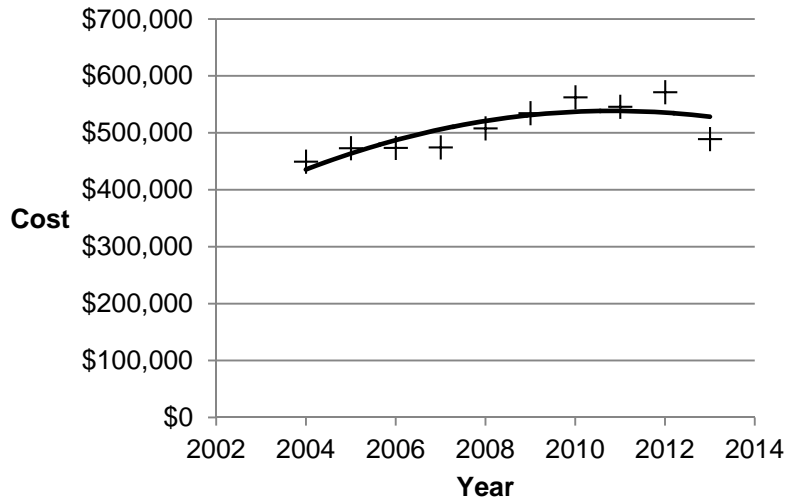
From 2012-13 report (Parks Canada, 2013)	2012-13 Actual	2011-12 Actual (Restated)
Total expenses	\$655,822	\$732,295
Total revenues	\$115,315	\$114,218
Net cost of operations	\$540,507	\$618,077
Townsite and throughway infrastructure	\$51,300	*
Cost of operations less townsite and throughway infrastructure	\$489,207	
From 2011-12 report (Parks Canada, 2012)	2011-12 Actual	2010-11 Actual (Restated)
Total expenses	\$734,811	\$703,904
Total revenues	\$114,218	\$112,229
Net cost of operations	\$620,593	\$591,675
Townsite and throughway infrastructure	\$46,600	*
Cost of operations less townsite and throughway infrastructure	\$573,993	
From 2010-11 report (Parks Canada, 2011)	2010-11 Actual	2009-10 Actual (Restated)
Total expenses	\$703,904	\$716,070
Total revenues	\$112,229	\$111,251
Net cost of operations	\$591,675	\$604,819
Townsite and throughway infrastructure	\$45,596	\$42,131
Cost of operations less townsite and throughway infrastructure	\$546,079	\$562,688
From 2009-10 report (Parks Canada, 2010)	2009-10 Actual	2008-09 Actual (Restated)
Total expenses	\$716,070	\$692,118
Total revenues	\$111,251	\$109,926
Net cost of operations	\$604,189	\$582,192
Townsite and throughway infrastructure	\$47,391	\$47,284
Cost of operations townsite and throughway infrastructure	\$556,798	\$534,908

From 2008-09 report (Parks Canada, 2009)	2008-09 Actual	2007-08 Actual (Restated)
Total expenses	\$692,118	\$666,751
Total revenues	\$109,926	\$109,927
Net cost of operations	\$582,192	\$556,824
Townsite and throughway infrastructure	\$48,382	\$48,665
Cost of operations less townsite and throughway infrastructure	533,810	508,159
From 2007-08 report (Parks Canada, 2008)	2007-08 Actual	2006-07 Actual (Restated)
Total expenses	\$666,751	\$629,295
Total revenues	\$109,927	\$102,995
Net cost of operations	\$556,824	\$526,300
Townsite management	\$10,421	\$10,329
Throughway management	\$39,184	\$41,313
Cost of operations less townsite and throughway infrastructure	\$507,219	\$474,658
From 2006-07 report (Parks Canada, 2007)	2006-07 Actual	2005-06 Actual (Restated)
Total expenses	\$629,295	\$614,696
Total revenues	\$102,995	\$97,404
Net cost of operations	\$526,300	\$517,292
Townsite management	\$10,770	\$9,792
Throughway management	\$46,513	\$33,648
Cost of operations less townsite and throughway infrastructure	\$469,017	\$473,852
From 2005-06 report (Parks Canada, 2006)	2005-06 Actual	2004-05 Actual (Restated)
Total expenses	\$614,696	\$600,995
Total revenues	\$97,404	\$88,720
Net cost of operations	\$517,292	\$512,275
Townsite management	\$7,929	\$10,310
Throughway management	\$27,210	\$28,881
Cost of operations less townsite and throughway infrastructure	\$482,153	\$473,084
From 2004-05 report (Parks Canada, 2005)	2004-05 Actual	2003-04 Actual (Restated)
Total expenses	\$599,555	\$564,705
Total revenues	\$88,720	\$83,085
Net cost of operations	\$510,835	\$481,620

Townsite management	\$9,981	\$7,915
Throughway management	\$28,010	\$24,044
Cost of operations less townsite and throughway infrastructure	\$472,844	\$449,661
From 2003-04 report (Parks Canada, 2004)		
	2003-04 Actual	
Total expenses	\$564,705	
Total revenues	\$83,085	
Net cost of operations	\$481,620	
Townsite management	\$7,915	
Throughway management	\$24,044	
Cost of operations less townsite and throughway infrastructure	449,661	

* Restatement did not specify this item

Figure D.1. Parks Canada Agency Cost of Operations Less Townsite and Throughway Costs, by Year



Appendix D References

- Parks Canada. (2013). *Parks Canada Agency 2012-13 Departmental Performance Report*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2012). *Parks Canada Agency Performance Report 2011-12*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2011). *Parks Canada Agency Performance report for the period ending March 31, 2011*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2010). *Parks Canada Agency Performance report for the period ending March 31, 2010*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2009). *Parks Canada Agency Performance report for the period ending March 31, 2009*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2008). *Parks Canada Agency Performance report for the period ending March 31, 2008*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2007). *Parks Canada Agency Performance report for the period ending March 31, 2007*. Retrieved from: <https://www.tbs-sct.gc.ca/dpr-rmr/index-eng.asp>
- Parks Canada. (2006). *Parks Canada Agency Performance report for the period ending March 31, 2006*. Retrieved from: www.tbs-sct.gc.ca/rma/dpr/02-03/PC-PC/PC-PC03D01_e.as
- Parks Canada. (2005). *Parks Canada Agency Performance report for the period ending March 31, 2005*. Retrieved from: <http://www.tbs-sct.gc.ca/tbs-sct/cmn/archives-eng.asp>
- Parks Canada. (2004). *Parks Canada Agency Performance report for the period ending March 31, 2004*. Retrieved from: <http://www.tbs-sct.gc.ca/tbs-sct/cmn/archives-eng.asp>
- Parks Canada. (2003). *Parks Canada Agency Performance report for the period ending March 31, 2003*. Retrieved from: <http://www.tbs-sct.gc.ca/tbs-sct/cmn/archives-eng.as>

Appendix E

Supplementary file

Description

Fifteen land trusts with consistently high revenues were selected through review of land trust association websites in three provinces and query of the Canadian Revenue Agency non-profit listings.

Filename

Revenues_of_fifteen_large_canadian_land_trusts.xlsx