WORKING MATERIAL 1.11 · CHAPTER 1 — THE VISION OF OWNERSHIP (SECTION A) · SETTING: TOFINO, CANADA

Land, Water and the Rights of Those Who Were There First

Source: Francesco Dore, The Helm and the Lens, Volume 7a — GSTC Hotel Standard v4.0, subchapter 1.11 (book page 135)

GUIDING QUESTION

A building permit tells an owner that the authorities have no objection to a project. It does not tell the owner whether the people who have lived on and used that land for generations were asked, or what they would have said. When the paperwork is in order and the consent is missing, which of the two does the standard treat as the gap?

1 · Verification Pact: market claims against the standard

Copied from the book. The last column is for your property: what holds here, and how you know it.

What is claimed	Binding?	What actually holds	In our property
Valid permits prove that land rights have been respected	No	Permits are part of A10.1; A10.2 also requires demonstrated consultation with affected communities for new projects	
FPIC is required for every hotel project	No	A10.3 applies where traditional or Indigenous communities may be affected, and refers first to applicable regulations	
FPIC is required only where the law requires it	Only partially true	A10.3 asks for FPIC principles where regulations are absent; A10.2 consultation applies regardless	
A public notice period counts as consultation	No	The guidelines ask for consultation in culturally appropriate ways that respect local customs and practices	
Water rights matter only for hotels drawing from wells	No	A10.1 asks for legal documentation for access to and use of key resources, including water	
Neighbours must have a way to raise land and water concerns	Yes	A10.4 asks for a grievance mechanism for external stakeholders, including on land, water or property rights	

2 · Common mistakes — a self-check

Tick each mistake you recognise in your own property, and note where it shows.

☐ Treating permits as proof that every right on the land has been respected.

☐ Consulting after the design is fixed, when nothing can change.

☐ Treating a public notice or a letter as consultation.

☐ Assuming what the law requires on consent, instead of establishing it with local expertise.

☐ Forgetting water rights when the land title is clear.

☐ Consulting authorities and ignoring the communities and NGOs the standard names.

☐ Leaving neighbours without a channel for concerns once construction or operation begins.

☐ Omitting land and water from the annual sustainability report.

3 · A Checklist for Land, Water and the Rights of Others

The book's checklist, with a column for your own answer.

Question	Why it matters	Our answer
Do we hold documents for our use of land and every water source we draw from?	A10.1 asks for legal documentation for access to and use of key resources	
Does our legal register identify which regulations govern consultation and consent?	A10.3 refers first to applicable regulations; A2 is where they are identified	
For our next project, have we identified affected residents, communities and NGOs before design is fixed?	A10.2 asks for demonstrated consultation for new developments, expansions and major renovations	
Will consultation take place in ways the community considers appropriate?	The guidelines ask for culturally appropriate consultation	
Can neighbours and local organisations raise concerns through a known channel?	A10.4 asks for a grievance mechanism for external stakeholders	
Does our annual report confirm that land and water use comply with legal requirements and agreements?	A10.5 asks for that confirmation	

4 · What would show this is working

Questions drawn from the subchapter's reading of the standard and its practical application. Indicator references point to the GSTC Hotel Standard v4.0; where the evidence lives is this book's practice, not a requirement of the standard.

Question	Where the evidence lives	Seen?
Is there legal documentation for access to and use of land and water (A10.1)?	Title, tenure and water-use documents in the legal register	☐
For new projects, is consultation with affected residents and relevant NGOs demonstrated (A10.2)?	Agreed records of consultation meetings	☐
Was consultation carried out in culturally appropriate ways?	Record of how the community asked to be consulted	☐
Where traditional or Indigenous communities may be affected, is the legal basis of the process established (A10.3)?	Legal advice and its entry in the register	☐
Is there a grievance mechanism for external stakeholders, and a record of what is raised (A10.4)?	Published contact and concerns log	☐
Does the annual report confirm that land and water use comply with legal requirements and agreements (A10.5)?	Statement in the annual sustainability report	☐

> *What this sheet is not: the GSTC Hotel Standard does not prescribe this form. It is a working aid drawn from the book; the standard's criteria, indicators and guidelines govern the real case. Independent material; not affiliated with or endorsed by the GSTC. The standard's own text at www.gstc.org prevails.*