

Maritime Aboriginal Peoples Council - Maritime Aboriginal Aquatic Resources
Secretariate (MAPC-MAARS)

ESSIM: Eastern Scotian Shelf Integrated Management Plan

A case study of a successful IMCAM plan (ESSIM Plan)
lacking leadership for implementation

Contents

- Summary 1
- Background 2
 - Canada 2
 - Legislation in Canada 2
- ESSIM 4
 - History..... 5
 - Status of ESSIM Plan..... 7
- Results/impacts 8
 - Beaufort Sea Comparison 11
- Lessons Learned..... 12
- References..... 13
- Location and Timeline 15
 - Country 15
 - Scale..... 15
 - Locality 15
 - Start Date 15
 - Status..... 15
 - Lead Organization..... 15
 - Contact Person 15
 - E-mail Address..... 15
 - Website 15
 - Related Projects 15

Maritime Aboriginal Peoples Council - Maritime Aboriginal Aquatic Resources Secretariate (MAPC-MAARS)

ESSIM: Eastern Scotian Shelf Integrated Management Plan

A case study of a successful IMCAM plan (ESSIM Plan) lacking leadership for implementation

Summary

A case study of an Integrated Marine Coastal Area Management Plan, or Large Oceans Management Area, the Eastern Scotian Shelf Integrated Management Plan (ESSIM) in Atlantic Canada, which included over ten years of stakeholder involvement to develop from concept to final draft plan, involving multiple diverse users and interests in a highly public and competitive ocean space area, with several unresolved jurisdictional issues, in a country surrounded by three oceans, became victim to a “lack of leadership for implementation”.

This study reveals the depth of citizens and users interests, involvement and ownership of the plan within a transparent public process. Sadly, since the area had low national government priority, the ESSIM plan is allowed to languish without Government leadership for its implementation. This situation is contrasted at end, by comparison to a more recent LOMA, the Beaufort Sea Plan, less than four years from development to approval and implementation in the Arctic Ocean. BSP had the advantage of clear central government jurisdiction, conformed with priority plans for the area, was within the radar of the government, and involves fewer stakeholders, jurisdictions, and competing interests for ocean space, and ocean uses.

Background

Canada

Canada, surrounded by three oceans, has the longest coastline of any country in the world. The coastline is 244,000 kilometers and includes a 3.7 million square kilometers economic exclusive zone (EEZ) (Canadian Coast Guard, 2008a). The Maritime region of Canada includes the provinces of New Brunswick, Nova Scotia and Prince Edward Island which account for 11,439 kilometers of coastline (Canadian Coast Guard, 2008b). The extent of Canada's coastline, nearshore and including the territorial seas are a substantial reason why Canada needs to plan and implement Large Ocean Management Areas (LOMAs) or Integrated Marine and Coastal Area Management (IMCAM). The Eastern Scotian Shelf Integrated Management area (ESSIM) encompasses approximately 325,000 square kilometers of the Scotian Shelf (Department of Fisheries and Ocean (DFO), 2007a). Even though this is a fraction of Canada's total ocean and coastal area, Canada is responsible for this "important living and non-living marine resource area [with] high biological diversity and productivity, and increasing levels of use and competition for space" (DFO, 2007a, p. 15).

Legislation in Canada

The legislative history and authority for Canada's oceans is a long and complicated one. For the purpose of this case study we look at the legislative history from the period of the enactment of the *Territorial Sea and Fishing Zone Act* to the present. This brief review within this period will provide an overview of the political climate in Canada and help contribute to the understanding of the current situation about a successfully crafted ESSIM Plan which is "lacking leadership for implementation." The brief legislative history will show that although Canada agrees and supports the meaning and intent of the Convention on the Law of the Sea (UNCLOS) and the Convention on Biological Diversity (CBD), and has indeed enacted the 1997 *Oceans Act*¹, Canada none the less lacks the political acumen to implement large ocean management plans within its coastal and EEZs which are used by multiple users, with multiple interests, and with multiple jurisdictional interests. In short, Canada lacks "LOMA implementation gusto."

The *Territorial Sea and Fishing Zones Act*² designated the territorial sea of Canada to be up to 12 nautical miles from the nearest point of baseline; which is usually the low water mark (s. 2). This area had increased from the traditional 3 mile National territorial claim to the ocean, (Carasco, 2010) and also required a rearrangement of fishing zones and areas. The *Territorial Sea and Fishing Zones Act* also affirmed Canada's jurisdictional claim to fisheries within 200 miles of its coast and mineral resources within its continental shelves (Carasco, 2010). In 1997 the *Territorial Sea and Fishing Zones Act* was replaced with the *Oceans Act* which outlined the national boundaries in accordance with the United Nations Convention on the Law of the Sea

¹ *Oceans Act*, S.C. 1996, c. 31

² *Territorial Sea and Fishing Zones Act*. R.S., 1964, c. T-7

(UNCLOS) which include internal waters, territorial seas (0-12 nautical miles), contiguous zone (12-24 nautical miles), exclusive economic zone (12-200 nautical miles), continental shelf (12-200 nautical miles) (DFO, 2010a). It is interesting to note that although Canada did not ratify UNCLOS until 2003, Canada was among the first nation state to sign the Treaty in 1982.

Canada is a federated state where the Federal government and Provincial and Territorial governments have different roles and responsibilities. The *Constitution Act*³ of 1867, particularly sections 91 and 92, set out the roles for the Federal government and Provincial governments. Later Territorial governments were enacted with specific responsibilities.

Specifically, the ocean, beacons, buoys, lighthouses, navigation, shipping, sea coast, harbours, wharfs, and inland fisheries, and other such activities and works fall under the authority of the Federal government⁴. “The 1997 *Oceans Act* and its supporting policy, *Canada’s Oceans Strategy*, [also] affirm DFO’s mandate as the lead Federal authority for oceans and provide the national context for the Initiative.” (Rutherford, Herbert, & Coffen-Smout, 2005) In 1982 Canada re-patriated the Constitution with the *Constitution Act of 1982*.⁵ This Act contained important articles which included constitutionalizing the *Canadian Charter of Rights and Freedoms*, an amending formula, a non-derogation nor abrogation of existing Treaty and Aboriginal Rights through section 25 of the *Charter*, and Part 2 section 35 which recognized the Aboriginal Peoples of Canada, and the Aboriginal rights of the Aboriginal Peoples of Canada including the Royal Proclamation of 1763. Subsequent court challenges have produced a wealth of court dicta affirming Treaties, Treaty Rights, Aboriginal Rights, and requiring governments to consult with the Aboriginal Peoples of Canada when decision makers know or ought to know that government decisions could or would affect Treaty, Aboriginal or Other Rights of the Aboriginal Peoples of Canada.

Canada expended over ten years of effort to write the *Oceans Act* which was developed from the *Oceans Policy for Canada*, released in 1987 (Foster, Haward, & Coffen-Smout, 2005). The policy lay dormant until 1994 when a report, *Opportunities from our Oceans*, written by the Committee on Oceans and Coasts of the National Advisory Board on Science and Technology, was released (Berkes, Mathias, Kislalioglu, & Fast, 2001). This report suggested that the 1987 *Ocean Policy for Canada* could be the basis of a national oceans policy and management strategy. Shortly after, the Department of Fisheries and Oceans (DFO) Minister presented a plan for the adoption of an oceans act in: *A Vision for Oceans Management* (Foster et al., 2005). Two years later the vision became reality with the promulgation of the *Oceans Act* in 1997. It took another five years for *Canada’s Ocean Strategy* (COS) to be developed and integrate provisions of the *Oceans Act*. The *Canada Ocean Strategy* policy objectives were to: understand and

³ *The Constitution Act, 1867* (U.K.), 30 & 31 Victoria, c. 3.

⁴ *The Constitution Act, 1867* (U.K.), 30 & 31 Victoria, c. 3., s.91

⁵ *The Constitution Act, 1982*, Schedule B to *Canada Act 1982* (U.K.), 1982, c. 11

protect the marine environment, support sustainable economic opportunities, and show international leadership in oceans management (Foster et al., 2005).

In 2005 the Office of the Auditor General of Canada released a report⁶ that indicated that the government and the Department of Fisheries and Oceans Canada had failed to deliver on key commitments of the *Oceans Act* (Gelinas, 2005, November 22). The Office of the Auditor General of Canada (2005) also indicated that no new funding had been allocated to *Canada's Ocean Strategy*. In fact, funds from the Department of Fisheries and Oceans general operations had to be redirected to support work on the Act and Strategy. There was concern that “government had not made implementation of the *Oceans Act* a priority” (Office of the Auditor General of Canada (OAG), 2005, section 1.18). It was also reported that the overall process, from developing a national oceans strategy, to implementation of integrated management plans had been very slow (OAG, 2005, s. 1.34-1.35). No other reports have been released by the Office of the Auditor General of Canada to report on DFO progress since 2005. Considering that the formal approval and official implementation of the ESSIM Plan is stagnant, it appears as though Canada lacks the political will to implement a LOMA within a highly visible, multiple use, multiple jurisdictional area with multiple diverse users with competing interest for space within a congestive ocean area.

In respect to the Convention on Biological Diversity (CBD), Canada was one of the first industrial countries to sign onto the CBD on June 11, 1992. Canada ratified the CBD on December 2, 1992. The CBD recognizes that the marine ecosystem plays a large and vital role in protecting the biological diversity on Earth. The call for IMCAM is echoed throughout the Canadian Biodiversity Strategy (CBS), Canada's response to the CBD in 1995. However several reports, including the OAG reports in 1998, 2000 and 2005, have pointed out that the federal government has continually failed to implement key strategic priorities in the CBS, including marine biodiversity and oceans management. A discussion on meeting the requirements of the CBD follows.

ESSIM

The ESSIM initiative was announced on December 3, 1998 as a pilot for Canada's first integrated ocean management initiative (Foster et al., 2005). There are currently five Large Ocean Management Area (LOMA) plans developed or being developed for three Canadian oceans. These are: the Pacific North Coast, the Beaufort Sea, the Gulf of St. Lawrence, Placentia Bay/Grand Banks and Eastern Scotian Shelf (DFO, 2010c).

The ESSIM planning area was selected as a pilot because it contained: “important living and non-living marine resources, high biological diversity and productivity, and increasing levels of

⁶ This report was produced by the Office of the Auditor General of Canada by the Commissioner of the Environment and Sustainable Development. May 1998 Chapter 4, May 2000 Chapter 9 and September 2005, Chapter 3.

uses and competition for space” (DFO, 2007a, p. 15). Traditionally, the near shore of the ESSIM Plan area was used by Aboriginal Peoples for harvesting for sustenance and trade, and later the inshore was also used by visiting fishers and estuary fishers (Barsh, 2002; personal communication, R. Hunka, November 2010). Currently, the level of human use throughout the ESSIM planning area is extensive, congestive and includes, but is not limited to uses like: a Marine Protected Area (The Gully), identified protected areas of cold-water corals, multi-species fisheries which include ground fisheries, small and large pelagic fisheries, crab, lobster, and an extensive Aboriginal Communal Commercial Snow Crab fishery, dragger, long line, oil and gas exploration, works, seismic activities, oil and gas pipelines, other oil and gas development projects, marine transport, submarine telecommunication cables, naval port and naval exercises, tourism vessel traffic including sport fishing and cruise ships, scientific research and oceans monitoring, at sea ocean disposal sites, to mention but a few multiple uses competing for the same space. (DFO, 2005).

History

The Eastern Scotian Shelf Integrated Management (ESSIM) Initiative also followed on a recommendation which originated with the Sable Gully Conservation Strategy which implied “that integrated management approaches [should] be applied to the offshore area around the Sable Gully Area of Interest (AOI) under DFO’s Marine Protected Areas Program” (DFO, 1998 as cited by Rutherford, et al., 2005). Rutherford et al. (2005) indicate that the ESSIM Initiative was initially announced to be a pilot project for Canada’s first integrated ocean management plan with an offshore focus. However, the breadth and scope of interest has since progressed the Plan to become a LOMA and will eventually include the inshore coastline (Rutherford et al., 2005; DFO, 2007a). This area is presently reserved to require provincial cooperation with the federal government in managing the inshore ocean uses.

By January 2001 a Federal-Provincial Officials ESSIM Working Group had been established. The Working Group was established in response to the need to integrate federal and provincial government policies and regulations. (Foster, Haward, & Coffen-Smout, 2005). In February 2002 the first public ESSIM Forum was held with 150 participants. The purpose of the Forum was to initiate dialogue on integrated oceans management (Coffen-Smout, Herbert, Rutherford, & Smith, 2002). Since that time, three subsequent ESSIM Forums have been held and all well attended. The most recent ESSIM Forum was held in November 2008. The third ESSIM Forum was dedicated to reviewing and discussing a draft of the Eastern Scotian Shelf Integrated Management Plan (DFO, 2007b). A Stakeholder Advisory Council (SAC) was formed in the fall of 2005 and is comprised of a large cross-section of different interest and user groups within the ESSIM planning area.

A collaborative planning model approach was adopted for the ESSIM Initiative and has four main drivers for the Plan: the ESSIM Forum, the Stakeholder Advisory Council (SAC), the Government Sector which includes a Regional Committee on Ocean Management (RCOM) and

a Federal-Provincial ESSIM Working Group (DFO, 2007a). These four drivers are supported by the ESSIM Planning Office, operated by the Department of Fisheries and Oceans, which provides day to day logistical and support arrangements (DFO, 2007a). Each of the drivers for the ESSIM Plan has a specific purpose, function and responsibility. For example, the ESSIM Forum is the large, multi-stakeholder assembly where public and sector interests meet for two or more days and dialogue or share information as well as aspirations for a large oceans management area. The SAC, which is a multi-sectoral stakeholder users or interest group, is comprised of 32 members who meet frequently and liaise with their parallel sectors and the RCOM and ESSIM Planning Office to dialogue, share information and advance the Plan. SAC in its terms of reference and structure assumes ownership for the ESSIM Plan. In this case-study the ESSIM SAC will be examined in more detail as it has the broadest involvement, technical expertise and largest investment of users and interests voluntary time to develop the ESSIM Plan, and it has the greatest interest in the outcome or results of the ESSIM Plan when implemented.

Stakeholder Advisory Council (SAC)

One of the main challenges for the ESSIM Plan was the establishment of an advisory body which is required under section 32 of the *Oceans Act*. The section describes that in implementing an integrated oceans management plan, the Minister will “recognize and establish an advisory or management body.”⁷ After several meetings, the large collective of interests agreed to establish themselves as the ESSIM Stakeholder Advisory Council (SAC). The term “Council” was specifically used to denote that the interests and users were committed to being both advisory as well as assuming ownership for the development of a Plan. A collaborative planning model was discussed in the first ESSIM Forum and the advisory body was first referred to as the Ocean’s Management Planning Group (OMPG), subsequently changed to SAC (Coffen-Smout et al., 2002). In the small discussion groups at the first Forum, it was noted that there was no clear indication of who would make decisions. Also it was recommended that the process should be a bottom-up governance structure (explicitly identified by 4 of 18 tables) (Coffen-Smout et al., 2002). By the third ESSIM Forum it was decided that a Stakeholder Round Table (SRT) should be formed (Coffen-Smout, Millar, Herbert, & Hall, 2005). By June 2005 an initial draft was released and would be subject to internal sectoral review and discussion by the newly established Stakeholder Advisory Council (SAC) (Coffen-Smout et al., 2005). The SAC title and terms of reference were officially acknowledged by the RCOM in the fall of 2005.

To date SAC is comprised of a total of 32 members from federal, provincial and municipal governments, Aboriginal Peoples, fisheries, oil and gas, tourism, shipping, telecommunications, research, environmental conservation groups, and community groups. The academic, and private sector research, transportation, telecommunications, tourism, and citizen’s at large are a significant other users group comprising SAC (DFO, 2007a). See Table 1 below for the number

⁷ *Oceans Act*, S.C. 1996, c. 31, s.32

of seats allocated to each sector. The ESSIM SAC has established its Terms of Reference (TOR) and SAC also formalized its vision, purpose, level of leadership, overarching goals and conduct of SAC. “The Stakeholder Advisory Council (SAC) shares the responsibility for the leadership and guidance in meeting the vision for the ESSIM Initiative.” (DFO, 2007a)

A TOR for SAC was completed, and approved by SAC on consensus, and submitted to RCOM, which received it and reviewed it without objection and it remains the operative TOR document for the conduct of the SAC at meetings. The TOR clearly indicates that the ESSIM initiative is complex and that not everyone may agree on a topic but it is the overall process of developing and implementing a plan that matters. The complexity of developing an integrated management plan, with a multi-stakeholder body, such as SAC, while respecting SAC TOR allowed for the necessary time to develop a consensual Plan. The results have proved worthwhile and demonstrate clearly that a multi-stakeholder body can, has created a LOMA Plan, and has submitted it for approval and implementation. The lack of implementation of ESSIM in this case study, squarely fits the phrase “lacking government leadership for implementation”.

Table 1: ESSIM Current Member Breakdown (DFO, 2007a, p. 23)

ESSIM SAC: Current membership breakdown			
Government of Canada	4 Members	Conservation Groups	3 members
Government of Nova Scotia	3 Members	Community Groups	2 members
Government of Newfoundland and Labrador	1 Member	Academic & Private Sector Research	2 members
Offshore Petroleum Board	1 Member	Transportation	1 member
Municipal Government	2 Members	Telecommunications	1 member
Aboriginal Peoples	2 Members	Tourism	1 member
Fisheries	5 Members	Citizens at Large	1-2 members
Oil and Gas	2 Members		
Total:			32 Members

Status of ESSIM Plan

The Department of Fisheries and Oceans (DFO) website, indicates that the ESSIM Initiative “has been shaped and accepted by ocean stakeholders, supported and endorsed by government, and is Canada's first integrated ocean management plan under the Oceans Act.” (DFO, 2010b) The SAC and RCOM have approved the ESSIM Plan however there has been no official Plan endorsement by the Minister of Fisheries and Oceans. In 2007 the ESSIM Plan was released and sent for an endorsement signature to the Minister of Fisheries and Oceans. Within a year the SAC and ESSIM Planning Office received word that the plan is strong, however, the government of Newfoundland raised an issue with the ESSIM “boundary line.” (personal communication,

November 2010) Communications to Newfoundland responded that the plan clearly recognizes the jurisdictions, mandates, and authorities of governments and that the boundary line issue is a non-issue (DFO, 20007a). Based on communications and a survey with some SAC Members, it appears that the lack of leadership for implementation (the ESSIM Plan is now in its third year) has created a frustrating process. Lack of approval for implementation is proving, the early reservations expressed to the public at the second ESSIM Forum. Can governments work together? (Rutherford, Coffen-Smout, Herbert & Smith, 2003). Apparently the governments cannot, whereas multiple stakeholders can work together. It draws to light the burden of responsibility and the significance which the following statement holds, as embodied within the Convention on the Law of the Sea. *“The oceans are the common heritage of mankind.”* The ESSIM plan is at a standstill with no definitive resolution in sight. Multi stakeholder users and interests want the Plan implemented as their heritage and on the other hand, governments want to assume ownership without regard to the changing reality about oceans, users and biodiversity.

It was important to know how members of the SAC felt about the stalled ESSIM Initiative so as not to bias the case study. In November 2010, Members of SAC were emailed a set of 6 questions asking their opinions on successes and challenges they encountered to date with the ESSIM Initiative. We have included some of these responses below. All responses are anonymous to help protect the identity of those contributors and their interests. Also included are those issues and successes identified from the four ESSIM Forums that have taken place to date.

Results/impacts

Successes

In response to what elements of the ESSIM initiative have been successful, the participants provided some helpful comments. In respect to the ESSIM Forum, the participants questioned believe that the forum had provided:

- An opportunity to explain the ESSIM plan, allow input and allow for evaluation of the plan
- A good opportunity for broad range of ocean and coastal related groups to interact and explore options for improving coordination and collaboration
- A good space for information sharing, participation and relationship building
- Raising public awareness about vulnerable ocean ecosystems and species beyond ESSIM stakeholders
- Communicating what is known and not known about these ecosystems from a scientific perspective
- Awareness of ocean governance approaches (best practices) to help improve approaches in Canada and Nova Scotia

In Respect to the ESSIM SAC, the participants identified the SAC being successful in that it provides:

- An exchange between the members and encourages the development and implementation of sector plans
- Identify goals and strategies for sustainable use and stewardship of the ESSIM area
- A good body for discussing issues across sectors

Both the ESSIM SAC and ESSIM Forum were identified as good places to network and allowed members and participants to identify persons with whom to have discussions when issues arose.

The ESSIM Regional Committee on Coastal and Ocean Management (RCOM) was seen to be successful, mostly in that it was an essential body for coordinating Federal / Provincial activities around Integrated Coastal and Oceans Management Areas.

All drivers of the ESSIM Plan were identified as delivering an increased awareness of the different perspectives across different sectors and levels of government. Without an ESSIM planning process the tables for discussions may not have existed. This dialogue factor was acknowledged as important but hard to quantify its benefit to the ESSIM process.

In the Second ESSIM Forum it was acknowledged by a participant who stated *“if this kind of a group (the forum) can achieve consensus, there will be an onus on all levels of government, different departments and agencies to align and be consistent with what happens here and to report back so that people can see that there is some accountability.”* (Rutherford et al., 2003, p. 41)

At the very peripheral edge, the ESSIM planning process has helped somewhat with aspects of meeting the aspirations of the Convention on Biological Diversity (CBD). Article 6 of the CBD indicates the requirements to develop national strategies, plans, or programmes. This could be taken to mean that the *Oceans Act*, and Canada’s Oceans Strategy, the ESSIM Plan, and initiative for the ESSIM area aimed to satisfy Article 6. Article 8(j) requires the involvement and requirements of Indigenous People, to a small extent ESSIM SAC has three Aboriginal sitting members.

It should be noted that there are several other initiatives underway in Canada including work on the Pacific North Coast integrated management area (PNCIMA) and the Beaufort Sea plan (BSP) as a large ocean management areas (LOMAs) are currently underway and have used the ESSIM lessons learned.

The Beaufort Sea Plan (BSP), started much later then the ESSIM Plan, however it was signed off by the Minister of Fisheries and Oceans on August 20, 2010. The signing of the BSP as an

integrated ocean management plan clearly reflected differences between ESSIM and BSP. One could presume that the government would more quickly approve LOMA plans which serve the interest of fewer users, in areas with less competition for space, in areas of federal controlled governments and in areas that are less visible to the large population of Canadians.

Success of the unofficial implementation of the Strategic ESSIM Plan will not be understood until the review of voluntary activities is reported by sector performance reports scheduled to be completed by January 2011. These reports should provide some sense or a degree of adherence or the lack thereof to the three overarching goals of the ESSIM Plan: Collaborative governance and integrated management, sustainable human use, and healthy ecosystems (DFO, 2007a, p.11). The ESSIM Initiative has developed a plan, encouraged the development of sector plans, facilitated multi-stakeholders opportunities for exchange and consultation and formed a go ahead approach to sustainable practices and management. This illustrates a large degree of stakeholder support, wisdom, input, and agreement for the contents and need for a large oceans management area integrated management Plan for the ESSIM area. Sadly, the lack of approval of the ESSIM Plan, lack of recognition by the Minister of the SAC and ultimately the lack of implementation of the ESSIM plan by the government, clearly demonstrate that large ocean management areas or integrated marine and coastal area management plans can languish when governments fail to respond or recognize the pressing demands of stakeholders to accommodate - in this case, multi sectorial users and uses of an ocean, in a highly public ocean area with converging jurisdictions and other interests in a growing congestive ocean area which is considered to be "*the common heritage of human kind*" and no longer solely the exclusive domain of government.

Challenges

A number of challenges have been identified throughout the ten year planning term of the ESSIM Initiative. One of the recurring issues raised is the commitment by the Federal government to the ESSIM initiative, Ocean Act and Canada's Ocean Strategy. It was identified that:

- The Ocean Strategy suffers because it is very low in terms of government priorities and that for the Minister of Fisheries and Oceans
- The Commitment of government was questioned as early as the first ESSIM Forum. Tables 18 and 9 indicated that to "make the process work, the table members felt that the present workshop should lead to commitments in terms of time and resources from governments, oceans use sectors, and partners" (Coffen-Smout et al., 2002, p. 6)
- "A public commitment in the form of a letter or charter, signed by federal agencies, is needed to ensure that the process continues in a timely manner" (Coffen-Smout et al., 2002, p. 8)

- A charter is not just needed for the federal government and its agencies, it was also suggested that “commitment by all partners, including decision makers, DFO Headquarters, and participants is important” (Coffen-Smout et al., 2005, p. 26)

Participants were asked specifically about the signing of the plan and why they believed it had not been approved and implemented. This was asked because it is important to have buy in for an initiative at all levels. In the fourth ESSIM Forum (2009) a statement was put forward that there were concerns that citizens and the public were at the Forum carrying on their work without acknowledgement from the federal minister that their work matters (MacLean, 2009). Participants we spoke to indicated that:

- The political ramifications of signing the plan are low
- Those who are, and have been working on this initiative for 10 years have shown that there is no senior-level buy-in or importance attached to this type of integrated work
- The failure to resolve the ministerial endorsement issue has cost the initiative a great deal of good will and may result in the withdrawal of non-government participants
- The discretionary, pilot-based approach, coupled with the lack of shared ownership and commitment from the Government of Canada, including DFO, federal-provincial conflicts, and governmental power over the various private stakeholders has impeded progress

In summary, as one participant indicated, the overall process has not been a “successful experience” but it does offer some elements of success (personal communication, November 2010).

Beaufort Sea Comparison

The work for the Beaufort Sea Plan (BSP) involved “A large group of federal government representation, and federal government sponsored territorial and indigenous governments, several oil and gas industry participants, a few non-governmental organizations and virtually nothing from other prospective interests. The planning group met in February of 2006 and formed the Beaufort Sea Partnership (BSP).” (*Beaufort Sea Partnership*⁸ [BSP], 2009, p. 7) In July of the same year, the Regional Coordination Committee (RCC) met for the first time (BSP, 2009). The Beaufort Sea Plan was signed off by the Minister of Fisheries and Ocean on August 20, 2010, less than four years after the start of planning.

The BSP has listed the potential for 82 members from 37 organizations (BSP, 2009) the majority of which are federal government and territorial governments, and their extensive departments

⁸ Beaufort Sea Partnership, 2009, P. 7

and agencies. The Beaufort Sea RCC has seats from federal regulators, territorial governments, and some Inuvialuit organizations (BSP, 2009). If we make a comparison between the diverse and multi user and multi interests and sectors comprising the stakeholders with the ESSIM Plan and the almost exclusive government controlled and single industry devoted BSP stakeholders, we see a difference. Also when we compare the intent of the ESSIM stakeholder's interest and multi user's use of the multiple resources of the ESSIM ocean area, as compared to the limited oil and gas use interest of the Beaufort Sea we see a difference. When we look at the highly visible and public multi-jurisdictional reality of the ESSIM area, in view of large populations, compared to the almost isolated Beaufort Sea area, we see a difference. When we compare the federal government priority for oil and gas exploration and development as part of the government's energy provider vision and strategy for Canada compared to the many lower generating revenue industries within the ESSIM area, we see a difference and why ESSIM is off the political radar screen.

Lessons Learned

It appears through this case study that the area, jurisdictions involved and the complexity of a large ocean area management plan, involving multi-interests and multi sectorial users within a highly competitive ocean space area with multiple jurisdictions, authorities, within a federation with distinct powers between federal and provincial governments which have not reconciled their authorities, tend to leave an IMCAM or LOMA to languish: "lacking government leadership for implementation."

References

- Barsh, R.L. (2002). Netukulimk past and present: Mi'kmaw ethics and the Atlantic fishery. *Journal of Canadian Studies*, 37(1), 15-42.
- Beaufort Sea Partnership (BSP). (2009). *Integrated Ocean Management Plan for the Beaufort Sea: 2009 and beyond*. Retrieved from <http://www.beaufortseapartnership.ca/documents/Integrated%20Ocean%20Management%20Plan%20for%20the%20Beaufort%20Sea.pdf>
- Berkes, F., Mathias, J., Kislalioglu, M., & Fast, H. (2001). The Canadian Arctic and the *Oceans Act*: the development of participatory environmental research and management. *Ocean & Coastal Management* 44, 451-469.
- Canadian Coast Guard. (2008a). *Canadian Coast Guard: At a glance*. Retrieved from <http://www.ccg-gcc.gc.ca/e0003829>
- Canadian Coast Guard. (2008b). *Maritimes Region*. Retrieved from <http://www.ccg-gcc.gc.ca/e0003796>
- Carasco, E.F. (2010). Law of the Sea. *The Canadian Encyclopedia*. Retrieved from <http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0004570>
- Coffen-Smout, S., Herbert, G., Rutherford, R.J., & Smith, B.L. (eds.). (2002). *Proceedings of the 1st Eastern Scotian Shelf Integrated Management (ESSIM) Forum Workshop, Halifax, Nova Scotia, 20-21 February 2002*. Retrieved From: <http://www.dfo-mpo.gc.ca/Library/263992.pdf>
- Coffen-Smout, S., Millar, D., Herbert, G., & Hall, T. (2005). *Proceedings of the 3rd Eastern Scotian Shelf Integrated Management (ESSIM) Forum Workshop, Halifax, Nova Scotia, 22-23 February 2005*. Retrieved from: <http://www.dfo-mpo.gc.ca/Library/315033.pdf>
- DFO. (2010a). *Canada's ocean estate: A description of Canada's Maritime zone*. Retrieved on November 24, 2010 from <http://www.dfo-mpo.gc.ca/oceans/canadasoceans-oceansducanda/marinezones-zonesmarines-eng.htm>
- DFO. (2010b). *Eastern Scotian Shelf Integrated Management Initiative: Summary document*. Retrieved from: <http://www.mar.dfo-mpo.gc.ca/e0010327>
- DFO. (2010c). *Large Ocean Management Areas*. Retrieved from <http://www.dfo-mpo.gc.ca/oceans/marineareas-zonesmarines/loma-zego/index-eng.htm>
- DFO. (2007a). *Eastern Scotian shelf integrated management plan: Strategic plan*. Retrieved from <http://www.mar.dfo-mpo.gc.ca/e0010316>

- DFO. (2007b). *Eastern Scotian shelf integrated management plan: Summary*. Retrieved from <http://www.dfo-mpo.gc.ca/Library/333119.pdf>
- DFO. (2005). *The Scotian Shelf: An atlas of human activities*. Retrieved from www.mar.dfo-mpo.gc.ca/oceans/e/essim/essim-atlas-e.html
- Foster, E., Haward, M., & Coffen-Smout, S. (2005). Implementing integrated oceans management: Australia's south east regional marine plan (SERMP) and Canada's eastern Scotian shelf integrated management (ESSIM) initiative. *Marine Policy* 29, 391- 405. doi:10.1016/j.marpol.2004.06.007
- Gelinas, J. (2005, November 22). Opening statement to the Standing Committee on Fisheries and Oceans. In *Statements to the House of Commons Committees*. Retrieved on November 24, 2010 from http://www.oag-bvg.gc.ca/internet/english/osh_20051122_e_23422.html
- MacLean, M., Coffen-Smout, S., Herbert, G., Smith, B., & Hall, T. (2009). *Proceedings of the 4th Eastern Scotian Shelf Integrated Management (ESSIM) Forum Workshop, Halifax, Nova Scotia, 25-26 November 2008*. Canadian Manuscripts represented by Fisheries and Aquatic Science.
- Office of the Auditor General of Canada. (2005). Fisheries and Oceans Canada – Canada's Oceans Management Strategy. In *2005 September Report of the Commissioner of the Environment and Sustainable Development*. Retrieved on November 24, 2010 from http://www.oag-bvg.gc.ca/internet/English/parl_cesd_200509_01_e_14948.html
- Rutherford, R.J., Herbert, G.J., & Coffen-Smout, S.S. (2005). Integrated ocean management and the collaborative planning process: The Eastern Scotian Shelf Integrated Management (ESSIM) Initiative. *Marine Policy* 29, 75-83. doi:10.1016/j.marpol.2004.02.004
- Rutherford, R.J., Coffen-Smout, S., Herbert, G. & Smith, B.L. (eds.). (2003). *Proceedings of the 2nd Eastern Scotian Shelf Integrated Management (ESSIM) Forum Workshop, Halifax, Nova Scotia, 18-19 February 2003*. Retrieved from: <http://www.dfo-mpo.gc.ca/Library/274940.pdf>

Location and Timeline**Country**

Canada

Scale

Sub-national

Locality

325 000km² off the coast of Nova Scotia

Start Date

December 3, 1998 – Announced (Foster, Haward, & Coffen-Smout, 2005)

Status

Ongoing

Lead Organization

Maritime Aboriginal Peoples Council – Maritime Aboriginal Aquatic Resources Secretariate (MAPC-MAARS)

Contact Person

Roger Hunka

Samantha Dutka

E-mail Address

rhunka@mapcorg.ca

samantha.dutka@dal.ca

Website

<http://www.mapcmaars.ca/>

Related Projects

Beaufort Sea – <http://www.beaufortseapartnership.ca/>

Pacific North Coast – <http://www.pncima.org/>