

A study of institutional origins and change in a Canadian urban commons

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Abstract: Kenora is a small city located in northwestern Ontario, Canada. The study presented here focuses on Tunnel Island, 300 acres of forested land adjacent to Kenora's downtown. The island is used and valued by both city residents and members of three nearby Ojibway nations. As a multiple-use, common-pool resource accessed by different groups for a range of non-extractive activities, the site has become an experiment in multicultural commons governance, and presents an excellent opportunity to examine the origins and development of institutions for managing collective environmental resources in an urban setting. Using participant observation, internet- and field-based user surveys, and semi-structured interviews, our research finds that grassroots 'governance' of the site is emerging through subtle processes of individual and social construction, with the strategies and norms (codes of conduct) employed by users providing relative harmony on the trails, which suggests functioning commons institutions. Nevertheless, values-based and epistemic tensions exist among users, pointing to governance challenges for planned joint management of the site, and specifically the need to develop formal, legitimate, and yet flexible and inclusive arrangements that can operate in conjunction with the social practice of existing users.

Keywords: Canada, common pool resources, commons, dog-walking, governance, institutions, Ontario, social practice

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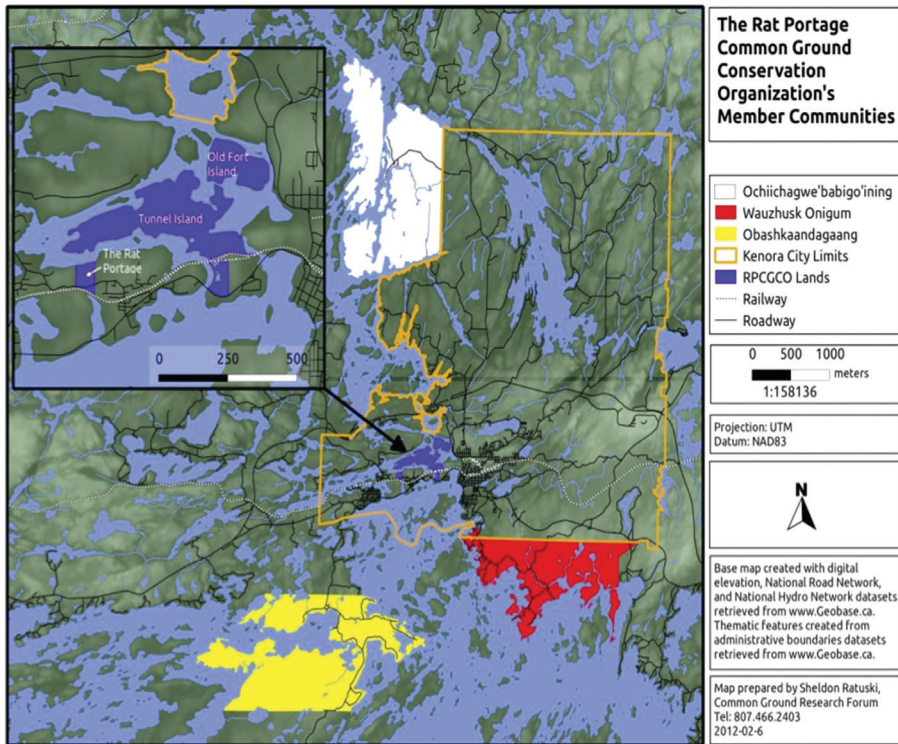
I. Introduction

Kenora is a city of 15,000 inhabitants located in northwestern Ontario, Canada (Map 1). The study presented here centres on Tunnel Island (see inset, Map 2), approximately 300 acres of forested land adjacent to Kenora's downtown and used and valued by both city residents and members of three nearby Ojibway First Nations (Wauzhusk Onigum, Obashkaandagaang and Ochiichagwe'baigo'ining).

For local Ojibway, Tunnel Island (hereon referred to as TI) holds long-standing cultural and economic significance (Ratuski 2014) and continues to play



Map 1: Kenora, northwestern Ontario, Canada.



Map 2: Location of Tunnel Island and proximity to Kenora.

host to occasional feasts and spiritual ceremonies. In recent decades, TI has been accessed by local city residents as a “wilderness” space, and used for a range of outdoor activities. The change in use from harvest, habitation and trade to recreation has occurred during a period of shifting property rights. Throughout the twentieth century, TI was owned by the series of firms that ran the nearby pulp and paper mill. When the mill closed in 2005, the private sale of TI was deemed untenable because of its heritage status and public usage. Rather, it was gifted to the City of Kenora and Treaty 3 (Ojibway) governments, on the proviso that a joint management corporation be established to manage the site for all local beneficiaries. This corporation, the Rat Portage Common Ground Conservation Organization (RPCGCO), although registered as a legal entity in 2008, is yet to become fully operational. In the interim, TI has functioned as a *de facto* open access commons.

Within a context of resource use in Canadian post-productive landscapes (Mather et al. 2006), TI currently exhibits a pattern of use reflective of a complex, multiple-use common-pool resource (CPR) used by different groups for a range

of non-extractive activities (Edwards and Steins 1998; Steins and Edwards 1999). It constitutes a grassroots experiment in multicultural commons management and an important research opportunity. Above all, it allows for consideration of how institutions – the strategies, norms, and rules that act as the building blocks of social order and provide the constraints and opportunities within which individual choices take place (Crawford and Ostrom 1995; Young 2002; Streeck and Thelen 2005; McGinnis 2011) – come into being and subsequently develop. The origin of institutions has received scant attention by institutional theorists and commons scholars alike (Pierson 2000; Urpelainen 2011; Ostrom 2014), with the outcomes or effects of norms and rules oft cited as explanation for their presence, and users of long-standing commons struggling to recall how early institutions emerged and why, or how old arrangements were modified and new ones invented.

Drawing on a range of institutional theories and concepts (Hall and Taylor 1996; Ingram and Clay 2000; Streeck and Thelen 2005; Diermeier and Krehbiel 2003; Cleaver and de Koning 2015), we use the TI case study to consider how institutions can emerge subtly rather than being “designed” to meet a stated or perceived need, with users structuring arrangements around conceptions of what is appropriate or right rather than conceptions of what would be most effective. In addition, the case provides an opportunity to investigate how members of a commons based on informal social institutions deal with issues of authority, obligation, and enforcement (Diermeier and Krehbiel 2003; Streeck and Thelen 2005; Schlüter and Theesfeld 2010), and adapt to changing contextual factors over time (McGinnis 2011). As the number of users grows, the relations of interdependence between users and the institutions they respond to will also increase, potentially creating problems of overload and an impetus for institutional change. Meanwhile, as the RPCGCO begins to formally administer the site, the functional interdependencies (after Young 2002) between existent on-trail institutions and new rules and regulations will necessarily create trade-offs as governance shifts invariably towards more normative forms.

In order to encapsulate these multiple aspects of institutional emergence, development, and change, our research was designed with three objectives in mind. First, to document the uses and user groups on TI to determine empirically who the site’s ‘commoners’ are. Second, to identify and explore the institutions, including collective action arrangements, crafted individually and jointly to shape user behaviour and cooperation on TI. Third, to consider the governance implications for TI as a planning and decision-making process contemplates the introduction of formal arrangements to the social practice of local users.

2. Study methods

As indicated above, research into the origins of commons institutions is in its formative stages, and our methodology was thus exploratory, qualitative and interactive-adaptive (Nelson 1991; Merriam 2009; Creswell 2014). The strategy of inquiry involved extensive and intensive phases in a single case study

(Sayer and Morgan 1985; Flyvbjerg 2006; Thomas 2011). Primary data collection was through participant observation, a trail-based user survey, an internet-based user survey, and a small number of in-depth semi-structured interviews. A total of 98 individuals participated in the research.

The extensive phase involved multiple days spent on the trails of TI from mid-May to mid-September 2013, encapsulating a mix of weekdays, weekends, and holidays. Considerable time was spent observing trail use and behaviours to help meet our first objective. We then spoke at length with a total of 23 users about their connection to and activities on TI, as well as their perspectives with regards to trail conduct. These respondents were approached at random on the trails, although we avoided groups of more than two people to ensure more focused interviews. While this sample is not reflective of the numbers using the trails – and thus a limitation to the research – it did produce qualitative data to help meet all three objectives. To help provide for a more robust and representative data set, a shortened, electronic version of this interview schedule was sent to the ‘Friends of Tunnel Island’ Facebook Group, generating an additional 68 responses. This equated to just over 25% of the Group’s membership at that time (Summer/Fall 2013), a good return given online groups of this kind attract as many, if not more, occasional users than regular contributors. To add further richness to our data, the intensive phase involved seven semi-directed, qualitative interviews with key informants with knowledge of TI’s recent history, who were identified from prior research (Wheeler Wiens 2011) and snowball sampling.

Data were analysed using open, axial and selective coding, which allowed themes to be read across interviews and survey responses, for associations to be identified between such themes and other data categories, and for theory to be refined based on those relationships (Bernard 2005; Corbin and Strauss 2014). Data were organized around four thematic areas: (i) use, users and user groups; (ii) communication, social organization, and codes of conduct; (iii) user conflict and tensions; and, (iv) visions for the future. While some themes were flagged through review of relevant literature, others were grounded, emerging from the data.

3. Study results

3.1. Use, users and user groups

Survey and interview data point to a diversity of users and user groups on TI, representing multiple interests, perspectives, and ethnicities. The uses were predominantly recreational in nature, with fewer spiritual-type pursuits evident (Figure 1). Hiking and dog walking were by far the most popular uses, accounting for two-thirds of the user activities.

Those accessing TI fall into one or more of six main user groups, two of which could be further subcategorized based on trail observations and survey and interview responses: walkers (power walkers, hikers, meditative walkers,

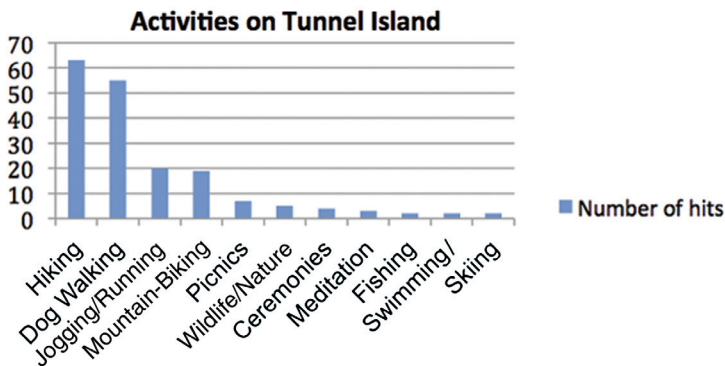


Figure 1: Range and popularity of user activities on Tunnel Island.

social walkers), naturalists, mountain-bikers, dog-walkers (regulars, newcomers), runners and ceremonialists.

While most users surveyed were middle-aged (in their forties and fifties), the broad user community covers a wide age range, and includes teenagers, retirees, and families with small children. In terms of where users come from, for most of the year (September–May) the overwhelming majority are locals (with 82 of our 91 survey respondents Kenora-area residents). However, a sizeable number of out-of-towners (tourists, cottagers) do use the trails during the short summer season, with many coming from the Winnipeg area – a two-hour drive away in the neighbouring province Manitoba.

With regards to ethnicity, 82% of respondents identified as Euro-Canadian, 11.2% as Métis, 4.5% as First Nation and 2.2% as ‘Other’. Although ties to TI remain strong among local First Nations (Robson et al. 2013; Ratuski 2014), only a small number of those accessing the trails on a regular basis are Aboriginal and most of these self-identify as Métis. Since First Nations stopped harvesting on and fishing around TI in the late 1960s (Wheeler Wiens 2011), subsequent physical use of the site has been driven by non-First Nations and based largely around recreation.

Close to half (48.3%) of respondents were ‘regulars’, accessing the trails more than once a week. A significant number (approximately 40%) of these regulars visit TI five times or more a week. Use is greatest in the summer months when the days are both warmer and longer. Time spent on the trails during each visit varied from user to user – from several hours to a 20-minute stroll – dependent on what time allowed and/or the activity in question. Over four-fifths of those surveyed had been using the trails for 5 years or more. Close to half of those surveyed (42%) first accessed the site over ten years prior to the research period – proof that the trails were regularly used even when the lands were owned privately and users, in a legal sense, were trespassing.

On-trail interviews and survey results suggest that use has doubled since closure of the mill in 2005. It is difficult to determine the precise number of people who make use of TI currently but, based on trail observations and given the 290+ membership of the 'Friends of Tunnel Island' Facebook Group, a conservative estimate for the number of individuals who access the trails and island over the course of the year stands at 400–500. Combining the number of 'regulars' (who access the site several times a week) with those who use the trails on an occasional basis, total site visits on an annual basis may run beyond 10,000.

3.2. Communication, social organization, and codes of conduct

For many, interaction with other users does not go beyond a quick hello or a short exchange of pleasantries. For others, social interactions are an important part of their TI experience, whether going as a group, meeting up with people on-site, or imparting pertinent information about trail conditions, problem animals, etc. to fellow users. While most interactions and communication crossed the various user groups, some are limited to users from the same user group. This holds particularly true for dog-walkers, reinforcing the notion that beyond a broad community of users, individual user groups are distinguished not only by what they do when on the trails but also by their patterns of social interaction with others.

A sizeable minority of users value TI as a sanctuary for peace and tranquillity, as a place that specifically offers respite from the hustle and bustle of their otherwise busy lives. For those who use the trails expressly for this purpose, interaction with others is not important and, in some cases, actively avoided; *"I come to be alone. I do interact a little, just to say hello, but try not to engage with others... I am looking for peace and quiet when on [the] trail"*. This is a reason why some choose to visit at quiet times during the week, avoid the busier summer months, or regret the fact that foot traffic has increased over the past ten years.

On-trail communications not only take oral forms. Written stories, 'legends', and place names have emerged in recent years to mark specific sites along the trails. To the best of our knowledge, they can be attributed to the work of one individual who has been instrumental in developing the current trail network (Plate 1). In some cases, they point to the island's history of use. In others, they appear to be fictional. When asked what they thought of these signs and stories, most respondents were fairly non-committal, neither damning nor gushing in their praise. Others, though, were clearly fans (*If you're a spiritual person it's nice to have some of those places... and the signs help you stay on trail; I would like to see more stories/history about FN connections to the land, which is very strong*) or fairly indignant (*I hate them, they are ridiculous. I want a natural trail without signs and maps, not to be promoted as a tourist area; I rarely pay attention... I think a lot of it is "hogwash"*).

Trail stories and place names, however, do act as examples of today's users making the trails "their own" and investing meaning in that process, whether that is the person who erected the signs and stories, or other users who now choose



Plate 1: Trail network with ‘invented’ place names and sites of interest.

to interpret them in a particular way. The ‘Manitou (Spirit) Tree’, for example, is used by a group of women, the ‘Wednesday Girls Club’, as a site of memorial for a member who passed away.

Beyond the above-mentioned forms of on-trail interaction and communication, and occasional trail clean-ups, it is important to note that users have not self-organised into either general or specific user group associations (i.e. Hikers of Tunnel Island, Dog-walkers of Tunnel Island) that meet in person to discuss TI-related issues. The one user organization that does exist is a virtual platform, the *Friends of Tunnel Island Facebook Group*, where people share information, stories and experiences from the trails. Periodic reviews of the site from 2012 to the present show that posting is intermittent with most of a routine nature. Those regularly communicating on the site are a small proportion of the group’s total membership. However, the size of current membership (approaching 300) does provide for a significant communication space should action be needed or desired.

3.3. Rules and norms-in-use

We were particularly interested in the rules and norms being used on the trails. Despite the island being accessed by growing numbers of people over the past

decade, ours is the first study to analyse how TI users shape their behaviour (either individually or collectively) through rule-making, and if and how trail institutions are enforced in the absence of a functioning administrative body.

Interview respondents were asked whether they followed any “codes of conduct” when on TI. The vast majority (86.2% or 75 of 87 respondents) answered in the affirmative. When asked to elaborate on what these were, multiple examples were given (Table 1). Although some of these informal institutions applied equally to all users, others were tied to specific user groups.

When asked, “*Who came up with these rules?*” respondents made clear that they had emerged in an *ad hoc* fashion over time; that they came from “*nobody in particular*”, were largely based on “*common sense*”, and were “*just the rules to fit how these trails have been used*”. In other words, these were rules-in-use that reflected the norms of behaviour of individual users rather than being crafted or designed as a result of discussions and decision-making involving specific user groups or the broad community of users.

For many of these codes of conduct, such as not littering or for bikers to give way to walkers, there was general adherence among users given such practices constitute socially acceptable behaviour in general terms. This is the reason why many respondents felt that “*things work well*”, that the trails “*run themselves*”, and users are able to “*self-enforce*”. However, there were instances where the expectations of one individual user or set of users were not shared by others – leading to a situation where multiple interpretations of correct or appropriate behaviour are in circulation. The most clear-cut examples involve the operational norms/rules (codes of conduct) of dog walkers. A number from this user group do not adhere to the unwritten rule of picking-up and disposing of dog poop, leading to multiple outcomes on the trails:

1. Poop is picked up, bagged, and taken out
2. Poop is picked up, bagged, and thrown in the bush
3. Poop is flicked off the trail into the bush with a stick
4. Poop is not picked up and left on the trails

Likewise, multiple interpretations are evident with regards to dog leashing:

1. Leashes should not be used;
2. Leashes should always be used;
3. Leashes should be used up until the trail head proper (where different trails branch off);
4. Use of a leash is dependent upon how aggressive the dog is; and,
5. Use of the leash should be dependent upon the size of the dog.

Respondents were often adamant as to what the correct conduct was or at least should be. One regular, long-time dog-walker explained, “*Do not leash your dog... this is a clear unwritten rule... I meet new people who complain about*

Table 1: Categorisation of codes of conduct for the TI trails.

For all users	Examples
Keeping trails clean	<i>“Leave the area as you found it or better than you found it”, “Keep it clean and untouched”, “Respect nature”, “Pick up poop that is on the trail, and never leave any garbage”, “Pick up after others when necessary”</i>
Respect for fellow users	<i>“I stay quiet within reason, I do not bring a dog to Tunnel Island, therefore leave no garbage behind”, “Move over (give way) for faster walkers”, “Get out of the way of bikes/faster walkers”, “Pickup dog poop, keep pooch under control, keep it clean, respect other users”</i>
Respect for history and cultural artefacts	<i>“Respect geocaches, respect for spiritual/religious offerings/ceremonies”, “Leave tobacco at a few key spots along the trail”, “Generally stick to existing trails, not disturbing the landscape”</i>
Environmental protection	<i>“Stick to the trails [limit erosion]”, “Cut as few trees as possible, pick-up garbage, only burn in winter... remove loose rocks or branches that might otherwise injure or impede others”, “No feeding of wildlife”</i>
Specific user groups	Examples
Mountain-bikers	<i>“On a bike you always make yourself known if coming up on a hiker, yell out what side we are going to pass then on!”, “Typical MTB rules, be respectful of pedestrians and give them the right of way”, “Think of it as a highway and stay on your left to oncoming pedestrians”</i>
Dog-walkers	<i>“Don’t allow dog to run loose and pick up the poop”, “Keep dog on a leash in the busiest part of the trail”, “Pick-up after dog or ensure my dog poops far off trail”, “Call for my dog when others approach – put her on a leash if there are lots of dogs”, “Only have dog off leash if friendly”, “Put dog on leash around dog-less people or other leashed dogs”</i>

others who have their dog off-leash but here the rule is not to have your dog on leash and people have to learn that”. Yet the existence of an “off-leash” rule is refuted by others, with another respondent arguing vehemently that, “Dogs must be on leash, particularly in the presence of hikers and other dogs”. First Nations, including those who organise and participate in ceremonies on TI, have been vocal in their disapproval of dogs roaming free, with the presence of dog mess on and off the trails seen as a clear sign of disrespecting the island and the Creator. We have witnessed these tensions during the annual Fall and Spring feasts on the island, when off-leash dogs have walked through the middle of a ceremonial drum circle.

Respondents were asked if they thought the (informal) codes of conduct in use were sufficient or whether more rules were needed. From 84 respondents, a third (28) thought there should be more rules, but two-thirds (56) did not

Table 2: Grouping of responses to the question, “Are more rules needed for Tunnel Island?”

More rules needed?	Examples
Yes	<p>Dog-poop: “Yes, only for dog owners to pick up after their dogs and not let dogs poop on the middle or even close side of trail”, “Dog owners MUST MUST MUST [authors’ emphasis] do a better job of cleaning up dog faeces, which litter the trails”</p> <p>Leashed Dogs: “I wish there was a code of conduct for dogs. Owners should put a leash on when other people approach”, “Yes, dogs need to be more fully restrained. Some sections of the island, perhaps, could be allocated for off-leash areas, but in general dogs should be on leashes and/or near their owners at all times”</p> <p>Aggressive Dogs: “Unfriendly dogs on leashes, our dog was almost killed by a big dog on the trails”, “People walking dogs with no leash, is hard if their dog is aggressive and your own dog is on a leash”</p> <p>New Dog Owners: “Some of the dog owners need more rules applied to them, especially the newcomers”</p> <p>Vehicle Access: “Sometimes people drive vehicles right in on the trail; should be a barrier at the parking lot”, “No motorized vehicles”</p> <p>Police Presence: “In certain areas there is graffiti written (train track area) so I think there should be police patrol in area”</p> <p>Fires: “It’s pretty basic common sense, but I guess maybe some for no fires or using wood from the bush for fires”</p>
No	<p>No need: “Everyone knows the rules”, “Everyone I’ve met is very respectful of the trails”, “It does not seem that busy [so more rules not needed]”</p> <p>Common sense/rely on self-policing: “There’s enough rules to follow everywhere, just be respectful, and if you have a problem with something, deal with it immediately through communicating like adults”, “No, people just need to use common sense and respect”</p> <p>Difficulty in enforcement: “No. Rules mean more enforcement. Adding more rules doesn’t necessarily mean they will be followed”, “People who don’t follow common courtesy won’t follow more rules anyway”, “No... if more rules are put in place, they will need to be enforced... best to stick with the rules there are currently and educate people to get them to do the right thing”</p> <p>No need for rules for dogs: “Not as far as for dogs, things are fine from a dog perspective. I hate only on-leash policies”, “We want well behaved dogs and there is an unwritten code among the regulars about dog conduct”</p>

think this was necessary. In each case, they were given the option to elaborate and Table 2 provides a representative selection of responses. While a number of individuals said ‘No’ to more rules, they also stated that certain activities/behaviours (principally dog-related) need to be better controlled – a scenario that likely necessitates the crafting and enforcement of new or modified institutions, thus contradicting their earlier response. This discrepancy is likely explained by the fact that many users, while liberated in the absence of formal governance, and thus averse to the idea of more rules and regulations, remain frustrated by the behaviour of some fellow users.

3.4. Conflicts and tensions

When asked, “*Have you or others you know had conflicts with other users on Tunnel Island?*” 48% said they had and 52% said they had not. When asked to elaborate on the nature of the conflict, 70% of reported conflicts involved dogs, 20% involved altercations with a man who had been living (illegally) on the island, and 10% involved the issue of mountain bikers and safety for other trail users. Despite the claim that problems with dogs had been overstated (“*There have only been about 8–10 instances/issues in all the years I’ve been coming here*”), our findings certainly point to dogs (and their owners) being the prime cause of conflict on the trails and the focal point for rules that users would like to see established and enforced in a more formal manner.

Respondents were asked about efforts made to resolve conflicts on the trails. While some users were able to fully or partially resolve the problem at the time of conflict (“*I talked to him [squatter] and he left me alone after that*”, “*The owner separated them [their dogs], but I wasn’t happy*”), for many others this did not happen. Regarding aggressive dogs, one long-time user believed that TI regulars would sort out the issue, “*If there are problem dogs, the owners realize this [through verbal complaints] and stop using the trails... they get voted off the island!*” Yet opinion is so divided that self-governance of this kind appears unlikely. With no formal dispute resolution mechanism in place, complaints and feelings of injustice often go unheard among the broader community of users, while perceived perpetrators have no official avenue by which to defend their actions.

In addition to complaints being made orally, we saw occasional evidence of users writing messages on the trails to communicate frustrations about what they consider to be inappropriate behaviour. The message shown in Plate 2 was not sanctioned by the community of users at large. After appearing at the trailhead in May 2013, the sign was taken down a month or two later.

Anonymous communication of this kind is perhaps inevitable in the absence of organised rule making and decision-making. Currently, users are left with few ways to communicate their feelings – orally, on the trails, or via signage of this kind. With no community-wide platform to allow tensions between users to be raised and deliberated upon, frustrations continue to simmer. For most users, this has not been enough of a problem to affect their frequency of use, but for others, unresolved issues have led them or a friend to stop accessing the trails or to consider doing so.

3.5. Visions for the future

Despite the random nature of communication on the trails, limited social organization, and a lack of formalized rules and regulations, all of which may contribute to some of the tensions and occasional conflicts evident among and between user groups, many users believe the trails have been functioning well as a *de facto* shared resource, claiming that “*we all work it out among ourselves*”. This



Plate 2: Tunnel Island commoner sends provocative message to fellow users.

sentiment was supported by the finding that a clear majority (61.90%) hoped that future (formal) management allowed things to “*remain as they are*”. In contrast, only 15.87% wanted more formalised management, with 22.22% sat somewhere between these two camps.

Yet the idea of what is meant by keeping things “*as they are*” varied among users. For some, and this was certainly the case for those accessing the trails to “*get away from things*”, to meditate, or to watch nature, it really meant little to no change. As one user remarked, there had already been “*too many changes*”. He was not alone in making the point that the trails should remain rough, where users “*have to negotiate uneven ground and fallen trees*”, with another noting that there needed to be “*less maintenance... stop making steps, putting stuff down, packing things down... leave it wild*”. While these users saw the need to modify certain sections of trail to make them safe and to limit erosion, it was the “*back to nature*” and “*wilderness*” experience so close to Kenora’s downtown that made TI so special. For others, letting TI “*remain as is*” still allowed for some changes – bathrooms, benches, drinking water, historical information, improved signage, ceremonial space, wheelchair access, cross-country ski trails were all name-checked on more than one occasion – to enhance user experience and improve access. Of these, the recent provision of more and better parking is likely to have

garnered the support of most users. Other potential developments (i.e. washrooms, information kiosk, disabled access), however, would be considered intrusive by some and, if all were implemented, result in an overly sanitised experience for many.

For some respondents, being asked about TI governance prompted them to think about whom, to date, had been responsible for these trails and involved in the site's administration. The majority of respondents knew little about the history of (changing) ownership on TI or the fact that the trails had been developed and maintained by a handful of local users, with minimal involvement from the City of Kenora. Indeed, it was through participation in the research that some became aware for the first time that TI was a shared resource that users had made their own despite minimal coordination and almost no government oversight. News of a joint management corporation, the RPCGCO, caused a degree of anxiety among some of our respondents – worried that they could be excluded from formal management decisions, or see certain activities restricted as new regulations come into force.

4. Discussion

The ways by which interdependent individuals “*organize and govern themselves to obtain continuing benefits*” (Ostrom 1990, 29–30) is as much of a concern for TI as it is for a traditional resource commons. The reasons why people access the island's trails may be non-rival or non-subtractable in a conventional sense, but this is only the case under conditions where crowding is low and users co-exist in relative harmony (Matisoff and Noonan 2012). TI usage has the potential to become rival where conflicts among users persist, where physical infrastructure is added or environmental quality deteriorates due to overuse, and when institutional conformance is not enforced. Our study reveals a community of users that has enjoyed unrestricted access and increased levels of use in recent years, highlighting how sustainability of the TI commons remains dependent upon user behaviour, which in turn is shaped by the institutions that users employ or by which they are bound.

On TI, our findings on rules and norms (as “codes of conduct”) show that the site's institutional arrangements are private in their source and decentralized in their making (after Ingram and Clay 2000), born of societal conventions and on-trail interactions, and taking the form of informal strategies and norms rather than formal rules (Crawford and Ostrom 1995; Schlüter and Theesfeld 2010). These institutions, which evolve internal to an individual or are acquired in the context of the community in which that individual interacts (Ostrom 2014), function as the unwritten and largely unspoken set of obligations and rights that bind TI's trail users. Institutionalism on TI is not born of rational choice in the classical sense, where users design institutions to meet a specific need, but rather conforms to some ‘logic of social appropriateness’ (Hall and Taylor 1996). This is not to say that TI norms are not purposive or goal-oriented, but rather ‘rational’ actions are

socially constituted, with users expressing identities and pursuing goals under the influence of group predispositions and beliefs (Hall and Taylor 1996; McGinnis 2011).

Such strategies and norms can be seen as institutions in their broadest sense – constituting the symbol systems, cognitive scripts, and moral templates that structure actions and behaviour in the absence of clear and formal rules-in-use (after Hall and Taylor 1996). These are institutions that find their place so long as common understandings, values, traditions or practices (after McGinnis 2011; Oyserman and Uskul 2014) exist among users, and become sufficiently valued within the on-trail environment to allow for conformance through processes of “internal enforcement” (Schlüter and Theesfeld 2010). This finding breaks down the conceptual divide between ‘institutions’ and ‘culture’, which rather than standing distinct begin to shade into one another (Hall and Taylor 1996). Through shared comprehension, users find themselves able to access a “repertoire of strategies, and remembered or imagined practices” (Crawford and Ostrom 1995) that define in their minds the unspoken do’s and don’ts across a range of different on-trail activities, while “knowledge of the existence and salience of [an] imagined institution” provides the means to “conceive of ‘collective intentionality’” (Urpelainen 2011).

In terms of institutional performance, a reliance on personal norms has been enough to organise user behaviour on TI into fairly predictable and reliable patterns, with interview and survey responses pointing to a largely functioning commons regime. From a theoretical perspective, this is somewhat surprising given how TI constitutes an open-access CPR, brings together a user community with poorly defined membership boundaries, and exhibits barely identifiable structures of governance. Despite these apparent deficiencies or limitations, for most activities the social practice of users permits for relative harmony on the trails, with users able to use the threat of social ostracism to reinforce the internal value they place on conformance (Ingram and Clay 2000; Ostrom 2014). Study data suggest that institutional adherence is further aided by the large number of “regulars” using the trails who are familiar with existent behavioural strategies and norms.

However, the lack of a user-wide governance platform for deliberation, decision-making, and collective action does provide room for users to deviate from any “shared understanding” of what the “rules” are, or how they should be best interpreted. While on-trail strategies and norms elicit cooperation in many aspects of trail use, these institutions cannot specify what a user should or should not do in the same way a written rule can. Rather, they point to what one can imagine oneself doing in a given context, a subtle but important difference. For activities such as dog-walking, the result can be a user group whose members do not follow the same institutional script (after Streeck and Thelen 2005), with conflict emerging from competing interpretations as to what constitutes appropriate behaviour around dog-leashing and dog poop. With TI’s institutions allowing for such ‘play’ (Streeck and Thelen 2005) in the actions that actors are

expected to follow, the norms-in-use are no longer as “common sense” as some respondents believe.

The emergent conflicts around dog walking and dog behaviour bring issues of institutional legitimacy and enforcement to the fore. Institutions only generate legitimacy as long as the expectations they represent are enforced by the society in which they are embedded (Diermeier and Krehbiel 2003; Streeck and Thelen 2005). Study results on codes and rules reveal that TI’s trail institutions reflect the personal beliefs of individual users rather than being the product of a democratic and deliberative governance process, and so it is often unclear what constitutes appropriate and legitimate behaviour, what confers upon TI norms their ‘legitimacy’ in some cases (i.e. not littering) but not in others (i.e. dog leashing), and what sources of “cultural authority” (Hall and Taylor 1996) provide for such legitimacy.

When institutions fail to encourage behaviour consistent with the collective good (Crawford and Ostrom 1995), due to non-conformance, it is not enough for institutions to simply exist; they must also be enforced. On TI, we find that enforcement occurs via second-party enforcement (by those directly impacted by non-conformance) or through third party enforcement (by means of social sanctioning) (Ingram and Clay 2000). Yet with no way of determining who holds authority to monitor conformance and sanction non-conformance, the TI commons includes no mechanism for adjudicating fairly between different “rule” interpretations (after Streeck and Thelen 2005) or dealing with any of the conflicts that follow. Our findings show that this can be of particular significance for activities (such as dog-walking) where multiple outcomes potentially impact the experiences of all trail users.

On-trail tensions illustrate how institutional development of the kind emergent on TI is rarely perfect because the meaning, even the existence, of any norm or “rule” is never wholly self-evident (Streeck and Thelen 2005). In not being written down or spoken about, the inherent fluidity and under definition to TI’s institutions leave its users free to probe that boundary between the acceptable and unacceptable. While the liberty this provides is something that many appear keen to protect, with things working well when users share an understanding of what constitutes appropriate behaviour, the user “community” on TI is a fragile one (born of divergent interests, values, and powers) and any conflicts that do arise can persist or linger in the absence of a platform promoting organised collective governance.

4.1. Governance moving forward

Governance is the determination of “who can do what to whom and on whose authority” and is how “institutions are formed, applied, interpreted, and reformed” (McGinnis 2011). Based on this definition, TI’s trail users fall short of self-governance. Most communication is oral, takes place on the trails, and is limited in nature. There is little discussion at a user group level about the need

to craft more ‘concrete’ codes of conduct, let alone rules about how users can evaluate actions, outcomes, and outputs (collective-choice), and how they can generate potential for capturing feedback and adaptive learning (Crawford and Ostrom 1995; McGinnis 2011). In the absence of organised meetings where users can air their views and take decisions about future actions, the reliance on oral communiqués, *in situ*, limits the collective action opportunities for managing complex commons (Edwards and Steins 1998; Ostrom 2009).

As Cox et al. (2010) note, a whole host of different institutional arrangements can work in managing CPRs. Does it matter then that TI’s arrangements favour norms over rules, tie in with so few of Ostrom’s fabled ‘Design Principles’, or resonate so poorly with the ‘governance’ framework from her later work? (Ostrom 1990, 2009) The research suggests that, over the long-term, it may do, with the current institutional regime limited in its ability to govern the present range of user interactions and relationships. Moreover, the tensions evident currently may become more pronounced as the site becomes more popular.

It is our contention that formalised institutions have the potential to bring greater effectiveness and less conflict to some specific aspects of trail use. The RPCGCO, set to become operational by 2016, could help perform such a role. Yet by occupying a middle ground between private and common property, in which legal and idealized concepts of ‘ownership’ intermingle, the organization’s precise role in TI governance remains unclear. Will it operate primarily by initiating proceedings in its own right, or does it plan to create a membership and decision-making process that represents the different interests, perspectives and values referred to in this study? For TI users, it is not formal legal ownership of the land that is important but rather the sense of ownership they have created among themselves by undertaking activities on the site, and devising strategies and norms around those activities. The success of the RPCGCO will thus rest on the sense of legitimacy it can establish among those who use the island and its trails, which will be largely dependent on the way that formal planning processes align themselves with existing institutional arrangements.

Such institutional interplay (after Young 2002) will inevitably lead to a degree of “institutional disruption” (Diermeier and Krehbiel 2003) – determined by whether the RPCGCO leans more towards ‘institutional displacement’ (Streeck and Thelen 2005) or ‘institutional layering’ (van der Heijden 2011). The former involves new rules and regulations supplanting pre-existing institutions, while the latter entails formal institutional arrangements building upon those already in use, supporting incremental change. Our work suggests that the second of these, a careful and considered layering of new over old institutions, be followed. A layering approach, if it emphasized functional complementarities between old and new institutions, could help mitigate potential disadvantages of institutional formalization, such as an undue increase in the influence of economically and politically powerful actors and lack of attention to local practices and values (see Young 2002). Mitigating such impacts through what Cleaver and de Koning (2015) have called ‘institutional bricolage’ – the reworking of existing institutional

arrangements within the limits of available resources, social circumstances, and perceived legitimacy – is highly salient given the need for multi-functional governance that can handle the coordination, monitoring, sanctioning, and dispute resolution needs of a multi-use, multicultural commons.

Yet processes of institutional interplay and institutional bricolage can and do create trade-offs in the minds of users. While increased formal governance capacity appears important for TI – especially if use levels continue to rise – it could come with compromises, such as financial and non-monetary transaction costs and loss of users' liberties. This latter potential cost may help explain the results showing that, despite a degree of conflict on the TI commons, most users were anxious about the RPCGCO and did not want to see more rules created. At the same time, an alternative explanation for such resistance to change, and one consistent with the deliberative turn in environmental governance (Baber and Bartlett 2005), is that users would become less anxious if asked to be involved in formal TI governance. Without having had a discussion of that type with the research participants, it is reasonable to speculate that users can only imagine that decisions being made by somebody else will curtail their current sense of freedom on the trails.

The issue of trade-offs highlights that accepted adjustments in how TI use is governed would necessitate extensive negotiation among interested parties, dealing with the inevitable pushback that will accompany some proposed changes, and finding a way to accommodate differences among those affected by any decisions made (after Libecap 1995). Previous work has shown how processes of institutional creation or reform can entail a clash of power among actors with competing interests and concerns (Hall and Taylor 1996; Diermeier and Krehbiel 2003). TI's ethnically diverse user community, along with multiple and interdependent trail uses, increases the likelihood that conflict will emerge as part of this process of institutional upheaval. Such realities underscore the need to allow all groups and interests proportionate access to the decision-making arena (Ingram and Clay 2000), for them to be invited to participate at the earliest opportunity, to be made aware of the integral role they have played in creating this contemporary shared space, and given time to organize as part of a democratic and deliberative process.

5. Conclusion

TI represents a subtle, constructed sense of common space, generated through joint experiences and *de facto* public use. While few of TI's contemporary users are dependent on its land, waters or biodiversity for livelihood support, sustainable management of the site is still dictated by the actual and potential collective action problems faced by a broad and diverse user community. For three nearby Ojibway communities, TI is a place of long-standing economic and cultural significance. For local city residents and increasing numbers of tourists, it has become a well-loved recreational space. The site has come to embody sets of social relations

based on interdependent use and limited cooperation, where user activities have largely been guided by norms of behaviour established in an *ad hoc* fashion as forms of social practice.

Our study shows commons institutions emerging through subtle processes of individual and social construction, involving differing sets of shared understandings, intentions, values and practices. And this has occurred in a manner that still allows for a largely functioning commons regime. Yet their tacit, unspoken nature leaves such institutions open to interpretation, which can result in multiple outcomes for some trail activities or aspects of trail behaviour. This can create tensions among and between users and specific user groups that can persist unresolved in the absence of any organised governance mechanism or structure, and threaten the ‘logic of social appropriateness’ (Hall and Taylor 1996) that drives the development of TI’s informal institutions. The transition towards a *de jure* resource regime and more formalised management looks set to bring such issues and tensions to the table.

With the ‘stakeholders’ of today the inheritors of a complex cultural legacy, the ability of the proposed joint management corporation, the RPCGCO, together with TI’s user community, to negotiate diverse and sometimes conflicting objectives in pursuit of a potentially unifying goal faces a range of challenges. The prospect of formalised governance, of a new phase of institutional development and change, points to the many trade-offs that will first need to be understood by users and then negotiated in order to determine what form any “official” rules and regulations may take and how they end up combining with the personal/cultural norms and codes of conduct that currently dominate. Institutional formalization will raise broad questions about who decides, who enforces, who has access to the resource and under what conditions and other key governance questions. It will also quite likely necessitate being attentive to reducing power differentials among governance actors, being inclusive of legitimate but marginalized values, aspirations and knowledge claims, establishing certain, transparent and fair procedures for resolving disputes and finding the optimal and efficient level of transaction costs.

It is this context that provides for such a fascinating opportunity to research the evolution of an environmental commons in a modern-day Canadian city. As an alternative form of governance, the idea of a commons takes local citizenship to a new level – one that brings issues of access, transparency, the freedom to participate and social equity to the fore (Rodgers et al 2011; Menzies 2014). National-level legislation for common land does not exist in Canada and nor does provincial legislation in Ontario, and so formal planning for the ‘new’ commons of Tunnel Island will necessarily constitute a grassroots effort, in line with that proposed for fragmented societies in other post-productive settings (Healey 2006; Linn 2008). Irrespective of the outcome of formal governance deliberations, the Kenora case study promises to generate lessons of relevance well beyond the confines of northwestern Ontario.

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