

Canada's Oceans Act. A narrative analysis of Canada's ocean policy

by

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Bachelor of Arts (Honours), McMaster University, 1986

Master of Arts, York University, 1993

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Supervisory Committee

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Abstract

Canada's Oceans Act, enacted in 1997, was intended to be the primary policy framework through which the Government of Canada would coordinate and integrate the management of ocean territory within its jurisdiction. More than 20 years following its passage, this research undertook a narrative analysis of the Oceans Act and its key implementing activities, specifically the Oceans Strategy in 2002 and the Ocean Plan in 2005, to address the questions of what the framing policy narrative of the Act was, and did it persist through these primary implementation activities. In addition, given that the amendment of the Act is now under review by the Parliament of Canada, this research also addressed the question of whether the framing policy narrative was relevant to the current public expectation regarding ocean management. To answer this question, a narrative analysis was conducted of the public statements made during the consultation process undertaken by the Joint Review Panel for the Northern Gateway Project in 2012-2013. The statements served as a proxy for the public expectations of ocean management, as ocean management was a primary narrative theme throughout the consultations. The results of the narrative analysis of the public consultation were then compared with the results of the narrative analysis of the framing policy narrative. The primary conclusions drawn from this research activity were that the framing policy narrative did persist through the implementation period of 1997-2006, but the progress was uneven, punctuated by periods of expansion under the Strategy and retraction under the Plan. In addition, the framing policy narrative was found to be relevant, but not sufficient to meet the current day public expectations around ocean management. Interestingly it was the 2002 Strategy that articulated a narrative around ocean use that came closest to meeting the 2012 public expectations. The research revealed as well that the recognition of Indigenous values in ocean management had modest expression in the official

policy narrative from 1996 to 2006 but the 2012 public narrative showed that there was a high degree of correlation between traditional Indigenous values and the public expressions of expectation around ocean use. Both of these latter findings would be valuable for the current policy activity underway within the federal government to improve the policy and programs of ocean management. Finally, this dissertation illustrated the contribution that narrative analysis can provide to the assessment of major projects that often require understanding the complex balance of values involved in making decisions about the use or conservation of the environment.

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Abbreviations

CFI	Canada Foundation for Innovation
DFO	Department of Fisheries and Oceans
EBM	Ecosystem-based Management
ECCC	Environment and Climate Change Canada
ENGO	Environmental Non-Government Organization
GDP	Gross Domestic Product
JRP	Joint Review Panel
LOMA	Large Ocean Management Area
MSP	Marine Spatial Planning
NSERC	Natural Science and Engineering Research Council
PNCIMA	Pacific North Coast Integrated Management Area
SSHRC	Social Science and Humanities Research Council
WWF	World Wildlife Fund

1. Research Overview

1.1 Introduction

The purpose of this dissertation has been to better understand how Canada, and more specifically the federal government, makes decisions about ocean use. The primary interest is to understand the policy narrative that underscored Canada's Oceans Act (1996), the principal statutory framework for ocean management by the federal government, and to analyse if and how it evolved through the period of implementation from 1997 to 2006. The research explored the development of Canada's ocean policy through the critical implementation period following the passage of the Act and its subsequent significant implementation activities: specifically, Canada's Ocean Strategy (Strategy; Fisheries and Oceans Canada, 2002a), and Canada's Ocean Action Plan (Plan, Fisheries and Oceans, 2005). This period from 1996 to 2006 was chosen because it represented a unique time in Canadian ocean policy with the passage of the Oceans Act and then the subsequent implementation activities. Using a narrative analysis policy framework, the primary objective of the research was to uncover the framing policy narrative of the Act and to investigate if it persisted through the implementation activities.

A second related objective for the dissertation research was to address whether the framing policy narrative remains relevant to today's policy challenges. This was timely given that the federal government has undertaken an amendment of the Act through Bill C-55 (Bill C-55, 2018) well as a significant review of its ocean policy. To address this second objective an additional narrative analysis was undertaken. The public consultation of the Joint Review Panel (JRP) for the Enbridge Northern Gateway Project (Joint Review Panel, 2013a, 2013b) offered a unique

opportunity for the articulation and capture of the public expectations around ocean use. Through the community hearing process, members of the public shared with panel members their personal views of the project, but also the relationship that they held with the ocean, its importance to their lives and community, and what they viewed as the imperative elements in how decisions should be made regarding ocean use. With this trove of public statements around ocean use, a narrative analysis of the public expectation around ocean use was conducted to support a comparison with the framing policy narrative of the Act and address the question of whether the policy narrative remains relevant to present-day public ideas, values, and beliefs of ocean governance.

In sum, this research investigated the evolution and development of ocean policy in Canada through the policy narrative. The policy venue was primarily drawn from a federal government perspective, given its lead role in ocean governance in Canada. The narrative analysis framework was used as the primary research methodology to investigate and understand the evolving ideas, values, and beliefs that underpin the policy narrative that frames the policy, recognizing the critical role of the narrative in the policy process (Stone, 2002). This dissertation continued the investigation by conducting a narrative analysis of the public expectations around ocean use to assess the ongoing relevance of the policy narrative, a fitting task given the length of time that has passed since the Act (1996) was enacted and that it is now being amended by Parliament.

1.2 Background: Understanding the Research Context

Making decisions about ocean use are challenging. Like most issues related to the environment, ocean issues include a conflict among people's value-based judgments about the relationship

between the ocean and humankind (Torgerson, 1999). At the same time, the ocean remains a mainstay of the global economy. It is used for transporting goods between markets, as a food source, and is increasingly being explored for its natural resources, both in and below the seabed (Hoegh-Guldberg & Bruno, 2010). Ocean policy issues are confounded by the fact that they are not neatly categorized as environmental or economic. The prevalence of the ocean in human history means that issues are often a mix of economic, social, cultural, and economic factors and, within that mix, comes the necessity to balance out differing values and perspectives on how the ocean should be used (M. Roe, 2013; VanderZwaag, 1989). What adds to the challenge is that the ocean as an eco-system is largely unexplored. Innovative technologies are enabling new knowledge regarding its complexities and the integral relationship it holds with the overall global environment. They reveal the impact of human behaviour on the ocean environment, sparking greater urgency to find policy solutions that better balance protection of the ocean with its use (Edenhofer et al., 2014; Global Ocean Commission, 2014).

In Canada, decision making around ocean use occurs within a complex web of overlapping jurisdictional arrangements from the international, as with the United Nations Convention for the Law of the Sea (UNCLOS, United Nations, 1982) to the domestic as in the Oceans Act (1996), and relevant areas of provincial, territorial, and First Nations governments. Prior to the enactment of the Oceans Act, Canada's ocean policy focused primarily on the exploitation of ocean resources; the management of the ocean as it related to marine activities, including shipping; meeting its international obligations; promoting its own sovereignty interests; and later in the 1980s, working towards better co-ordination amongst federal departments (Crowley & Bourgeois, 1989a, 1989b).

The Oceans Act (1996) had two related objectives. The first was to protect Canada's ocean territory, and the second was to promote the economic development of the ocean. In support of these objectives, the Act was meant to improve upon Canada's ocean governance framework that was viewed as scattered and disjointed. The Act included three framing principles: sustainable development, the precautionary approach, and integrated management. While the Act also calls for increased collaboration with all levels of government and stakeholders, the initial relationship with First Nations was defined very narrowly under the Act. Over the course of the implementation, this evolved to better recognize the longstanding relationship and history and experience of First Nations in ocean governance.

A number of reviews and assessments have been made of Canada's Oceans Act (1996), and several are noted here for their contribution to the dissertation. Rothwell and VanderZwaag (2006) conducted a comparative review of Canadian and Australian ocean policy. The authors concluded that Canada had well-developed legal and political tools, but a gap remained in the implementation of the policy. Other reviews echoed the sentiment that what was lacking with the Oceans Act was not the policy or the framing principles, but the implementation of the Act (Bailey et al., 2016; Jessen, 2011; Ricketts & Harrison, 2007). This was reaffirmed by the 2005 report of the Commissioner of the Environment and Sustainable Development to the House of Commons on the implementation of the Oceans Act that found that the government had "great difficulty moving from this conceptual definition (of integrated management) to practical implementation. We are concerned that the government has not made implementation of the Oceans Act a priority" (p. 7). Other reviews of Canada's Oceans Act (referred to from this point

forward as either the Oceans Act or simply the Act) have focused on specific outcomes, such as meeting the targets of marine protected areas or the implementation of the Large Ocean Management Areas (LOMAs). Previous reviews of the Oceans Act took on the more traditional approach to look at concrete outcomes to distinguish the success or not of its implementation (Commissioner of the Environment and Sustainable Development, 2005; Jessen, 2011; Ricketts & Harrison, 2007). This research, however, took the assumption that the actual implementation of the Act requires adaptation and accommodation to its situational economic, social, and political setting (Majone, 1980; Wildavsky & Majone, 1984), but that what has remained constant are the core values that form the policy narrative of the Act (Majone, 1980). This research investigated whether the original policy narrative that framed the legislation has persisted through the implementation of the Act and, then further, sought to identify if it remains relevant to the present-day public narrative around ocean use.

The public consultation process undertaken through the JRP review of the Northern Gateway Project provides an ideal setting through which to draw the data to conduct a narrative analysis of the public values, ideas, and beliefs around ocean use. While particular to the British Columbian coast, it can still act as a proxy for public views around ocean use that can be compared to the framing policy narrative of the Oceans Act (1996) to investigate the question of its continued relevance. It was not the original intent of the JRP to include a discussion around ocean use. When they began, they were focused on consulting with the public on the socio-economic considerations surrounding the terrestrial impacts of the pipeline and terminal (Joint Review Panel, 2013b). This was perhaps not surprising, given that the bulk of the project was to be a 1,117-kilometre pipeline to be built from Alberta to northern British Columbia, but the

project would also require the construction of a terminal at tidewater to transfer diluted bitumen to tankers that would transport the product to international markets, primarily Asian. The tankers would transverse down the Douglas Channel, and then out to open ocean around Haida Gwaii and the northwest coast of British Columbia. Therefore, the marine impact of the project would be considerable and in a remote and largely pristine ocean environment.

Through the public consultation process, which involved public meetings held in communities across British Columbia and Alberta, many contributors shared their views regarding the impact of the project on the ocean. The contributors represented a cross-section of public stakeholders from First Nations to environmental groups and coastal communities, and the issues articulated ranged from concerns over the risk of oil spills to the impact of marine noise on the humpback whale population. Within the testimony, participants told their stories, shared their thoughts, and articulated their views as to what they felt were important considerations around ocean use (Joint Review Panel, 2013a, 2013b).

1.3 Research Objectives and Questions

The intent of this research is to contribute to the understanding of Canada's ocean policy in several ways. Firstly, through narrative policy analysis, a metanarrative around Canada's ocean policy was developed, and from this foundation, future research can be conducted using other policy tools (Hukkinen, Roe, & Rochlin, 1990; E. Roe, 1989, 1992, 1994). Secondly, assessing the impact of major projects on the environment including the ocean continues to be a significant challenge. An aspect of that challenge is how to integrate the different values including the social, cultural, spiritual, and ceremonial values that do not lend themselves to traditional

assessment tools such as cost-benefit analysis or risk assessments. This research, by drawing on the narrative, may illustrate how narrative analysis as a framework can contribute to addressing this challenge (Hukkinen et al., 1990).

Thirdly, this dissertation will contribute to the body of research focused on ocean policy in Canada. Canada's Oceans Act (1996), despite its more than 20 years of existence, has not been the focus of significant comprehensive academic study with a particular emphasis on the policy narrative. Given the important role of the narrative in the policy process (Fisher, 1989), this dissertation has addressed this gap.

Fourthly, ocean policy is a good example of the confounding challenges of a complex issue. Ocean scientists often express their frustration that decision makers do not appear to be listening to them (Bailey et al., 2016), but what the scientists appear to ignore is that decision making around ocean use is complicated by the tensions between protecting the ocean environment and its longstanding use as a cornerstone of the Canadian economy. As well, the complexity of the relationship with the ocean is not a binary balance between environmental use or economic use. For Indigenous peoples and coastal communities, the ocean also has a significant spiritual, cultural, and community value that is often overlooked. The conflict of values has been a persistent aspect of the development and implementation of ocean policy, and through the narrative analysis, this research investigated if and how the balance has shifted.

1.4 Research Scope

The narrative approach has an instrumental role in policy making, as it focuses on the mechanism through which policy actors both form meaning and articulate their positions regarding a policy issue through stories, symbols, plot lines, and characters (F. Fischer, 2003; W. R. Fischer, 1989; Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994). An overall policy narrative was derived through the cumulative impact of this narrative sense making and as a result of the intersection between the narrative positions (Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994).

Ocean policy represents an ideal policy area in which to explore the role of narrative in policy making because it is a complex or wicked policy issue (Jentoft & Chuenpagdee, 2009) and, therefore, confounds traditional forms of policy analysis. Stoeva and Hoppe (2011) used two dimensions to define a problem as tame or wicked. The two dimensions were (a) agreement on the values at stake and (b) degree of certainty about relevant and available knowledge. Tame problems were where there was good agreement on the values at stake and the knowledge to address them. Wicked problems, by contrast, lack agreement on these two fundamental dimensions and are described as unstructured as a result (Hisschemöller & Hoppe, 1996; Hoppe, 2010; Stoeva & Hoppe, 2011). The narrative policy framework has been used as a policy tool to dissect the complexity of wicked problems, to make clear the differing values, and to reveal how they affect how the problem is defined and what relevant knowledge is required to address them (Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994).

Researchers have applied narrative analysis to policy cases where traditional policy tools such as cost-benefit or risk analysis have failed (Hukkinen et al., 1990). Environmental issues are often

characterized as wicked problems because they go beyond traditional problem-solving tools that are grounded in economic or techno-scientific rationalities (Nie, 2003). Environmental issues such as ocean policy issues can be wicked by nature, in that they are complicated by differing values and involve political conflict, but can also become wicked by design, compounded by the array of political actors, institutions, and decision-making processes involved in their governance (Nie, 2003). Policy frames are one driver contributing to the complexity of wicked issues, as political actors use different and often conflicting policy frames to articulate their positions. The differences are underpinned by assumptions and beliefs that are rarely transparent but often conveyed through narrative policy stories and affecting the way in which a policy issue is interpreted and thus addressed (Nie, 2003). In this way, the humpback and the orca whales became a significant part of the policy frame around ocean use in British Columbia, to symbolise the importance of protecting the natural habitat and to identify the species at risk that would be impacted by the marine traffic, but also as a powerful cultural symbol integral to the Indigenous cultures.

1.5 Research Design and Process

The preliminary research activity undertaken was to conduct a narrative policy analysis of the Oceans Act (1996), with a particular focus on firstly its framing policy narrative as expressed through the text of the Act and supplemented by the record of Parliament leading up to and at the time of its passage into statute. What then followed was a narrative analysis of the key implementation activities namely the Oceans Strategy (Fisheries and Oceans Canada, 2002a) and the Oceans Action Plan (Fisheries and Oceans, 2005a) to identify if and how the framing policy narrative can be reflected in their construct (Fischer, 2003). Again, the actual text of these two activities formed the primary source of data for the narrative analysis and was supplemented by the

public documentation of the reviews of the implementation by Parliament and the federal government.

The second key research activity focused on the 2012-2013 time period as current day and drew upon the public testimony regarding ocean use that formed part of the deliberations of the JRP (2013a, 2013b) for the Northern Gateway pipeline project. A narrative analysis was conducted of the testimony provided at the community hearings for the purpose of deriving a public narrative around ocean use. This public narrative served as a proxy for present-day narrative around ocean use and was compared with the framing policy narrative of the Act to address the question of the continued relevance of that framing narrative. The Method Map presented in Figure 1 illustrates the progression of research activity that was undertaken, and in particular, demonstrates how the steps evolved the narrative analysis process from the Act through to the public narrative.

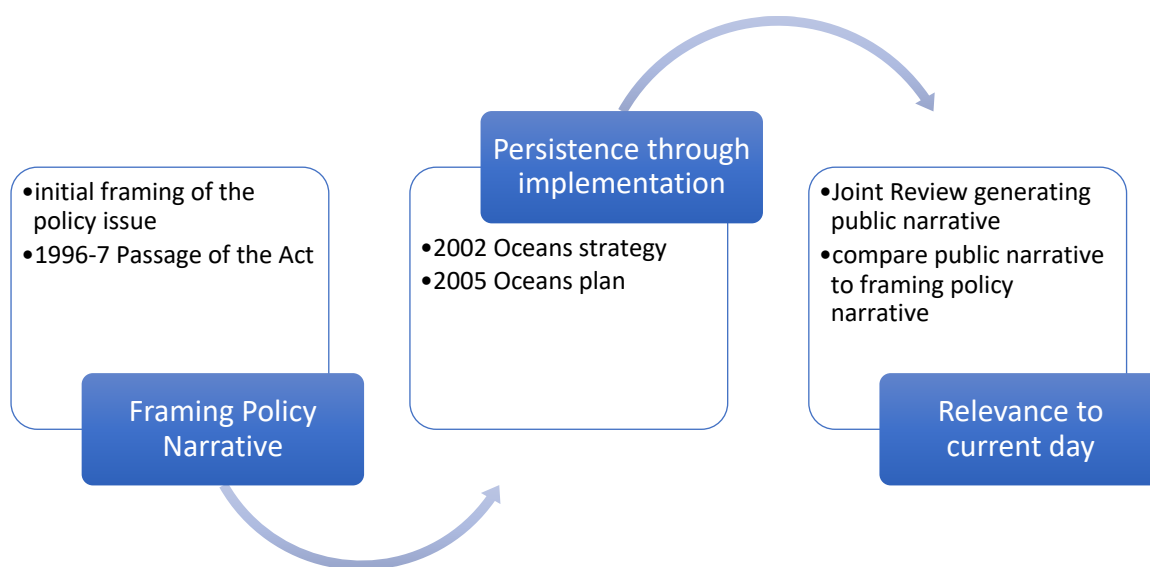


Figure 1. The Method Map.

Note: Adapted from Hampton (2009), Hukkinen et al. (1990), and E. Roe (1989, 1992, 1994)

1.6 Outline of Dissertation

The outline of the dissertation follows the standard format beginning with a traditional literature review (Jesson, 2011) in Chapter 2. The literature review catalogues the evolution of the study of ocean policy from the early and ongoing contributions of ocean science, the law, and economics towards interdisciplinary and integrated approaches to ocean policy. What emerges through this review is the insufficiency of a single disciplinary approach to address the complexity of the ocean environment and the challenge of integrating different forms of knowledge and values

In addition, the literature review includes a discussion of what is meant by governance in an ocean context. Governance in this context refers to the overarching process through which ideas, values, and beliefs are translated into policy:

...the sum of the many ways individuals, institutions, public and private, manage their common affairs. It is the continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken.

(M. Roe, 2013, p. 41)

The development of Canada's Oceans Act (1996) and its key implementation activities were also significantly framed by the international activities underway at the time related to ocean and environmental policy.

In Chapter 3, the methodology for the research process is outlined in detail. It includes a discussion of the theoretical assumptions that underpin the choice of research methodology, including the role and purpose of policy analysis and interpretivism as an ontology. It also details the choice of narrative analysis framework and provides examples of other forms of narrative

analysis. It describes how the analysis process was conducted. Particular attention is placed on outlining the standards of research that are used and the tools that support them. Finally, there is a review of the research methodology as a whole, recognizing its strengths and weaknesses, and a concluding section on how the results of this research activity are anticipated to contribute both academically and practically.

In Chapter 4, there is an outline of the primary international agreements with reference to how they influenced the framing of the Act. The chapter concludes with an in-depth discussion of three key principles that ensued from these international agreements and were found to be instrumental in the construct of Canada's ocean policy.

In Chapter 5, the focus shifts towards providing the background and history to the development of Canada's ocean policy. Included in this chapter is the overview of the role of the ocean in Canada's economy and the policy and legal framework that defines the context for it. In Chapter 6, the history of the policy from 1973 up to Oceans Act is provided and then a short overview of the core activities that are the subject of the narrative analysis: the Act, the Strategy, and the Plan. This chapter ends with a summary of previous reviews.

In Chapter 7, the background to the case study of the public narrative resulting from the review of the public consultation process is outlined. A description of the Northern Gateway Project and the role of the Joint Review process is included. The public consultation process and the community hearings in particular are also described.

In Chapter 8, the results of the narrative analysis are provided. The chapter is organized in chronological fashion beginning with the Oceans Act, followed by the Strategy, the Plan, and finally the public narrative. Key elements emerged out of the narrative analysis process. The selection of the preliminary elements based on the literature review in Chapter 2 and Chapter 3 are outlined (see Memo 2 of Appendix A). The additional elements emerged through the analysis process due to their persistence and prominence as narratives. The prevalent elements were used to organize the summaries of the narratives as well as the analysis that is undertaken in Chapter 9.

In Chapter 9, the discussion focuses on addressing the two primary research questions. In the first comparative analysis of the Act, the Strategy, and the Plan, it addresses the questions of the framing narrative of Canada's ocean policy, did it evolve through the implementation process, and what was the resulting policy narrative? In the second comparative, the policy narrative is compared with the narrative arising out of the case study to answer the question if it remains relevant. The comparative analysis is broken down as well by the nine primary elements that were identified through the narrative analysis process. The discussion then moves to a more general level to answer the question of what the findings mean for ocean policy in Canada.

Chapter 10 concludes the dissertation, beginning with a highlight of the contribution that resulted from the research. Given the activity now underway in Canada around ocean policy, it also provides practical advice to the Minister based on the research. Finally, it offers suggestions of further research that could build on the contributions of this research.

In Appendix A, the analytical memos that supported the narrative analysis are provided, and they begin with Memo 1 that describes the set-up of the narrative review of the Act and conclude with Memo 13 that summarizes the observations resulting from the case study. These memos were an essential aspect of supporting the rigour of the research process, including staying true to the interpretivist methodology by allowing key aspects of the research process to unfold through the progress. They are provided to also promote the transparency of the research method.

1.7 Summary

This research addresses two primary questions related to ocean policy in Canada using a narrative analysis framework; the first question addressed whether the framing policy narrative of the Act evolves through the implementation process; and the second question investigated if the policy narrative is still relevant to the public expectations around ocean use. The research activity involved two parts. The first part involved conducting a narrative analysis of the Oceans Act, Strategy, and Plan, and then the case study from the JRP process to identify their narrative elements; and the second part involved a comparative analysis between the results of the narrative analysis to answer the research questions. This research was experimental in its application of the narrative analysis framework to ocean policy. While this framework has been used extensively with environmental issues (Hukkinen et al., 1990; McBeth, Shanahan, Hathaway, Tigert, & Sampson, 2010; E. Roe, 1994; Shanahan, Jones, McBeth, & Lane, 2013), this is the first time it has been applied to the ocean and, specifically, to Canadian ocean policy.

2. Literature Review

2.1 Introduction

Early approaches to the study of ocean policy were drawn from distinct disciplinary approaches, primarily ocean science, law, and economics. However, with the passage of the UNCLOS, governments were forced to take a more holistic approach that considered the ocean as a whole (Cicin-Sain, VanderZwaag, & Balgos, 2015). In addition, as science and knowledge evolved, the scope of ocean policy also began to incorporate consideration of the cumulative impacts of the human activity on the ocean and the critical relationship between the ocean and climate that was affecting and being affected by climate change (Craig, 2012). There has also been a slow evolution towards acknowledging and respecting Indigenous approaches to ocean management (Berkes, Mathias, Kislalioglu, & Fast, 2001) and a recognition of the value of Indigenous knowledge systems (Houde, 2007). In a parallel and complementary process, there has been a broadening of the definition of the critical values involved in ocean management to include the social, cultural, and spiritual values shared by coastal communities, by First Nations, and the broader Canadian population. It has led to a movement toward integrated and multi-disciplinary approaches to ocean policy to assist policy makers with addressing the complexity of ocean issues (Chircop & Hildebrand, 2006; Costanza et al., 1999; Vallega, 2001). For policy makers, what they require from the policy analysis process is the capacity to support a common approach that enables the weighing of the values of the various ocean users (Miles, 1999), which was also a point reflected in the review of Canada's ocean policy by Rothwell and VanderZwaag (2006).

Governance in an ocean context is complex, characterized by a diverse and often overlapping set of governing authorities, by a dynamic and fluid ecosystem, and by its common property regime.

One of the prevailing objectives of Canada's Oceans Act (1996) and its implementation activities was to address the governance failures that resulted from a fragmented and scattered approach. The discussion on ocean governance in the latter half of the chapter is intended to provide an overview of the key concepts and prevailing themes relevant to the discussion of Canada's ocean policy.

2.2 Key Terms and Concepts

In conducting the traditional literature search¹, ocean policy, an umbrella term, was used to label a broad range of policy activities and objectives that share the common element of being related to the ocean. Lévy (1993, p. 77) described ocean policy as the activity undertaken by the highest level of government, which involved national decision-making and incorporated in coastal zone management and sea-use management. Ocean policy, as a field of study in North America, began more than a half century ago, perpetuated by the long negotiations for the United Nations Convention on the Law of the Sea (United Nations, 1982), by the rise of environmentalism, and the development of oceanography (Hoagland & Ticco, 2001). Within the literature review, the search terms of ocean policy, marine policy, and coastal policy were found to be often used interchangeably to refer to policy activity that focused on the human impact on the ocean usually within an institutional setting. Marine policy, an additional search term, is also sometimes used as a subset of a broader policy area such as transportation, where it refers to the marine aspects of the policy area such as shipping (Hoagland & Ticco, 2001). There are those who argue that

¹ Google Scholar used as the primary search engine for the literature review supplemented by alerts and searches of primary journals.

ocean policy is more distinctly related to the ocean environment outside of the coastal region (Zacharias, 2014), but the term is also employed as an umbrella term to include coastal and marine policy. Lévy (1993) drew distinction between national ocean policy and coastal management policy (additional search terms), noting a primary aspect is the difference in spatial dimension. The national ocean policy covers a greater area, including all of the ocean territory under national domain as defined by UNCLOS. Coastal management policy by contrast, is localized to a coastal region. Coastal policy (a further search term) is often specifically used with regard to the coastal area that includes consideration of the land/ocean intersection (Zacharias, 2014). Other ways that national ocean policy and coastal area management are distinguished include the type of administrative structure used for implementation and the level of engagement and diversity of policy actors, though there is overlap between the jurisdictions (Lévy, 1993).

Ocean management is distinct from ocean governance (a second focus of the literature review search), but within the literature, there was a tendency to conflate the two (Vallega, 2001). Management (an additional search term) is a term that Lévy (1993) and Vallega (2001) both agreed was distinct from policy and governance, as it refers to the specific action that is undertaken to carry out the policy. Management is often distinguished by either its spatial area of focus, such as coastal area management, or by function. Coastal area management (additional search term) focused on the coastal area, from the land-sea intersection to the coastal waters adjacent, and is sometimes referred as coastal zone management (Warren, 1981). These properties distinguish it from sea use management (search term), which is described as “a methodology through which sectoral activities (e.g., navigation, fishing, mining, etc.) and their uses and the environmental quality in a sea area are considered whole and harmonized, in order

to maximize net benefits for a nation, but without prejudicing local socio-economic interests or jeopardizing benefits for future generations” (Lévy, 1993, pp. 76–77). Sea-use management was less commonly found in the literature; instead, it was more often referred to as marine management, but also to ocean management, all of which were used as search terms in the review (Chircop & O’Leary, 2011). In some cases, marine management is referring specifically to the management of activities that are undertaken in the area such as marine transportation (Chircop, Kindred, Saunders, & Vanderzwaag, 1995), in other cases, marine is employed to describe a particular ecological area such as the ocean area versus land (Zacharias, 2014).

2.3 Evolving Approaches to Ocean Policy

As noted in the introduction, early approaches to ocean policy were heavily influenced by ocean science and the law. As well, economics was an early contributor to the development of ocean policy, given that the primary thrust of the policy was to protect and nurture the ocean resources for economic benefit. These approaches characterized ocean policy issues as environmental issues that could be managed through better science, technology, and administrative tools such as laws and regulations (Lebel et al., 2006). A gap in the framing of the policy issue was the absence of consideration of politics and the broader values incorporated in the social, cultural, and Indigenous approaches to ocean management. As Lebel et al. (2006) noted, the practical experience of implementing the narrow technical and administrative framing of ocean issues led to policy failure and forced a rethink in the definition of ocean policy, including how it was framed, consideration of key values, and the importance of participation. This is not to suggest that ocean science, the law, and economics are no longer significant to the study of ocean policy. Indeed, they remain foundational, and built upon them are the broader perspectives such as

socio-ecological systems, ecosystem-based management, and integrated management that are modelled to bring in a more diverse set of values.

2.3.1 Ocean science

Ocean science and oceanography have been essential contributors to the development of ocean policy (Knecht, Cicin-Sain, & Archer, 1988). The significance of the role of science in policy making was evident in the early investments that the Government of Canada made in developing research and scientific capacity in ocean science, from the creation of specific research centres and laboratories to the building of scientific capacity within the department of Fisheries and Oceans (Crowley & Bourgeois, 1989a). In the early days of ocean science, the prevailing research paradigm was oceanography, which was made up of four disciplines: physics, biology, chemistry, and geology (Vallega, 1999). The primary demand for ocean science came from fisheries, including the need to manage fish stock. Since that time, oceanography has broadened to include engineering and ecology (Vallega, 1999).

When ocean policy is seen through the lens of ocean science, the focus of the policy problem is to address the impact and degradation of the ocean environment as a result of human activity. The underpinning ontology is that through better knowledge of the ocean environment, including its living resources, ecosystems, and their interactions, there is an increased capacity to improve the governance of the oceans. The bias of the perspective offered by science is that policy challenges such as ocean issues can be neatly defined in technocratic or scientific terms and that solutions can then be applied to them. The contribution of science to ocean policy is significant, but not sufficient, and there is still a need to acknowledge its limitations.

Science and technology have been on the forefront of providing clear evidence to show that the ocean is undergoing substantial changes, including increases in ocean acidification to changing ocean currents and temperatures as well as establishing the critical link between the ocean and climate change (Nurse-Bray et al., 2014). Improving the understanding of these processes and changes will be necessary to assist policymakers with addressing the problems (National Research Council (U.S.), Ocean Studies Board, 2001). Indeed, Bailey et al. (2016) described Canada's implementation failure of the Oceans Act from 1996 to 2016 to the reduction of federal scientific resources and the appearance that the government of the day was uninterested in the outcomes and advice resulting from scientific research.

However, the challenges faced for integrating science into policy include reconciling politics and science and accommodating diverse forms of knowledge. As Boesch (1999) noted, "Scientific findings are frequently overwhelmed by cultural and political considerations" (p. 190). However, rather than dismissing these considerations as confounding challenges to scientific research, Boesch emphasized that these values must be considered as well as environmental and ecological ones. Human activity is the single most significant contributor to the degradation of the ocean environment, and it is the diverse forms of human activity that result in a complex governance framework. For this reason, it is imperative that policy decisions include social, cultural, and spiritual values

In the 2002 Oceans Strategy (Fisheries and Oceans Canada, 2002a), there was an expressed objective to incorporate social science into evidence in support of a federal ocean policy, and a

partnership was forged between Fisheries and Oceans Canada and Social Science and Humanities Research Council (Fisheries and Oceans Canada, 2002b). However, that objective was dropped in the subsequent implementation activities under the 2005 Plan. One area that illustrates the continued importance of integrating different forms of knowledge and how they can improve decision making is the continued pollution of the ocean from land-based sources, particularly nitrogen used in agriculture. Boesch (1999) noted that the policy challenge is that the sources of pollution are often far from the ocean, involve multiple jurisdictions and many different activities. Harnessing a multi-disciplinary approach that would include natural and social science and ocean and land-based systems could help policymakers break down the complexity of the challenge and better understand the interaction point. It could illustrate to a farmer how the nitrogen on their lands can have significant downstream effects on the ocean environment.

Science, in ocean policy, has largely been predicated on a western, epistemic knowledge system (Nurse-Bray et al., 2014). This knowledge paradigm is dominant in Canadian policy making and underpins much of the definition of evidence-based decision-making. The challenge of this approach is twofold. The inherent bias of the knowledge system is rarely acknowledged, and the knowledge system has demonstrated little capacity to accommodate different forms of knowledge. The epistemic knowledge paradigm is founded on positivist forms of knowledge production that privileges a narrow band of research methods. However, this creates a deficit for policy makers who require support for the incorporation of social, cultural and spiritual values into the decision-making, therefore other forms of knowledge production need to be accepted and acknowledged as valid (Nurse-Bray et al., 2014). This is particularly relevant in terms of

coastal and ocean management where ‘data’ from local and First Nations communities can provide essential information about the changing ocean environment and can offer pathways towards effective solutions including support of co-management models (Houde, 2007). A challenge point with the integration of these different forms of knowledge production is that there are foundational distinctions in how knowledge is defined, what is accepted as valid methods of knowledge production, and how the knowledge is transmitted (Moller, Berkes, Lyver, & Kislalioglu, 2004). First Nations methods of knowledge production contrast with western science, in that it is predicated on a cultural, ideological, spiritual, and communal transmission of knowledge often through oral traditions (Aikenhead, 1997). It is based on a relationship with nature that is distinct from the objective, realist view perpetuated by western science (Boesch, 1999; Turner, Boelscher Ignace, & Ignace, 2000). Indeed, when it comes to the ocean, First Nations in Canada emphasize the interrelationship between land and sea, between humans and the ocean (R. Jones, Rigg, & Lee, 2010). The Oceans Act and subsequent implementation activities recognized the importance of incorporating traditional forms of knowledge, but little was said on how that integration was to take place. On the British Columbia coast, initiatives such as the Pacific North Coast Integrated Marine Area (R. Jones, Rigg, & Lee, 2010) and the MaPP (Marine Plan Partnership for the North Pacific Coast, 2018) have developed models based on an ecosystem approach and in support of co-management models that integrate these different forms of knowledge.

Another challenge that arises with the dominance of western epistemic forms of knowledge is that it often privileges the expert over the contribution of the public (Boesch, 1999). This is especially true in formal venues such as the National Energy Board, where panelists emphasized

that scientific and technical data will primarily inform their decision-making (Joint Review Panel, 2013a). Some suggest that a solution lies in the role of the scientist who should be more self-aware of his/her privileged position and become engaged in the governance process beyond research reports and academic papers (Boesch, 1999). Others, particularly from the policy analysis frame, argue that the policy-making process should be more participatory and engage a diversity of perspectives (Garvin, 2001). The public consultation process undertaken by the National Energy Board as part of its deliberations of the Northern Gateway Project is one example of how that diversity can be brought into the decision-making process. The community hearings in particular were formatted in a way that supported public involvement by taking place in the communities and by specifically discouraging the use of scientific or technical knowledge in favour of personal opinion (Enbridge Northern Gateway Project Joint Review Panel, 2011b). This consultation process complemented the more formal evidentiary process that was also undertaken by the National Energy Board.

Unlike the declaration of Bailey et al. (2016) that ocean policy needs to align with science, it is the task of science, including natural and social science as well as other forms of knowledge, to provide the data to help inform the policy-making process. As Fleischman et al. (2014) asserted, following their studies of large socio-ecological systems, science continues to have an essential role in resolving resource dilemmas. In particular, scientific consensus and ongoing environmental monitoring were important inputs into effective problem solving and governance.

2.3.2 Legal and statutory approaches to ocean policy

While science has an important role in terms of studying the ocean and human systems and their interactions, law and international convention have an essential role in delineating the parameters of the instrumentalities through which ocean policy is enacted. In the legal and statutory approaches to ocean policy, the main thrust is to assert jurisdictions and enclosure to the ocean space through convention, agreement, and law (Hoagland & Ticco, 2001). The main focus of ocean policy in this context is to address sovereignty issues, which include defining and managing the jurisdictions of ocean governance and addressing the rights and obligations of ocean use arising out of United Nations Convention on the Law of the Sea (UNCLOS; United Nations, 1982) and other international covenants. Policy analysis from this perspective drew upon the disciplines of law, international affairs, and governance and defining policy action primarily in terms of institutions and instruments. Within the context of ocean policy, policy solutions are drawn from (a) hard law that defines specific boundaries or jurisdiction through statute, legal decision, or international agreement; and (b) international policy agreements that include legal principles and international norms. The history of the development of ocean policy in Canada has involved an interaction with both forms.

The parameters of the development of Canada's ocean policy were demarcated by UNCLOS and Canada's federal structure (McDorman & Chircop, 2012). The most significant framing instrument for ocean policy is the United Nations (1982) Law of the Sea. UNCLOS, resulting from the third United Nations Conference on the Law of the Sea, established a legal foundation for the law of the sea, which remains a living instrument (Houghton, 2014). Houghton (2014) described the law of the sea as "a dynamic system, emerging over centuries through a variety of

legal instruments and customary international law derived from state practice” (p. 119). While UNCLOS was adopted as an international convention in 1982, Canada did not ratify it until 2003. The reason for the delay, according to the Minister responsible for finally getting it signed, was that Newfoundland and, in particular, the Newfoundland political leadership in federal Cabinet and in the province were concerned that it would impair the province’s ability to benefit from the offshore oil and gas reserves (Graham, 2016). Nevertheless Canada’s policy development was heavily influenced by UNCLOS, firstly as an active participant in the Third Conference on the United Nations Law of the Sea, and then subsequently, Canadian policy makers continued to frame their activity as though it were in place (McDorman & Chircop, 2012).

Specific to this discussion, the rights and obligations of UNCLOS became the basis for the Oceans Act in two primary ways (McRae & Munro, 1989). The first is that the intent of the Act was to describe, in Canadian statute, the parameters of ocean territory that fell under national jurisdiction, namely the recognition of the expanded area of the territorial sea and the exclusive economic zone. In Chapter 5, a more detailed outline of the boundaries of Canadian ocean territory is provided. The primary role of UNCLOS that was replicated in the Oceans Act was to impose upon the ocean political and administrative boundaries, demarcating those areas that belong to a nation-state and those that were described as the global ocean. To compliment UNCLOS and recognize the fluid nature of the marine environment and marine life, transboundary agreements and international regional structures developed, such as the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention

on the Law of the Sea 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stock (United Nations, 2001).

The second way in which UNCLOS influenced the construct of the 1996 Oceans Act was through the development of international norms regarding ocean use. “Canada, as a custodian of enormous ocean spaces, has a responsibility to ensure its efforts to promote and manage ocean uses in its own jurisdiction are in harmony with international standards” (E. G. Lee & Fraser, 1989, p. 238). In particular, UNCLOS established the importance of a holistic approach to oceans management that was translated into the integrated management principle of the Act. Subsequent international conferences developed further the “overarching environmental norms such as the precautionary principles, intergenerational equity and sustainable development” (Rothwell & VanderZwaag, 2006, p. 4). These international activities have led to the development of international norms and legal principles that were defining for Canada’s ocean policy (p. 5). A more detailed description of these events, the resulting norms, and how they were incorporated into Canada’s ocean policy follows later in Chapter 4.

While the legal framework of UNCLOS was foundational, there was also an active international policy environment that included a number of agreements in which key concepts and principles were incorporated. As a participant in the proceedings and a contributor to the agreements, Canada was heavily influenced by the policy development. As the discussion in Chapter 4 illustrates, these agreements framed key concepts within the Oceans Act (1996). The World Commission on Environment and Development, known as the Bruntland Commission, is an example of international policy agreement and was instrumental in the launch of the concept of

sustainable development into the international policy forum (World Commission on the Environment and Development, 1987). In Chapter 4, there is a substantive discussion of the concept of sustainable development and how it was incorporated into the federal policy structure as it relates to ocean policy. The Bruntland Report echoed UNCLOS and called upon states to “establish an appropriate coordinating and policy mechanism to set national goals for ocean affairs” (Juda, 2003, p. 164). Also in 1992, other policy activity included the United Nations Conference on Environment and Development (1992), and in Chapter 17 of the report, there was specific outline of the international norms regarding ocean protection, recognition of the relationship to climate change, and the importance of cooperative action in ocean management. It also articulated further the concept of integrated management, suggesting that it not only involved the integration of decision makers, but it also included the participation of civil society and incorporation of traditional knowledge along with scientific research. The Convention on Biological Diversity (United Nations, 1992a) resulted in an international commitment to the conservation and preservation of biological diversity, which translated into an increasing awareness of the importance of an ecosystem approach to ocean management and the obligation to consider the long-term impacts, including the needs of future generations.

2.3.3 Economic approaches to ocean policy

As noted earlier, economics, along with law and science, was a foundational discipline to influence the study of ocean policy. A defining characteristic of the economic approach to ocean policy is to address the challenge of managing a common resource. The classic approach was Hardin’s (1968) “The Tragedy of the Commons.” Later, Chuenpagdee and Jentoft (2009) stated, “The ‘rational’ user of a commons ... makes demands on a resource until the expected benefits of his or her actions equal the expected costs. Since each user ignores the consequences of the

use, there is a degradation of the overall environment” (p. 114). Ocean governance, in this context, means:

The development of a set of ocean rules and practices that are equitable, efficient in the allocation of ocean uses and resources (including the notion of sustainability), provide the means of resolving conflicts over access to and the enjoyment of the benefits of the oceans, and specifically attempt to alleviate ‘collective-action problems in a world of independent actors [emphasis in original].(Ostrom, Burger, Field, Norgaard, & Policansky, 1999, p. 278)

Policy failures arise out of the failure of institutions to manage the conflicting uses of the oceans, to insufficiently integrate their policies, or to address the *rent-seeking* behaviour of ocean users given the common property environment of the ocean. These failures include oil spills, overexploitation of fish, and degradation of the ocean environment (Friedheim, 1999, p. 748). The redress is challenged by the fact that effective policy action requires collective action in a common property environment that is often remote and inaccessible, making it difficult to monitor and ensure compliance. Furthermore, the effects of human activity and policy failure are compounded by the nature of the physical processes of the ocean that are fluid and transitory (Hoagland & Ticco, 2001). Policy action can vary from centralized *command and control* activities, such as often used in marine shipping arising out of the international obligations under the International Maritime Organization, to decentralized market-based approaches such as the granting of fishing quotas and licenses (Hoagland & Ticco, 2001).

Friedheim (1999) and Ostrom et al. (1999) noted other mechanisms have proven to work as well. Examples include (a) strengthening the ability of institutions to manage the behaviour of users of

the ocean environment; (b) clear rules, where possible, that define access; (c) developing principles to guide decision-making behaviour given the limitations of managing a common environment; (d) maintaining adaptive institutions; and (e) evaluating the performance, both effectiveness and implementation. They also suggested that there was a significant role to be played by norms in governing the behaviour of individual users. Norms can be drawn upon to build trust and confidence in a group that will support governing the common resource through reciprocal cooperation (Ostrom et al., 1999). While the use of norms as a model may have limitations to a smaller size of the group and scope of the resource, these norms can evolve into rules for a broader ecosystem that can be used to enforce behaviour through incentives. While more senior levels of government may be involved in enforcing the rules, better compliance will be achieved if users are involved in developing the rules so that they reflect the norms held by users. The success is predicated on an effective political system that includes participation of an engaged civil society and representative and legitimate political processes (Fleischman et al., 2014). Participation by the broader community and accepted legitimacy of the governing system are particularly germane to ocean use, where much of the activity is occurring outside of areas that can be strictly monitored and controlled. Friedheim (1999) suggested the development of a *metanorm*, which would act as a collective normative framework upon which users would govern and guide their behaviour. He too recognized that norms are only a part of the solution, and they need to be used in conjunction with the appropriate governing structure.

Earlier forms of economic analysis drew upon neo-classical economics and approached the ocean from the perspective of efficient use and distribution of its resources. However, with the greater awareness of the impact of human activity on the ocean, the economic approach has been

broadened to include tools to evaluate uncertainty and risk, which is significant given the lag time associated with the effects of human behaviour on the ocean (Friedheim, 1999, pp. 754–755). While the initial impact of an oil spill is readily visible, the long-term effects on the marine environment, including its living resources, are largely unknown. In addition, given the common nature of ocean use, the economic approach to ocean use has also involved broadening to consider non-market uses of the ocean environment (Hoagland & Ticco, 2001). While it may be relatively easy to put a value to the loss of a fish catch, it is less evident in the case of loss of access to a clean and safe ocean environment. Recognizing the greater complexity of governing the ocean, researchers have applied models that incorporate a broader range of variables into consideration; one such example is the development of ecological economics.

Ecological economics evolved as an approach to address the need for sustainable governance of the oceans. The fundamental distinction offered by ecological economics is that it shifted the model of activity from exclusively market based to a biological model of interdependent economic and ecological systems (Ostrom, 2007, p. 15182). It provides an example of the growing trend in ocean policy towards incorporating different disciplinary approaches to address the complexity of the ocean environment. The key elements of the approach include recognizing the impact of human activities on the marine ecosystem and the consequential change in value of that system to human society resulting from that impact. It models a relationship between the human system, the ecosystem, and the governance system, promoting the importance of scale in all cases. Thus, the level of decision making needs to commiserate with the scale of the ecosystem, and a mismatch often leads to policy failure. It incorporates the importance of adaptive management in recognizing the limitations of information systems, including science

and that the marine environment itself is dynamic (Costanza et al., 1999). Policy solutions include the use of networks of marine protected areas of sufficient size and spatial distribution to counter the negative externalities of human use of the ocean.

Along with understanding the ecological impact of ocean use, there is a growing awareness of the interaction between the economy and climate change and, in particular, the unique role played by the ocean in moderating the impact of human behaviour on the global environment. This moderation does not come without a cost, and as many scientists have demonstrated, the ocean cannot remain a sinkhole for carbon and is already showing the devastating impact of ocean acidification and ocean warming (Global Ocean Commission, 2014). Craig's (2012) prescription for addressing this challenge to the ocean is to improve the governance and to do so with clear objectives to protect the marine ecosystem, improve baseline monitoring of ocean environments, and strengthen the resilience of socio-ecological systems. Her policy solutions include increasing the number of marine protected areas and using marine spatial planning efforts to augment government processes. Throughout, however, she emphasized the importance of national leadership, providing the example of the creation in 2010 by President Obama of the National Ocean Council. The Council made up of representatives from multiple federal agencies and departments pioneered efforts of marine spatial planning. During the same period, the President also created the Interagency Ocean Policy Task Force, which recommended strengthened governance systems for better coordinated action on ocean and coastal issues, and a framework for effective coastal and marine spatial planning.

In summary, the economic approach to ocean policy has evolved from the early days of Hardin's (1968) tragedy to more complex models of the critical relationships involving the ocean. Policy solutions have abounded from developing better frameworks of analysis, to the importance of norms in influencing economic behaviour, and to the imperative role of political leadership given the relationship between the ocean, the economy, and climate change.

2.3.4 Integrated approaches

The complexity of the ocean environment, the interaction between natural ecological and human systems, and the diverse and overlapping systems of governance highlight the unique characteristics that support an interdisciplinary or integrated approach to ocean policy. The discussion of ecological economics provides an example of the evolution of an interdisciplinary approach. The discussion continues with a discussion of an ecosystem-based approach.

As noted earlier in the discussion of marine science, a natural science approach is insufficient to address the challenges faced by oceans when the single greatest perpetrator is the human being. A good knowledge of human systems is necessary to be able to inform policy that can lead to effective change. In addition, a paradigm is needed through which to understand the land/water interface at tidewater, but also upstream.

“The greater the harmony between the geography of policy and the geography of Nature is, the greater the rationality and effectiveness of ocean governance” (Vallega, 2001, p. 411). As Vallega (2001) suggested, for policy success, it is critical that the boundaries of the environment dictate the boundaries of the policy area, rather than as it was traditionally done, where the policy

was applied within particular administrative or political boundaries regardless of the geography of the environment.

Ecosystem-based management has become a prominent approach to ocean management, used in over 23 countries and four regions (Rodriguez, 2017). It is an integrated approach that combines concepts from law, geography, ecology, sociology, and political science. The ecosystem approach has its roots in the international environmental law. This approach is defined as “the integrated management of human activities based on knowledge of ecosystem dynamics to achieve sustainable use of ecosystem goods and services and maintenance of ecosystem integrity” (Pyć, 2016, p. 160). An ecosystem-based approach is incorporated in a number of different marine management processes, including coastal zone management, integrated coastal management, and sustainable development (Zacharias, 2014). Per the Report of the Secretary General, Oceans and the Law of the Sea,” UN General Assembly Doc. A/61/63, 9 March 2006, paragraph 118 (as cited in Kirk, 2015):

The goal of the ecosystem approach is to restore and sustain the functions of the ecosystems, based on their health, productivity and biological diversity, and the overall quality of life through management systems that are fully integrated with social and economic goals, for the benefit of current and future generations. (p. 39)

Within its evolution in international governance frameworks, the concept operates alongside and complimentary to other concepts such as sustainable development and the precautionary principle. As Kirk (2015) noted, sustainable development has emphasized meeting the socio-economic needs of society, whereas the ecosystem approach adds the importance of considering the ecological needs of the environment. The precautionary principle asserts that in the absence

of scientific certainty, a decision should be made that limits the harm to the environment, but according to Kirk, this has not been widely accepted in international law and is often difficult to implement. Implementation using an ecosystem approach necessarily requires trade-offs between uses within a framework that must consider the type and extent of human uses in an ocean area, the complexity of these uses as well as potential conflicts and compatibilities, and the social and ecological information to help make the decisions regarding trade-offs (Kittinger et al., 2014).

The critical contribution offered by the ecosystem approach is to highlight the importance of linking the human and ecological systems. The policy model employed is the complexity of socio-ecological systems. The emphasis is on the interactivity, and as noted by Chuenpagdee and Jentoft (2009) the aim of the governing system is “to influence the interaction between the ecosystem and the socioeconomic system that it governs” (p. 113). It represents “integrative systems thinking that reflects the reality that humans live in, interact with and adapt to both social systems and ecosystems” (Charles, 2012, p. 351). This interaction is not unidirectional. The contribution of this approach is to enable the integration of human systems, ecosystems, and governance systems (Charles, 2012). There are a number of different models of how that integration might take place, but the conceptual model created by Rodriguez (2017) and adapted in Figure 2 is useful and illustrates the multi-layered and diverse elements involved in an ecosystem-based approach. Governance is the overall frame through which the ocean management takes place and it translates through policy or through legislation. Canada is one jurisdiction where the ecosystem-based approach is included in legislation through the Oceans Act (1996). Other jurisdictions such as the United States rely on policy initiatives for the mandate to use ecosystem-based management. As the diagram illustrates, once established as an

ecosystem-based management (EBM) process, it unfolds in a sequence of steps and processes that involve moving from the definition of the regime to the management plan. The management plan then includes tools and instruments to support its implementation and evaluation. The evaluative capacity, through a feedback loop, is used to inform the ongoing adaptation of the governance framework.

The critical contribution to the ocean policy process offered by drawing on an ecosystem perspective is twofold. Firstly, it highlights the importance of incorporating consideration of the ecological systems into ocean governance. Secondly, it emphasizes the importance of the interactive relationships between human systems and ecological systems. Policy tools such as marine spatial planning, integrated ocean and coastal management, and marine protected areas are several that employ this framework within their construct. However, some challenges remain, such as incorporating cultural, spiritual, and ceremonial values, which are more difficult to measure into the integrated framework (Chan et al., 2012). Another limitation of the approaches is that while they may be successfully implemented at a local level, the greater complexity of the global environment makes it difficult to scale them up to larger ocean areas (Ban et al., 2013).

As it relates to Canada's ocean policy development, a key objective of Canada's Oceans Act (1996) was to move away from the fragmented and piecemeal approaches to ocean management that had characterized earlier federal government activity. In the Act, there is reference to an ecosystem approach, but it is through the Ocean Strategy (Fisheries and Oceans Canada, 2002a) that the actual parameters of implementing the approach are defined. The ecosystem approach is

less prevalent in the Ocean Action Plan (2005), replaced by a focus on regional integrated management activities that may or may not incorporate an ecosystem-based framework.

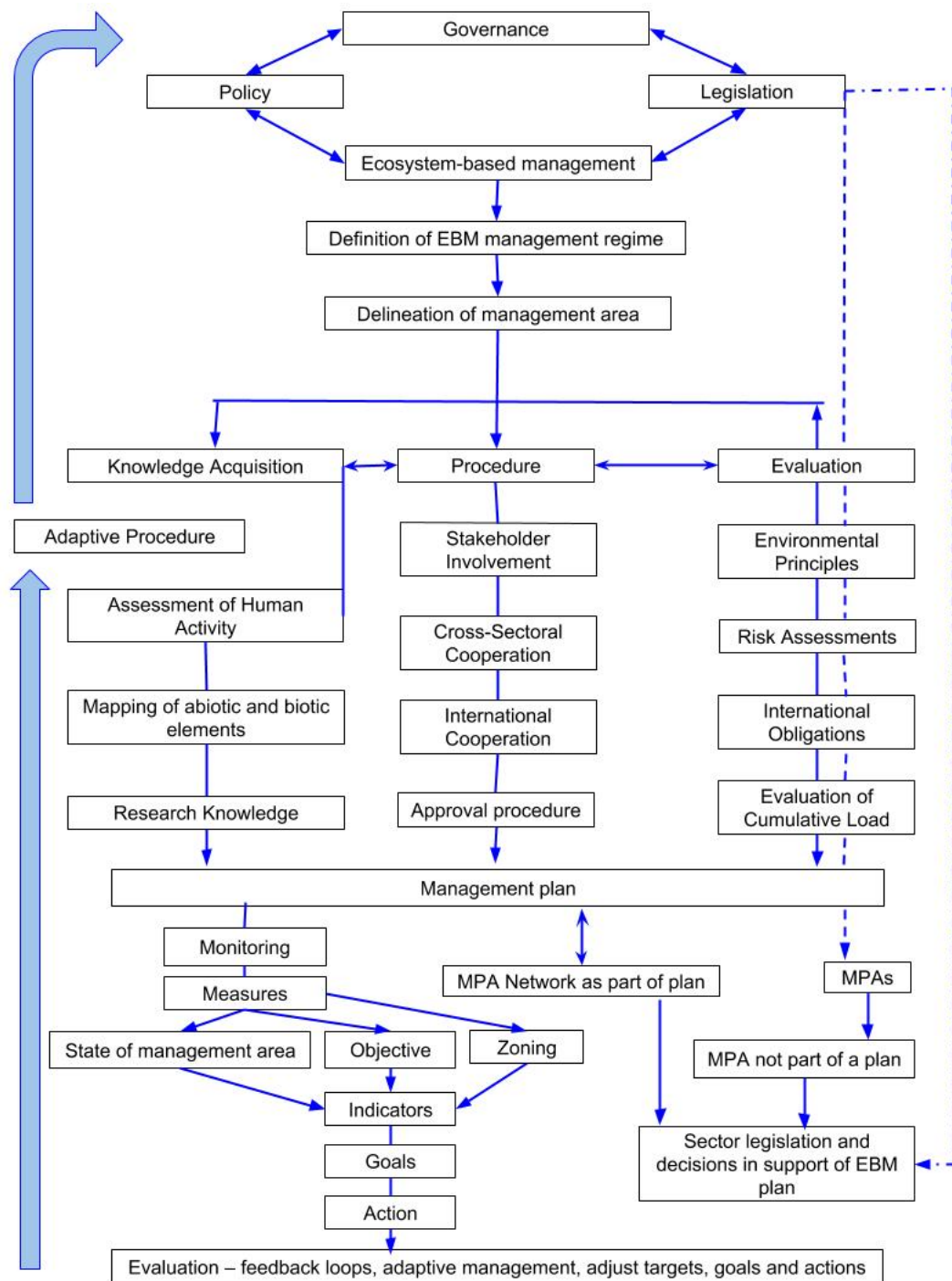


Figure 2. The Ecosystem-based Approach

(Rodriguez, 2017)

2.4 The Role of Governance in Ocean Policy

Governance is a foundational aspect of ocean policy, and the literature review focused on how governance relates to ocean policy. Throughout the narrative analysis, the elements of governance continued to emerge as a key aspect of the policy narrative, from the Act through to the public narrative. Vallega (2001, p. 399) employed the term governance to refer to the meta-level of decision making, involving the whole system and establishing the values and goals that would steer the management activities at the specified or local level. In his analysis of the current state of ocean governance on an international scale, Chang (2009) catalogued the breadth of definition of governance, noting that it can be as comprehensive as “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels” (p. 91) citing UNDP, *Governance for Sustainable Development—A UNDP Policy Document*, January 1997. Further it is the relationship between government and society where governance is the mechanisms, institutions, and processes through which citizens interact with government and how the government serves its citizens (Chang, 2012).

For Miles (1999), the necessary governance conditions for the development of a national ocean policy included the capacity to empower horizontal coordination across government and vertical integration with different levels of government. Miles distinguished between governance and management, noting that the governance structure may be top down, with the directive for an ocean policy from the highest level of government, but that the management would be bottom up within the overall frame of national objectives and a common identification of problems.

Integrating policy is most often a top-down activity conducted through mechanisms such as interdepartmental committees and Cabinet structures. Integrated coastal and ocean management

has been used in Canada at a regional basis such as through the Large Ocean Management Areas (LOMAs) that were identified under the Oceans Act. Zacharias (2014, p. 277) distinguished between integrated policy approach and integrated ocean management. An integrated policy approach addresses the objective to bring together related policy activities for more effective and productive policy activity. This is particularly relevant at a federal level in Canada, where a number of federal departments undertake policy activity that can have a consequential impact on other departments. One such example is in the area of marine transportation, where the focus of Transport Canada on promoting marine safety can overlap with the efforts of Fisheries and Oceans and Environment and Climate Change Canada to protect the ocean environment.

Rhodes (1997) proposed that there was a movement from government to governance, meaning that the locus of decision-making was no longer the exclusive purview of government but rather involved broader participation through self-organizing networks that operate somewhat separate from the state. Further, Rhodes saw the relationship between them as interdependent, supported by sharing and exchange of capacities and resources. While the first three of those elements can characterize ocean governance particularly in Canada, there is not significant autonomy from the state. Instead, a more accurate depiction of the relationship of the state would be to not only recall its authority to frame the ocean jurisdiction, but to also recognize that in today's reality, "no single actor encompasses all or has the ability and sufficiency of capacity to dominate" (M. Roe, 2013, p. 46). Particularly in ocean matters, governance has come to include a broad range of stakeholders, from ocean users to public participation. Within the evolution of ocean governance, various models have been employed including the hierarchical model and traditional market models (M. Roe, 2013), which characterized the early days of ocean governance in

Canada to a cooperative model that has been used in the regional coastal and ocean planning activities undertaken under the LOMAs.

Ocean governance necessarily involved the three dimensions of norms, institutional arrangements and policies (Miles, 1999). A first assumption is that ocean governance incorporates the key elements of good governance, which means that the governance process adheres to the rule of law; operates in a participatory and transparent fashion; involves consensus-based decision making that is accountable, equitable, and inclusive; and reflects a framework that is responsive and coherent (Chang, 2009). However, as Chang (2009) noted further, there is both a lack of agreement within the academic literature and amongst the international organizations as to what constitutes good governance, and what indicators should be used to evaluate it. He developed this list of key elements based on a review of literature, and these elements were either most commonly referred to or captured similar concepts in a more generalized way. A secondary conclusion that Chang drew from his review is that the elements of good governance are reinforcing and therefore must be considered together. He did, however, recognize that over time and in different contexts, the emphasis on the individual elements would vary.

A second assumption that underpins good ocean governance is that it requires co-ordination and integration of the decision making and activities, taking a holistic approach to ocean governance (Vallega, 2001). This assumption, enshrined in UNCLOS, has manifested in many different forms, from administrative structures, to policy instruments, and to various management forms. However, it is also the one that has been most challenging to implement, as it requires

contending with the competing interests of ocean users and a historic sectoral approach to ocean management (Marian, 2012). Another confounding factor to the implementation of an integrated and holistic approach to ocean governance is the failure of ocean law and institutions, especially at an international level, to adopt integration and holism. Instead they continue to rely on a fragmented, sectoral, and geopolitical approach to the oceans (Marian, 2012). To meet this objective of good governance, a change in attitude of decision makers, and their processes of decision making is required, including the supporting legal and institutional structures to overcome the pressures of sectoral politics, and they need to take on the challenge of integrating multiple and often competing perspectives of the objectives of ocean policy (Chang, 2009).

A third assumption is that ocean governance is usually undertaken at the most senior level of government: that is, either (a) internationally through conventions such as UNCLOS or agencies such as the International Maritime Organization, or (b) nationally through state apparatus such as in Canada via the Oceans Act and the Department of Fisheries and Oceans. National ocean policy is viewed in this assumption as a subset of international ocean governance, a necessary element to achieve the key objectives of good governance (Py  , 2016). The basis for this assumption is that to achieve the necessary conditions to enable the holistic, steering aspects of ocean governance, the locus of power requires it to be a senior level of government (Vallega, 2001). However, there is equally an argument made that to be effective, ocean governance needs to be undertaken at the regional or local level given the distinct characteristics of ecosystems (Jentoft, 2007). In fact, neither view is exclusively correct, and the Canadian experience demonstrates a need for national direction, especially in the case of norms to frame ocean policy, but the implementation and adaptation of the policy regime is undertaken at a regional level

through various policy processes such as integrated coastal and ocean management or marine spatial planning (Chuenpagdee & Jentoft, 2009).

Chang (2009) suggested that an effective ocean governance system puts additional requirements on the decision-making and public policy formulation processes. He noted:

It extends beyond the capacity of the public sector to the rules that create a legitimate and coherent framework for the conduct of national marine policy. It implies governing public matters in a transparent, accountable, participatory, responsive and equitable and inclusive manner. It entails public participation in order to achieve consensus in a society and an independent judiciary, institutional balances through a horizontal and vertical separation of powers and having effective supervisory agencies. (p. 15)

There is a growing awareness of the important role of civil society in ocean governance, at all levels (Soares, 1998); the challenge then becomes what institutional forums and processes are developed that support this participation whilst still enabling efficient and timely decision making. Canada has experimented with a number of models from the 1987 Marine Council that brought together stakeholders from industry, civil society, and First Nations (Crowley & Bourgeois, 1989) to the regional planning processes such as the Pacific North Coast Integrated Management Area (PNCIMA) (Nowlan, 2016).

The discussion of governance cannot be disentangled from research into Canada's ocean policy, and as the research results have demonstrated, both policy makers and the public include governance as a critical element in the implementation of policy and the process of decision making.

2.5 Conclusion

Ocean policy is a complex and wicked policy area operating in an evolving governance framework that may use both top-down and bottom-up approaches. It necessarily involves a broader group of stakeholders and participants than just the federal government, but especially in the case of Canada, requires good coordination amongst the federal departments involved in ocean-related activities. As a policy area, ocean policy also demands multi-disciplinary and integrated approaches to studying and informing its development. It is clearly not simply a science issue or an economic issue, but is fundamentally about reconciling different values about ocean use.

In this chapter, the objective was to establish the relevant background to support the dissertation research activity. The intent of the outline of the evolution of approaches was to signal the importance of finding a common platform upon which to investigate ocean policy. It illustrated the complexity of inputs that come from the multiple systems that are interacting in an ocean environment, from human to biological to ecological for example, and at different scales, including local and global. What remains a challenge to the study of ocean policy is finding a common platform upon which to integrate these different values. The narrative analysis framework in this dissertation in part investigates if it can be used as a common framework through which to integrate multiple values such as spiritual, cultural, and ceremonial together with economic and environmental considerations. The narrative analysis framework is discussed in greater detail in the next chapter in which the outline of research methodology including the choice of research methods of the dissertation is provided.

3. Methodology

3.1 Introduction

Canada's Oceans Act (1996) has been studied primarily through formal review by the federal government and Parliament or through academic review by researchers who have focused on particular implementation activities that have ensued from the Oceans Act, such as the creation of marine protected areas and development of regional marine plans (Bailey et al., 2016; Jessen, 2011; Ricketts & Harrison, 2007), or its role in framing Canada's sovereignty and governance frameworks related to the ocean (Cicin-Sain et al., 2015; Mageau, VanderZwaag, Huffman, & Farlinger, 2015; McDorman & Chircop, 2012). This dissertation, however, focused on understanding the underpinning narrative that has framed Canada's Oceans Act (1996) and to investigate if and how it has evolved through the key implementation activities of the Ocean Strategy (Fisheries and Oceans Canada, 2002a) and the Oceans Action Plan (Fisheries and Oceans Canada, 2005a). In addition, this research evaluated the continued relevance of the framing policy narrative by comparing it with more recent day expressions of the public narrative around ocean use. In this section, the research design is described to make transparent the logic between the research question, the choice of methodology, the research methods used, and the strategies employed to analyze the data.

3.2 Policy Analysis

Policy analysis developed in the 1960s as a framework for the studying the policy process in order to achieve better outcomes. The intent was that by applying a process of analysis, a better understanding could be gained of the policy, its implementation and construct, and help inform

the design and evolution of future policy (Howlett, 2009). Policy can be analyzed along many different dimensions, including the environmental context, the distribution of power, the prevailing ideas, the institutional framework, and the process of decision making (Simeon, 1976). The model of the policy process that has dominated policy analysis has three primary characteristics. The first is that people act mostly in their self-interest. The second is that the public interest results from an aggregation of these individual pursuits, and the third is that society benefits when most people's interests are met without causing others to be worse off (Reich, 1988). Thus, the role of government in this model is to act as a problem solver, to intervene when market forces are unable to efficiently allocate the public resources. However, as Reich suggested, another model exists that better explains why over the past few decades, policy activity has occurred that is not the result of the pursuit of individual self-interest. Reich (1988) harkened this model back to the foundations of the democratic process in England, which was based on the notion of a deliberative democracy. In this model, the process of policy making results from the discussion and reflection of ideas, values, and beliefs. These are held by the public, who have pre-set notions about a policy problem. It is then the exercise of the policy process, through reflection and deliberation by decision makers, that leads to decisions towards policy action. Reich acknowledged that this model of the policy process has been less prevalent in current day policy making; however, it remains as an undercurrent infusing the system with ideas, values and beliefs.

It is the assumption of this research that both models can be found to be part of the evolution of ocean policy in Canada from the Act through to the public narrative that is exposed through the consultation process of the Joint Review Panel. Earlier articulations of ocean policy focused on

the governance and decision systems that would support the equitable distribution of use and access of the ocean and its resources. Several current-day trends have contributed to the ascent of the deliberative democratic model in the discussion of ocean policy. The first is a broader trend towards governance models that increase the role and impact of the public in the policy process (Bevir, Rhodes, & Weller, 2003). The second is the environmental movement, recognized as a social movement that has raised and indeed empowered the public consciousness about the impact of human activity on the ocean. Dryzek (2010), Hajer (1995), and Torgerson (1999) applied this model of deliberative democracy to explain the rise of the environmental movement. The third is persistent and increasing degradation of the ocean resulting from human activity, suggesting that earlier policy attempts have failed to stem the tide (Global Ocean Commission, 2014). The fourth is improvement in the federal government towards acknowledging the significant role of Indigenous rights and sovereignty over the ocean and resources, leading to formal recognition of a governance and management role (Ban & Frid, 2018; Bennett et al., 2018) as well as incorporating Indigenous values and Indigenous ecological knowledge (Turner & Clifton, 2009).

The intent is that by studying Canada's Oceans Act (1996) through its normative structure, the underlying values, ideas, and beliefs can be brought to light to understand the normative structure the federal government proposed to govern the relationship between Canadians and the oceans, how was it enacted, and how does it correlate to Canadians' expectations on how we manage our activities related to the ocean environment.

3.3 The Interpretive Methodology

The decision to focus on the normative aspects of ocean policy led to an interpretivist research methodology with its attendant characteristics of a socially constructed epistemology. Haverland and Yanow (2012) suggested that the two ways of knowing in public administration could be divided into positivist and interpretivist methodologies. Positivist methodologies are founded on objectivist epistemology and seek to understand the causal mechanism between an independent and dependent variable. Interpretivist methodologies, by contrast, seek to understand “*the reasons* for a phenomenon” (p. 404). They noted further that an interpretivist methodology “does not begin with formal hypotheses, does not specify variables, and therefore does not test hypothesis” (p. 404). Indeed, a key task of the interpretive researcher is to not impose preconceptions on to research activity and avoid “premature diagnostic closure” (p. 404).

Positivist and interpretivist methodologies also utilize theories and concepts differently (Haverland & Yanow, 2012). In positivist methodologies, theories are proclaimed early in the process and used to develop hypotheses. Concepts are defined in a way that formats them to be operationalized within the research process, moving them from an abstraction to an indicator. For the interpretivist researcher, while theories and concepts offer an overview or introduction to what might be found through the research process, the authors cautioned that they must take care not to pre-empt the research process and also be prepared to throw away concepts or theories that are not found to be relevant.

While positivist research methodologies require a precise and clearly defined question, developed into a verifiable format, interpretivist research most often begins with a general

question. Interpretivist research is iterative, and the research question may be modified as the research progresses. Further, the interpretivist research follows an abductive logic, beginning with a puzzle and moving back and forth between the data and literature to better understand the situated meanings that can be derived (Haverland & Yanow, 2012).

3.4 Narrative Analysis Frameworks

Frameworks serve a purpose in the research process to delimit the boundaries of inquiry and to focus the attention of the research on a few elements, which is a necessity when conducting research into the policy process with its inherent complexity. Bruner (1991) suggested two ways in which people apprehend the world, with the first through logico-scientific and the second through the narrative. The logico-scientific has been a prevailing and dominant framework used by policy makers in Canada through which to understand and interpret the ocean policy process, especially given the persuasive influence of ocean sciences and the law. However, there has been a growing trend in public administration to move towards interpretivist methodologies (Dobuzinskis, 1997). This research takes an interpretivist approach to study Canada's ocean policy and draws on the tools of narrative analysis. The research methodology uses the narrative paradigm of Fisher (1984, 1987), and the narrative policy analysis approach of Roe (Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994). In addition, other derivatives of a similar approach are used to adapt the methodology to the research question.

Within the literature around narrative policy analysis, a number of concepts emerged, and while there was no definitive agreement on their definition, here is an overview to clarify how they are understood in terms of this research activity. The first is narrative, which is distinguished from

story or argument, and includes a beginning, middle, and the end (Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994). Narratives are comprised of stories that draw on the tools of language, metaphor, and symbols, and particularly in the case of policy issues, these mechanisms are used to frame or define a policy issue (Stone, 1989, 2012). The second is narrative inquiry, which is often a term used to describe a research method that focuses on the narrative as simultaneously “a story, a way of knowing, and a mode, a method of inquiry” (Lyons, 2007, p. 601). The third is narrative analysis in policy, that was pioneered by Fisher (1984, 1987, 1989) to address the deficit in the policy analytic tools of the day that were largely influenced by positivist and traditional social science approach. Fischer (1998), Fischer and Forester (1993), and Stone (1989, 2012) recognized the narrative as a powerful and pervasive part of the policy process through its political role. Narrative analysis focuses on the narrative in the policy process as a phenomenon that can frame and define a policy issue (Stone, 1989). In addition, it can be used as a method through which the political elements of a policy issue can be dissected, revealing the dominant stories, the methods of argumentation, and the voices that are silenced (E. Roe, 1994).

Researchers who have used a narrative analytic framework to study public policy have drawn on a number of different methodologies. Jones and McBeth (2010) surveyed the methodological landscape as a precursor to the introduction of their approach to narrative analysis. In the overview, they distinguished between the structuralists who drew upon positivist, deductive and empirical methods of research such as themselves, and post-structuralists who used inductive, interpretivist and post-positivist forms of research. In the post-structural camp, they placed Fischer (1998, 2001), Fischer and Forester (1993), Hajer (1993, 1995), E. Roe (1989, 1992,

1994; Hukkinen et al., 1990), and Stone (1989, 2012). This research draws upon the post-structuralist methodologies.

This research is predicated on Fisher's (1989) narrative paradigm which is founded on the concept that the cornerstone to human rationality is the process of the stories used to make sense of the world and the recreation and reordering of those stories. The rationality of a story is based on two dimensions: its probability, meaning that it is a good story; and its fidelity, which means that it rings true (p. 5). Translated to the policy realm, stories are the means through which good reasons for decision-making are communicated. Stories are drawn upon to articulate and persuade a policy position; through communication, the frame of the policy is developed. In addition, people use stories to make sense of and interpret policy activity. Fisher's paradigm emphasizes the accessibility of the narrative in the policy process, as people are all *homo narrans*, his term to describe the fundamental role of the narrative in human rationality. They are therefore capable of evaluating the probability and the fidelity of a story. Fisher also suggested that people have an inherent capacity to develop the narrative frame through which they consider policy issues. Within that narrative frame, he argued that people have general views about basic moral issues such as freedom, death and happiness. This research transposes that perspective to ocean policy by suggesting that at the core of ocean policy are defining elements of values, ideas, and beliefs about the ocean. These elements include what the role of the ocean is in society, how the ocean is conceptualized, the relationship between the ocean and human society, and the responsibility or obligations of ocean use and ocean management. The public also hold values, ideas, and beliefs about the ocean, and they use these fundamental norms to interpret and to articulate their support for the policy process (Weiner, 2007). If the policy narrative and the

public narrative become discordant, there is a resulting crisis in governance and policy failure (Fischer, 2003).

E. Roe (1994) suggested that narrative analysis had a particular value in policy analysis to address the confounding factor of complexity that characterized intractable or wicked issues. In his view, the traditional empirical methods of policy analysis, such as cost-benefit analysis, risk assessment, or impact assessment, were insufficient because they were unable to uncover or address the multiple narratives that were at play in these types of policy issues. As an alternative, he proposed the narrative analysis framework that involved four steps. He suggested that the analyst begin with the most prevalent definition of the policy issue and identify the policy narratives that conform to it. The next step was to identify those narratives that did not fit with the dominant narrative. The third step was to compare the two to generate a metanarrative, and the final step was to assess if the metanarrative recast the policy issue in a new way (pp. 155–156).

In his study with Hukkinen and Rochlin (1990), E. Roe outlined the ideal methodology for the conduct of narrative policy analysis. In this study, the researchers began with looking at the stories that the policy actors told about the policy issue. From this data, they were able to discern the dominant narrative but also the non-stories, those that did not confirm to the story structure of having a beginning, middle or end. They applied network analysis to the collection of problems and assumptions to discern the causal relationships between the stories and non-stories. The result was that they were able to identify not only simply contradictory stories, but also circular ones that served to perpetuate the complexity of the policy issue. “The circular

argumentation implicit in the beliefs held by those in the irrigation bureaucracy helps identify several uncertainties over the drainage issue which increase the potential for even greater political conflict in the controversy” (p. 317). According to the authors, the value of narrative analysis applied to the complicated issues was that while traditional policy analytic tools tended to focus on the conventional arguments framing an issue, narrative analysis could uncover the *other stories* that might be contributing to the intractability of the problem.

Other researchers adapted E. Roe’s approach further. Bridgman and Barry (2002) used Roe’s approach to conduct their narrative analysis of the regulatory process in New Zealand. In their study, they used a combination of open-ended interviews and archival records as their source of data. They applied metaphor-guided thematic analysis to identify themes based on the frequency by which they showed up in the data. Through this rhetoric analysis, they were able to define the metanarrative that prevailed over the policy issue. They added to Roe’s approach an initial step of identifying the pre-narrative: that is, the narrative that conditions the ways in which the dominant narrative and the alternative narratives are defined and, thus, affects the contours of the meta-narrative.

Another variant of E. Roe’s approach was conducted by Berg and Hukkinen (2011), who combined both qualitative and quantitative methods to the data collected through 20 interviews. In their study, they conducted their analysis through three phases. In the first phase, they extracted from the interviews the parts that dealt with the issues generally, and then broke the extracts into problem statements. In phase two, they grouped the problem statements by themes and identified the relationship between the groups. The result was three statement groups, and on

that basis, they constructed four different candidates for the policy narratives. In phase three, they conducted a detailed narrative analysis of the narrative candidates based on the three elements of narrativity, authorship, and rhetoric.

This dissertation drew upon E. Roe's narrative policy analysis framework by structuring the narrative analysis approach in the same manner of a dominant or primary narrative, a series of counter or other stories, and finally, a metanarrative, but also drew on the approach taken by Corbett (2013), who began with a similar paradigm of a dominant narrative and the counter narrative. His focus was to understand how the interaction and overlap between different narratives led to a common mobilizing metaphor, a concept not unlike Roe's metanarrative. His purpose was to draw out the "taken-for-granted assumptions embedded in policy narratives" (p. 201): an approach that mirrors the underlying intent of this research which is to understand the values, ideas, and beliefs that make up the policy narrative as it is articulated in the Act (1996), the Oceans Strategy (Fisheries and Oceans Canada, 2002a) and the Ocean Action Plan (Fisheries and Oceans Canada, 2005a), finally, to compare it with the public narrative exposed during the public consultation process. Rather than employing one variable for his analysis, Corbett took six variables common to the study of democracy and exposed how they were differently conceptualized and used in the policy process. One example, transferable to the study of Canadian ocean policy, is the role of colonial values embedded in official ocean policy as "taken-for-granted" (p. 215) assumptions and how these were exposed when compared with the growing environmental movement and with Indigenous articulations of the relationship with the ocean. Corbett's model of analysis was, therefore, a useful framework through which to conduct

the comparison between the official ocean policy as it emerges from the initial narrative analysis and the public narrative that is exposed through the narrative analysis of the public consultation.

3.5 Other Approaches to Studying the Narrative

While Jones and McBeth (M. D. Jones & McBeth, 2010; McBeth, Lybecker, & Garner, 2010; McBeth, Shanahan, Arnell, & Hathaway, 2007; McBeth, Shanahan et al., 2010; McBeth, Shanahan, & Jones, 2005; Shanahan et al., 2013) acknowledged the contribution that the post-structuralists had made to the study of narrative in public policy, they felt that it was important to meet the challenge of Sabatier (2010) who suggested that research into policy should be conducted within the standards of *science*, meaning it should involve “clear concepts, testable hypotheses, and falsification” (M. D. Jones & McBeth, 2010, p. 331). Therefore, in the narrative policy framework developed by Jones and McBeth, they defined a structuralist, quantitative and positivist approach (M. D. Jones & McBeth, 2010; McBeth et al., 2007; McBeth, Shanahan et al., 2010; Shanahan et al., 2013).

McBeth, Shanahan et al. (2010) structured their methodology upon what they described as the defining elements of a story: namely, the setting, the plot, the characters, and the moral. They anchored their analysis within the structure of theory: in their case, the role of belief systems and cultural theory. They conducted their analysis at two levels: (a) the micro-level where they identified features of public opinion and narrative persuasion; and (b) the meso-level where they focused on the strategic elements of the policy process, including policy change, policy framing, and the role of interest groups. The promise suggested by the narrative policy framework was that it “takes a systematic, scientific approach to understanding the social construction of

political realities” (Shanahan et al., 2013, p. 453). McBeth et al. (2007) were the first to marry narrative analysis with policy change theory. Further studies involved a combined narrative policy framework focused on interest group behaviour, the narrative, and policy change (McBeth et al., 2007; McBeth, Shanahan et al., 2010).

McBeth, Shanahan et al. (2010) also applied narrative analysis to the study of a wicked issue. The objective of their study was to better understand the policy dynamics within the policy issue through the focus on the narratives. They distinguished between policy narrative and policy framing, suggesting that policy framing was employed as a linguistic device to capture meaning, whereas narratives are used to capture beliefs. Applied to the broader policy realm, they identified two distinguishing elements of the policy narrative: to formulate the core policy beliefs of an interest group; and, as political narrative tactics (p. 393). The perpetuation of the wicked nature of the policy problem was a product of the eternal cycle of lose-lose politics that resulted from the contested beliefs between interest groups and their political marketing tactics. The researchers sought to study if the beliefs of the interest group remained stable over the research period, and if, as the group matured, different political tactics were employed.

The research methods used for McBeth, Shanahan et al.’s (2010) study included content analysis of the interest group documents, coded by independent coders and cross-validated with lobbying activities. In their analysis, they drew upon Fisher’s (1989) theory of probity and reliability, meaning that the elements of the narratives were found to be believable and consistent. They also followed a similar framework to Sabatier and Jenkins-Smith’s (1993) advocacy coalition framework by identifying the role of core beliefs in stabilizing the group construct. The result of

the study by McBeth, Shanahan et al. (2010) determined that these core beliefs remained stable over the research period. The challenge with following the same research methodology as McBeth, Shanahan et al.'s study is that in order to meet the requirements of the methodology, there was a binary definition of the core beliefs. Thus, federalism was coded as national or local, the relationship of human to nature as bio centric or anthropocentric, and science was defined as either biologic or technologic. It did not allow for an investigation into the nuance of beliefs or the inclusion of other narratives that might have been introduced or less prevalent, but still significant in framing the policy debate, which is an aspect that is enabled by the narrative policy analysis approach pioneered by E. Roe (1994).

McBeth, Shanahan et al.'s (2010) study drew upon Nie's (2003, pp. 307–308) description of wicked environmental problems as “value-based political conflicts grounded in deep core human values,” which made it relevant to consider as an approach to ocean policy. It was, however, limited to illuminating how interest groups used policy tactics to maintain the wickedness of policy problems, while the objective of this dissertation was to build upon the narrative analysis suggested by E. Roe (Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994) that by identifying the dominant narrative and the counter or non-stories, the complicated entanglement of politics and values that characterize wicked problems can be made more transparent and accessible to decision makers.

E. Roe (1994) described the ideal procedure for the conduct of his approach to narrative policy analysis. In his procedure, the research would begin with open-ended interviews with the major actors in a policy area. The transcript for each interview would then be subjected to a process of

extracting and coding the problem statements and the causal relationships they propose. E. Roe suggested that if time and money was available, this process would be conducted by several different people. The subsequent step would be to aggregate the problem statements across all interviewees in the form of frequency tables. This would allow the analyst to identify the most commonly held problems and the network of causal relationships that exist between the problems. A formal network analysis would take place to identify the stories and non-stories and the nature of the causal relationship between them. E. Roe suggested that the objectivity of the analyst would be retained if the researcher identifies throughout where there is uncertainty, whose uncertainty is it (i.e., the analysts or the policy actor), and what is the nature of it (i.e., is it at aggregate level, is it the viewpoint of an expert, or an opposing viewpoint). The final act is to write up the results of the research for presentation to the decision makers.

While the research process described here follows many of the same steps as E. Roe's (1994) ideal procedure, the resources were not available to follow it precisely, nor as described in this discussion, would it assist with answering the research question. Thus, separate coders were not used for the identification and labelling of problem statements. Instead this research was conducted through a successive reading and extraction process using the grounded theory method of Charmaz (2014). The second aspect of E. Roe's approach is the focus on causal relationships, which he addressed through network analysis. However, this dissertation focused on understanding the evolution and comparison of narratives over a period of time. E. Roe's focus for his research was to dissect the complexity of a particular policy issue within a set time period, whereas this research extended the narrative focus over the stretch of several decades involving two research time periods (1996-2006 and 2012-2013).

3.6 The Research Process

This research is divided into two components. The first component involved a narrative analysis of the Oceans Act (1996) and its two primary implementation activities, specifically the Oceans Strategy (Fisheries and Oceans Canada, 2002a) and the Oceans Act Plan (Fisheries and Oceans Canada, 2005). The second component of research was a narrative analysis of the public consultation process for the Northern Gateway Project conducted by the Joint Review Panel (Joint Review Panel, 2013a, 2013b). This narrative analysis focused on the stakeholder testimony that was specifically related to the ocean and ocean use. It did not involve the terrestrial impacts on the proposed project.

An overview of the methodological framework is provided in Figure 3. The purpose of the framework is to make clear the theoretical assumptions that underpin this research. In the first part, the underlying epistemological framework is identified as one of social constructivist, recognizing the important role that shared ideas, values, and beliefs play in the interpretation, development, and definition of knowledge (Berger & Luckman, 1967). This is particularly relevant to the policy sphere, where ideas, values, and beliefs are the fundamental contours in and upon which policy and political activity reside (Stone, 2002). The expression of ideas, values, and beliefs occur in the policy realm through narratives, not only through the articulation, but also the interpretation of them (Fisher, 1989). The choice of an ontological framework is interpretivism, flowing from that belief that reality is socially constructed and that an interpretive approach supports an investigation into how actors in a policy situation interpret and draw meaning from the policy narrative.

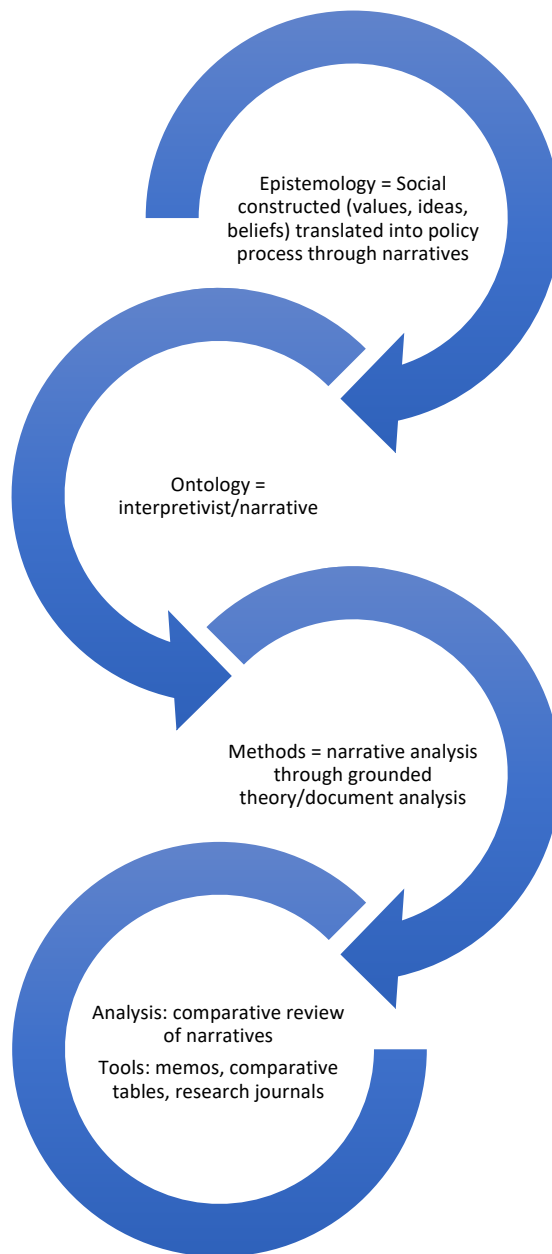


Figure 3. Methodological Framework

This methodological framework is meant to uncover the architecture of the policy issue (Yanow, 2000). The research process is bounded within a narrative analysis framework (E. Roe, 1994),

and draws on the interpretive tools of grounded theory and document analysis. The process of analysis is iterative, conducted and adapted as the progress of observation took place and then using comparative analysis to result in summary conclusions. The framework of the research process as depicted in Figure 3 is purposefully illustrated to depict the flow and fluidity involved in methodology.

3.6.1 The process outline

The research process followed the format of the grounded theory strategy developed by Glaser and Strauss (2012) and explored further by Charmaz (2014). The first step required an in-depth reading of the Act (1996) to identify the elements of the narratives including the metaphors, symbols, and storylines. The second reading categorized according to whether they fit within an identified normative area, such as sustainable development, integrated management, the precautionary principle, or the eco-system approach, firstly by making notes in the text margins. Memos supplement this process of data collection and analysis first by providing an outline and explanation of the initial coding, and then through the analysis process, capturing the evolving understanding of the nature of the relationships, how things are changing, and how they remain the same (Charmaz, 2014). This took place using a process of constant comparison (Glaser & Strauss, 2012), where the element (i.e., metaphor, symbol, or story) was compared to the general category and to the subsequent element to reveal similarities and differences. Questions addressed through this comparative process included: Is the element similar to the previous, does it fit within the framework of categorization thus far, or does it differ. If it differs, does it add a new element to the categorization or is it indeed a new category? If it did not fit within the general norms, it was put in a fifth category of *other*.

In the case of the Other category, the analysis identified if there were other codes that should be incorporated and, using the analytical framework of E. Roe (1994), to establish if these stories represented an alternative or less visible story that has been influencing the frame of the policy. The process of textual analysis and comparison continued until there was a level of saturation achieved where no new elements were identified.

Once the analysis of the Act was completed, the same process was followed with the Oceans Strategy to also use the normative structure outlined in the preamble and as well create a category of other, which was then subsequently compared with the Oceans Action Plan.

With the completion of the categorization and analysis, a summary table was created. This table supported comparison across the categories between the Act, the Strategy, and the Plan to identify similarities and differences. Key questions used to analyse the results included: What are the outliers or differences in the narratives? Do they reveal changes in the articulation of the policy stories? What are they and how does it alter the framing of the policy? Throughout this research, the narrative analysis paradigm of E. Roe (1994) was used to identify the narrative, the other stories, and finally, the meta-narrative that reflected the normative construct. Hukkinen et al. (1990) proposed that this form of analysis was useful to apply to “public issues of high uncertainty and complexity, where the only ‘facts’ left for the analyst to examine are the stories people tell to articulate issue uncertainty” (p. 314). In this form of analysis, the researcher identifies the dominant definition of the story (or narrative), then identifies other major stories that do not conform to the dominant definition and conducts a comparison. Through the

comparison, the researcher gains a better understanding of the meaning of the narrative by comparing it with what it is not, and then can address whether the narrative redefines the policy issue. Transposed to this research, the same method of analysis enabled an investigation into the meaning of the story, and if the results of the analysis suggested that the underpinning policy narrative had changed, that would consequently redefine the normative structure of the policy.

The results demonstrated if and how the ocean policy frame, in particular its normative structure, changed through the decade of implementation. It also yielded a more detailed narrative map of the normative structure of Canada's ocean policy of this period. The final task of the research process was to address the question of relevance and, in particular, whether the framing policy narrative of the Act is congruent with current public expectations around decision making of ocean use. While interviews, surveys, and questionnaires could be carried out to capture the data to assess the public narrative in Canada around ocean use, the public consultation process for the Northern Gateway Project (Enbridge Northern Gateway Project Joint Review Panel, 2011b) allowed for the capture of public expectations of ocean use conveyed by community members through stories at the hearings and this data was collected independently of the dissertation research activity.

3.7. Data Analysis

In this section, the process of data collection was outlined. The first research component involved the narrative analysis of the Act, Strategy, and Plan, and then concluded with the second research component, which is the case study. This discussion includes an outline of how the grounded theory process was employed through successive readings of the key documents. In

addition, how analytical memos (Memos 1–13 in the appendix) were used to support the research process was described. The narrative analysis framework borrowed considerably from the narrative policy analysis used by E. Roe (1994), but was also tailored to the research activity. Instead of identifying a primary narrative and an opposing narrative, the narrative analysis involved identifying the primary narrative, which was made up of narrative statements compiled under key elements identified through the research process. This is a method more in line with both grounded theory and the narrative method used by Corbett (2013).

3.7.1 The official ocean policy documents

As noted in Chapter 6 the primary data source for this research was the federal government's official policy documents related to ocean policy during the time period of 1996-2006, specifically the Oceans Act (1996), the Oceans Strategy (Fisheries and Oceans Canada, 2002a) and the Oceans Action Plan (Fisheries and Oceans Canada, 2005a). The three documents were the official statement of ocean policy by the federal government at the beginning, middle, and end of the study period. The Act, which is the statutory instrument for the definition and declaration of the policy, was issued at the beginning in 1996. Four years later the Oceans Strategy was provided, and then finally in 2005 the Oceans Action Plan came out.

Supplementing these official documents were the proceedings of the House and Senate, including Committees during the review of the proposed Oceans Act as C-99 and then in the subsequent Session as C-26. In addition, the House of Commons Standing Committee on Fisheries and Oceans undertook a review of the Act and its implementation in 2001 and the official reviews undertaken as well by the Auditor General's office (2005) and Department of

Fisheries and Oceans (2011). The supplemental documents had two primary tasks. The first was that they provided a historical context for the official documents. The second task was that they provided evidence of other narratives that may not have been exposed through the official documents, but which have influenced the metanarrative. This built on E. Roe's (1994) analytical framework, which involves identifying the dominant narrative as well as the other stories.

A focus on official documents was selected because they offered a stable and consistent record of the articulation of ocean policy during this time. Given that the research involved an investigation into the primary narrative during a set time period and how it evolved or changed over that period, the official record captured in these documents was the best source or statement of government policy. Other traditional tools of data collection used in narrative analysis, such as interviewing or questionnaires, would not offer the same access and stability to the data because they would necessarily involve some bias and historical reconstruction on the part of the respondent. The additional advantages of these documents was that they offered an exact statement of policy and were not subject to interference by the research activity itself (Bowen, 2009). There can be limitations with relying exclusively on documentation, including biased selectivity, access, and lack of detail (Bowen, 2009). In this case, relying on the primary official documents, as they offered the most comprehensive statement of the federal government's official ocean policy, mitigated this. The official record offered by the House and Senate proceedings and by the official reviews, which provided rich additional detail, supplemented the primary texts. All the documents represent official government record and are publicly available.

3.7.1.i Reading of Act and related supplemental materials

In the first reading of the Oceans Act itself, no coding or highlighting took place; rather, the objective was to determine “a few principal or gross features of the structure and processes” (Glaser & Strauss, 2012, p. 45). From this reading, it became evident that it would be appropriate to use the key principles outlined in the Preamble as primary codes and to add two additional codes. One was for legal/sovereignty reflecting the dominance of this language in the Act, and the second additional code was for *other* that captured concepts, stories, or statements that did not fit appropriately in the above codes but were deemed to have relevance. The intention was to review the results of the other to determine if additional codes should be added to the research process.

After the first reading, a short memo captured the initial observations (see Memo 1; note all memos are presented in Appendix A). In the second reading, different highlight colours were used to indicate the relationship of the concept, story, or statement to one of the predetermined codes. In Memo 2, the codes are described in greater detail. Memo 2 also included a summary of the key statements, concepts, and storylines bundled into categories based on the initial coding. For example, under Sustainable Development, direct quotes or notation taken from the reading were captured under the category heading of sustainable development. The Other category included subcategories of: Canada and the World, Economic, Indigenous Peoples, Stakeholders, and Knowledge. In Memo 3, the emergent categories and narrative themes were outlined, further the process of narrative analysis of the Act.

In Memo 4 the primary activity involved identifying possible sources or linkages between the primary concepts, statements, and storylines and the broader policy activity underway during that time: specifically, UNCLOS and the international conventions. It also included the development of points of future inquiry regarding the meaning of key concepts, statements, or storylines foreshadowing the next step that involved the review of supplemental materials. In Memo 5, the results of the reading of the supplemental materials involved the capture of the key concepts, statements, and storylines. It also involved an identification of the actor and political affiliation of the speaker and the date of the statement. Since the intent of this review was to supplement the review of the official government position, the statements made by government members or officials were given greater focus. However, key statements by opposition members were also included where it was felt they illuminated important contextual information. The review of material was conducted following the chronology of the House and Senate proceedings.

In Memo 6, the aggregate of the observations resulting from the reading of the Act and the supplemental material took place, and the categorization followed the similar coding patterns established in Memo 1 and replicated in Memo 2. Of note, sufficient flexibility was enabled to support an iterative process to allow for new codes or categories to emerge.

3.7.1.ii Reading of the Oceans Strategy (and its addendum Operational Framework)

Memo 7 involved the comprehensive summary of the observations from the first and second reading of the Oceans Strategy document. As with the Act, the first reading involved an initial read of the full document followed by highlighting key statements, concepts, and storylines using the coding system that had been developed for the Act. The Other code was used for new and

emerging concepts or ones that did not fit under the other codes. In the second reading, margin notes were added to assist with the process of coding. In the summary included in Memo 7, the observations were, in large, placed in similar categories as had been used in the previous memos, but also included notation of new and emerging concepts.

Memo 8 captured the summary of the first and second reading of the Operational Framework (Fisheries and Oceans Canada, 2002b), which is an addendum document to the Oceans Strategy (Fisheries and Oceans Canada, 2002a). As was expected, it largely replicated the Strategy, but was useful in that it provided further detail on the intended meaning behind the statements, concepts, and storylines included in the Strategy. The same coding process was used throughout the reading, and the second reading involved margin notes that aided in the coding and subsequent categorization of the observations. The summary notes included research notes suggesting linkages to the literature or questions for future consideration.

3.7.1.iii Reading of the Oceans Plan

In Memo 9, the results of the reading of the Oceans Action Plan (Fisheries and Oceans Canada, 2005a) were summarized. Again, the coding used in previous readings was duplicated here, and the observations were categorized under similar headings. Where possible, informal notes were also made comparing the Plan to the earlier readings of the Act (1996) and the Strategy (Fisheries and Oceans Canada, 2002a) to assist with the future process of comparison.

3.7.1.iv Reading of additional supplemental material

As noted, the Oceans Act and its implementing activities were subjected to two formal reviews. The first one took place three years after passage of the Act and was by the House of Commons Standing Committee on Fisheries and Oceans, a requirement that had been embedded in the Act. The timing of the review and the development of the Oceans Strategy were occurring concurrently, and in the official government response to the Committee's Report (Government of Canada, 2002), the Government indicated how the Strategy would respond to some of the recommendations. The reading, therefore, involved both a review of the official report of the Standing Committee and the Government's response.

The second review was conducted by the Commissioner of the Environment and Sustainable Development (2005), and it took place in advance of the issuance of the Oceans Action Plan (2005a). The report outlines the findings of the review and also includes the Government's response to the review.

In the reading of both reviews, the same process of reading, highlighting, and margin notes was carried out using the same coding method as earlier. Memo 10 summarizes the observations resulting from this reading process.

3.7.2 The public narrative

In interpretivist research, the case study is synonymous with the setting or site: "the (semi)bounded location that is considered to have potential for illustrating the focus of the researcher's interest, in which the research is carried out" (Haverland & Yanow, 2012, p. 406).

The public consultation process for the Joint Review of the Northern Gateway was chosen for a case study because it was a broad process, drawing in testimony from a diverse group of stakeholders about their views on ocean use and ocean management. The consultation process supplemented the formal hearing process through a series of community hearings held in locations across British Columbia. Most of the locations were chosen for their proximity to the intended pipeline route, terminal location, or marine transportation routes.

The community hearings took two forms. One set of hearings involved the collection of oral evidence, primarily Indigenous or traditional knowledge that could not be transmitted through the normal hearing process. This oral evidence formed part of the hearing process and could be subject to cross-examination and questioning during the hearing. The second set of community hearings involved oral statements. These were 10-minute statements by members of the public “to provide their personal knowledge, views and comments regarding the Project to the Panel in their own words during the community hearings” (Enbridge Northern Gateway Project Joint Review Panel, 2011a). The objective of these hearings was to assist the Joint Review Panel members to assess whether or not the project was in the public interest (Joint Review Panel, 2013b). A limiting factor was that while the consultation process was generous, and the panel meetings took place in many different communities, they were conducted over a set time period and within the geographic locations likely to be most affected by the Northern Gateway project. The input, therefore, does not represent a whole of British Columbia or indeed Canadian perspective, but rather a snapshot within a confined time and location.

The Joint Review Panel (2013b) heard from 206 intervenors, 12 government participants, and 1,179 oral statements. The hearing process was conducted in three ways. There was the formal hearing process that followed the normal rules of procedure of a quasi-judicial regulatory body and involved both the hearing and questioning of witnesses and evidence. There were community hearings held for the purpose of hearing oral evidence, primarily directed towards the oral traditions of First Nations (Enbridge Northern Gateway Project Joint Review Panel, 2011b). There were also community hearings to hear the oral statements from the public. Through these 10-minute statements, speakers were asked to present their personal knowledge as to what the impact of the project would be (Enbridge Northern Gateway Project Joint Review Panel, 2011a).

The narrative analysis of the public consultation process for the Northern Gateway project was based on the oral statements made by members of the public. Several considerations led to the decision to use these data for the narrative analysis. The first was that the oral statement process, while still conducted with the panel members of the Joint Review Panel (JRP), did not follow the same formal structure and procedures of the other hearing processes. Speakers were not subjected to cross-examination and were not required to appear for the final hearing. Therefore, it was felt that the statements were a free expression of their views. The second consideration was that anyone could apply to make an oral statement during the community hearings. While a challenge point raised by some speakers was that they had applied almost a year before the actual date of the hearing, nevertheless, it was primarily an open process. A third consideration was that the format of 10 minutes seemed to invite even those who normally were reluctant to speak before a panel to get up at the community hearing, and many did, using stories to convey their views. A fourth consideration was that the community hearings were held across British

Columbia, both in communities close to the ocean and those further along the pipeline route. There were also multiple hearing dates in Victoria and Vancouver. Therefore, the conclusion was that it offered a fairly good representation of the British Columbian public. Finally, a fifth consideration was that most of the speakers were public members and were not speaking on behalf of a particular organization or group. Where they did identify as a spokesperson, it was noted as part of the narrative review. As noted by Fung (2006), while it is reasonable to consider the group as a proxy for the general public, it was critical to recognize that they are in fact a self-selected group, comprised of those who are willing to invest the time and resources to appear before the panel.

The analysis for public narrative was conducted on a sampling of the oral statements made in the community hearings undertaken by the Joint Review Panel. The selection of sample was conducted firstly by location so that there would a representative sample from different locations along the British Columbia coast. The hearings from 14 locations were reviewed (a list of hearing locations is provided in Memo 11). In some cases, more than one day of hearings was held at that location, so the second decision point was to sample the first day of hearing for review. The total number of oral statements reviewed was 453. Memo 12 captures the hearing location and date, the type of speakers (e.g., public, user, organization), and the notes from the narrative review. The analysis process followed a similar format as was used in the previous sections. The oral statements for each of the selected sites were read a first time and highlighted where references related to ocean, ocean management, and overall environmental statements were made. The second reading involved the addition of margin notes that roughly coded the statements using the code that had been used previously in the analysis of the first component.

There were many instances where the statements were not sufficiently similar to enable them to be coded under the original codes. In this case, the margin notes labelled the primary concept. Memo 12 summarized the observations by hearing site and included an identification of the primary narrative, based on frequency of reference by speakers and secondary or emerging narratives, which were ones that received less attention by speakers, but were new or important from an analytical perspective.

The use of frequency as a cataloguing tool was suggested by E. Roe (1994) as a way through which to capture the narrative that dominated the policy issue. He distinguished the use in this manner from formal frequency tables, which he noted would require significant resources of time and research support. For this reason, formal frequency was determined to be out of the scope of this research. In addition, E. Roe characterized the distinction between narratives as the dominant narrative and the non-story or counter-narrative, thus setting up the juxtaposition between the two. In the case of this research, the primary narrative is the one that dominates the policy issue, but the secondary narratives are important or compelling narratives that can influence the contours of the policy issue despite their minority position, a position suggested by Corbett (2013). The result is that the delineation between the narratives enables a disentangling of the complexities of the narrative, with the objective of providing better insight and clarity of the policy issue. Traditional frequency tables may not capture the nuance of the distinction between these narratives.

Memo 13 summarizes the analysis of the narrative notes captured in Memo 12 from the narrative review of the oral statements. In so doing, three broad categories emerged that served to provide

overall analytical form to the observations. In addition, a notation was made of voices not heard throughout the oral statements as an important qualifier to be considered when generalizing the results of the narrative review.

3.7.2.i Considerations

Several contextual elements were at play concurrently with the community hearings processes that were important to be mindful of during the analysis of the findings. The first is that environmental non-government organizations and other proponents used the public hearing process of the JRP as a venue for a dialogue about the broader issues of climate change and Canada's reliance on fossil fuels. The explanation provided, after a study by an Expert Panel reviewing the work of the National Energy Board, was that there were few alternative venues for this type of policy dialogue (Expert Panel on the Modernization of the National Energy Board, 2017).

The second consideration was that a parallel process was underway for consideration of the impact of the marine transportation portion of the project. This was the TERMPOL process conducted by Transport Canada (2012) that reviewed the vessel safety, conduct safety and terminal safety operations of the project. Some aspects of the TERMPOL process, such as the risks of marine spills and vessel collisions, overlapped with the issues raised during the community hearings.

A third consideration was that the National Energy Board did not have significant experience in reviewing the marine impacts of projects. The scope of their reviews had primarily focused on

the terrestrial impacts of the projects and included, where appropriate, consideration of impacts on rivers, lakes, and stream. The Northern Gateway Project introduced a significantly new scope to the review by including marine transportation routes and the tidewater activities of the marine terminal (Canadian Environmental Assessment Agency, 2009).

A fourth consideration was the de facto moratorium on crude oil tanker traffic through the Dixon Entrance, Hecate Strait and the marine areas around Haida Gwaii that had been announced by the Government of Canada in 1972. However, it was never given legislative form, and in practice, there has been regular import and export of oil through the ports of British Columbia (Bursey & Teal, 2017). However, as the authors further noted, despite no formal legislation, there were multiple descriptions of a moratorium on oil tankers in federal and provincial documents. In addition, a 1988 agreement between Canada and the United States created a voluntary tanker exclusion zone for key areas of the British Columbia coast, but this did not affect oil tanker traffic to and from Canadian ports (Bursey & Teal, 2017). The Government of British Columbia ended its moratorium on oil tanker traffic in 2002 (Bursey & Teal, 2017). Therefore, there is good reason why there was significant confusion amongst the public as to whether a moratorium on tanker traffic existed or not during this time, and this was vocalized during the hearings.

A fifth consideration was the interventions by First Nations through the Joint Review Process, as well as other venues such as the courts, to have better recognition of their unique role and status with regard to the area anticipated to be impacted by the Northern Gateway Project (McCreary & Milligan, 2014). While the PNCIMA and MaPP processes were examples of shared processes between First Nations and the provincial and federal government, the Joint Review Process was

always a federally led deliberative process, but where Indigenous rights, the importance of Indigenous knowledge, and a recognition of the importance of the cultural and community relationship with the environment were strongly asserted by First Nations. The effect was to forever alter the federal government's mind-set around natural resource development and the Indigenous rights over their environment (Rossiter & Burke Wood, 2016) and subsequently affects ocean management and ocean governance activities.

3.7.3 The comparative analysis

The first step in the analysis of the results of the narrative review was to address the question of what the framing policy narrative of the Act was, and did it persist through the key implementation activities of the Strategy and the Plan? The second step involved a comparative review between the narrative that resulted from the official policy documents and the narrative that arose out of the public consultation process for the JRP to answer the question as to whether or not the official policy narrative is still relevant to the expectations of the public around ocean governance in Canada.

3.8 Standards of Research

Narrative researchers cautioned against applying the traditional standards of research used in positivist forms of research to narrative analysis that draws on interpretivist methodologies (Dodge, Ospina, & Foldy, 2005). For this reason, they drew on other standards more compatible with the narrative method to ensure rigour and relevance.

For example, objectivity is defined as “intersubjectivity reliable reality rooted in scientific agreement, as opposed to other uses of the term that would invoke some exogenous ‘truth’ independent of human perceptions” (M. D. Jones & McBeth, 2010, p. 37). This definition of objectivity is particularly revealing in the context of narrative inquiry because it moves away from the traditional duality of positivism and post-positivism and opens the door towards a nuanced understanding of objectivity that draws on some of the strengths of the interpretive method. The use of intersubjectivity recognizes, as Durnová (2015) did, there is a shared knowing or meaning that can be applied. It is predicated on a reliable reality, which echoes the importance of plausibility that was proposed by several of the interpretive scholars (Boswell & Corbett, 2015a, 2015b; Dodge et al., 2005; Ospina & Dodge, 2005). It acknowledges the act of scientific agreement, an active process that does not assume but requires some level of interaction and acknowledgement of different perspectives, a concept not dissimilar to the function of epistemic communities that develop through common disciplinary understandings (Haas, 1990).

Similarly, M. D Jones and Radaelli (2015) acknowledged that the meaning of data and data analysis is different in interpretive research (cf Schwartz-Shea & Yanow, 2012), and they emphasized that this is important to remember when moving from an objective epistemology to social constructivism as suggested by (Moses & Knutsen, 2012). While they employed a positivist standard of causality in the Narrative Policy Framework (NPF), M. D Jones and Radaelli suggested this is not incompatible with interpretive methods of researching the policy process because policy makers themselves utilize a form of causal structuring in the policy

process, and this becomes expressed as part of the policy narrative. Part of the act of narrative inquiry involves exposing these underlying causal assumptions.

In Table 1, what is revealed is not only a summary guide to assist the new researcher, but two standards emerge as particularly prevalent. The first one is the importance of transparency to be able to share with the reader, with other scholars, and with practitioners who may be using the results. Transparency can build confidence by making explicit how the research was conducted that led to the resultant findings. It also enables assessment of the research process by other scholars who might want to build upon the results. The second standard is that of reflexivity, which recognizes that narrative inquiry as a research methodology requires the researcher to be aware of his/her own perceptions, roles, and impacts in interpreting the narratives and to demonstrate that awareness as part of the research process.

Table 1. Standards for Narrative Research

	Transparency	Reflexive	Plausibility	Coherence	Rigour	Relevance
Boswell and Corbett (2015a, 2015b)	X	X	X	X		
Wagenaar (2015)	X	X		X		
Durnová (2015)	X	X intersubjectivity				
Dubois (2015)	X	X				
Marsh (2015)		X				
Dodge et al. (2005)	X	X	X credibility		X	X

Transparency and reflexivity are cornerstones of narrative analysis. In this research, two tools were used to ensure transparency and reflexivity and to document the research procedure. The

first was the use of a research journal to catalogue the process of data collection, categorization, analysis, and results. The second was the use of analytical memos to outline the thinking that went into the key decision points in the research process. The comparative tables complement these memos. The intent of these tools is to support reflexivity in the research process.

Reflexivity is a process of engagement carried out by the researcher to make transparent the underlying values and assumptions that underpin the conduct of the research (Popa & Guillermin, 2017). Reflexivity can serve a number of purposes in the research enterprise.

Through the action of transparency and disclosure, the research process is revealed and available for critical review by other researchers. In the case of interpretive research where the results are not necessarily duplicable as in the case of some forms of quantitative research such as the *gold standard* of the double-blind study, this opportunity for critical review improves the rigour and confidence in the research. It is, however, not proposed as a counterpoint to objectivist forms of research (Lynch, 2000), but rather because it complements and enhances narrative analysis as a research methodology (Dodge et al., 2005). Applied to a public policy environment, decision makers will be more likely to draw on research that is translatable and in which they have confidence (Ospina & Dodge, 2005). Reflexivity, therefore, contributes to the accessibility of the research by making evident how the research process was conducted, what the underlying assumptions were that predicated the research, and how the final conclusions were drawn. It enables the invaluable process of critique and review by fellow researchers to take place by promoting transparency. It also accounts for the effect of researcher bias in the research process, not by attempting to control it, but by making it explicit both to the researcher and to the broader community (Ortlipp, 2008).

Reflexivity engenders a level of discipline in the researcher, to be self-reflective through the research process, to consider and critique the assumptions, decisions, and outcomes of the research method. It forces the researcher to carry out “in-depth thinking about the methods we use and the epistemological commitments that underlie them” (Nadin, 2006, p. 209). This process of self-reflection promotes ongoing learning, as the researcher is constantly reviewing and critiquing their own research practices (Nadin, 2006). The act of writing in a research journal encourages the type of deep thinking required for reflexivity, and “it represents an effort to reduce reliance on the pure data in research and to increase the use of reason” (Willis, 2007, p. 205).

The research journal is one way in which to incorporate reflexivity in the research process. It provides a venue and a catchment for the reflective process as well as forcing a dedicated time and activity to the process of self-reflection (Nadin, 2006). In the case of this dissertation, a specific decision was made to keep a research journal at the start of the data collection and analysis to document that process, to record the critical decisions, and to make evident the underlying values and assumptions that influence those decisions. A research journal is viewed as a powerful complement to the iterative process of coding and interpretation that occurs through the analysis (Orange, 2016) of the ocean policy documents that formed the primary source of data for this research. “The aim is to make the process of data analysis as visible and transparent as possible” (Ortlipp, 2008, p. 697). Another critical aspect of the reflexivity is to mitigate against the risk of presentism, whereby the researcher attributes current day understandings to the historical context (Thies, 2002), which distinguish between emergent

events and manifest events. Manifest events are key events that would be evident to people at the time, such as a world war. Emerging events are result from historical analysis, such as the attribution of the label of *New Public Management* to a period of public administration in Canadian history. The analysis of the ocean policy documents must be read in the historical context in which they are written. The purpose of using a narrative approach was to understand how the narrative ocean policy framework was articulated at the time and how it reflected the underlying norms. The research journal supports self-reflexivity to evaluate whether episodes of presentism are occurring through the analysis process.

In addition, the journal offered a critical point of self-reflection in terms of *interpreting* the voices reflected in the public consultation process for the Joint Review Panel (2013a, 2013b). The public consultation process for the JRP attracted input from local communities, First Nations, provincial and municipal government representatives, and non-government organizations. Along with the constituencies that these groups represented were the different discourses by which they defined and understood the relationship between the ocean and humans. Furthermore, it was important to acknowledge that the quasi-judicial nature of the consultation process may have privileged some groups, such as government officials who are used to that format, and may have distanced others, such as local community groups and First Nations who may have less experience with the formality of the setting. The narrative analysis process accounted for these differences through the recognition of the actor, the stakeholder group, and the context, and in addition, by also identifying through the analysis process, the voices that were not heard.

Reflexivity is intended to enhance the rigour and relevance of this research activity. The primary vehicle through which reflexivity was inserted into the research enterprise was through the research journal. Rigour was addressed through being transparent in the research process, supported by the creation of memos and their inclusion as Memos in Appendix A of this dissertation.

3.9 Review of Research Method

The strength of the narrative method of policy analysis is that it focuses on the stories that are used in the policy-making and decision-making process. “In politics, *narrative stories* are the principal means for defining and contesting policy problems. We don’t usually think of policy as literature, but most definitions of policy problems have a narrative structure, however subtle” (Stone, 2012, p. 158). The choice of narrative analysis reflects a view that the narrative is an important conduit for the communication and inclusion of ideas, values, and beliefs in the policy process. The strength of the research approach used here was its ability to narrow in on the narrative activity that underpinned the framing policy and implementation activity. In addition, using a narrative approach resulted in a common platform that allowed for ease of comparison with the public narrative resulting from the public consultation process.

The weakness of the approach was that it could offer little insight into the *why* of the change. For example, this approach did not address the relationship between interest groups or policy actors that might be instrumental in propelling the change in the policy. For this reason, researchers such as McBeth et al. (2007) have partnered their narrative analytic approach with policy change theory. In their case, the intersection point was with Sabatier’s (2010) advocacy coalition

framework, as both research methodologies were focused on the role of beliefs and interest group activity in the policy process.

Another potential challenge point with narrative analysis methodology in an interpretivist context was the lack of consensus among researchers as to what should be the appropriate standards of research as illustrated by the debate set off by Boswell and Corbett (2015a) who, drawing on the impressionist art movement in Europe in the nineteenth century, described the process of interpretivist research as impressionism. What the researchers were countering was the claim that interpretivism was *systematic*, as it had been described by others (Wagenaar, 2015; Yanow, 2006). They did not suggest that the term systematic was being applied in the same manner as in the positivist methodologies, but they felt that it was a limiting description of the process of interpretivist research. Instead, like the impressionist movement, they suggested that interpretivism was non-conformist, pushing against the conventions of the time (in this case positivism), and that research methods were applied in an “idiosyncratic and even spontaneous, rather than systematic, manner” (Boswell & Corbett, 2015a, p. 220). Boswell and Corbett (2015a) were not dismissing interpretivist research as relativist, but rather suggested that interpretivist researchers should acknowledge the nature of their research as an impression of a phenomenon of the policy process. In order to support the validity of the interpretivist process, they provided a number of suggestions, including the better use of transparency so other researchers could view the data and observations, the willingness to offer alternative impressions of the research data, and to strengthen the relationship between researchers and policy actors (pp. 221–222). The response from other researchers was immediate. Wagenaar (2015) dismissed their characterization of interpretivist research as impressionism as an attempt to bolster the

authority of the research methodology alongside that of quantitative or experimental methodologies. He suggested that argument had already been adequately addressed through “a century of non-foundational philosophy” (p. 226). He also disagreed with their proposal to increase the transparency of the research by publishing, alongside the results, the work processes of the researcher. He felt that this would be distracting and not add value to the interpretive process. Rather than impressionism, he characterized the research process of interpretivism as akin to jazz improvisation. The work process should follow a plan, but there should be sufficient flexibility so that as the impressions and interpretations take hold, there can be adjustments.

Durnová (2015) also disagreed with Boswell and Corbett’s (2015a, 2015b) characterization of the interpretivist research process as impressionism, but did concur with them that the previous description of the process as systematic was an attempt by other researchers to respond to the critique of positivism. She argued for the focus to be on intersubjectivity, which is the critical means of interpretation used as the analytical tool in interpretivist research. By intersubjectivity, she was referring to the relationship that existed between the individual and collective dimensions of meaning. Thus, she encouraged interpretivist researchers to engage in self-reflection to be mindful of how their own experience was affecting the interpretation of meaning from the data. As she noted, this put interpretivism alongside other critical approaches to policy analysis, including argumentation, post-structuralist, and critical discourse analysis.

Dubois (2015) acknowledged that the purpose behind Boswell and Corbett’s characterization of impressionism was to push against the systematic label. He noted that the systematic label had likely been needed in the earlier days of interpretive research in order for it to gain acceptance

and confidence in the research community but that the uniqueness of the approach would be lost if it was kept within those confines. What he felt was missing from the debate was a discussion of the importance of reflexivity and he felt that this was the primary component a researcher could bring to the process to demonstrate the rigour of the method. He also made the point that while it is true that interpretivist researchers are reflecting observations from a particular time and setting that is true for all researchers.

Marsh (2015) is a critical realist and therefore, unlike the others engaged in the debate, he does not follow interpretative forms of research. He did validate the value of Boswell and Corbett's characterization but offered the following insight. Interpretive researchers assumed ontology follows epistemology whereas critical realists assumed the reverse. Critical realists recognized three realms (i.e., the real, the actual, and the empirical) and that they were nested within each other. The empirical sat within the actual, and the actual within the real. Since the real was not accessible, the researcher studied the empirical in relation to the actual and through theory applied findings to result in a conclusion about the real. In contrast, he noted that interpretive research was conducted through three criteria: it needed to be plausible to practitioner and researcher alike, it needed to be iterative (i.e., a constant interaction between theory and practice), and it needed to involve immersion into the data. He too saw reflexivity as the most important tool for the interpretivist and suggested that it needed to occur at three levels. The first was that researcher's own impressions and partialities, the second was what the researcher thinks about what those who are researched think about their own actions, and finally, the third level where the reader interprets the researcher's interpretations.

Boswell and Corbett (2015b) responded to their critics. Firstly, they clarified that their purpose of initiating the debate was to highlight what they saw as a “disjuncture” (p. 375) between the claim of a systematic process and their own experience of interpretive research. They recognized the concerns of Dubois (2015) and Wagenaar (2015) that the term impressionism might only serve to prolong the fight for credibility, but they also disagreed with the characterization of interpretive research as systematic as a counter identity to positivism. This, they suggested, was neither desirable nor useful and took away from the important methodological features of interpretive research, which was its reflexivity and internal critique. They offered advice to the new researcher. They, as with the other researchers, reinforced the importance of reflexivity. They also cautioned that the research was not about obtaining perfectionism, but rather a moment, a piece of the puzzle.

There are three critical points to take away from the review of this debate. The first is the importance of reflexivity. The second is the vital need to maintain the fluidity and agility in the conduct of the research to allow the interpretive process to unfold. The third is that there remain considerable differences between researchers who are using interpretivist methodologies, and this lack of consensus is important to keep in mind in the evaluation of the conduct of interpretive research.

3.10 Conclusion

The argument for the use of narrative analysis as the research methodology recognizes the important role that narrative plays in the policy process to capture and articulate the values, ideas, and beliefs of the policy makers and the public. The focus on values, ideas, and beliefs

necessarily leads to an interpretivist framework that has both strengths and weaknesses. A key strength is the ability to focus on how these key ingredients of values, ideas, and beliefs function in the policy environment and the nuance involved in that process. A weakness is the lack of agreement by researchers on what should be the standards of research.

4. International Conventions and Obligations

4.1 Introduction

In the decades leading up to the passage of the Oceans Act in 1996, a number of international conferences and resulting agreements established international norms related to sustainable development, integrated management, the ecosystem approach, and the precautionary principle. A chronology of the significant international policy activities that influenced the framing of Canada's Oceans Act is presented in Figure 4. It is provided here as a roadmap to the guide the discussion that follows.

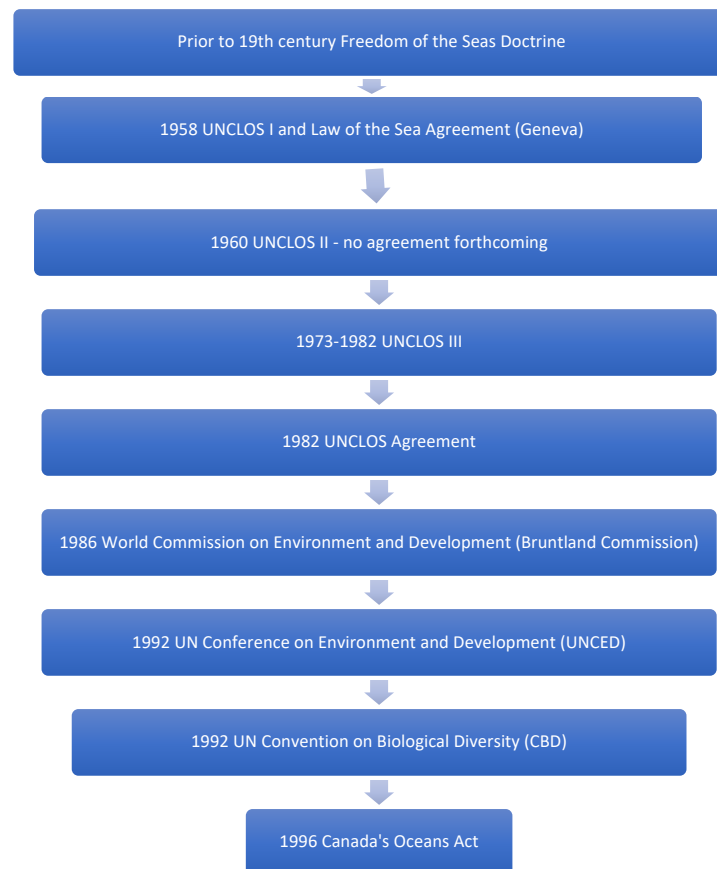


Figure 4. International policy activities

(Paine, 2013; United Nations, 1992, 2017; VanderZwaag, 1989; World Commission on the Environment and Development, 1987)

4.2 Freedom of the Seas

Up until the 19th century, the oceans had been governed by the *freedom of the seas* doctrine, a 17th century concept that had been expanded upon by Hugo Grotius in 1609 to assist the Dutch court in settling a dispute between Portuguese and the Dutch. In essence, freedom of the seas gave license for one country to travel into the ocean jurisdiction of another in order to conduct lawful activity (Paine, 2013, p. 444). National rights over the ocean were confined to a narrow band close to the coast, which in the 17th century was defined by length of a cannon shot (i.e., approximately three nautical miles), and in the 19th century extended to 12 nautical miles, which was the distance of travel for the average fishing vessel (United Nations, 1998).

The first United Nations Conference on the Law of the Sea (UNCLOS I) in 1958 in Geneva yielded an agreement (LOS) that outlined “the jurisdictional rights and sovereign co-existence, but had little to say about environmental management obligations” (VanderZwaag, 1989, p. 95). The second United Nations Conference on the Law of the Sea (UNCLOS II) lasted six weeks and did not result in any agreement (United Nations, 1960).

4.3 United Nations Convention on the Law of the Sea

The third United Nations Conference on the Law of the Sea (UNCLOS III) took place between 1973 and 1982, and both the conference and the resulting agreement were instrumental in defining a new direction for ocean policy internationally and in Canada (Juda, 2003). The most significant contribution was that the United Nations Convention on the Law of the Sea (United Nations, 1982) set out the legal basis for how nation-states would cooperate regarding access to and use of the ocean environment. The Convention, known as UNCLOS, extended the ocean

jurisdictions under the exclusive management of a nation-state, while the remaining high seas continued as a common area. Equally as important, UNCLOS established principles by which all ocean resources were to be governed that emphasized the common heritage of the ocean regardless of location, the importance of conservation and preservation of the ocean and its living resources, and the emphasis on equitable use and access to the ocean resources. Canada was an early contributor to the preparations for the Conference as well as the drafting of the Convention (Beesley, 1989), but did not actually ratify it until 2003 (McDorman & Chircop, 2012).

Despite the fact that Canada took time to actually ratify the agreement, both the Conference and the Convention were instrumental towards framing the future of ocean policy in Canada. In the first part, UNCLOS laid out the boundaries of the territorial sea, contiguous zone, and the exclusive economic zone, which defined the rights of coastal nations including Canada. While Canada had earlier established a 200-nautical-mile limit around its ocean territory, the recognition in international law was essential for Canada to enforce its jurisdiction in this area. UNCLOS recognizes the sovereignty over the sea bed beyond the 200-mile limit in particular circumstances where it can be demonstrated, through technical and scientific means, that it represents a natural extension of the continental shelf. Canada, in 2013, submitted a brief to the Commission on the Limits of the Continental Shelf to have its jurisdiction in the Atlantic and Arctic recognized under this extension (United Nations, 2014).

As noted, UNCLOS did not simply assign territorial rights to nations, but also obligations with regard to conservation and preservation of the ocean environment and the living resources within

it. A key principle introduced in UNCLOS, and then subsequently expanded in the Oceans Act (1996), was the obligation to consider the ocean and its uses as a whole. This formed the genesis of an integrated approach to oceans management. A more detailed discussion of the integrated approach follows, but in essence, it is intended to move away from the previous practice of a sectoral approach to ocean management. The integrated principle, as noted in UNCLOS, recognized that activities in the ocean are interrelated. This was a fundamental change for Canada in the way that it had been pursuing its ocean management activities. The Oceans Act (1996) was the essential legal basis for an integrated approach, not only across sectors, but also with the provincial, territorial, and First Nations governments, and it was clearly motivated by the necessity of meeting the obligation set out by UNCLOS.

Another significant aspect of UNCLOS was to set out the requirement to find balance between the economic exploitation of the ocean and its living resources and to conserve and preserve the ocean. UNCLOS set out in Part XII particular obligations on the part of nation-states for the protection and preservation of the marine environment (UNCLOS, 1982). Van Dyke and Broder (2015) described the inclusion of this language as a “turning point in the human stewardship of the ocean” (p. 49). They highlighted the significance of the use of the term marine environment, which extended consideration beyond simply the ocean to also the air above, the seabed below, the water within, and the living resources that inhabited it. They suggested that the inclusion of the words protect and preserve expanded the obligation beyond the current day and included consideration of future use of the ocean. UNCLOS governs specific activities related to the pollution of the ocean environment, including marine pollution, pollution from land-use, pollution from seabed exploitation or exploration, pollution from atmospheric sources, and

vessel-source pollution. It also enables nation-states to take particular measures to protect rare and fragile eco-systems and the habitat of marine mammals (VanderZwaag, 1989). Canada was also successful in getting recognition for the specific circumstance of marine pollution in the Arctic environment. While, as VanderZwagg (1989) noted, Canada had been unable to get the Northwest Passage excluded from the international transit waters, the inclusion of Article 234 gave nations specific powers to regulate and, if necessary, impose special requirements on vessels intending to transit through ice-covered waters.

UNCLOS was explicit about the need for cooperation among nations and with other international agreements and organizations intended to protect the marine environment. Indeed, the United Nations is not involved in the direct operation of the Convention but relies on international organizations such as the International Maritime Organization, the International Whaling Commission, and the International Seabed Authority. UNCLOS obliges the nation-state to institute domestic laws and regulations to prevent, reduce, and control pollution of the marine environment, and this extends to land-based activities as well as those undertaken in the water and on the sea-bed. Canada does not, within the Oceans Act (1996), address all of these potential areas of pollution in the ocean environment. Indeed, a potential weakness of the Act is that by failing to provide for clear direction in this regard, meeting the obligation requires reliance on other federal departments and other jurisdictions. Particular mention is made in UNCLOS of the obligations of nations regarding vessel traffic, including for those who act as flag state for vessels. Nations also have responsibilities as a port of call to ensure that all measures are taken to reduce the risk of pollution resulting from vessel traffic. UNCLOS relies on the International Maritime Organization for international regulation and prevention of vessel-sourced pollution in

terms of setting international standards for domestic regulation but also to administer protection to the high seas (International Maritime Organization, 2015).

While UNCLOS (1982) represented a watershed in terms of a shift in direction of ocean management to include protection and conservation, it did not include an explicit statement of sustainable development or use of the precautionary principle, principles that evolve later through the work of the World Commission on Environment and Development, the Brundtland Commission (World Commission on the Environment and Development, 1987), the United Nations Conference on Environment and Development (United Nations, 1992b), and the Convention on Biological Diversity (United Nations, 1992a). However, hints of the underpinning narrative of these two norms can be found in Articles 61 and 62, which address the exploitation of living resources in the ocean, as well as in Article 192, which addresses the general obligations of marine protection by sovereign states. In addition, there is a consistent narrative throughout UNCLOS that while it is intended to enable the economic exploitation of the ocean environment, it is to be conducted within an overall context of the protection and preservation of the marine environment.

Beyond the actual text, and the subsequent activity required to meet its obligations, the lead up to and the length of the UNCLOS III process had a positive effect in mobilizing the development of ocean policy activity within Canada. Juda (2003, p.162) characterized the negotiations as catalytic, suggesting that they introduced into the Canadian policy environment, particularly at a federal level, the concepts of integrated management, the importance of consideration of the impact of land-based activities on the ocean, and what he described as a “systems” approach to

oceans management. This approach considers the ocean as an inter-related, fluid, and interactive ecological ecosystem. It moves away from delimiting the ocean by the artificial political boundaries of nation-states, territories, or jurisdictions and is the critical frame for ecosystem-based management. As Juda noted, it drops the confines of spatially bounded management and moves towards consideration of the impact of use on the whole ecosystem. Equally importantly, it moves beyond considering ocean use conflict as simply between various uses of the ocean and extends it to consideration of the human impact on the ocean as a natural environment. This approach represented a substantive shift to ocean management that had historically been sector-based, focused on ocean use rather than ocean conservation, and offered little regard to the cumulative impact of human use on the ocean.

4.4 Bruntland Commission

The World Commission on Environment and Development known commonly as the Bruntland Commission (World Commission on the Environment and Development, 1987) provided a robust declaration of the importance of taking a sustainable development approach to the environment, and to the oceans. “Sustainable development, if not survival itself, depends on significant advances in the management of oceans. Considerable changes will be required in our institutions and policies and more resources will have to be committed to oceans management” (World Commission on the Environment and Development, 1987, p. 264). Indeed, the Bruntland Commission is commonly attributed with launching the concept of sustainable development onto the international policy stage (Miles, 1999). In terms of ocean management, it built upon the earlier work of UNCLOS and noted that signing UNCLOS would be the most significant action to be taken by a state towards effective ocean management. As with UNCLOS, the Commission

began by reiterating the immediate and ongoing necessity for states to cooperate and coordinate in their efforts to manage the common resource of the global oceans:

The traditional forms of national sovereignty are increasingly challenged by the realities of ecological and economic independence. Nowhere is this truer than in shared ecosystems and in ‘the global commons’—those parts of the planet that fall outside of national jurisdictions. Here, sustainable development can be secured only through international cooperation and agreed regimes for surveillance, development, and management in the common interest. (p. 261)

As with UNCLOS, the Commission emphasized the importance of approaching the ocean as a whole noting that UNCLOS represented “a major step towards an integrated management regime for oceans” (World Commission on the Environment and Development, 1987, p. 273). The Commission went further to begin to define an eco-system approach to ocean management.

The oceans are marked by a fundamental unity for which there is no escape, interconnected cycles of energy, climate, marine living resources and human activities move through coastal waters, regional seas, and closed oceans. (p. 262)

Given the strong evidence of degradation of and pollution in the ocean environment and that it was broad and pervasive, the Bruntland Commission recommended that ocean management be underpinned by three key imperatives: (a) effective global management regimes, (b) mandatory regional management, and (c) international cooperation to manage the land threats to the ocean environment (World Commission on the Environment and Development, 1987, p. 264–270). It called upon individual states to “launch an urgent review of the legal and institutional requirements for integrated management of their EEZs [Exclusive Economic Zone], and of their roles in arrangements for international cooperation” (p. 265).

The Bruntland Commission's approach was distinct from Canada's ocean policy development in several ways. Firstly, the Commission did not distinguish between fisheries management and ocean management, but instead incorporated fisheries management as a pillar in its call for action to improve ocean governance regimes both globally and nationally (World Commission on the Environment and Development, 1987). On a national basis, the Commission felt that countries had been inadequate in their development of robust measures to manage the common resource of fish stocks under their jurisdictions. By contrast, Canada has always managed its fisheries under a separate statutory regime from ocean management even after the Government Organization Act (1979) that brought both fisheries and ocean management under one department.

The Bruntland Commission also identified the importance of ongoing efforts to implement a moratorium on whaling under the auspices of the International Whaling Commission (IWC). Canada has banned whaling since 1972 but has allowed whaling by the Inuit for subsistence and cultural reasons. In 1981, Canada withdrew its membership from the International Whaling Commission in objection to the blanket moratorium that had been issued by IWC, citing the lack of scientific evidence to support such a broad action (Reuters, 1981). Prior to 1982, the IWC and Canada had allowed the Inuit to continue to hunt bowhead whales for subsistence purposes. The 1982 moratorium reflected a change in IWC position, and even though the IWC has a process to consider the needs of subsistence, a 2002 special session to consider how to proceed with Inuit claims for subsistence whaling dissolved without consensus due to the member politics of the IWC. Both the US and IWC considered that Canada, despite not being a member of IWC, has an

obligation arising out of UNCLOS to cooperate with the IWC (Specia, 2012). While Canada has continued to allow the Inuit to engage in subsistence whaling, it also manages its responsibilities within the overall principle of protecting global biodiversity. Canada manages its conservation through the Department of Fisheries and Oceans that has primary responsibility for the management of whales, including through the Species at Risk Act (2002) to meet the commitments of the United Nations Convention on Biodiversity (Government of Canada, 2017).

Regional cooperation was a critical emphasis of the Bruntland Commission and is primarily governed in Canada through agreements with the US with whom it shares land and marine boundaries and straddling fish stocks, such as the *Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries* (United Nations, 1978) and the *Treaty Concerning Pacific Salmon* (Canada and US, 1985). The Commission acknowledged the cooperation of Canada and the US in the clean-up of the Great Lakes, which represented an \$8.85 billion investment by the countries over the span of 15 years but noted that a continued gap for all countries was specific measures, including funds and implementation schedules to address the pollution from land run-off, particularly agricultural grounds. Canada's Oceans Act (1996) does not address land use impacts on the ocean environment specifically, but instead relies on the Fisheries Act (1985), where in Section 35, it assigns habitat protection to DFO, and in Section 36 ECCC is tasked with pollution prevention.

4.5 United Nations Conference on the Environment and Development

The United Nations Conference on the Environment and Development (UNCED) (United Nations, 1992b), which met in Rio in 1992, continued the same themes as the Bruntland

Commission but, especially as related to oceans in Chapter 17 (United Nations, 1992b), it was more prescriptive. According to Vallega (2001), UNCED was convened for the purpose of creating a new approach to ocean management that would reconcile the needs of developing and developed nations, but also incorporate a global approach to climate change. Chapter 17 was entirely focused on protection of the ocean, and rather than articulating a balance between use, it focused on conservation and protection. It contributed to the development of the international ocean policy agenda through not only reiterating the importance of integrated management, cooperation, and sustainable development, but also emphasizing the importance of taking preventive, precautionary, and anticipatory approaches to ocean management. It also directly tied the discussion of ocean management to the study and preparations for climate change. It expanded the concept of cooperation to not only include other member states, but also participation by civil society and the incorporation of traditional ecological knowledge in the ocean management process. It laid out clear objectives for the broad themes of sustainable development and use of the ocean and its living resources, marine environment protection, and addressing climate change. It was prescriptive in delineating the key implementation activities to be undertaken at international, regional, national, and local levels to achieve the objectives.

Vallega (2001) described UNCED as a pivotal change from a modern to a post-modern approach to the ocean. A critical aspect was the move from approaching the ocean as an enormous reservoir for exploitation and, instead, adopting “a much wider viewpoint also including the representation of the ocean as a space rich in cultural heritage, and essential for maintaining the Earth’s ecological balance” (p. 400). This wider conceptualization of the ocean was articulated in UNCED (United Nations, 1992b) through Agenda 21 and its promotion of integration and a

holistic approach as cornerstones to sustainable development in both ocean and coastal management.

In terms of the contribution of key principles and concepts to the development of Canada's Oceans Act (1997), there are a number of highlights. The first is that in Chapter 17 (United Nations, 1992b), the description of what is meant by integrated management went further than had been articulated by UNCLOS. Indeed, Miles (1999) suggested that UNCED was necessary to address the implementation failure of UNCLOS: "UNCED should be read as the logical consequence of cumulative coastal state failure to implement the integrative ocean management approaches they had designed into the 1982 Convention" (p. 5). Integration, as it was described in Chapter 17, went beyond the consideration of the ocean as a whole. It too, as with UNCLOS and the Bruntland Commission, emphasized the importance of cooperation internationally and regionally.

The advice of Chapter 17 went further to describe the importance of involving participants from civil society including academics, environmental groups and local communities. Integration meant as well bringing together the policy and decision-making functions within ocean management and relying on a broad source of knowledge, including scientific and traditional ecological knowledge. There was a clear emphasis that the integrative approach would be multi-disciplinary incorporating into analysis socio-economic, cultural, and environmental values as well as scientific data on the marine environment. In addition, integration meant a comprehensive approach to ocean management that recognized the land-based activity as the primary source of pollutants of the marine environment. A significant portion of the chapter was

devoted to this aspect of marine pollution while, of course, maintaining consideration of ship-source and other sources of pollution. Chapter 17 not only focused on the integrative activities required on an international and regional basis, but also throughout recognized that key implementation activities occur on a local basis. Thus, it encouraged mechanisms to build capacity, encourage participation in decision-making and promote involvement in implementation at this level.

Sustainable development, as it was described in Chapter 17 included an emphasis on the importance of taking a preventive, precautionary, and anticipatory approach to ocean management, from the living resources such as fisheries management to environmental protection. It included significant emphasis on applying the precautionary principle as an additional and equal consideration. This same approach is reflected in Canada's Oceans Act (1996) and its implementation activities.

Through Chapter 17, recognition was made to the role of Indigenous communities, coastal communities, and even made specific mention of women and children as societal members who may not be captured in the broader public frame of international policy making activities. The report suggested that these groups should be included in the capacity-building around integrated ocean management through education and training that included due regard for traditional ecological knowledge and socio-cultural values. In these statements, Chapter 17 demonstrated a broader critical frame in the construction of its policy framework that had been used to underpin UNCLOS (1982) or the Bruntland Commission (1987). While Canada's Oceans Act does contain specific reference to Indigenous peoples, this may be more motivated by obligations

under the Charter of Rights and Freedoms (1982) than a recognition of the knowledge and experience of First Nations who have been managing their ocean resources for thousands of years.

In addition, throughout Chapter 17 (United Nations, 1992b), there is a broadening of the disciplinary approach as noted above. By incorporating recognition of the socio-economic, environmental, and ecological values in integrated ocean management, it not only ensured a more comprehensive and holistic approach, it would also require an investment to collect the data, incorporate the knowledge, and integrate it.

Finally, it is interesting that from UNCLOS (United Nations, 1982) to the 1992 Rio Conference (United Nations, 1992a), a stronger recognition of the effects of climate change had evolved. UNCLOS was predominantly developed to outline the framework for the international management of the ocean and recognition of national territories, and as noted earlier, it sought to balance ocean protection and ocean use but without accounting for the uncertainty of climate change. Chapter 17 (United Nations, 1992b) was very specific in addressing the interaction between ocean and climate and the high degree of uncertainty that existed due to a lack of knowledge about what that would mean for the future. The emphasis of Chapter 17 was on encouraging the investment in science and technology to capture the data needed to run global climate models and better understand this critical relationship and its impact on a changing environment. Canada's Oceans Act (1996) did not incorporate such a clear statement of focus on the interactive relationship between ocean and climate, but it did emerge in the Oceans Strategy (Fisheries and Oceans, 2002a) and the Oceans Action Plan (Fisheries and Oceans, 2005a). In the

public narrative, there were numerous references to the link between the ocean management and climate change, citing the anticipated effects of climate change as a rationale for urgency of action.

4.6 Convention on Biological Diversity

The Rio Summit in 1992 (United Nations, 1992a) led to the Convention on Biological Diversity (CBD) that included the critical concepts of sustainable development, the importance of taking an ecosystem approach, and the need for integration of these concepts into national activities.

The rights and obligations of states under CBD, as they related to the marine environment, were framed by UNCLOS (1982). The fundamental addition of CBD to the international policy dialogue was the critical commitment to the conservation and protection of biodiversity through sustainable use, which was defined as “the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations” (United Nations, 1992a, p. 4). This translated into policy objectives such as establishing protected areas to conserve biological diversity and ensuring that the areas adjacent to them are managed in an environmentally sound way to protect natural habitat and biological diversity. In Canada’s Oceans Act (1996), the creation of marine protected areas was specifically defined as a strategic objective not only to protect fish stocks, but to also meet the commitments of CBD. Illustrative of the divided nature of ocean management within the Canadian federal environment, it was actually Heritage Canada, having responsibility for Canada’s parks, that developed the responses to UNCED, CBD, and UNCLOS by revising the National Marine Conservation Areas Policy in 1994 and implementing a National Marine Conservation Plan in 1995 (Haward &

VanderZwaag, 1995). Environment Canada also took action through the development of the Canadian Endangered Species Act in 1995 and update in 2002 (Species at Risk Act, 2002). As Haward and VanderZwaag (1995, p. 287) noted in their review of its implementation related to marine management, while the Canadian Biodiversity Strategy called for strengthening legal instruments for the implementing the commitments to biological diversity protection, in fact it offered only vague guidance due to lack of coherent and robust legislation either federally or in the provinces and territories.

In summary, this discussion of the significant international policy activity undertaken in the lead up to the 1996 Oceans Act is illustrative to see the evolution of the international norms that frame the Oceans Act. From the early articulations of the importance of whole approach and integrated management in UNCLOS, to the specificity regarding the importance of sustainable development in the Bruntland Commission report, to the promotion of the importance of the precautionary principle in UNCED, and the protection of biodiversity through CBD, the development of Canada's Oceans Act took place within an active international policy environment. The activities mentioned here are only highlights, and Canada's Oceans Act was only one of a number of responses that the federal government undertook to meet its international obligations. What is critical, from the perspective of the research, is that the norms as they developed in international forums, framed the underlying policy narrative of Canada's Oceans Act. What will proceed further in this chapter is a discussion about these key norms from a theoretical basis and how they may translate into policy activity.

4.7 International Norms within Ocean Policy

As noted thus far, Canada's ocean policy developed within an active international policy environment that established core principles in how the ocean and broader environment should be governed in order to conserve and protect it. Three principles in particular, sustainable development, the precautionary principle and integrated management are integral to the development of Canada's ocean policy from 1996 to 2006. The discussion that follows outlines these principles in greater detail and provides context into how they relate to the development of Canada's ocean policy.

4.7.1 Sustainable development

The Bruntland Commission (World Commission on Environment and Development, 1987), is credited with launching the concept of sustainable development into the international policy forum, though it is derived from earlier concept of maximum sustainable yield that Dryzek (2013) suggested had roots in early Indigenous Peoples use of local resources. The Bruntland Commission defined sustainable development as "the development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development, 1987, p. 43). In addition, the Bruntland Commission emphasized the importance of integrating economic and environmental considerations into decision making, noting the practical effect that they are already joined. The Commission proposed that this integration occur at the sectoral level so that decision making would not be confined to sectoral boundaries but become integrated in a more holistic approach. They also suggested that at a national level, there would need to be changes in legal and institutional frameworks in order to bring an integrated approach forward that would truly

consider the common interest. The Commission also emphasized the importance of localized decision-making that included participation of the broader public, and the development of community knowledge and support (pp. 62–63).

Dryzek (2013) described the Bruntland Commission's use of the term sustainable development as transformational as it brought together the concepts of economic growth, environmental improvement, population stabilization, peace and global equity. Miles (1999) felt that this definition and the one that followed in 1992 in the CBD were very specific to species conservation and too narrow. Both Dryzek and Miles found the Bruntland Commission definition too vague to be implementable. Instead, Miles drew on the definitions offered by Repetto and Solow to proffer a more generalizable definition of sustainable development founded on the principle that current users had an obligation to leave the environment in a manner that would ensure future users would have the same capacity to be well-off. He highlighted, in particular, Repetto's definition that "a condition of sustainable development would exist when future economic growth begins to emulate natural productivity" (p. 8). He incorporated Repetto's understanding that the environmental foundation was continuously changing and evolving, thus "the asset base must and will change with time" (p. 8). It was not a preservation of status quo, but rather living within the capabilities of the environment that itself was undergoing constant change and evolution.

Dryzek (2013) argued that it was futile to pursue a definition of sustainable development as it was in fact a discourse that becomes defined by the ideological parameters of those who employ its use. He noted how in 2002, following the World Summit on Sustainable Development, the

concept became less about environmental concerns as it was about conceiving of development in a way that would capitalize on globalization and free trade, though, as he acknowledged, this was truer for the US. Developing countries by contrast were looking to address the growing environmental degradation. The evolution of sustainable development continued, depending on the forum and the policy actor. Dryzek pointed to the example of the World Bank, which initially implemented sustainable development practices to address criticism from environmental groups that its sponsored projects in developing countries were contributing to environmental degradation. However, overtime, the sustainable development focus became less about promoting equity amongst nations than, in his view, pursuing a vision of sustainable development predicated on the belief that if developed countries got richer, they would be better placed to help developing countries as key markets.

A critical and perhaps underdeveloped aspect of the Bruntland Commission's articulation of sustainable development was that it proposed as the objective for sustainable development not simply harmony amongst the users of the environment, but harmony as well between humanity and nature (World Commission on the Environment and Development, 1987, p. 65). Within this latter concept, were the beginnings of a movement from an anthropocentric approach to the environment towards acknowledging a responsibility to nature that goes beyond its capacity to meet human needs. Unfortunately, this aspect of sustainable development became overwhelmed by the economic frame in which the concept was employed (Mitchell, 1998).

Mitchell (1998) used an economic lens to draw on the concept of sustainable development to outline what was necessary to support and promote the growth of Canada's ocean industries. His

two criteria for evaluating sustainable development were: what was the biologically safe level of exploitation, and what economic returns could be realized. He placed the impact of a sustainable development approach to ocean management as benefiting not only the ocean industries but also the broader economy through the significant backward and forward linkages between them. He identified distinct growth phases for the Canadian ocean economy noting that fisheries and shipbuilding, as mature sectors, were on a downturn growth cycle whereas offshore oil and gas were on a potential upturn. Mitchell described the shipping and tourism sectors as stable. He proposed three key elements for the strategy: (a) operate the fishery industry on a sustainable basis, (b) ensure the offshore oil and gas industry operates to support long term production, and (c) use coastal zone management to better protect the ocean from both land-based and ocean sources of pollution (p. 410). Mitchell's underlying conceptualization of sustainable development is a limited one, suggesting that consideration of environmental impacts was important only relative to their impact on economic returns. His view was, however, representative of the Canadian ocean industry of the day, which were seeking from government a better coordinated approach to ocean management that encouraged growth in their industries including implementing conservation and protection if it would lead to eventual economic benefit (p. 409).

4.7.6.1.i Implementation of sustainable development in Canada

While sustainable development was a framing principle for Canada's Oceans Act (1996), it was also being implemented in other parts of the federal government, including through the horizontal initiative under auspices of the Auditor General of Canada. In Canada, the Government of Canada amended the Auditor General Act in 1995 to integrate sustainable

development practices into government policy. In 1996, the Auditor General appointed the first Commissioner of the Environment and Sustainable Development (Auditor General of Canada, 1997). In 1997, Fisheries and Oceans, along with 27 other departments, tabled their first sustainable development strategy. The definition of sustainable development that was used in the Auditor General Act and throughout the implementation was that of the Bruntland Commission. However as the Auditor General's office acknowledged in its sustainable development strategy in 1997, sustainable development "is a constantly evolving concept based on the integration of social, economic and environmental concerns into the activities of private or public organizations" (Auditor General of Canada, 1997, p. 37.10).

In 2008, the Federal Sustainable Development Act was passed, and in 2010, the federal government developed a government-wide sustainable development strategy. In the Federal Sustainable Development Act, the framing principle went beyond the Bruntland Commission definition to include "sustainable development is based on an ecologically efficient use of natural, social and economic resources and acknowledges the need to integrate environmental, economic and social factors in the making of all decisions by government" (Section 5, para. 1). The Federal Sustainable Development Act included a requirement of a progress report every three years and the appointment of the Sustainable Development Advisory Council, which included representation from provincial and territorial governments, the First Nations, environmental non-government organizations, business, and labour.

4.7.1.ii Sustainable development and Canada's ocean policy

Sustainable development is a fundamental principle of Canada's Oceans Act (1996), and so the sustainable development activities undertaken by DFO are interwoven into the implementation activities of the Act. Fisheries and Oceans Canada developed its first sustainable development strategy in 1997 and then subsequently tabled a 2001-2003 updated strategy that was intended to address the weakness of that earlier strategy (Fisheries and Oceans Canada, 2001). In the second strategy, DFO decided to be more selective in terms of its targeted activities (Fisheries and Oceans Canada, 2001). The department continued to issue updates including a 2005-2006 sustainable development strategy (Fisheries and Oceans Canada, 2005b) and 2007-2009 sustainable development strategy (Fisheries and Oceans Canada, 2006). Fisheries and Oceans Canada incorporated reporting on its sustainable development activities through the annual Planning and Priority process but in addition, it participated in the broader process required under the amended Federal Sustainable Development Act that passed in 2008.

As it related to the 1996 Oceans Act specifically, Mitchell (1998) felt that while the Act established an improved legislative basis for good ocean management, it had not gone far enough to provide the administrative and management structures to enable an integrated approach to ocean management. The integrative capacity was seen as a necessary underpinning of sustainable development at a federal level where he felt that there was still work to be done to improve the capacity of DFO to truly lead oceans management for the federal government. Firstly, he proposed an internal change to DFO, moving it from its primary focus on fisheries to give equal primacy to oceans. Secondly, he suggested that for DFO to operate as a full-fledged ocean department, it would require a transfer of specific ocean-related units that resided in other

departments to DFO. He gave the examples of marine oil and gas exploitation and oceans economic policy and planning. He also suggested better coordination of marine transportation and coastal zone management through interdepartmental committees. Mitchell's recommendations, while based on a narrow conceptualization of sustainable development, are nevertheless persistent themes in the critique of Canada's ocean management framework.

4.7.2 Integrated management

As discussed earlier in the review of international agreements as well as the legal approach to ocean policy, integrated management was a key framing principle of ocean governance. A key objective of integrative management was to move away from sectoral approaches and towards coordination amongst federal departments and working with partners such as the provinces, territories, and First Nations. The passage of UNCLOS represented a significant policy lever to use with the implementation of the concept of integrated management, but it would require political will to overcome the institutional and jurisdictional boundaries required to implement it.

4.7.2.i Defining integrated management

Miles (1999) referred back to UNCLOS to describe an integrated management approach to the ocean as a mechanism to ensure that decisions around ocean use should be made in a manner that “sees the problem as a whole” (p. 6). He included in the implementation of that concept both the juxtaposition of ocean use against broader national priorities such as the contribution to economy, but noted that it also involved “designing a structure to oversee the development of policy by and for the traditional marine sectors and hold the sectors accountable for implementation” (p. 6). Equally significant to the weighing of the different uses and managing

the conflict between users of the ocean space was a need to base the decision making upon the sustainable use of the ocean, a principle reiterated in the United Nations Conference on the Environment and Development in 1992, in response to the lack of action in this regard that had been taken by the nations following the UNCLOS agreement in 1982 (Miles, 1999).

Integration also means incorporating the land-sea interface for consideration. Land-based pollution is the most significant source of pollution in the ocean, emanating from industrial and agricultural sources and also from coastal communities' wastewater management. Less prevalent but equally significant, coastal lands and rivers are vulnerable to oil spills and other contaminants coming from marine transportation and the fishing industry (World Commission on Environment and Development, 1987).

Underdal (1980) defined what was meant by integrated policy, suggesting it was “a policy where the constituent elements are brought together and made subjects to a single, unifying conception” (p. 159). He suggested that for a policy to be considered integrated, it must meet three requirements: comprehensiveness, aggregation, and consistency. However, he noted that these requirements referred to different aspects of the policy-making process. Therefore, he suggested that comprehensiveness was a requirement of the input stage, aggregation at the decision-making phase, and consistency at the outputs. He suggested that comprehensiveness could be measured along four dimensions of time, space, actors, and issues. In regard to time, he suggested integrating policy requires taking the long view, to consider the consequences for future generations. Defining what is the appropriate parameters of the marine space under consideration is a challenge for policymakers, as they are operating within politically determined jurisdictions

that are rarely consistent with the ecological system. This discordance can lead to conflict between jurisdictions over fish stocks or the transfer of impacts from human activity from one area to another. Even in the planning for marine protected areas, attempts to define boundaries according to the ecosystem must contend with an ever-changing environment and the movement of living resources.

Underdal (1980) identified two additional dimensions for the evaluation of the comprehensiveness of a policy: namely, actors and issues that can often be treated together. Actors, in a policy realm, refer to all those involved in the policy area, from stakeholders to decision makers. Evaluating comprehensiveness would involve assessing the degree to which the actor group is reflected as a *reference group* in the policy. In other words, if there was a narrow band of actors whose interests are reflected in the policy, it would not be deemed comprehensive. A policy can equally be evaluated for its comprehensiveness by how issues, including interdependencies, are reflected in the policy. Policy issues are often defined narrowly within the jurisdiction of each of the departmental portfolios such as Fisheries and Oceans or Transport, reflecting the persistence of a sectoral approach, which is a confounding aspect to achieving an integrated approach.

The last requirement that Underdal (1980) identified for effective integrated policy was consistency, meaning “a consistent policy is one that is in harmony with itself” (p. 160). He suggested that the measure of consistency would include both the vertical and horizontal dimension, and both would involve a demonstration of accord with broad policy goals. Integrating policy also requires that decisions be based on recognizing the broader scope of

consequences for the policy. Vallega (2001) defined the need to move towards a post-modern approach to the ocean that required a refit of policy activity to incorporate holistic, ecological and socially sound thinking into it. He suggested that this change in thinking was necessary to address the challenges of climate change and to reflect the evolving uses of the ocean beyond fishing and transportation.

The benefit of integration in policy terms is that it improves outcomes by increasing collective efficiency amongst stakeholder groups, reduces policy failure by considering interactions, and ensures consistency in policy implementation. Underdal (1980) distinguished between direct and indirect approaches to integration. The direct approach involves defining specific goals and principles as guidelines for the implementation of the policy. Indirect approaches include an intellectual one of using training, research or socialization to bring policy actors into alignment with the overall policy objectives. A more political approach would be to move the nexus of implementation, either vertically up the hierarchy to a more senior level of authority or horizontally to policy area that had a broader perspective.

Lévy (1993) argued that the concept of integration should be pursued more at the localized level, as he felt it was necessary that the national government have the flexibility to address national socio-economic pressures on a more sectoral basis. Thus, he anticipated that alongside a national ocean policy, fisheries, marine protection, and marine transport policies would exist, which is indeed the case in Canada. What is missing from Lévy's discussion is how to reconcile the normative frame of each of the sectoral policies, so they are working in concert and not in conflict with each other.

4.7.2.ii Integrated management in Canada

In Canada, integration has taken place at two levels. At a federal level, beginning in 1987, there was the development of an interdepartmental committee that would enable the federal departments with ocean-related activity to share information and to coordinate their activities (Crowley & Bourgeois, 1989a). The passage of the Oceans Act (1996) signaled that Canada had developed sufficient political will to incorporate integrated management in official policy, a factor that had been missing from earlier attempts to implement it in Canada through conferences organized in 1994 in Halifax and 1996 in Rimouski (Crowley & Bourgeois, 1989b).

In Part II, section 29 the Oceans Act specifically assigned responsibility to DFO to lead activities to facilitate the integrated management of Canada's ocean territory.

In addition, integrated management has been pursued at a regional or local ecosystem level. As a key aspect of the implementation of the Act, five large area ocean management areas were identified to pilot the integrated oceans management approach. There are five Large Ocean Management Areas (LOMAS) in Canada, including the Eastern Scotian Shelf Initiative, the Pacific North Coast Integrated Management Area, and the Beaufort Sea. The five LOMA areas are outlined in Figure 5.

Bioregions and LOMAs of Canada

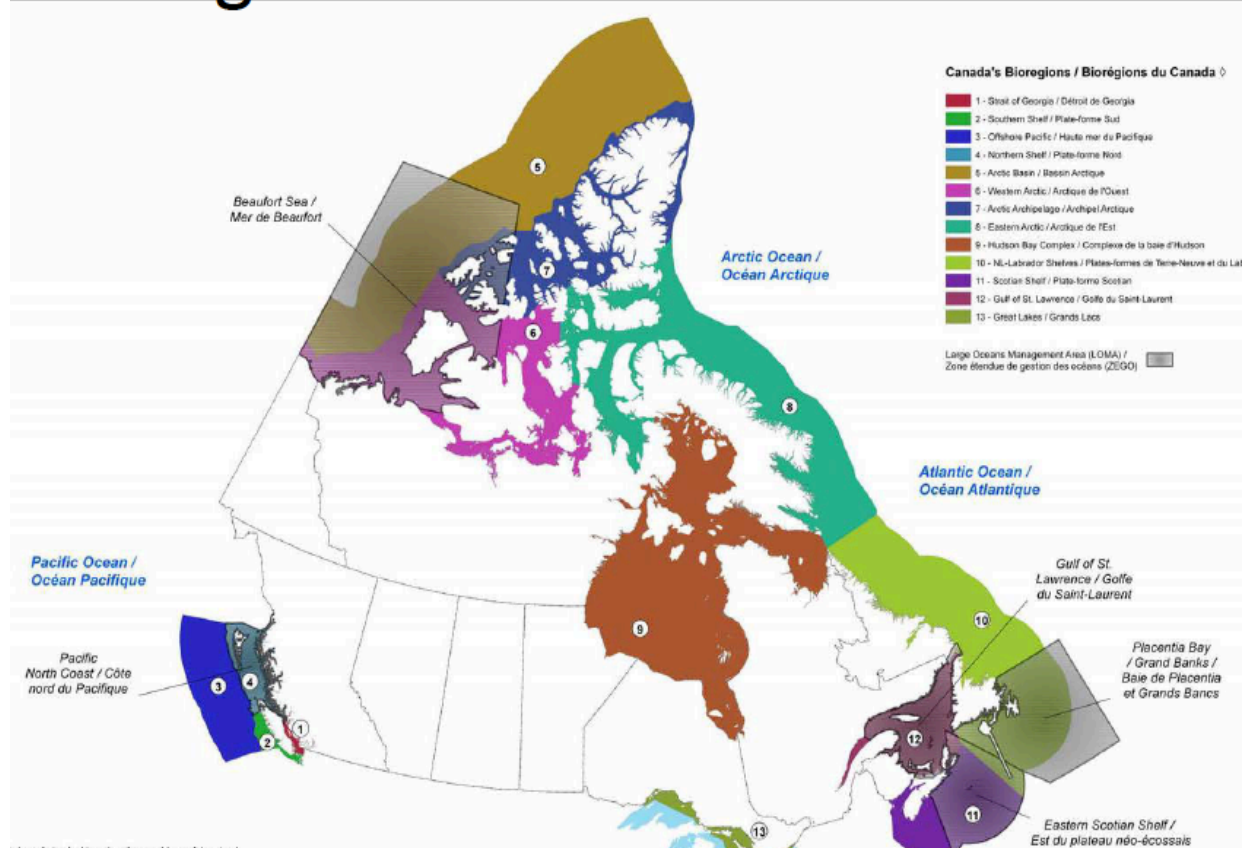


Figure 5. Bioregions and LOMAs

Source: Anderson Presentation, Fisheries and Oceans, 2015

Within the LOMAs, interdepartmental committees were continued on a regional basis to provide the steering for the integrated ocean management activities. Earlier reviews of the implementation of the Oceans Act (Commissioner of the Environment and Sustainable Development, 2005; Standing Committee on Fisheries and Oceans, 2001) had highlighted that integrated management was not being implemented at a federal level through better coordination of the federal departments and was slow to be implemented at a local level through the LOMAs. In fact, it would take more than 20 years before the last integrated management plan was finalized.

An evaluation of the integrated ocean management program was undertaken in 2011 by the Evaluation Directorate of Fisheries and Oceans.

The main objective of this evaluation is to determine to what extent the Integrated Oceans Management (IOM) Program is relevant, is managed effectively and efficiently, and whether it has achieved its stated objectives. (Evaluation Directorate, 2012, Evaluation Objective section, para. 1)

The key findings included that integrated management was an effective approach for terrestrial environments and had been implemented in other countries. The Evaluation Directorate (2012) found that the approach aligned well with other Government of Canada programs, including the National Water Strategy that was not implemented, and the Federal Sustainable Development Strategy. It found that within DFO, some tension resulted from the historic single species approach to fisheries management and the ecosystem-based approach required by integrated oceans management. Finally, while acknowledging the activity under the Oceans Strategy (Fisheries and Oceans Canada, 2002a), the evaluation suggested that there was still a need for DFO to better serve its leadership role related to integrated management as defined under the Oceans Act.

4.7.2.iii Marine spatial planning and integrated management

Marine spatial planning is a tool often used to support integrated management activities at a local or regional level and draws upon an ecosystem-based approach by seeking to reconcile the multiple uses of the ocean environment as well as the cumulative effect. It has been used as a framework to reconcile different values and interests, as both a planning but also participatory tool to bring stakeholders into the decision-making process (Olsen, McCann, & Fugate, 2014).

Marine spatial planning is sometimes conflated in understanding with ocean governance or as a process for integrated ocean management, though it is distinct from both. There is also a lack of clear distinction between what is meant by marine spatial planning versus coastal area planning, as they share many of the same characteristics, including the main objective, which is to offer a mechanism to decide upon conflicting uses of the ocean environment (Rutherford, Herbert, & Coffen-Smout, 2005). Integrated coastal ocean management (ICOM) is the label given to the sub-regional governance and management practices in Canada that have integrated management as their primary objective (Lester et al., 2013). It overlaps in characteristic with marine spatial planning, in that it is intended as a process to mediate between conflicts of different ocean uses and can incorporate an ecosystem-based approach (Chircop & Hildebrand, 2006). As with other coastal planning exercises, it also emphasizes participation from users, stakeholders and the public (Forst, 2009).

Marine spatial planning (MSP) is a policy instrument often cited in the literature as a mechanism through which a rational consideration of multiple uses of the ocean environment can be made (Kearney, Berkes, Charles, Pinkerton, & Wiber, 2007). While the approaches taken to marine spatial planning vary, the emphasis is on its value as a process, not as a specific plan. In fact, the outcome of marine spatial planning can vary depending on a number of factors (Collie et al., 2013). While marine spatial planning can take many forms, it is generally defined as “a public process of analyzing and allocating the spatial and temporal distribution of current and future human activities in marine areas, to achieve ecological, economic and social objectives that have been specified through a political process” (Collie et al., 2013, p. 2). The marine spatial planning

process has borrowed heavily from the land-based spatial planning tools, but with some critical differences.

Marine spatial planning involves the reconciliation of multiple uses of a dynamic and fluid environment rather than one defined by property rights as with land. In the case of land-based planning, there is a clearer framework of property law and jurisdiction that can be drawn upon. On the marine side, there is a complexity of jurisdictions, statutes, regulations, and international agreements that must be considered through the planning process (Stelzenmüller, Lee, South, Foden, & Rogers, 2013, p. 214). There is additional complexity as First Nations undertake their own marine spatial activities such as the MaPP process of the north coast of British Columbia (Marine Plan Partnership for the North Pacific Coast, 2018) that was conducted in concert with the provincial government. The MaPP process, while not conducted as an implementing activity under the Oceans Act, was influenced by the deficiencies and lack of trust that emerged in the Pacific North Coast Integrated Management Area (Nowlan, 2016). The story of the PNCIMA process and the parallel activity undertaken under MaPP is an excellent illustration of the challenges of jurisdiction in ocean management. While the MaPP process involved collaboration of several First Nations and the Province of British Columbia, there were limitations in the implementation of the ecosystem based approach due to the fact that the federal government had authority over significant activities in the ocean environment but was not involved in the planning process (Marine Planning Partnership Initiative, 2015). The PNCIMA process, after initially stalling out when the federal government withdrew, finally completed its planning document in 2016 when the federal government returned to the process (Nowlan, 2016).

The marine environment adds to the complexity, as the living resources and the eco-systems within the ocean are fluid, inter-related and ever changing so achieving a fixed measure can be challenging. Some marine spatial plans are conducted at the level of an eco-system or smaller, others are framed by political boundaries and may encompass multiple ecosystems (Plasman, 2008).

The process of marine spatial planning is varied across jurisdictions. Collie et al. (2013), as part of the Ecosystem Sciences and Management Working Group, conducted a structured review of marine spatial planning activities. They learned that: “What we lump together as MSPs are actually a diverse set of activities called different things across the world. Different jurisdictions have diverse objectives, governments, laws, social norms and funding structures” (p. 8). Factors that they determined were critical to the success of marine spatial plan included: a government mandate and leadership; participant involvement though this may vary in form; data sufficient to inform the decision-making process; a mechanism to incorporate new information; decision-analysis tools to assist but not replace the decision-making process; and, some form of monitoring process. They found it was difficult to assess if the marine spatial planning process had been successful either because the objectives were unclear or not stated, there had been no ongoing monitoring, or insufficient time had progressed. They however concluded to judge success by “the ultimate criteria are whether ecological, social and economic outcomes are improved with marine spatial planning” (p. 8).

A critical aspect of marine spatial planning is that it brings together the process of science and policy making into a more intimate setting. Challenges with this interaction include real

differences in epistemological approach, where science is most often empirical and relying on objectivity, validity and reliability to dictate the robustness of its results. Policy making by contrast is necessarily normative, requiring the consideration of differing social and political values and relying on human processes of advocacy, negotiation, and decision making for resolution. Science, particularly in the marine sphere, operates on long timelines reflecting its foundation in human and natural systems. The process of conducting marine spatial planning necessarily involves capturing comprehensive information about the marine environment from its human uses, to its ecological dimensions, living resources, and the interaction between them all. It is described as a necessarily iterative process that involves initial research but then requires ongoing monitoring (Collie et al., 2013, p. 10). Policy making, by contrast, is short term, operating within a confined political mandate. Given its widespread adoption around the world, marine spatial planning has been able to overcome some of these differences partially due to the fact that it had its infancy in science but also through examples of political leadership who have supported its implementation such as the example of the Belgian experience (McCrimmon & Fanning, 2011). For the politician, the very real advantage of the marine spatial planning process is that it can depoliticize what is often a challenging dialogue involving multiple stakeholders and conflicting constituencies. Indeed, the Belgian example illustrated that the urgency caused by increasing conflict over a small marine space combined with a designated political champion, was instrumental in getting buy in from disparate stakeholders groups into the marine spatial planning process (Plasman, 2008).

However, it would be incorrect to suggest that marine spatial planning removes all political elements from the decision-making process. As Knol (2011) demonstrated in her review of the

marine mapping exercise conducted to determine if and how offshore petroleum industry should be undertaken in Norway, the mapping exercise itself involves translating ecological analysis into political reality. She drew upon the Foucaudian conception of the relationship between power and knowledge to show that the selection of categories used in a map is reflective of bias of decision-makers as well as the power relationships that influence them. The effect of the mapping exercise is that it assigns a valuation to a particular area or zone: “By filling in the areas with restrictions, a status was assigned to zones: they became soft or hard areas, or, sacred or profane” (p. 991). The choices made produce a political construct that subsequently influences decision-maker and policy behaviour. She noted that the valuation exercise itself became complicated when the variables of valuable and vulnerable areas were conflated or unclear. The political construct created by the map is not stable as new information and other changes, such as the dynamics of the ecosystem, could effect a change.

At some juncture, the marine spatial planning process requires an agreement on the trade-off between the various uses for the marine environment. Different technologies such as decision support tools have been applied to assist with this challenge: for example, MarZone, Marxan, and MarineMap (Knol, 2011, p. 990). Other researchers have drawn upon production theory, as a branch of micro-economics, to develop an approach for the development of possible trade-off models based on different trade-off scenarios (Collie et al., 2013). These tools and approaches can assist with offering clarity and provide some rationalization to the process of determining trade-offs, but they cannot replace the decision-making process itself. The decision making remains a very political process, and challenges particular to the marine environment include an

increasing number of uses from traditional to emerging such as wind farms, along with fragmented governance systems (Lester et al., 2013).

Some researchers have identified the marine planning processes undertaken in Canada for the Beaufort Sea and the Eastern Scotian Shelf Integrated Management Initiative (ESSIM) as examples of marine spatial planning processes (Lester et al., 2013). As illustrative of the lack of precision regarding what is marine spatial planning, the ESSIM was actually conceived of as an integrated marine planning process along with four other regional planning initiatives implemented under the Oceans Act, and other researchers cited them as examples of integrated coastal and ocean management in Canada (Collie et al., 2013). The regional planning processes shared many of the same characteristics of marine spatial planning, including an emphasis on collaborative governance structure, the involvement of multiple stakeholders, the identification of a clear marine spatial area, and a process of engagement to determine high level objectives (Chircop & Hildebrand, 2006).

To implement marine spatial planning in Canada at a meta level following the Belgium or UK example, a number of factors would need to be considered. The first is the very real differences between Canada's three coasts, and as others have suggested, implementing marine spatial planning at a sub-regional level is more achievable in a large coastal nation such as Canada, Australia or the United States (Rutherford et al., 2005). The second factor suggested by McCrimmon and Fanning (2011) is there might need to be governance changes made to create the necessary authority to implement marine spatial planning. They suggested three options including amending the Oceans Act, reinterpreting the Oceans Act, or using a Cabinet Directive.

Given that the Oceans Act already incorporates the principle of integrated management, and it anticipates regional governance structures, none of the options suggested by McCrimmon and Fanning are necessary to conduct marine spatial planning at a regional level. At a regional level, it is often a catalytic event, such as the proposal to put a wind farm into the offshore ocean environment, that precipitates a marine spatial planning process (pp. 20–21). At a federal level other policy tools that might be considered would include interdepartmental structures that would have the authority and scope to enable and integrated the federal decision-making around ocean use, or to consolidate more of the ocean-related activities under authority of the Department of Fisheries and Oceans. At the same time, policy makers can still consider how to better integrate regional coastal and ocean governance processes within an overall national policy. This was the objective of the Oceans Act and was reflected as a part of the implementation process.

4.7.3 The Precautionary Principle

Complementary to the implementation of the principles of sustainable development and integrated management is the precautionary approach. The precautionary principle arose in Germany in the 1980s in response to the perceived failures of previous environmental policies (Dryzek, 2013). In 1992, the United Nations Conference on Environment and Development outlined the principle in Principle 15 of the Rio Declaration, which stated that:

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious and irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

(VanderZwaag, Fuller, & Myers, 2002, p. 120)

This was the concept of the precautionary principle articulated in the Canadian Environmental Protection Act, 1999 (Government of Canada, 1999). However, while the concept of the precautionary principle has become an accepted international norm, captured in more than 50 conventions (VanderZwaag et al., 2002), its actual definition has been greatly contested (Powell, 2010). VanderZwaag (2002) described the precautionary principle as confusing even to the extent of the terminology used to describe it, for example in Canadian federal policy it is described as the precautionary approach rather than a principle (Government of Canada, 2001). This terminology resulted from a dispute between Canada and the US with the European Union, and the intent was to soften its application by reducing the obligation of compliance (VanderZwaag, 2002). In present day contexts, both the approach and principle are used, sometimes interchangeably and other times to distinguish them in application. In some cases, the interpretation has been that the precautionary approach is derived from the precautionary principle and offers greater flexibility in its implementation. For others, the view is that they contain the same normative constructs and in effect, there is no need to distinguish between them (Proelss & Houghton, 2012).

Other definitions of the precautionary principle exist such as the 1998 “Wingspread Statement on the Precautionary Approach” that is often characterized as the contrast with the definition of the Rio declaration (Powell, 2010).

When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public share bear the burden of proof. The process of applying the precautionary

principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of alternatives, including no action. (Benevides & McClenaghan, 2002, “The emergence of and rationale for precaution,” para. 2)

What appears to be clear from some of the discussion around the precautionary principle is that it is intended to offer a framework through which decision makers can manage risk or uncertainty in environmental situations. What is not agreed to was how that risk was to be assessed, by whom and what burden of proof was required in order for action be taken. Equally in dispute, was what was meant by scientific certainty and what was its importance relative to other considerations such as ethical, social and political mores (VanderZwaag et al., 2002).

The Government of Canada issued a discussion paper in 2002 as an interdepartmental initiative to develop federal consensus on the precautionary principle. The aim was to develop a coherent and cohesive position that would assist federal departments with integrating the principle into their risk management processes. In the resulting framework document, the Government of Canada (2003) emphasized a focus on precautionary decision making thus avoiding further debate as to whether it was an approach or principle. It noted that government can rarely act in a circumstance of full scientific certainty and zero risk and that the public scrutiny and expectation around decision making within that uncertainty was increasing. It emphasized the importance of judgment, based on values and priorities, and the requirement for flexibility to adapt to different legislative and international obligations. While it offered guidance to federal departments, considerable latitude remained, such as who was responsible for providing the scientific information regarding the impact of harm of a particular action. It recognized that in some

circumstances it would be a proponent but ultimately it would be decided on a case-by-case basis as to who was best positioned to provide the data and advice. The document included the proposal that there should be mechanisms for the re-evaluation of the basis for decisions. Included in the framework was the importance of transparency, accountability, and public involvement, which is especially germane given that there would be a high degree of judgment involved in the application of the precautionary principle. In this Framework, the Government of Canada also emphasized the importance of cost-effectiveness, in the broadest sense of the term, meaning the net benefit to society as the least cost including the social, economic and other factors. This would also include efficiency in the selection of measures considering the impact not only in the short term, but also the longer term. It cited the example of biological diversity where the impact is likely better assessed on a long-term basis. Finally, in the Framework, the Government of Canada also recognized the importance of considering the impact on children, which VanderZwaag et al (2002) had identified as an oversight in the discussion document.

The precautionary principle has remained the subject of both legal and policy debate regarding its role as a legal concept and a public policy tool (Tollefson & Thornback, 2008). While the administration of the principle is often depicted as predicated on scientific evidence, in fact, the operationalizing of the principle is more the result of a normative process. There is a value choice required on what level of risk is considered acceptable and what amount of scientific evidence is sufficient to address the risk. It is more a matter of political choice than scientific evidence (Sage, 2006). This process of decision-making itself can vary as illustrated by two contrasting theories of administration (Tollefson & Thornback, 2008). The first, the rational-instrumental characterizes the process of administration, whereby decision makers are confined

in their task by previously delimited statutory discretion, and through a rationality defined by science, they determined the appropriate course of action based on objective fact. The second theory, deliberative-constitutive, offers no legal parameter for the administration of the principle, but rather puts the burden of decision making on a process of deliberation and transparency where decision makers take time to consider the reasoning for their decisions and offer justification.

The implementation of the precautionary principle in ocean governance in Canada is further complicated by the relationship with other key principles such as sustainable development and integrated management. As VanderZwaag (2002) so aptly stated, “The precautionary principle/approach does not ‘swim alone’” (p. 174), meaning that the relationship between the key principles is reciprocal, each affecting the administration and evolution of the others. In the case of this dissertation, the policy narrative became a vehicle through which to study how these principles are operationalized or not through the key implementation activities arising out of the Oceans Act.

4.8 Conclusion

This chapter included a description of the various international policy activities that influenced the construct of the Oceans Act and its implementing activities. It concluded with a discussion of the principles of sustainable development, the precautionary principle, and integrated management that provided significant contour to the development of ocean policy in Canada.

In the next chapter, there will be a greater focus on the evolution of ocean policy in Canadian context. It begins with an overview to the role of the ocean in Canada and then continues with a discussion of the policy activity that led up to the Oceans Act. Previous reviews of the Oceans Act are also included.

5. Context of the ocean in Canada

5.1 Introduction

In this chapter, the background and history to Canada's ocean policy is outlined to describe the broader context and setting within which the Oceans Act, its implementing activities, and the public narrative take place. It begins with an overview of the role of the ocean in Canada's history and economy, and then outline the various legal and jurisdictional authorities involved in ocean management.

5.2 Overview of the Ocean in Canada

Canada's history has been intertwined with the ocean from its earliest formative days, predating Confederation and the arrival of colonists to its shores (Lower, 1977). First Nations, from coast to coast to coast, live close to the ocean and rely upon it for food, travel, and cultural celebration (R. Jones, 2006). From the early Scandinavian Vikings to the explorer John Cabot and those who followed him, Canada's coasts and its plentiful ocean life drew people to its shores (Paine, 2013).

Indigenous peoples have occupied the lands known today as Canada for over 10,000 years, and many made their primary homes on the coasts. They developed distinct governance relationships with the ocean and the surrounding environment, and the oceans are intertwined into all aspects of their lives. For more than a millennia, they have fished, traversed the ocean, harvested shellfish, and lived in concert with the changing ocean patterns (Turner & Clifton, 2009). Following their own cultural and governance practices, they share in ocean management, often

drawing on kinship relationships to share resources (Norman, 2012). The arrival of European settlers not only disrupted these governance relationships through imposing their own geopolitical boundaries (Norman, 2012) but also introduced different values systems particularly in relation to the environment including the ocean and its resources (Turner & Clifton, 2009).

For the European settlers, early use of the ocean focused on fish, transportation, and defense. Britain's naval dominance was instrumental in the battle for dominion over Canada against the French, and it was their superior navy that gave them mastery of the eastern seaboard and up into the St. Lawrence that led to their eventual victory (Lower, 1977). Transportation was another critical aspect of nation building and, as with the First Nations, the ocean provided an important conduit between communities enabling people to travel and settle further along Canada's shores (Paine, 2013).

Today, the majority of Canadians do not live close to the ocean and have less awareness regarding the influence of the ocean in their everyday lives (Coffen-Smout, 1996) though in fact, many of the goods they use every-day arrive through marine transportation (Metro Vancouver, 2012), and of course fish and seafood remain a common source of protein. Weather patterns are affected by the ocean currents where the effects are felt inland as well as on the coast (Suzuki & McConnell, 1997, p. 70). For the 23% of the Canadian population who live in coastal communities (Fisheries and Oceans Canada, 2001) the interaction with the ocean is a more regular part of their lives and often incorporated in their activities through recreation, tourism and transportation. Cities such as Vancouver, and Halifax operate as major ports, and are centres of marine industry including shipbuilding. They, along with smaller coastal communities from

Victoria to St. Johns, also host cruise ship tourism, ocean research facilities, and fisheries operations, and are naval bases for the Canadian navy. In addition, Canada's coastline is dotted with small communities who rely on the ocean as the main source for economic activity.

Canada's three coasts are, however, distinct in their history, culture and economies. The Atlantic coast has historically maintained close connections with Europe, acting as primary access points for logging, fur and other trade but also as an initial settlement point for Europeans immigrating to Canada. The mix of French and English, along with Indigenous cultures, has influenced the culture of the Atlantic, from the Acadians to the Mi'kmaq to the Scottish settlers in Cape Breton and Prince Edward Island.

On the west coast, the proximity to the Asian markets continues to be a defining factor in terms of the economy, culture and populations along the British Columbia coast. The earliest Chinatown was located in Victoria, British Columbia, and Sikhs from the Punjab region of India settled in British Columbia in the 1800s often working in the logging, mining and railway industries (Library and Archives Canada, 2016). There are 198 First Nations in British Columbia, approximately one-third of the population in Canada, and all of the coastal communities along the Pacific Coast and on Vancouver Island are in the traditional territories of First Nations.

The Arctic region is made up of three territories, Yukon, Nunavut and the Northwest Territories. The population is largely Indigenous peoples made up of the Inuit, First Nations and a smaller portion of Métis. The climate and remoteness of the region have been barriers to its development

in comparison to the Atlantic and Pacific coasts. While there is a small resource industry, mostly in the case of natural resource exploration, the bulk of the economy is still reliant on traditional Inuit practices including hunting and fishing. This reliance has meant that the effects of climate change have been dramatic in the Arctic region including a significant reduction in ice cover, permafrost and a longer open water season during the summer (T. Simeone, 2008), which has affected the natural habitat of many of the Arctic animals, fish, and marine mammals.

5.3 Size and Scope of Canada's Ocean Territory

The ocean territory in Canada is described as “the world’s largest coastline (245,000 kilometres), which borders three oceans (the Atlantic, the Pacific and the Arctic) with large continental shelf areas spanning more than 6.5 million kilometres” (Mitchell, 1998, p. 399). According to the Canadian Hydrographic Service (2011), which is tasked with mapping and monitoring Canada’s ocean territory, Canada has over 7.1 million square kilometres of ocean territory, which is equal to approximately 70% of its land mass, making it the eighth largest in the world. The map below in Figure 6 illustrates the size and scope of Canada’s ocean territory.

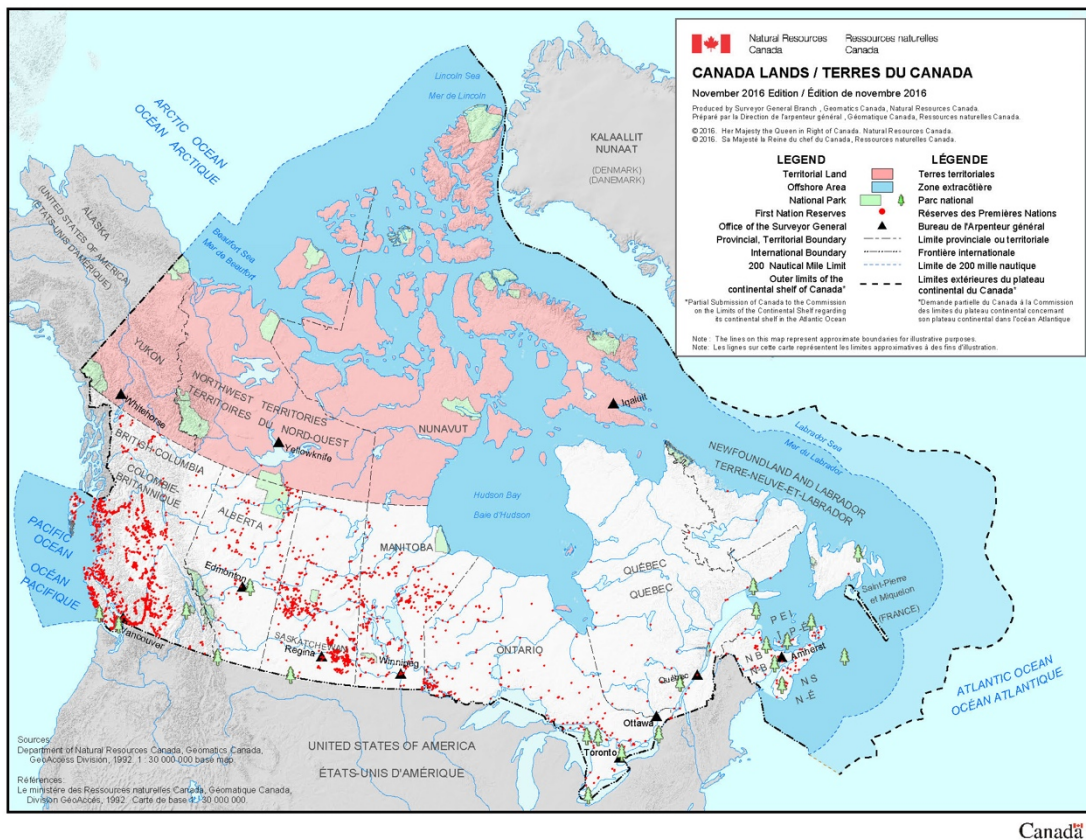


Figure 6. Canada's Ocean Territory

Source: Government of Canada (2016)

UNCLOS (1982) is the international legal basis for the definition of the areas of national jurisdiction beginning with the territorial sea, measured 12 nautical miles from the low tide point, the contiguous zone measuring 24 nautical miles, and expanding to the exclusive economic zone (EEZ) that is 200 nautical miles from the low tide point. “Canada also has the second largest EEZ in the world covering almost 5 million km² of ocean space” (Mitchell, 1998, p. 399) close in size to the largest in Russia. The distinct areas of ocean territory as defined in the Oceans Act and UNCLOS are illustrated in Figure 7. These are political and administrative boundaries and do not represent the parameters of the natural ecosystems.

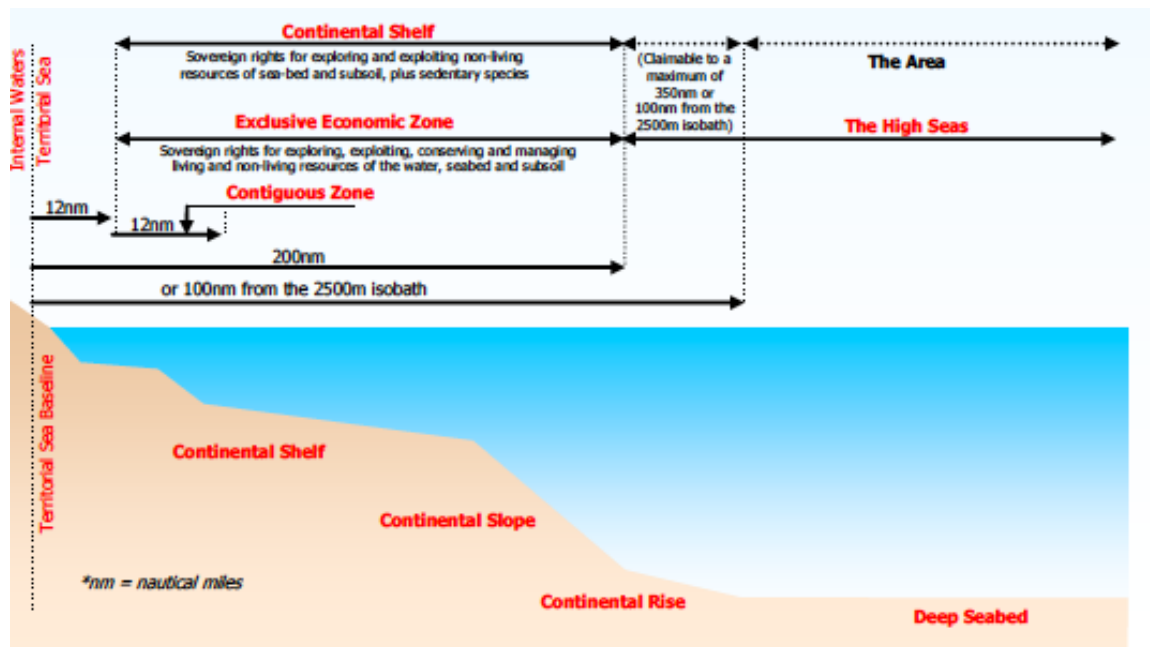


Figure 7. Canada's Maritime Zones

Source: Canadian Hydrographic Service/Service Hydrographique du Canada (2011)

In Figure 8's illustration, the various biological, ecological, and geological systems that interact within a marine ecosystem are shown to demonstrate how they correspond to parameters established by the natural systems.

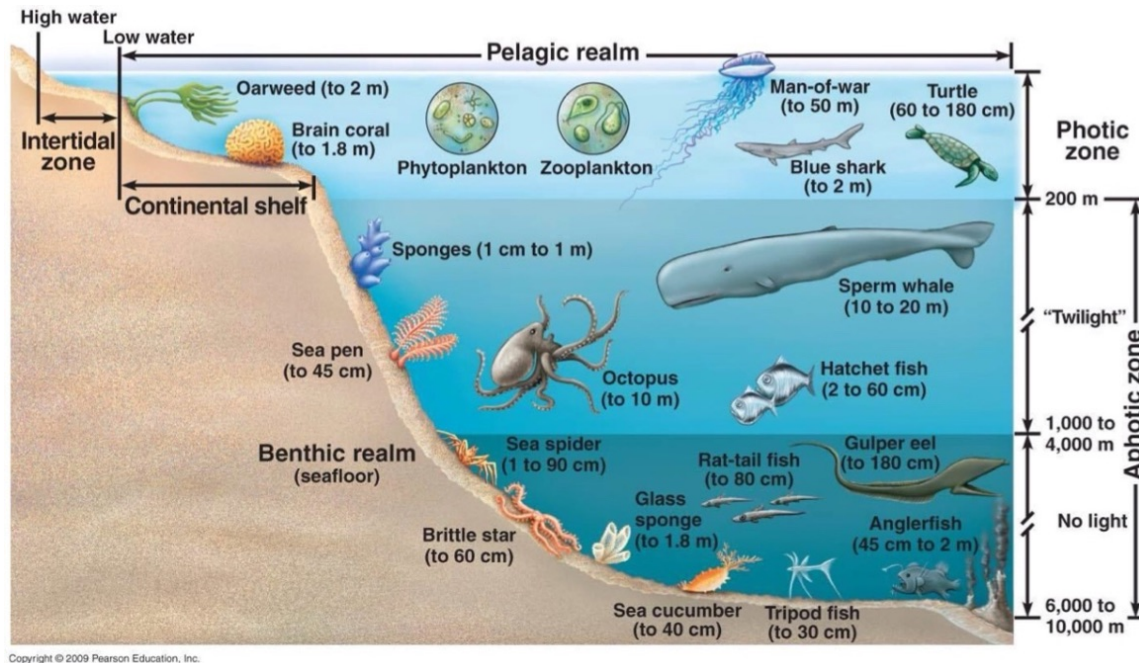


Figure 8. Marine Ecosystems

Source: Happy ThingLink User (2009, Image 1)

As an example of the importance of the correspondence between the natural systems including ecological and geographic and the political boundaries established by international convention, Canada has begun a process to have the natural extension of the continental shelf recognized as Canadian territory, which is beyond the political boundary established under UNCLOS. This would allow Canada to claim jurisdiction over critical fish habitat and offshore rights. In 2003, Canada undertook an international study of the continental shelf in the Atlantic and Arctic oceans in order to identify the characteristics of the seabed including depth, composition and distance of the continental shelf and its outer limits. In addition, the study collected the bathymetric and seismic data that was necessary for its submission to the International Seabed Commission (Global Affairs Canada, 2013). As allowed under UNCLOS, Article 76, an

extension of recognition of the continental shelf can be made beyond the 200 nautical mile limit if it can be rationalized based on scientific and technological data (United Nations, 1982).

Canada signed the UNCLOS agreement in 2003 and in 2013 Canada made its submission to the International Seabed Commission for the recognition of the outer limits of the continental shelf in the Atlantic Ocean, and provided the preliminary information for the recognition of the outer shelf in the Arctic Ocean (Global Affairs Canada, 2013).

5.4 The Ocean Economy in Canada

In 2015 the total contribution of the marine sector to Canada's gross domestic product (GDP) was \$30,395,000 (Fisheries and Oceans, Maritime Sectors Gross Domestic Product by Industry 2015), approximately 1.5% of the national total (Fisheries and Oceans, Maritime Sectors Gross Domestic Product Contribution to Provincial and Territorial Economies 2015)). Of that amount, the private sector contribution was \$25,248,000 and the public sector contributed \$5,147,000 (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry 2015). A breakdown of the contribution by marine sector is provided in Table 2.

Table 2. Marine Sector Contribution to Canadian Economy

Sector	GDP	
	(\$Millions)	Jobs
Commercial fishing	2,920	29,449
Aquaculture	1,246	11,955
Fish Processing	4,486	59,145
Seafood Subtotal	8,652	100,549
Oil and Gas Exploration and Extraction	4,640	9,850
Marine Transportation	4,249	39,290
Support Activities	2,400	25,176
Marine Transportation Subtotal	6,650	64,466
Marine Tourism and Recreation	3,351	56,881
Ship and boat building	1,280	30,650
Ports and harbour construction	495	4,744
Manufacturing Subtotal	1,776	35,393
Private Sector Subtotal	25,248	266,940
National Defence	2,246	24,998
Fisheries and Oceans	1,605	17,170
Other federal departments	609	5,829
Provincial/territorial	257	2,586
Universities	237	2,767
ENGOS	193	3,292
Public Sector Subtotal	5,147	56,643
Marine Sector Total	30,395	323,582
Canada Total	1,994,911	
Marine Sector as percentage of CDN GDP	1.5%	

Source: Fisheries and Oceans, Maritime Sector by Gross Domestic Product by Industry, 2012–2015. Fisheries and Oceans, Canadian Maritime Sectors Direct, Indirect and Induced Employment (Jobs) 2015.

5.4.1 Private sector

The traditional private sector ocean industries remain significant contributors to the Canadian economy. In 2015 the seafood sector, which includes commercial fisheries, aquaculture, and fish processing, contributes \$8.6 billion to Canada's GDP (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry. 2015). Within the sector, commercial fisheries and processing provided the bulk of the employment which, together with aquaculture generated 100,549 jobs in 2015 (Fisheries and Oceans Canada, Canadian Maritime Sectors Direct, Indirect and Induced Employment). The seafood sector, particularly in Atlantic Canada, underwent a significant structural change from the early 1990s in response to a decline in groundfish stock (Fisheries and Oceans Canada, 2009a). At the same time, there had been an increase in both the catch and value of shellfish species, resulting in an overall increase of landed value by 50%, of which 85% was shellfish. The same report noted that aquaculture industry on the east coast experienced a steady increase in production and value since 1990 (p. 44).

In the Pacific region, the main species in the commercial fishery are groundfish (i.e., halibut & redfish), salmon, clam, crab, and shrimp, but the region underwent a similar drop from the 1990s due to decline in salmon stocks. Aquaculture in British Columbia grew from a few million in 1990 to over \$400 million in 2006 according to the study (Fisheries and Oceans Canada, 2009a, p. 54), of which Atlantic salmon accounted for over 95% of the product value.

The study noted that the Arctic region, while comprising over 64% of Canada's marine waters, represents a small portion of the commercial harvest (Fisheries and Oceans Canada, 2009a, p. 61). The main species are northern shrimp, turbot and char but the report indicated that future

commercial opportunities were being considered for clam, starry flounder, scallops, and sea cucumbers. The commercial fishery took place in the Hudson Strait East via factory trawlers operating under licence through joint venture with northern companies or by southern companies mostly from the east coast who held their own licenses but paid royalties back to the northern communities.

The marine transportation industry represents a significant contributor to Canada's economy, not only directly through employment and contribution to GDP but also as a necessary link to the global markets (Canada Transportation Act Review, 2015). In 2015, the marine transportation sector made up of marine transportation and ancillary support services contributed \$6.7 billion of Canada's GDP (Fisheries and Oceans Canada, Maritime Sector Gross Domestic Product by Industry) and provided 64,466 jobs (Fisheries and Oceans Canada, Canadian Maritime Sectors Direct, Indirect and Induced Employment) . While Canada has a limited presence as a flag ship nation in terms of international vessels, it does have strong short sea shipping that supports the movement of cargo domestically. The value of Canada's seaborne trade was \$210 billion in 2014, predominantly in the transfer of crude petroleum, gasoline and fuels, grains, and agricultural products (Canada Transportation Act Review, 2015, p. 215).

A 2012 snapshot (Metro Vancouver, 2012, pp. 8-10) captured the scope of the overall marine transportation activity in the Pacific region, noting that the west coast of North American handled over 50% of the container traffic compared to the Atlantic and Gulf Coasts that handled 44% and the Mexican Pacific ports that handled 5%. While Los Angeles and Long Beach processed over 60% of the west coast container traffic in 2012, Port Metro Vancouver was the

third busiest covering over 11%. In terms of non-container activity, Port Metro Vancouver managed over 100 million tonnes, Prince Rupert 23 million tonnes, and the US northwest ports of Portland, Tacoma, and Seattle combined managed less than 20 million tonnes.

Given the ice-covered conditions in the Arctic, most of the marine traffic is involved with supplying the northern communities with essential goods and services during the summer months. There are no specific port facilities so vessels must anchor offshore and unload their cargo onto barges for transport to shore (Fisheries and Oceans Canada, 2009a, p. 62). With the anticipated changes due to climate change, it is expected that there will be an increase of vessels traversing the Northwest Passage as a shipping route between key markets.

In 2015, oil and gas exploration and extraction contributed \$4.6 billion to the Canadian GDP (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry) and 9,850 jobs (Fisheries and Oceans Canada, Canadian Maritime Sectors Direct, Indirect and Induced Employment). Off-shore oil and gas production are located in the Atlantic coast and is administered under federal/provincial agreement through the Canada-Newfoundland Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board. A moratorium on off-shore oil and gas production put in place by the federal government in 1972 remains for the Pacific coast (BC Ministry of Energy, Mines, and Petroleum Resources, 2018). While exploratory activity has been undertaken in the Arctic, especially in the Beaufort Sea, again there are no facilities currently situated in the Arctic waters conducting offshore oil and gas production (Bott, 2004). In the Arctic region, two critical factors must be considered before proceeding with any production. The first is that there is still not sufficient science and technology to understand

and address the potential impact on the Arctic marine environment from oil and gas production. As with marine transportation in the Arctic, the ice-covered conditions remain a confounding factor as do the remoteness of locations and the small population size to support any activity. A second factor is respecting and honouring the rights of Indigenous peoples who predominantly inhabit the Arctic regions and to ensure that any planned activity does not interfere their traditional and ongoing use of the environment (National Energy Board, 2011).

Tourism and recreation represent another significant contributor to the overall ocean economy in Canada and is broken down into the three primary activities of recreational fishing, cruise ship travel, and coastal tourism and recreation. Characterized by many small providers, the industry's value is high in terms of employment given that it is a labour intensive service industry but modest in terms of impact due to the low wages in the industry (Fisheries and Oceans Canada, 2009a). In 2015, the marine tourism and recreation sector contributed \$3.4 billion to the Canadian GDP (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry) and employed 56,681 jobs (Fisheries and Oceans Canada, Canadian Maritime Sectors Direct, Indirect and Induced Employment).

The marine tourism and recreation sector are more modest in the Arctic due to isolation created by the longer winter conditions including ice freeze and a smaller resident population. The media reporting of the international cruise ship voyage in 2016 highlighted the concerns regarding tourism up in the northern waters (Dennis & Mooney, 2016). This visit was met with considerable trepidation because the vessel was not specifically designed for travelling through ice-covered conditions and, therefore, would not be able to break through ice if required. There

was also concern from local populations as to how they would accommodate and respond to the influx of over 1,700 passengers at one time into their remote communities if the vessel did encounter difficulties during its cruise. These communities have limited accommodation to house people, and their food supplies are primarily either flown in or dropped off during the summertime supply season. Officials were also concerned because there are limited monitoring and response mechanisms in the area to address a potential ship emergency (Norwegian Maritime Authority, 2013). This aspect of the tourism industry still requires significant development and consideration before it becomes a contributor to the regional economy. Separately, the coastal tourism and recreational fishing industry have been developing at a modest pace to offer employment and enable expenditures in the region (Fisheries and Oceans Canada, 2009a).

Manufacturing and construction in the marine sector are divided between ship and boat building, and ports and harbor construction. In 2015, the overall contribution of manufacturing and construction to the Canadian GDP was \$1.7 billion (Fisheries and Oceans, Maritime Sectors Domestic Product by Industry). There is little distinction made between marine construction and shipbuilding and repair, as they are closely related industries in Canada. Both are highly dependent on the public procurement of their services. For the marine construction industry, the majority of the expenditures come from provincial and regional port and harbour authorities, National Defence, or ferries. In the Atlantic region, a small portion of expenditures comes from the oil and gas industry (Fisheries and Oceans Canada, 2009a).

Shipbuilding in Canada has been historically an economic development effort as much as an industrial sector. Canada has consistently encouraged the development of regional shipbuilding capacity through its federal procurement activities (Hennessy, 1991) and the most recent National Shipbuilding Strategy (Public Services and Procurement Canada, 2018). The primary objective of the Strategy is to build both combat and non-combat vessels to support Canada's operational needs in National Defence, the Coast Guard, and scientific vessels for Fisheries and Oceans. It has a secondary objective to use the public investment via procurement to grow the capacity of the key shipbuilding sectors in British Columbia and Nova Scotia to be able to compete for international contracts in shipbuilding.

5.4.2 Public sector

The primary public sector contributors to ocean-related economic activity in Canada come from National Defence, Fisheries and Oceans Canada, and on a lesser basis, Transport Canada, Natural Resources Canada, Environment Canada, Parks Canada, and Indigenous and Northern Development Canada (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry 2012–2015). In 2015, the most significant contribution was made by National Defence at \$2.3 billion, followed by Fisheries and Oceans at \$1.6 billion. Not surprisingly National Defence contributed the most jobs at 24,998, with Fisheries and Oceans following at 17,170 (Fisheries and Oceans Canada, Canadian Maritime Sectors Direct, Indirect and Induced Employment, 2015). In addition, there is a significant public sector investment in ocean-related science and technology through the federal granting councils including via the Canada Foundation for Innovation (CFI) and the Natural Sciences and Engineering Research Council (NSERC). While the 2009 study (Fisheries and Oceans Canada, 2009a) distinguished between

these funding council investments and those made by universities, it would be more accurate to assume significant overlap as the research expenditures by universities are in the most part funded by the government through the councils with some modest matched funding from industry or individuals. Universities are also reliant on the public purse, most often the provinces, for support for faculty and operating and programming costs related to their ocean activity. Provincial and territorial governments also contribute to the ocean economy through either direct provision of related government service such as coastal ferries or indirectly through procurement and expenditures. Their contribution in 2015 was \$257 million (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry).

The last segment of the public sector to consider regarding contributions to the ocean economy are the environmental non-government organizations (ENGOS), such as the David Suzuki Foundation (<https://davidsuzuki.org>), the Vancouver Aquarium program OceanWise (<https://ocean.org>), the World Wildlife Fund-Canada (<http://www.wwf.ca>), and Oceana Canada (<https://www.oceana.ca/en>), a more recent participant in the Canadian environmental non-government sector. In the case of the World Wildlife Fund Canada and Oceana Canada, they are Canadian offices of global organizations. While these organizations are not exclusively focused on ocean policy, they have made representations to the federal government during review of legislation and policy related to oceans as well as conducting research that contributes to the evidence used by government in policy-making. The ENGO sector contributed \$193 million in 2015 (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product by Industry), and employed 3,292 people (Fisheries and Oceans Canada, Canadian Maritime Sectors Direct, Indirect and Induced Employment).

Overall in 2015 the public sector contribution was \$5.1 billion, involving 56,643 jobs. In total, the marine sector employed 323,582 in 2015 and generated \$30 billion in GDP to Canada's economy (Fisheries and Oceans, Maritime Sectors Gross Domestic Product by Industry. This represented 1.5% of the overall Canadian economy (Fisheries and Oceans Canada, Maritime Sectors Gross Domestic Product Contribution to Provincial and Territorial Economies 2015). Broken down by region, the marine sector was most significant in Newfoundland 24.8%, 15.2 % in Nova Scotia, and 7.8 % in New Brunswick. It was 10.4% in Prince Edward Island, 8% in Quebec, 5.7% in the Yukon, 7.1% in the Northwest Territories, and 6.3% in Nunavut. The smallest percentage of provincial GDP is in British Columbia at 3.9%.

The above overview of Canada's ocean industries and their contribution to the national economy catalogues the direct impact of ocean and ocean-related industries and activities. There is a growing trend towards also considering the impact of the ocean/climate relationship on the overall economy (Craig, 2012). In terms of coastal and small island communities, there is increasing focus on trying to understand the impact of climate change on the coastal environment and the consequential impact for these economies. The most oft-cited concern is sea level rise, and already coastal communities such as Vancouver are using global climate models to try and estimate how and where this change in the ocean will require adaptation. There is also a growing industry in mitigation towards developing alternative energy sources such as tidal and wind energy that might one day replace the reliance on carbon-based fuels. Finally, there is consideration if and how the ocean will continue to have a critical role as a carbon sink to offset the effects of use of fossil fuel and what are the consequences not only for ocean-related

industry, such as fishing or marine transportation, but also to the global economy and environment (Kildow & McIlgorm, 2010). Viewed through the lens of the critical relationship between ocean and climate, the economic drivers for good ocean management are much more significant and have a far greater reach than simply those populations and economies that line Canada's coastline.

5.5 Canadian Policy and Legal Framework

A critical factor in the development and implementation of ocean policy is the construct of what level of government has responsibility for what activities and authorities. This is particularly important to consider when discussing ocean policy because while the federal government has a lead role in policy terms, it does not have exclusive jurisdiction. There are a number of overlapping authorities who have jurisdiction in the marine environment and they are described below. The Constitution Act, 1867 established the exclusive legislative authority for the federal government and the provinces. For example, the federal government has responsibility for fisheries, ferries, navigation, and shipping, while the province has responsibility for public lands, and property and civil rights (McDorman & Chircop, 2012, pp. 137–138). In subsequent years through the 1982 Constitution Act and Supreme Court decisions, the rights of Indigenous peoples, previously ignored by colonial forms of government, have been upheld (Bennett et al., 2018). In Figure 9 titled Jurisdiction in Coastal BC, the complexity of authorities operating in the ocean environment is illustrated, depending on the activity and the geographic space. While it is specific to BC, other ocean areas in Canada have a similar complexity of authorities including, where applicable, territorial governments.

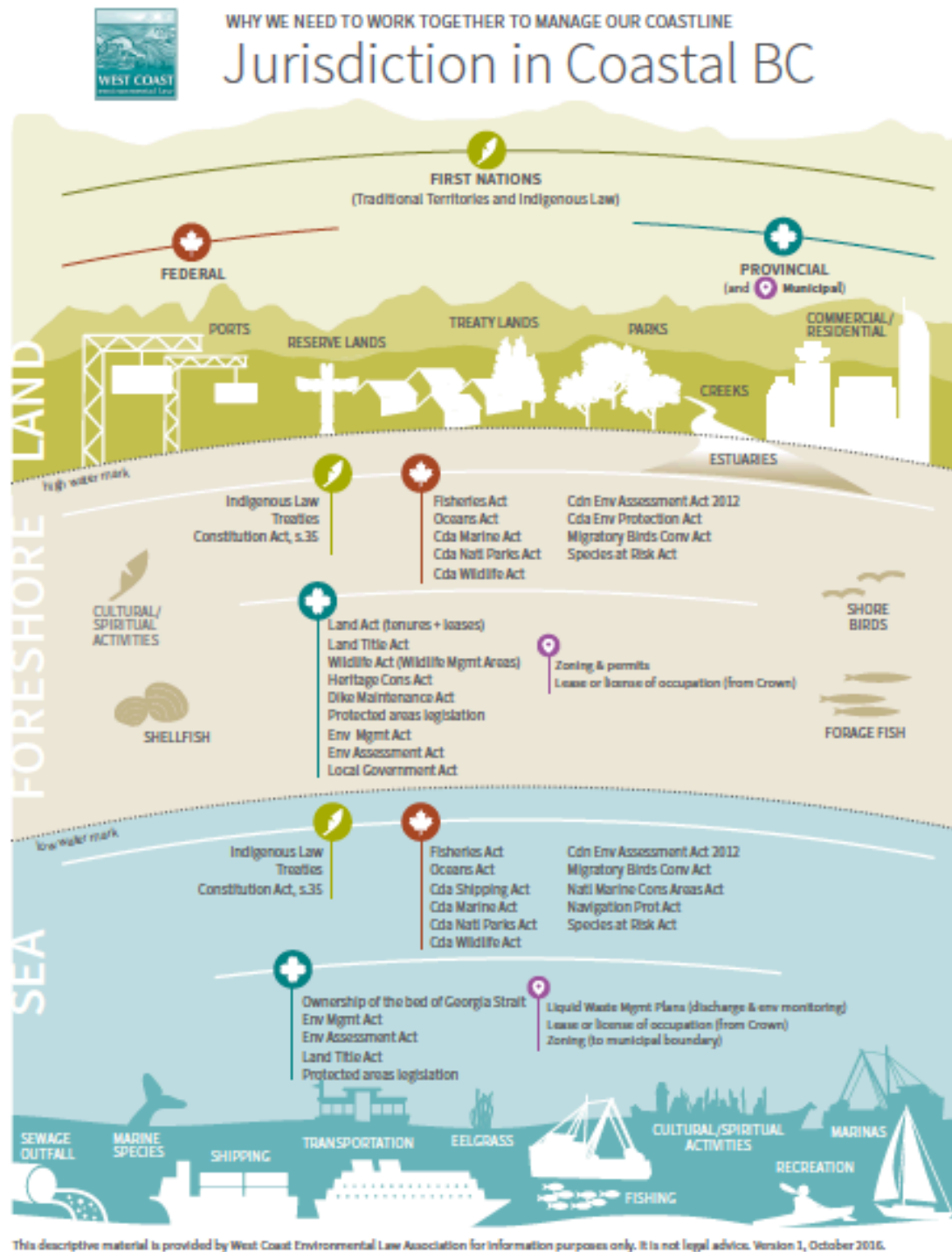


Figure 9. Authorities in marine areas

(used with permission, Linda Nowlan, West Coast Environmental Law, email correspondence September 18, 2017)

5.5.1 Federal government

Within the federal government, responsibility for ocean-related activity has been spread across multiple departments, agencies, boards and commissions. In 1987, a study undertaken as a part of the development of a new ocean policy found that over fourteen federal departments had ocean related activity under their portfolio (Fisheries and Oceans, 1987). In 1997, an updated overview was conducted by DFO that identified 23 federal departments and agencies involved in the ocean sector (Fisheries and Oceans Canada, 1997). In an additional update by DFO in 2008, 30 federal departments, agencies, and other organizations were engaged in ocean-related activities (Fisheries and Oceans Canada, 2009b).

One of the first departments created after Confederation was the Department of Marine and Fisheries that was to be responsible for sea coast and inland fisheries (Miles, 1999, p. 5). However, it was not until the Government Organization Act of 1979 that the department of Fisheries and Oceans was assigned the lead role for oceans management in Canada (Boyle, 1989). Since that time, several federal departments have maintained an active role in ocean activity, the top three being the Department of National Defence, Fisheries and Oceans, and Transport Canada (Fisheries and Oceans Canada, 2009b).

The 1996 Oceans Act reinforced the role of DFO as the lead authority in oceans management in Canada, reflecting the principle that Canada would pursue an integrated management. However, federal activity around the oceans has been organized around key themes. In 1997, those themes included sovereignty and trade; northern development; industrial development; transportation; health; the environment; and, real property and supply services (Fisheries and Oceans Canada,

2009b). Within each of these themes other federal departments have significant roles. An overview of the departments and their ocean-related activities is presented in Table 3.

Table 3. Federal Government in Ocean Sectors

	Issues	Departmental Lead
Sovereignty and Trade	Boundary issues, Law of the Sea International trade Ocean activity in developing countries	Foreign Affairs and International Trade (also CIDA and IDRC)
Sovereignty	National security, search and rescue, purchaser of ocean technologies	Department of National Defence
Sovereignty	Laws related to sovereignty objectives, and administration of laws provision of Oceans Act	Department of Justice
Northern Development	Northern land claims, devolution of authority to Territorial governments, sustainable development in the north (including regulation of offshore oil and gas, environmental protection)	Department of Indian Affairs and Northern Development
Industrial Development	Ship-building, science and technology, research councils funding ocean research	Industry Canada (and also National Research Council, NSERC)
Industrial Development	Development in ocean sector including oil and gas, offshore mining, marine geoscience services and energy research and development	Natural Resources Canada (and also through National Energy Board responsible for safe development of oil and gas in offshore in north and in areas not under shared federal/provincial management)
Industrial Development	Support of ocean sector and marine based industries	Department of Fisheries and Oceans, Atlantic Canada Opportunities, Western Economic Development

Table 3 cont'd

	Issues	Departmental Lead
Transportation	Public harbours, ports, ferry, marine safety, marine regulation, economic regulation of transportation, investigation of marine accidents in federal jurisdiction	Transport Canada (and National Transportation Agency, Transportation Safety Board) Coast Guard (under DFO)
Health	Food safety (including of marine species)	Health Canada
Environment	Environmental protection (including ocean disposal and land-based sources of pollution) and conservation including biodiversity, environmental assessments, weather forecasts and ice services,	Environment Canada
Environment	National marine conservation areas	Heritage Canada
Real Property and Supply Services	Wharves, breakwaters, dredging, engineering services, ocean-related procurement (for other departments such as DFO, DND, Transport, EC, DIAND, NRC	Public Works Canada

Source: Fisheries and Oceans Canada (1997)

In 2008, the central themes of the federal government's involvement in ocean-related activity remained the same. However, the number of federal actors in ocean activities had increased to 30. Notable amongst the increases were the Royal Canadian Mounted Police and the Canadian Border Services Agency, who were involved in regulatory and law enforcement related to Canada's marine security. Agriculture and Agri-Food Canada had a role with the export of fish and seafood products and, through its rural secretariat, to assist with the economic development of coastal communities. Parks Canada, as an agency, became responsible for national marine

parks and the national marine conservation areas, while Canadian Heritage retained responsibility for historic shipwrecks (Fisheries and Oceans Canada, 2009b).

Along with the objective of integrated management of federal activities related to the ocean, the Oceans Act (1996) specifically outlined the importance of engaging with the provincial and territorial governments and reflected the constitutional obligations specific to First Nations.

5.5.2 Provincial and territorial governments

In Canada, eight out of the ten provinces and all three territories have marine boundaries within their jurisdiction (McDorman & Chircop, 2012). While the federal government has a lead role in terms of the development of national ocean policy, the provinces and territories have significant areas of involvement. As McDorman and Chircop (2012) outlined, there are areas of ambiguity and overlap between federal and provincial/territorial jurisdiction. In particular, the question of seabed ownership has been the subject of several court challenges, of which some have decided in favour of the federal government (*Delgamuukw v. British Columbia*, 1997) as it related to the continental shelf west of Vancouver Island and Gwaii Haanas, whereas the decision was in favour of the province in terms of the Strait of Georgia and the inland waters between Vancouver Island and the mainland (*R. v. British Columbia*, 1984). From McDorman and Chircop's (2012) perspective, disputes over jurisdiction were less relevant as the bulk of distinction between federal and provincial authorities was driven by the sectoral activity such as fishing, transportation or tourism. They also noted that the Constitution was silent on the subject of the environment. The federal government is largely responsible for marine protection in areas of

federal jurisdiction such as marine transportation, but the provinces retain responsibility in areas that affect the tidewater and near-coast areas.

5.5.3 First Nations

As R. Jones (2006) emphasized, the term First Nations describes a diverse group of nations and each have adapted particular use and practices of the ocean to the environment in which they have lived continuously predating the arrival of colonists. His portrait of the Pacific Northwest emphasized that First Nations communities had extensive capacity to travel on the ocean over great distances and to fish at great depths. They were not limited to tidewater or near shore activities. R. Jones noted that First Nations have a clear sense of their ownership of ocean spaces that is based on holistic conception of the relationship between land and sea. From house to canoe to sea, there is no dividing line that distinguishes the territory. The relationship between Indigenous communities and the ocean is multi-dimensional, beyond the economic use and including cultural and identity aspects as well (Bennett et al., 2018). Indigenous governance reflects stewardship principles that recognize the holistic and intrinsic relationship with the environment (Turner et al., 2000) that is sometimes in conflict with Government of Canada's view of the ocean as a common property resource that must be managed and developed for all Canadians (R. Jones, 2006). In addition, the nature of First Nations claims to the sea bed remain a very active and live aspect of ocean governance and can be expected to influence the progress of ocean management in Canada.

Section 35 of the Constitution Act, 1982 acknowledges the aboriginal and treaty rights of the Indigenous people and is therefore used as the critical point of reference in determining First

Nations title and rights. In *Delgamuukw v. British Columbia* (1997), the Supreme Court provided further definition of First Nations title and rights. For the purposes of the discussion of the Oceans Act as it relates to First Nations, the key elements outlined in the decision include the following:

- That First Nations title includes the exclusive use and occupation of the land
- It cannot be sold or transferred except to the Crown
- Exclusive use is not restricted to traditional Indigenous activities, noting further that it extends to mineral rights and lands that are capable of exploitation and not currently used in a traditional manner
- The use of the land cannot be used in a manner that would impair the future use of the land, that is it cannot be put to use that destroys its value (an application of the principle of intergenerational equity)
- There may be circumstances when there may not be a claim of First Nations title but recognized that there are site-specific rights to engage in particular activities
- First Nations rights are not absolute and can be infringed upon by federal and provincial governments if: (1) it furthers a compelling or substantial legislative objective and, (2) it is consistent with the special fiduciary relationship between the Crown and the Indigenous people. Examples of where that infringement might occur include the development of agriculture, forestry, and hydro-electric power, the general economic development of BC, and the protection of the environment or endangered species (that last point relating therefore to the creation of Marine Protected Areas under the Oceans Act)

- This infringement involves a two-step process, the first being the requirement to satisfy a justification analysis, the second being the duty to consult with First Nations. While in this case, the duty to consult was not explicitly delineated, it was stated that it might go deeper than mere consultation.

Ginn (2006) provided specific commentary on the Canadian jurisprudence that relates to the issue if First Nations title can be applied to the seabed and the consequences for the implementation of the Oceans Act. She began by noting that the Oceans Act includes specific reference to the recognition of First Nations rights and the need to collaborate with Indigenous organizations. Along with other jurisprudence, Ginn (2006, p. 292—293) concluded the following:

- That First Nations title (to land) could also be applied to the sea bed and this is the basis of Haida Nation claim discussed further.
- That the extension of First Nations title to sea bed would be within the ocean territory defined by Canada under the Oceans Act
- That the recognition of First Nations title regarding the sea bed operated, as with Crown title, in recognition of international law which included the right of innocent passage
- Furthermore, the public rights to fishing and navigation were grounded in common law (whereas the First Nations title and rights were founded on constitutional law specifically section 35 of the Constitution Act) but recognition of the First Nations title to the sea bed did not negate these rights

In relation specifically to the Oceans Act, it was Ginn's (2006, p. 294) conclusion that the recognition of federal territory in the oceans strengthened the doctrine of First Nations title to the sea bed. In 2014, the Supreme Court of Canada decision in *Tsilhqot'in v British Columbia* affirmed First Nations title over land that had been continuously in use by and under the management of the First Nations communities. This was considered a landmark decision for its recognition of Indigenous title based on continuous use. In 2002, the Haida nation submitted a similar claim of use but extended it to include the inland waters, the sea bed and the archipelagic waters surrounding the Queen Charlotte Islands, now known as Haida Gwaii (L. Lee, 2012). In a 2015 judgement related to the Haida Nation's action against the decision of Fisheries and Oceans, the Supreme Court recognized that the Haida Nation claim to the seabed and surrounding waters was still undecided but predicated its decision on recognizing the jurisdiction of the Haida First Nations over the herring roe in the surrounding waters to Haida Gwaii (*Haida Nation v. Canada*, 2015), giving effect to the acknowledgement of the Haida's traditional and ongoing management of the surrounding waters. In addition, the marine spatial planning activity described earlier that was undertaken by the Haida First Nation further illustrated the leadership role of the Haida in the ocean governance and management of the surrounding waters (Marine Plan Partnership for the North Pacific Coast, 2015).

In more recent years, the Government of Canada has undertaken formal reconciliation discussions with First Nations and many of these have included acknowledging the traditional use of coastal and oceans areas. The tide has turned towards increasingly integrating Indigenous people's rights into ocean governance in Canada and is moving towards co-management models of governance (Ban & Frid, 2018).

5.5.3 Coastal communities and local governments

In a federal structure such as Canada, the development and implementation of ocean policy is primarily directed by the federal government (Day, 1995). However, with the increased emphasis on regional integrated marine management activities and coastal zone management², local communities and governments have become engaged as stakeholders in the processes. Local governments, including municipalities have jurisdiction over the land use activities that may impact on the ocean environment. These authorities correspond to and operate within the provincial jurisdiction and there is sometimes overlap between these authorities (East Coast Environmental Law, 2010). Coastal communities have become increasingly implicated in ocean management activities because of their close relationship and dependence on the ocean environment for their livelihoods, their community wellbeing and for the personal health. Changes to the ocean environment are often felt first and most dramatically by coastal communities. However, the challenge for coastal communities is that they must contend with a complex array of authorities from the federal and provincial governments, to First Nations, and regional and municipal authorities (Kearney et al., 2007).

² In his presentation to the House Committee, Dr. Parsons, the departmental lead on the Act, distinguished between coastal zone management and integrated management. Coastal zone management was focused on near shore activities and integrated management incorporates the ocean territory offshore as well. Integrated management includes coastal zone management but does not overtake it (Standing Committee on Fisheries and Oceans, (1995a) Meeting 44, October 18)

5.6 Conclusion

In summary, activities in Canada's ocean environment are governed by a complex and tangled web of authorities from federal to local and include the important recognition of First Nations relationship with the ocean environment. In this context, ocean policy has evolved, mostly driven at a federal level given the nature of Canada's federal structure.

6. Canada's Ocean Policy

6.1 Introduction

In this chapter, the focus is on the history of how Canada's ocean policy developed. There are a number of phases of ocean policy development identified over the course of the recent history in Canada. The first phase of Canadian ocean policy development occurred in the lead up and actual development of the 1973 ocean policy. A second phase is traced to the 1987 ocean policy and surrounding activity. A third phase is identified in the lead up to the Oceans Act in 1996. A fourth phase occurred from the passage of the Act to the key implementation activities of the 2002 Ocean Strategy and the 2005 Ocean Plan, and it is this period from 1996 to 2006 that is the subject of the first component of research. The interval that followed the Plan in 2006 involved a change in government who developed a different approach to ocean management focusing on a horizontal initiative led by DFO, known as the Health of the Ocean initiative. The Health of the Ocean initiative was not specific to the implementation of the Oceans Act, but did include activities to support some of the key objectives including the implementation of marine protected areas (Fisheries and Oceans Canada, 2012). A fifth phase is underway at this time with the introduction of the Oceans Protection Plan in 2016 and the proposed amendments to the Oceans Act tabled by the Minister in June 2017. In summary, the phases are illustrated in Table 4, and in addition, the relevant international policy activity that was underway that influenced the period is identified. The political context of the decision makers who were developing the policy is also described.

Table 4. Canada's Ocean Policy Activity

Phase	Dates	Ocean Policy	Policy Activity	Political Context
1	1950 – 1973	1973 Ocean Policy		Liberal and Progressive Conservative governments during this time. Note it was under Liberal Government that Policy was passed
2	1973 – 1987	1987 Ocean Policy	National Marine Council, Interdepartmental Committee; 1979 Government Organization Act designating DFO as lead ocean department; Third UNCLOS conference (1973-1982) UNCLOS Agreement (1982)	Liberal majority government until 1984, Progressive Conservative majority government passed Policy and created Council etc.
3	1987 – 1996	Oceans Act, 1996	1992 Bruntland Commission; United Nations (1992) Conference on Environment and Development; Convention on Biological Diversity	Progressive Conservative majority defeated in 1993, followed by Liberal majority government
4	1996 – 2005	Oceans Strategy, 2002 Oceans Plan, 2005	Canada ratifies UNCLOS 2003	Liberal majority government to 2004, Liberal minority government defeated in 2006

Table 4 cont'd

Phase	Dates	Ocean Policy	Policy Activity	Political Context
5	2006 – 2015	Health of the Ocean initiatives	World Class Tanker Safety Program 2014; Northern Gateway Review (Joint Review panel established 2010, Panel recommendation to proceed 2013, Government approves project 2014)	Conservative Party (united party made up of Reform and Progressive Conservatives) formed majority government until defeated in 2015.
6	2016 – current	Oceans Protection Plan, 2016 Amendments to Oceans Act, 2017	(National Energy Board suspends review of Northern Gateway, 2016)	Liberal majority government elected in 2015, fixed election date in 2019

6.2 Historical Overview of Canada's Ocean Policy

6.2.1 1973 Ocean policy

Despite the prominent role played by the ocean in the development of Canada, from its settlement to its economy, ocean policy is a relatively young phenomenon in Canadian administration. It was not until 1973 that the Government of Canada undertook a concerted and coordinated effort to bring together the diverse aspects of ocean management under one policy frame (Crowley & Bourgeois, 1989a). Indeed, much of Canada's ocean activities were administered in a sectoral manner, reflecting the key areas of transportation, fisheries, sovereignty and defense, and eventually ocean science and research. Whilst the 1973 ocean policy was deemed a failure in most respects, it did provide a mechanism for the creation of a

stakeholder constituency made up of industry and science that, coupled with the increased public and political interest perpetuated by the negotiations for the United Nations Law of the Sea (UNCLOS) that had begun in 1968, ensured that the ocean policy agenda did not just disappear (Crowley & Bourgeois, 1989a).

A number of socio-political events contributed to the development of the 1973 national ocean policy, including the transverse of the US Manhattan through Canadian Arctic waters in 1969 and 1970 and the Polar Star followed in 1985 (Crowley & Bourgeois, 1989a), which accelerated the desire of the Canadian government to assert its jurisdiction and to protect its interest in the potential hydrocarbon rich environment in the Arctic. Related to this was the global energy crisis that was precipitated by the Organization of Petroleum Exporting Countries (OPEC) activity and led to both the Canadian and US governments to seek to increase domestic supply. There was also ongoing conflict to manage access to fishing stocks on both the Pacific and Atlantic coasts. The ocean-related industry in Canada from fisheries to offshore petroleum, along with the science community became engaged through the development of the policy.

Lamson (1994a) described the leadership for the development of ocean policy during this time as coming from two sources: (a) a small group of oceanographers and marine biologists working primarily in federal research labs; and (b) an even smaller group of diplomats and lawyers who, under the leadership of Ambassador Beesely, provided support to Canada's participation in the United Nations Conference on the Law of the Sea (UNCLOS III). Indeed, throughout Canadian ocean policy, the two dominant paradigms that have influenced the construct of the policy

process in Canada have been ocean science and the law, as will be seen through the investments made to support ocean policy and then later the Oceans Act.

In the ensuing years, a number of activities provided building blocks towards to the creation of the 1996 Oceans Act, including in 1977 when Canada established a 200-nautical-mile zone to protect its fishing stocks, a perimeter that was later recognized in the United Nations (1982) UNCLOS agreement and subsequently the Oceans Act. In 1979, the Government Organization Act assigned the role of coordinating ocean policies and programs at a federal level to the Minister of Fisheries and Oceans. The significance of this Government Organization Act was that it joined together, for the first time, oversight for fisheries and oceans under one department, and also gave that department a government-wide mandate for federal activities related to the ocean (Boyle, 1989). A 1983, Ocean Task Force captured the scope of the federal activity, determining that within the Government of Canada there were over 75 programs involving 14 departments, 13,000 employees and \$1.3 billion in expenditures engaged in ocean-related activity that ranged from transportation, resource development, defense, the Arctic, ocean industry, and science and technology (Crowley & Bourgeois, 1989a). The Task Force made recommendations towards an action plan for Fisheries and Oceans, and for the creation of an ocean policy that would include better coordination of federal activity (Crowley & Bourgeois, 1989a, p. 175).

A change in the federal government in 1984 delayed implementation of the recommendations as the long-time Liberals were removed from power and replaced by the Progressive Conservative government. Relevant to the ocean agenda, over a quarter of the ridings held by the new

government had significant ocean or fishing interests within their constituency. In his 1984 letter to the Prime Minister, newly appointed Fisheries and Oceans Minister John Fraser defined his priorities for his mandate to include focus on the ocean's development potential, and to better understand the interaction of the ocean on greenhouse gases. In 1985, Tom Siddon replaced Fraser as Fisheries and Oceans Minister, and the Prime Minister directed him to concentrate his mandate on the ocean. Specifically, the Prime Minister asked the Minister to review ocean policy and to give particular consideration on how to coordinate federal activities in order to strengthen Canada's ocean management (Crowley & Bourgeois, 1989a). In response, in 1986, the Minister outlined his plan to consult with the private sector before bringing Cabinet a proposal to improve the coordination of Canada's ocean regime (Crowley & Bourgeois, 1989b). Alongside this political interest was a growing bureaucratic interest within the federal government and a piqued public interest in ocean issues resulting from ongoing fisheries issues, climate events such as El Nino, and the signing of United Nations Convention of the Law of the Sea that had occurred in 1982 though Canada had not yet ratified the agreement (Crowley & Bourgeois, 1989a, p. 179).

6.2.2 1987 Oceans policy

In 1987, Cabinet adopted a new ocean policy for Canada, described in its title as a strategy to meet the challenges and opportunities of the oceans frontier (Crowley & Bourgeois, 1989a). The mandate of the new ocean policy were to "secure maximum social, economic, scientific and sovereignty benefits for Canadians for Canada's ocean resources and ocean spaces" (Boyle, 1989, p. 230). In the preamble, the Government outlined three reasons for the development of an oceans policy: (a) to harness the development potential of Canada's vast ocean resources including export opportunities; (b) to better coordinate and to avoid fragmentation of the ocean-

related activities undertaken by the 14 federal departments; and (c) to move forward on major federal priorities of regional development, world-class science, and technology, and protection of Canadian sovereignty (Canada, 1987). This policy was focused on economic development, meeting the needs of private industry, and promoting Canada's sovereignty. Little was stated in the policy relative to ocean protection, sustainable development, or eco-system management, objectives that would become more prominent in the 1996 Oceans Act as well as its subsequent implementation activities. It is also significant that the objective of better coordinating federal activities was an early and persistent objective of the ocean policy activities from 1973 and onward before becoming instilled as an integrated management approach. What is also missing from this earlier policy is a prominent discussion of the interaction between the federal ocean policy, its implementation, and other jurisdictions involved in ocean management including the provinces, territories and First Nations.

Alongside the development of an ocean policy, the federal government also undertook in 1987 to create a National Marine Council that was to advise the Minister of Fisheries and Oceans on marine policies and issues. The Council was made up of representatives of key stakeholder groups including the ocean industry (Crowley & Bourgeois, 1989a). The government also struck an interdepartmental committee on oceans that was chaired by the Deputy Minister of Fisheries and Oceans and included representatives of the fourteen federal departments that were engaged in significant ocean-related activity (Crowley & Bourgeois, 1989a). This committee's purpose was to ensure better coordination among the federal departments, and one of their preliminary activities was to establish a multi-year science plan to capture the current science activity underway in the federal government. The plan identified the ongoing science needs of the federal

government not only for internal decision making, but also to meet its obligations as a major supplier of this data to private industry that had come to rely on the federal government as a primary source of marine and ocean research (Crowley & Bourgeois, 1989a).

A final recommendation resulting from the 1987 ocean policy was to ask the Department of Fisheries and Oceans to undertake the work to prepare for an oceans act that would serve to clarify the legislative basis of the oceans policy (Crowley & Bourgeois, 1989a). At this juncture, ocean-related legislation was dispersed through various acts across the federal environ and consolidating these into comprehensive legislation was viewed as critical step to meet the objective of a better coordinated federal government activity around oceans as well as to meet the demands of an expanding ocean territory with its inherent complexity in ocean-related policy issues, and to promote a growing ocean industry (Crowley & Bourgeois, 1989b).

In the ensuing years between the 1987 ocean policy, its implementation, and the 1996 Oceans Act, there was a drop in federal activity related to oceans management. Several explanations were offered for the break in momentum, including that the drop in oil prices meant both American and Canadian interests in exploring offshore petroleum development were slowed, the depletion of fish stocks such as the cod on the Atlantic coast led to closures in Canada's fishing industry, and an increase in human smuggling by vessel changed the focus of both the Canadian Coast Guard and the navy towards surveillance and interdiction (Day, 1995).

In addition, significant in 1993 was a change in government when the Progressive Conservatives were defeated in the national election and the Liberals formed government with a strong

majority. An early focus of this government was to eliminate the federal government deficit and reduce the size of the federal government debt. Program reviews were conducted across the federal departments and the Fisheries and Oceans experienced substantial cuts in budget and personnel (Day, 1995). As an example, the federal 1995 Budget documents noted that the department undertook \$200 million in spending reductions between 1994 and 1998, which represented a 21.5 per cent drop in spending levels for the department (Government of Canada, 1995).

An additional explanation offered for the slow growth of an ocean policy in Canada was the lack of committed interest to the study of ocean policy. The United States had, by 1985, over two decades of focused study on ocean policy leading to a wealth of academic literature (Lamson, 1994c). In Canada, the situation was described as the “ocean-policy analysis is a fledging enterprise and is the domain of a relatively small number of academics, bureaucrats, and other policy advisors” (Lamson, 1994b, p. 315). A partial explanation given for this lack of focus on the study of ocean policy was the disparate nature of policy making in the federal system, noting that ocean activity was scattered across 14 departments who oversaw 75 oceans-related programs. However, as Lamson made clear, there was also an underlying narrative regarding ocean policy in Canada that suggested four degrees of complexity created barriers to effective policy-making. The first was the public perception of the ocean, that it was too vast and too remote to be understood as requiring policy action. The second was that given the interconnectedness of ocean policy issues, it required disciplines as diverse as economics, the law, politics, natural science and environmental science to be brought together to address them. The third was that ocean problems did not occur suddenly but evolved over time, meaning that

by the time they were identified, it had almost become too late to respond to them. And finally, the fourth degree of complexity that Lamson identified was that the federal policy environment was geared towards short-term policy action, usually within an electoral time period whereas ocean policy issues required longer periods of ten years or more to address. However, she characterized the policy activity at the federal level in 1987 as the opening of a policy window, heralding a new concerted interest in ocean policy development. As the subsequent discussion shows, her optimism was well founded as Canada moved to the development of a 1987 ocean policy, and then the passage of an Oceans Act in 1996, and early implementation activities in 2002 and 2005.

6.2.3 Lead up to Canada's Oceans Act

Coffen-Smout (1996, p. 316), as founder and vice-chair of the International Ocean Institute, undertook an assessment of Canadian views of ocean policy and their expectations for the future. His assessment was conducted through three public hearings: (a) Halifax, March 1996; (b) Vancouver, April 1996; and (c) Ottawa, April 1996, which involved 76 stakeholders drawn from government, academia, industry, First Nations and Inuit, coastal communities, and non-government organizations. In addition, he conducted a survey sending out 1,500 individual surveys and receiving 162 completed responses. He also undertook reviews of the literature produced by Canadian government and non-government organizations.

One surprising result, given the significance of the ocean to Canada's development, was that Coffen-Smout (1996) found that there was not a general appreciation amongst the Canadian population regarding the importance of a healthy ocean to the economy, to the climate, and to

their everyday lives. His conclusion was that despite being a maritime nation, with the longest coastline in the world, the ocean was not paramount to the national public agenda. This explained the lack of political will that had underpinned Canada's ocean policy activity up to this time and why it was not a significant political or electoral issue.

The key issues of the 1993 federal election were the economy and reforming the federal government. After more than a decade of Progressive Conservative majority government under the leadership of Prime Minister Mulroney, the new leader of the Conservative Party, the Right Honourable Kim Campbell, campaigned on a platform of government reform and liberal conservatism (Cairns, 1994). Liberal leader, the Honourable Jean Chrétien, issued a detailed election platform known commonly as the Red Book. Interestingly, while it contained commitments to sustainable development, environmental protection and clean up, no specific mention was made of the development of a national ocean policy (Liberal Party of Canada, 1993). Chrétien was elected with an overwhelming majority, and the Progressive Conservatives were reduced to two seats thus losing official party status and the ability to champion their previous policy initiatives (Cairns, 1994). Ocean policy was not on the federal political radar. At the 1994 Liberal Party of Canada Biennial Convention, of the 63 adopted policy resolutions, not one was related to the ocean or ocean policy. Thus, it was evident that the motivation for the development of a national ocean policy was not coming from within the Liberal Party's political constituency.

In 1994, the DFO issued a discussion paper *A Vision for Ocean Management* to support the consultations both inside and outside of government (Mageau et al., 2015). The motivation to act

on developing a national oceans policy arose out of the challenges from the collapse of the Atlantic groundfish industry and the salmon catch on the west coast. Furthermore, the Minister characterized Canada's ocean policy framework leading up to the Act as "short-term, piecemeal and fragmented" [Canada. Parliament. House of Commons Debates (*Hansard*) 1995b, at 14860].

6.3 An Overview of the Key Ocean Policy Activities from 1996-2006

In 1995, Bill C-98, legislation respecting the oceans of Canada was introduced into the House of Commons as a first step towards becoming law [Canada. Parliament. House of Commons Debates (*Hansard*) 1995a at 13812]. At the start of second reading on September 26, 1995, the sponsoring Minister, the Honourable Brian Tobin, provided a comprehensive statement regarding the purpose and intent of the Oceans Act [Canada. Parliament. House of Commons Debates (*Hansard*) 1995b at 14860-14865]. In his speech, he began by noting the proposed Oceans Act was significant because it staked a claim in the ocean for Canadians. He catalogued Canada's long history of involvement in the international policy activity that led to UNCLOS. He acknowledged previous domestic policy action such as the Arctic Waters Pollution Prevention Act that sought to establish Canada's sovereignty over its ocean waters. He suggested that the Act represented a new chapter in Canadian maritime history with the creation of an exclusive economic zone for Canada. The political motivation to act at this time in history to establish Canada's ocean territories was in part propelled by the social and economic disruption created by the collapse of the ground fishery on the east and west coast. He however also noted the importance of ocean protection and ocean management and defining Canada's jurisdiction was necessary for the "wise development of our ocean waters" [Canada. Parliament. House of Commons (Debates) 1995b, at 14860]. He clearly stated that an oceans management strategy

was necessary to provide better coordination of the federal activity and that the Act gave the Minister of Fisheries and Oceans the authority to develop that strategy based on the principles of sustainable development and integrated management. Finally, Tobin outlined the rationale for the integration of the Coast Guard into the DFO, moving it from Transport.

In the debate in the House that followed the Minister's address, the Secretary of State for Fisheries and Oceans Robichaud, echoed the Minister's key points including emphasizing that the Act modernized Canada's ocean management structure predicated on three key themes of cooperation, coordination, and broad-based community support, and Robichaud tied sustainable development and stewardship to economic development [Canada. Parliament. House of Commons Debates (*Hansard*)1995c at 14872]. In the debate in the House from September 26 to September 29, 1995, most Liberal members echoed the key messages that formed the Minister's speech. Several distinguishing points arose during the debate by other members, including concerns raised about the overlap and ambiguity between the mandate of the Minister of the Environment in environmental regulations and the role described in C-98 for the Minister of Fisheries and Oceans in environmental protection of the ocean waters and the lack of recognition of the jurisdiction of the provinces [Canada. Parliament. House of Commons Debates (*Hansard*) 1995d at 15030-32].

There was recognition of other related international activity under the United Nations Conference on Straddling and Highly Migratory Fish Stocks, noting specifically that this international agreement would provide permanent protection of the straddling stocks on the Grand Banks off Newfoundland, and would fill gaps in international law related to fishery

protection [Canada. Parliament. House of Commons Debates (*Hansard*) 1995e at 15055].

Another Liberal member brought up, for the first time in debate, the important role that technology would have in supporting better ocean management while also promoting the development of new industries in Canada [Canada. Parliament. House of Commons Debates (*Hansard*) 1995f at 15058]. Much of the debate, however, focused on the issues related to fisheries management including the salmon stock on the west coast and the impact of closure of the cod fishery on the east coast.

On October 18, 1995, the Standing Committee on Fisheries and Oceans began its consideration of the legislation, a process that would last several weeks, would involve hearing from witnesses representing the Department of Fisheries and Oceans, user groups, First Nations as well as the academic community [Canada. Parliament. Standing Committee on Fisheries and Oceans (Evidence) 1995a]. Of particular note, related to understanding the policy narrative of the Act, was the appearance of Dr. L. Scott Parsons on that first day of hearings, who as Assistant Deputy Minister of Science, was the lead responsibility for C-98 within the department. During his testimony, he gave further insight into the policy narrative and this was used to support the narrative analysis of the Act. In the same manner, the testimony provided by the Minister on November 20, 1995, also provided additional supplementary background that supported the narrative analysis of the policy frame of the Act, recognizing that this testimony was provided during the review of the first iteration of the legislation that became the Oceans Act [Canada. Parliament. Standing Committee on Fisheries and Oceans, (Evidence) 1995c]. Other testimony from the outside witnesses provided stakeholder insight into the key issues as well as concepts that were framing the policy area [Canada. Parliament. Standing Committee on Fisheries and

Oceans, (Evidence) 1995c]. The Committee made several amendments to the legislation and returned it to the House in December 1995. However, Parliament prorogued, and therefore, all House activities came to an end.

Under the new Parliament, the legislation was reintroduced as Bill C-26. Upon receiving confirmation from the Minister that that the legislation was in the same form as the previous Bill C-98 as amended by Committee, the House gave assent that it be reinstated at the same point at which it had left off when Parliament prorogued. The Bill was deemed to have been read a second time and reported back from Committee with amendments [Canada. Parliament. House of Commons Debates (*Hansard*) 1996c at 3589]. Bill C-26 was thus debated at third reading and the speech in support of the bill by Parliamentary Secretary Ted McWhinney was a substantive and thoughtful outline of the key issues and intent of the legislation that supported the narrative analysis of the policy narrative of the legislation [Canada. Parliament. House of Commons Debates (*Hansard*) 1996b at 3589-3593].

The House continued consideration of Bill C-26, and throughout the debate, members from all parties contributed additional perspectives that formed part of the supplemental reading for the narrative analysis of the Oceans Act. On October 9, 1996, the Act was deemed to be read a third time [Canada. Parliament. House of Commons (Journals) 1996d].

On October 23, 1996, in the Senate, the Hon. Ray Perrault, in support of the second reading of Bill C-26, echoing many of the key messages from the Minister's speech in the House, provided additional context to supplement the narrative analysis of the policy frame of the legislation

[Canada. Parliament, Debates of the Senate of Canada (*Hansard*) 1996a at 984]. On October 31, 1996, the Senate Standing Committee on Fisheries commenced hearings on the legislation, and over the course of several sitting days, they heard from a number of witnesses including departmental officials, First Nations, and user groups. Again, the appearance of the leading departmental official Dr. Scott Parsons provided additional background that assisted in understanding the policy frame of the Act including clarifying that the Fisheries Act was also going through amendment at the same time (Canada. Parliament. Standing Senate Committee on Fisheries (Evidence) 1996b). This became germane as during both the House and Senate consideration of the legislation, fisheries related issues were often raised and there appeared to be a significant amount of confusion on the part of parliamentarians as to what legislation was relevant to fisheries issues. Other notable appearances at the Senate Committee included that of Mr. Gerry Swanson, Director General, Habitat Management and Environmental Science, Department of Fisheries and Oceans, who provided more detail on how the integrated management planning process would unfold in the regions [Canada. Parliament. Standing Senate Committee on Fisheries (Evidence) 1996d].

Bill C-26 passed Parliament at the end of 1996 and was signed into law in January 1997. Included in the final text of the legislation in Part III, section 52 was a requirement for the House Standing Committee on Fisheries and Oceans to review the implementation of the Oceans Act three years from its passage into law (1996). In October 2001, the Committee held hearings across the country, from British Columbia to Halifax, Nova Scotia. It prepared its final report in October that included dissenting opinions from the Canadian Alliance, the Bloc Québécois, and the New Democratic Party (Canada, Parliament, House of Commons, Standing Committee on

Fisheries and Oceans, *Report* 2001). The Report found the Act sound but noted that it had not been fully implemented. Therefore, it contained a number of recommendations to the Government. Both the Report of October 2001 and the Government's response issued in March 2002 were very helpful to read as supplemental material to understand the progress of key concepts and principles. In particular, it was useful to understand the context and intent behind the Oceans Strategy that was issued later in 2002.

Canada's Oceans Strategy was issued in 2002 as a framework to implementing the oceans strategy that formed Part II of the Oceans Act. It contained two parts. The first was a comprehensive document that outlined in detail the context, application, policy framework and strategic direction for the implementation of the Strategy (Fisheries and Oceans Canada, 2002a). The second part was an operational framework that outlined specific activities to support the implementation (Fisheries and Oceans Canada, 2002b). Both documents form part of the core documents for the narrative analysis review.

In 2005, the Commissioner of the Environment and Sustainable Development, under the offices of the Auditor General, undertook a comprehensive review of Canada's ocean management strategy. This report, as with the one conducted earlier by the Standing Committee on Fisheries and Oceans, found significant gaps in the implementation of the Oceans Act particularly in the area of governance and in support of integration. The document provided useful insight into not only the progress of implementation but also how key concepts were defined, and values expressed. This was particularly relevant as concurrently with the review undertaken by the Commissioner, the department was drafting Canada's Oceans Action Plan (Fisheries and Oceans

Canada, 2005a). In the Government's response to the Commissioner's review, which was included in the report, a number of references were made to the planning activities for the Plan.

In 2005, the Oceans Action Plan was issued. In 2006 there was a change in government as the Liberals were defeated and replaced by the newly created Conservative Party of Canada. Under the new Government, it would be several years before additional policy activity was undertaken. Therefore, 2006 was the appropriate cut-off point from a research point of view. The chronology of the key ocean policy activities is presented in Figure 10.

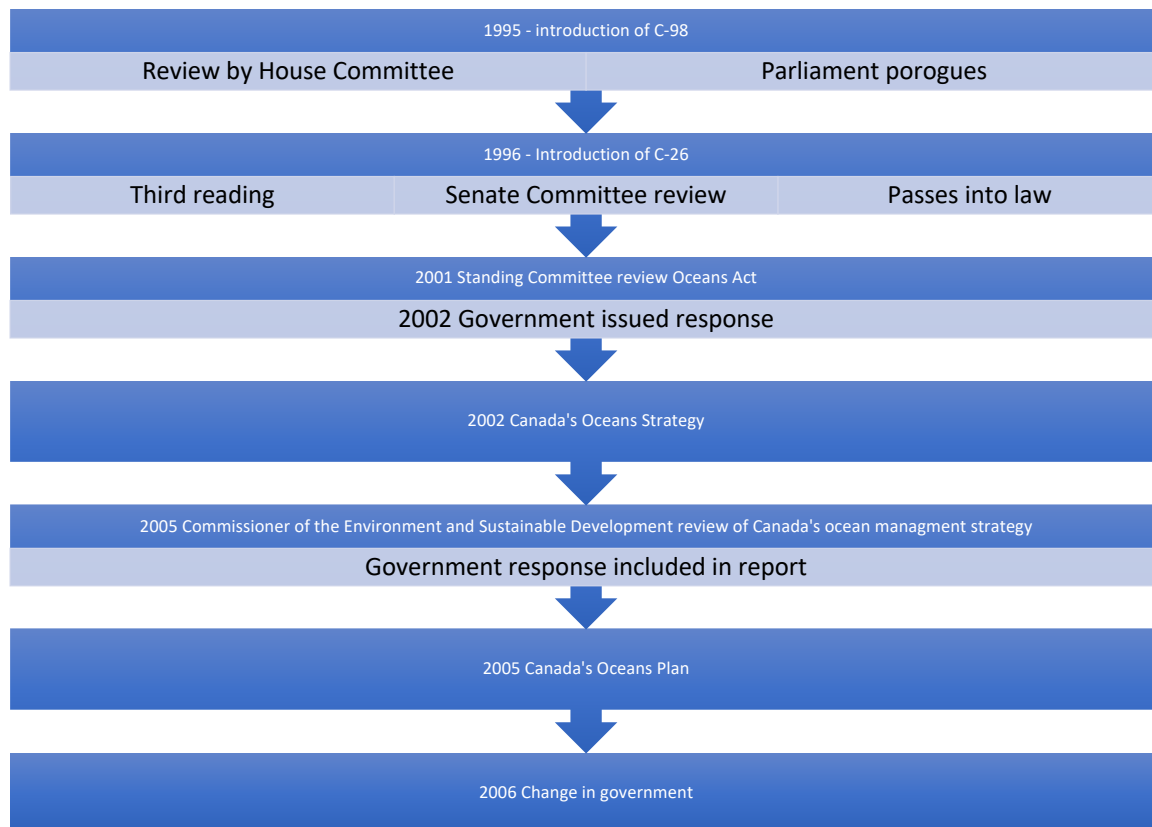


Figure 10. Ocean Policy Activities 1996-2006

6.4 Canada's Oceans Act

When Canada's Oceans Act came into force in January 1997, Canada was the first jurisdiction to have a comprehensive oceans management strategy incorporated in legislation (Commissioner of the Environment and Sustainable Development, 2005). Australia's Ocean Policy that had predated Canada's Oceans Act was also an attempt at a comprehensive, national ocean policy but it did not have a legislative framework.

The Act was intended to respond to three primary challenges. Under UNCLOS, Canada's ocean territory had expanded to include the Exclusive Economic Zone, along with contiguous zone and territorial zone. The Act recognized this expanded ocean territory in statute. The second challenge was to accommodate the transfer of the Canadian Coast Guard from Transport Canada to DFO. The third challenge was to develop a comprehensive ocean management strategy that would meet the international obligations of ocean management ensuing from UNCLOS and amplified in subsequent international environmental policy activity.

While, as shown earlier, Canada had made previous attempts at developing a national policy, this was the first time it had been constructed in a legislative frame, which was anticipated to give it more force and coherence across the federal structure. There were two separate legislative drafts that were tabled in the House of Commons because Parliament prorogued before the first legislation was passed. In addition, House and Senate Committees reviewed the legislation and amendments were proposed following the hearing of witnesses. A striking difference between the C-98 that was proposed in 1995, and C-26 that passed into law in 1996 was the preamble.

The original draft legislation of 1995 contained a short preamble that outlined the framing principles of the legislation. They were an affirmation that by this legislation Canada was a world leader in oceans and marine resource management; through knowledge Canada would foster sustainable development of the ocean and its resources; that this Act put into domestic law, the rights and responsibilities of the Exclusive Economic Zone (EEZ); and that DFO would collaborate with other departments and agencies of the federal government in implementation of a national strategy. The preamble contained in the Act is considerably more extensive and along with the principles in the C-98, it includes specific mention of the international norms of sustainable development, the precautionary principles, and an integrated management approach. It duplicates the language of UNCLOS in recognizing the common heritage of the oceans, and it incorporates the international conventions of the ecosystem approach and its role in support of biological diversity. It expands the commitment of collaboration beyond the federal government to include provincial and territorial governments, First Nations, and coastal communities.

This change indicates that the Oceans Act was anticipated to be more than a piece of housekeeping legislation to integrate the Coast Guard into DFO, or to provide a statutory outline of Canada's ocean territory. It establishes the Oceans Act as a defining statement on how the relationship between Canadians and the oceans would be governed. It sets out the principles and the normative framework that are intended to govern the federal government's ocean management activities.

6.5 Implementation and Review of Canada's Oceans Act

Over the course of the period from 1996, with the passage of the Act, to 2006 when there was a change in government and approach to ocean policy, four key activities occurred within the federal forum. The first was that the Standing Committee on Fisheries and Oceans undertook a review of the Act three years after its passage. Concurrently with that review, the Fisheries and Oceans was developing the Oceans Strategy that was issued in 2002. In 2005, the Commissioner of the Environment and Sustainable Development conducted a review of the implementation of the Act and in the same year Fisheries and Oceans issued the Oceans Action Plan.

6.5.1 Standing Committee on Fisheries and Oceans Review, 2001

In 2001, the Standing Committee on Fisheries and Oceans undertook a review of the implementation of the Oceans Act (Canada. Parliament. Standing Committee on Fisheries and Oceans, *Report* 2001). This requirement to review the implementation three years after passage of the Act was made by the committee during their review of the draft legislation. The Committee undertook a formal review that included hearings across the country as well as in Ottawa.

The Committee found that the Act was fundamentally sound, and they made no recommendations for amendment of the Act. They however did find that the implementation of the Act had been uneven. They also noted areas where there could be clarification or improvement to better meet the objectives of the Act. The discussion that follows focuses on those areas that are most relevant to this research activity.

A central theme of the Committee report (Canada. Parliament. House of Commons. Standing Committee on Fisheries and Oceans, *Report*, 2001) and the dissenting opinions, which included the opposition parties, was a need for better recognition of the leadership role assigned by the 1997 Act to the Minister of Fisheries and Oceans with regard to decision making around ocean management. In particular, two examples were offered by witnesses as evidence of the lack of recognition of the intended leadership role of DFO. In the first example, the development of offshore oil and gas resources in Nova Scotia was being led federally by the Minister of Natural Resources, in conjunction with his provincial colleague and under the implementation of the Canada-Nova Scotia Offshore Petroleum Board. It was the view of the Committee and witnesses that given the responsibility under the Oceans Act, the Minister of Fisheries and Oceans should play a primary role in the review of this development but was, in fact, placed in a secondary position. The Committee recommended that the Minister have primary responsibility for all matters related to ocean management, and that the Minister should exercise this responsibility more proactively. In addition, it was the recommendation of the Committee that guidelines be developed for offshore oil and gas development based on the principles of the Oceans Act.

The second example cited was of the fragmented approach to marine protected areas (Canada. Parliament. House of Commons. Standing Committee on Fisheries and Oceans, *Report* 2001). Witnesses pointed out that along with DFO's responsibility for the creation of marine protected areas, Heritage Canada was shortly to have responsibility for marine conservation areas, and Environment Canada was intending to establish marine wildlife areas. The Committee recommended the creation of an interdepartmental committee to ensure coordination of these activities. The Bloc Québécois, in their dissenting opinion, recommended that the federal

government take advantage of the consideration of C-10 An Act respecting the marine conservation areas of Canada, to clarify so as to avoid duplication and overlap with the responsibilities of DFO and Environment Canada.

The Committee emphasized the importance of an integrated management approach and offered their understanding of its meaning: “Integrated management is seen as a decision-making process through which stakeholders and authorities work together toward common goals, plans and priorities affecting a specific issue or geographic area” (Canada. Parliament. House of Commons, Standing Committee on Fisheries and Oceans, *Report 2001*, p. 11). Furthermore, the Committee, drawing on DFO’s own Backgrounder on Integrated Management issued in December 1996, suggested three precepts upon which integrated management was based: (a) federal departments should not implement plans related to the ocean without seeking collaboration of other stakeholders, (b) conflicts should be addressed at the planning stage, and (c) long-term management plans should be based on regional and national goals (Canada. Parliament. House of Commons, Standing Committee on Fisheries and Oceans *Report 2001*, p. 11).

A third area of integrated management that was discussed by the Committee was DFO’s efforts to develop regional marine plans (Canada. Parliament. House of Commons, Standing Committee on Fisheries and Oceans *Report 2001*). The Committee was told by DFO that the intent of the regional plans was twofold. The first was to gain experience in marine planning through regionally based programs. The second was that the regional plans would form part of an overall

national policy framework. The Committee made no recommendation for changes to the government's approach to regional marine plans.

There are two additional areas of relevance from the Committee's review of the implementation of the Oceans Act (Canada. Parliament. House of Commons, Standing Committee on Fisheries and Oceans *Report* 2001). The first is that the Committee agreed with witnesses that key concept of the precautionary principle should be more clearly defined and that DFO should provide guidance on how and where it would be applied. In the same way, the Committee asked that DFO clarify the use of the ecosystem approach. A second area of relevance was the suggestion of witnesses to strengthen the requirement of public consultation by changing the language from 'may' to 'shall', a recommendation that the Committee agreed to (p. 12).

The Government, as required, provided a detailed response to the Committee's Report (Government of Canada, 2002). The response was notable for two reasons. It provided good insight into what the Government felt were the framing norms of the Oceans Act and its implementation. The Government also used the response as an opportunity to foreshadow the construct of the Oceans Strategy that was to be issued later in the year. In general, the Government did not agree to act on the Committee's recommendations. In particular, it did not see a need to strengthen DFO's leadership role. Therefore, the response becomes a useful supplementary document to the narrative analysis of the Oceans Act and Oceans Strategy and will be discussed in greater detail through that process.

6.5.2 Oceans strategy

In 2002, DFO released the Oceans Strategy, which was to provide an overall strategic approach to oceans and coastal management (Fisheries and Oceans Canada, 2002a). It was accompanied by a policy and operational framework for integrated management (Fisheries and Oceans Canada, 2002b). As with the Oceans Act (1996), the Strategy was intended to carve new policy ground for ocean management. It had a particular focus on three areas: the establishment of governance mechanisms; a program for integrated management planning; and, a commitment to promote stewardship and public awareness of ocean management activities (Fisheries and Oceans Canada, 2002a). The Ocean Strategy is one of the three core documents along with the Act and the Plan that was subjected to narrative analysis in this research.

6.5.3 Oceans action plan

In 2005, DFO released Canada's Oceans Action Plan (Fisheries and Oceans Canada, 2005a). While acknowledging the framework established by the Oceans Act (1996) and the Oceans Strategy, the objective of the Plan was to be an action plan to respond to the failure of the previous governance arrangements to address the complexity of modern-day ocean management. The previous governance arrangements were described as "fragmented, exceedingly complex, lacks transparency, and is focused on solving problems after they appear" (Fisheries and Oceans Canada, 2005a, p. 4). The Plan shifted focus towards following areas: (a) international leadership, (b) sovereignty and security, (c) integrated management for sustainable development, (d) health of the oceans, and (e) ocean science and technology. Unlike the Strategy, the Plan was very specific about what activities would be accomplished in Phase 1. The language and approach of the Plan differed as well from the Act and the Strategy (Fisheries and Oceans

Canada, 2002a), and it focused on the economic, international and ecological aspects of ocean management.

6.5.4 Commissioner of Environment and Sustainable Development Audit, 2005

As the Government was developing the Oceans Plan, the Commissioner of the Environment and Sustainable Development under the office of the Auditor General undertook an audit of the implementation of the Act, which again led to specific recommendations to improve the implementation of the Act (Commissioner of the Environment and Sustainable Development, 2005). The Report recognized that Canada had been a world leader in establishing a modern ocean management framework through the Oceans Act, and that the underpinning concepts were complex and emerging. The Report acknowledged that many other jurisdictions were grappling with similar issues.

However, the Report concluded that despite the Oceans Strategy, DFO had not made much progress in the implementation of the key principles of sustainable development, integrated management, and the precautionary principle. On a practical level, little progress had been made on the regional marine plans or on the creation of a national system of marine protected areas. The overall conclusion was that Canada had “great difficulty moving from conceptual definition to practical implementation” (Commissioner of the Environment and Sustainable Development, 2005, p. 7).

Specific to the Ocean Strategy, the Report recognized that it had three primary outcomes—understanding and protecting the environment; supporting sustainable economic activity; and,

international leadership (Commissioner of the Environment and Sustainable Development, 2005, p. 9). However, it found that the strategy was ill-defined, involving 55 new and existing activities over a four-year period spread across 20 departments and agencies with little specification on who was responsible and what the anticipated results would be. This lack of an accountability framework, along with a limited governance structure led the Commissioner to recommend that the Strategy be recognized as a government horizontal initiative with the support of Treasury Board in order for DFO to be able to better lead and coordinate the activities of other federal departments.

The Commissioner also recognized the inherent tension that existed within DFO between the Oceans Act (1996) and the Fisheries Act (1985). The Oceans Act proscribes that the DFO should integrate and be collaborative with other federal departments. The Fisheries Act directs the DFO to take an active role in managing the fisheries sector. The activity anticipated under both Acts intersect in the ocean environment, and in the relationship with other federal departments where, in one instance, to manage fisheries they must assert jurisdiction, while in another, under oceans management they would be pursuing collaborative approach. In addition, no new funding was awarded to DFO for the implementation activities under the Strategy or the Plan, so these activities were funded through reallocations from within the Department. This naturally created pressure on the DFO's other priorities.

6.6 Academic Reviews of the Implementation of Canada's Oceans Act

Within the academic realm, there were several reviews of the implementation of particular note. With their 2006 comparative review of Canada's and Australia's ocean governance frameworks,

Rothwell and VanderZwaag (2006) offered insight into how Canada's implementation progress was being conducted within the context of a broader international consensus on what represented leadership in ocean management. The authors chose these two countries as comparators because they represented world leaders in ocean management at the time. In Canada's case, the authors specifically acknowledged that the Oceans Act incorporated in its legal and conceptual frameworks leading principles of ocean management, such as sustainability and integrated management, as critical aspects of an eco-system approach. They also highlighted that the policy narrative of the Act was informed by non-legal disciplines, including ethics, sociology, ecology and economics, which they viewed as valuable and necessary given the complexity of ocean policy issues. The value of this review is that it addresses key concepts in ocean governance in a Canadian and comparator context, which was instrumental to understanding the framing policy narrative of the Oceans Act.

Ricketts and Harrison (2007) took a more pragmatic approach to their discussion of the implementation of the 1996 Oceans Act, perhaps not surprising given that Harrison himself had been a federal public servant and therefore was interested in the specific outcomes of the implementation process. While the authors acknowledged that there had been significant activity undertaken by the Government of Canada since the passage of the Act, they argued that there was still an implementation gap in terms of taking an integrated management approach to ocean policy. They identified a number of challenges to integration including the federal government structure with its broad array of departments and agencies that have ocean related responsibilities and activities. They also noted the complexity resulting from a changing coastal environment, and the diversity of public interests of the public including First Nations and user communities.

Jessen's (2011) paper is worthwhile to note for two reasons. Firstly, Jessen provided a more current discussion of the implementation of Canada's Oceans Act. Secondly, Jessen evaluated Canada's progress at implementation within an international context. Her key question was "whether Canada's concern for managing its ocean territory had translated into real action and what has actually been accomplished in the past 12 years as Canada has moved to implement the Oceans Act—has Canada fully assumed its obligations" (p. 21). She focused on two key activities under the Act: (a) the definition and management of marine protected areas, and (b) integrated management. Her conclusion was that Canada has lost its position as a world leader in ocean management because the actual implementation of the Act had not kept abreast of international best practices.

Chang (2009) in his discussion of the key elements of good governance, and in particular the rule of law, acknowledged the Oceans Act in Canada as a good example of the construct of rule of law that offers clarity and stability. In particular, he noted how the Act specifically assigns the leadership role over ocean and marine affairs to the Minister of Fisheries and Oceans thus dictating that the Act be considered the principal statute through which ocean management should be conducted by the federal government within its jurisdictions. It also anticipated a relationship to other legislation that Chang referred to as subsidiary legislation, and in his view, this legislation should be limited to the principle of not derogating from the principal legislation of the Oceans Act. Previous reviews, such as by the Committee in 2001 and the Commissioner in 2005, had encouraged DFO to take up its leadership role with regard to oceans management. The academic reviews were less focused on this aspect, which is unfortunate, as the ability of the Act

to meet its promise of better coordination of the activities of the federal government is largely dependent on Fisheries and Oceans taking that lead. It is also useless to enshrine key principles around ocean management in legislation if that legislation does not inform the behaviour of other federal departments who are engaged in ocean-related activity. The Joint Review of the Northern Gateway has offered a real-life example where despite the recognition of the impact of the project on the marine environment, there is no reference made by the JRP in its deliberations to the Oceans Act. The Canadian Environmental Protection Act is the statute used to govern consideration of the environmental impacts of the project (Joint Review Panel, 2013b).

6.7 Conclusion

While Canada's Oceans Act (1997) has been subject to formal review and academic study, this research represents the first narrative analysis of Canada's Oceans Act. In Chapter 2, the discussion of the distinct disciplinary approaches to ocean policy revealed how they differ in how they define the policy problem, how they approach its study, and the solutions they would propose. The purpose behind using a narrative analysis approach is that it moves beyond the confines of a particular disciplinary approach. In addition, it can be a powerful conduit to investigate the normative structure that underpins policy. This review of Canada's ocean policy, from the Oceans Act through to the key implementation activities, focused on the underlying narrative in order to establish what was the underpinning normative frame that structured the policy. The period from 1996 to 2006 allowed for a study of the evolution of that narrative and to evaluate if the normative frame had changed. Juxtaposed against that normative frame is the question of whether the defining norms behind Canada's ocean policy remain relevant today. For this reason, the second component of research involves a case study to capture the more recent

public narrative around ocean use to compare it with the policy narrative that resulted from the activities of 1996-2006.

7. Background to the National Energy Board public consultation

7.1 Introduction

The area of the case study, known as the north coast of British Columbia, is celebrated for its pristine and wild beauty, characterized by the rugged coastline and the stormy and unpredictable weather patterns. The marine ecosystem is diverse and offers a habitat for orcas, humpback, as well as migratory corridor for salmon. It also contains unique species of corals and sponge reef colonies. There are an extensive number of First Nation communities along the coastline and in the neighbouring islands. These communities have existed for thousands of years and have a close relationship with the marine environment that continues to sustain them. There are also coastal communities such as in Kitimat and Prince Rupert where the local economies are closely tied to the ocean, relying on it for food, fishing, eco-tourism, and transportation. The remoteness of the area has meant that along with the formal economy, there is a vibrant informal economy that is founded on the sharing of local resources including the harvesting of shellfish, the fishing of salmon, the gathering of local plants, and the hunting of local game (Pacific North Coast Integrated Management Area Initiative [PNCIMA], 2013).

7.2 Description of Northern Gateway Project

In 2009, the Canadian Environmental Assessment Agency and the National Energy Board signed an agreement to conduct a joint review of the proposed Northern Gateway project (Canadian Environmental Assessment Agency, 2009b). In 2010, Enbridge submitted its application for the Northern Gateway Project (the Project) to the Joint Review Panel. The Project anticipated a 1,117 km pipeline from Bruderheim, Alberta, to Kitimat, British Columbia (Joint Review Panel,

2013a), ending at a marine terminal to supply tankers that would then transverse the Douglas Channel and out past Haida Gwaii to travel to primarily Asian markets. The pipeline would carry diluted bitumen (dilbit), a diluted form of crude oil. The Joint Review process included a regulatory review and an assessment of the environmental, social and economic impacts of the pipeline project. The map (Figure 11) depicts the intended route for the pipeline.



Figure 11. Proposed Pipeline Route

Source: Natural Resources Canada (2017)

The National Energy Board has regulatory responsibility for natural gas, oil, and commodity pipelines in Canada, and for environmental assessments related to pipelines under the National Energy Board Act and the Canadian Environmental Assessment Act. It falls under the portfolio of the Minister of Natural Resources Canada. The Board conducted public hearings to consider the impact of the pipeline project, and to carry out an environmental assessment. With the Chair

of the National Energy Board, the Minister of the Environment, as the Minister responsible for Canadian Environment Assessment Act, approved the appointment of a Joint Review Panel (JRP). The purpose of the Panel was to conduct public hearings regarding the project to determine if it is the public interest and to co-ordinate the environmental assessment to review the potential environmental effects of the project (Canadian Environmental Assessment Agency, 2009a). In particular, the JRP was to consider the environmental, social, and economic effects arising from the construction and operation of the pipeline, the terminal and the tanker traffic (Joint Review Panel, 2013a).

The review by the JRP involved an extensive public hearing process that was conducted over 180 days between January 2012 and June 2013. Prior to the holding of public hearings, JRP staff also held public information sessions and online workshops to support the public with the Joint Review process, intended to provide a forum for the public and Indigenous communities and organizations to share their view about the proposed pipeline. Therefore, the JRP launched a public consultation process that included in-person meetings, written, and oral submissions (Joint Review Panel, 2013a). The decision of the Joint Review process to expand the nature and breadth of its public hearing process for the Northern Gateway process was a landmark for the Board and involved hearings across Canada (Joint Review Panel, 2013b).

7.3 Other Integrated Management Activities in the North Coast of British Columbia

Other public activities underway at the same time that might have been used as an alternative to the Joint Review process for Northern Gateway included the Pacific North Coast Integrated

Management Area (PNCIMA), a process of engagement that began as a large marine ocean area (LOMA) planning exercise under the Oceans Act (1996). Two agreements were the foundation of the PNCIMA process, the first signed in 2002 between the Government of Canada and the Coastal First Nations as a “Interim Measures Agreement” (Fisheries and Oceans Canada, Oceans Branch, 2013, p. 4), and the second was a Memorandum of Understanding signed in 2005 between the Government of Canada and the Government of British Columbia (p. 5). In 2008, PNCIMA was launched through a joint agreement between the Government of Canada, the Coastal First Nations, and the North Coast-Skeena First Nations Stewardship Society. In 2010, the Government of British Columbia joined the collaborative effort. However, beginning in 2011 with the withdrawal of First Nations due to a change by the Government of Canada in the scope of the process, there have been challenges to the governance and the participation of the process. Over the course of time between 2011 and 2016 when the final draft report was issued, participation shifted from a re-engagement by First Nations, a withdrawal of the Government of Canada, a continuation with First Nations and the Government of British Columbia, and finally a return of the Government of Canada in 2015 (Nowlan, 2016). From the perspective of this research, the disrupted nature of the participation would be a confounding factor to conducting a narrative analysis of the public consultation process.

Another candidate for the case study could have been the National Energy Board’s consultation process for the Kinder Morgan pipeline (Port Metro Vancouver, 2017). These consultations overlapped in time period with the Joint Review process and shared similar characteristics, in that they involved a discussion of a pipeline extension and its consequential impact on the marine environment. The distinction is that the Kinder Morgan pipeline would be located in the

southern part of British Columbia, ending at Port Metro Vancouver. In addition, the consultation process around the impact of the pipeline has been re-engaged beyond the original consultation period in response to both public pressure and court decision. An excellent opportunity for future research would be to compare the ocean narratives that arose through the public consultations processes for the Joint Review and the Kinder Morgan project; however, due to the size and scope of the material, that was beyond the frame of this research project.

7.5 Conclusion

While the bulk of the testimony from the JRP community hearings focused on the terrestrial impacts of the proposed pipeline from Alberta to Kitimat Harbour, BC, a very public narrative also emerged around the potential impacts of the project on the surrounding marine and ocean environment (Joint Review Panel, 2013b). These concerns included worries about the impact of an oil spill resulting from a tanker collision and the anticipated stress on marine mammals due to increased marine traffic (Joint Review Panel, 2013b). Through a narrative analysis of the testimony, what emerged was a public narrative around ocean use and the underlying norms that govern the public's expectations towards government's decision-making. Compared against the narrative analysis, it was used to address the question of whether the framing policy narrative of the Act remains relevant to present day.

8. The Results

8.1 Introduction

In this chapter, the results of the narrative analysis process are provided ³. The outline of the discussion follows the chronology of the ocean policy activities beginning with the Act (1996), moving to the Strategy and Plan. Throughout the discussion, the primary narrative is identified, as well as other stories that, while less prevalent, were found to be impactful on the contouring of the overall policy narrative. The discussion continues with the results from the case study and again, both the primary narrative and other stories are identified. At the onset of the analysis process, there was an initial categorization of key elements based on the framing principles in the preamble of the Act, but as the analysis progressed, it became clear that there were a broader number of prevailing elements. A matrix table that summarizes these elements and is included at the end of this chapter (see Table 6), and it is used as well to support the comparative process.

In the first step, the comparative process was conducted throughout, beginning with a comparison of the Strategy (Fisheries and Oceans Canada, 2002a) to the Act (1997) and then the Plan (Fisheries and Oceans Canada, 2005a) to the Strategy and the Act, and in the second step, a comparison with the public narrative that arose out of the case study was conducted.

³ The summary is created from a review of each of the memos (Memo 1 – 13) created throughout the research process following the grounded theory framework of Charmaz (Charmaz, 2014). These memos are provided as addendum to the dissertation document in order to promote transparency of the process (Boswell & Corbett, 2015a).

8.2 The Act

Canada's Oceans Act (1996) was first and foremost intended to define Canada's ocean spaces in support of economic development, its principal narratives including the promotion of Canada's sovereignty, and the improvement of the governance structures as well as emerging language around principles for ocean use were intended to support this objective. The Act evolved from its first iteration as Bill C-98 to its final text. The most significant changes were a result of the House Standing Committee's review and hearings on Bill C-98 (Canada. Parliament. House of Commons, Standing Committee on Fisheries and Oceans, 1995a, 1995b, 1995c). In this discussion of the narrative analysis results, the focus is primarily on the final text of the Act, but where appropriate, identifies how the text was altered due to input from members as it progressed through Parliament.

With the closure of the cod fishery in the east coast and the reduction in salmon counts for the west coast, there was significant economic and social displacement for coastal communities. Minister Tobin, his address at second reading [Canada. Parliament. House of Commons Debates (*Hansard*) 1995b at 14860], identified these economic impacts as significant to the context in which he was proposing the legislation. The economic purpose of the Act was identified as primary reason for the conservation and protection of the ocean, and even the principle of sustainable development was employed in service of supporting future economic diversification. During the first review of the narrative, it was unclear why the term *economic diversification* was used, but through the supplemental reading of the House and Senate debates and committee hearings, it became clear that the Government did not anticipate a reopening of key fish stocks to commercial fishing in the immediate future. Diversification was seen as one avenue to support

the creation of new ocean-related industries that could offset the losses caused by the fishery closures. Marlene Catterall, a Liberal member, speaking in support of the legislation C-98, described how Canada had the potential to become world leaders in the development of ocean technologies such as the deployment of underwater vehicles and other instruments. In her description, Canada could lead through the promotion of these emerging industries and exporting them globally but also deploy the technologies to increase the effectiveness of measures to keep Canada's waters safe [Canada. Parliament, House of Commons Debates (*Hansard*). 1995f, at 15058].

Governance was an important subset of the primary narrative. The key aspect emphasized throughout was the failure of the existing governance structure because it was not integrated, and it lacked coherence. The Act (1996) identified the Minister of Fisheries and Oceans as the lead to implement an integrated approach to oceans management. A number of key observations underpin the definition of the governance statement. The government was clearly looking to move away from a sectoral approach to ocean management towards an integrated approach. This was emphasized at a national level, using language such as collaboration and consultation with other federal departments, but it did not mean that the Act enabled the Minister of Fisheries and Oceans to overtake ocean-related authorities that resided in the other federal departments but rather that the Minister would lead a process to better integrate decision-making. That said, when Minister Tobin appeared before the House Committee, he described the purpose of the Act as consolidation: "The bill consolidates into one new department the authorities currently held by some fourteen government departments and agencies, and it accomplishes the merger, in legislative terms, of DFO and the coast guard" [Canada. Parliament. House of Commons,

Standing Committee on Fisheries and Oceans (*Evidence*). 1995c). However, the language of the Act does not describe that consolidation, other than the integration of Coast Guard into DFO. In addition, in reading the Committee hearings, it became evident that key departments such as Transport Canada, and Environment Canada retained authority over significant activities such as marine safety, and environmental assessments, respectively. The Act did not contain the creation of any new federal structures that would support collaboration and consultation other than the mention of advisory or management boards, and to undertake consultation with the identified list of stakeholders. Later reviews of the implementation of the Act in 2001 (Canada, Parliament, House of Commons, Standing Committee on Fisheries and Oceans *Report* 2001), 2005 (Commissioner of the Environment and Sustainable Development, 2005), and 2011 (Evaluation Directorate, 2011) revealed that while interdepartmental committees had been created, they rarely met. Indeed, a recommendation of the Commissioner of the Environment and Sustainable Development (2005) was that the integrated management of oceans be considered by Treasury Board as a horizontal government-wide initiative.

The 1996 Act was to be the foundation for ocean management, as noted by Parliamentary Secretary McWhinney in his speech in support of third reading of Bill C-26: “One of the goals when constructing this Act was to ensure that it was built on the most solid of foundations. From this foundation will come better decisions about ocean management” [Canada. Parliament. House of Commons Debates (*Hansard*), 1996b, at 3590] An alternative description was offered in House Committee during the testimony by the leading DFO official, Dr. Scott Parsons, who described the Act as “a framework for oceans management and marine resource and environmental protection in Canada” [Canada. Parliament. House of Commons, Standing

Committee on Fisheries and Oceans (*Evidence*) 1995a at 1540]. He went further to describe the legislation as enabling legislation that would give the Minister powers to “get the ball rolling . . . [and] was a major step towards reorienting the country’s approach to the management of oceans” (at 1620).

Interwoven in the House and Senate processes, particularly around C-26, was the discussion of the fisheries mandate of the DFO. Part of the explanation was due to the fact that amendments to the Fisheries Act had been tabled in the same Parliamentary session as Bill C-26, which was following it through House and Committee consideration. [Canada. Parliament, Senate Standing Committee on Fisheries (*Evidence*) 1996c]. In the review of the implementation of the Act, the Commissioner of the Environment and Sustainable Development (2005) made specific reference to the tension between the dual mandates of the Department of Fisheries and Oceans. What was exposed through the supplemental materials related to the legislation was confusion on what fell under the mandate of the Oceans Act (1996) or under the Fisheries Act (1985). There was little reference in the Oceans Act itself to the Fisheries Act, suggesting that there was no attempt to try and reconcile the two.

While Canada recognizes the common heritage of oceans, the 1996 Oceans Act affirmed Canada’s sovereignty over its ocean territory as enabled by UNCLOS. As noted earlier, the Act was primarily about defining Canada’s ocean spaces: that is, to put a fence around a common space in order to protect use of the resources within that space. The recognition of the common heritage of the ocean was a late stage addition that came through the House debates over the second iteration of Bill C-26 [Canada. Parliament. House of Commons Debates (*Hansard*) 1996b

at 3590] and clearly was influenced by the Parliamentary Secretary McWhinney, who was a professor of international law and politics. The use of the term common heritage was to suggest that Canada had obligations to the broader global community in how it used the ocean environment. It was intended to act as an inhibitor on the full-scale exploitation of the ocean and to remind legislators and Canadians of the reciprocity that existed between jurisdictions in terms of their obligations on how they cared for their ocean space. Thus, *common* had several meanings in the way it was used. It meant the shared space, with reciprocal obligations. It meant the *commons* as reference to the economic and legal definition to distinguish it from private property. It was also used as a narrative tool to promote the idea that the ocean was not just important to coastal communities, but all Canadians, a concept that was exploited with greater emphasis in the Ocean Strategy. The word common was also used to provide the basis for a consensus approach to ocean governance, suggesting that the Minister had an obligation to involve others in the decision-making. Heritage was used purposefully to emphasize the legacy responsibilities of ocean management. Ocean protection and ocean conservation was not simply for the current day use, but also future generations, just as the previous generation had handed down to today's generation, an underlying element of sustainable development. While the narrative of the common heritage of the ocean was not as prominent, it was nevertheless impactful, partially because it was included in the Preamble and therefore became the first statement through which the remaining text was to be read, but also because its elements were interwoven in other secondary narratives, including governance, preservation, and conservation of marine habitats; Canada's international role; and an ecosystem-based approach (this is catalogued in Memo 5).

While UNCLOS was often cited as a primary policy impetus for tabling of the Oceans Act (McRae & Munro, 1989), the federal government took another decade before it was ratified in Parliament (Graham, 2016). During the House Committee hearings, officials were asked directly why UNCLOS had not yet been ratified. The departmental official from Foreign Affairs who was tasked with answering the question essentially sidestepped the question in his response [Canada. Parliament. House of Commons. Standing Committee on Fisheries and Oceans (*Evidence*) 1995a at 1640]. That said, it was evident throughout the proceedings that UNCLOS was a policy opportunity for Canada to assert its sovereignty over its ocean waters. The real reason for the Oceans Act, as it became clear through the House and Senate debates and committee hearings, was to put into domestic law the definition of Canada's ocean territory so Canada could better manage fish stocks, and to prevent incursions from the US, who had shown increased interest in offshore oil and gas drilling. In addition, the US had sent several vessels through the Arctic and Canada wanted to affirm its sovereignty rights in the north.

Throughout the House and Senate Debates, multiple references were made to Canada's leadership in ocean management as an objective of ocean policy and related to Canada's role in the world. The claim of leadership was plausible given that with the Oceans Act Canada was the first country to put into legislative form the principles of UNCLOS (Cicin-Sain et al., 2015). Little was stated regarding why the leadership role was important or what relationship it had to Canada's foreign policy agenda. Nevertheless, it remained a persistent theme in the implementation activities and would re-emerge in a different form in the Oceans Plan (Fisheries and Oceans Canada, 2005a).

The definition of sustainable development was the exact same language as used in the Bruntland Commission Report (World Commission on Environment and Development, 1987), and the Act instructed the Minister to employ the principle to “ensure the facilitation of marine trade, commerce and safety” (Oceans Act, 1996, Part III, Section 40(2), p. 27). Within the House and Senate debates and committee hearings, the principle of sustainable development received little attention. The Minister referenced, during his appearance before the House Committee on November 20, 1995, the relationship between sustainability and economic development arising out of the report of the National Advisory Board on Science and Technology, from the Bruntland Commission, and from the United Nations Conference on the Environment and the Economy—the ‘Rio’ declaration [Canada. Parliament. House of Commons, Standing Committee on Fisheries and Oceans (*Evidence*) 1995c at 1620].

The precautionary approach was defined as simply “erring to the side of caution” [Oceans Act, 1996, pp. Part II, 30(c)], a more modest description than what was contained in the United Nations’ (1992) UNCED. The UNCED definition provided a more fulsome explanation of how to apply the precautionary principle, specifically noting that scientific uncertainty should not be used as an excuse to proceed if there was a risk of serious or irreversible damage to the environment. Minister Tobin, in his address to the House Committee, described the relationship of the precautionary approach to the Act as “the precautionary approach to oceans management, which ought to be a ribbon that runs through all efforts of this government, indeed of governments around the world, to ensure the proper conservation of marine life” (Canada. Parliament, House of Commons, Standing Committee on Fisheries and Oceans (*Evidence*) 1995c at 1540). The precautionary principle was added to the Preamble upon recommendation of the

House Committee and was reflected in the final language of Bill C-26 as it was submitted to the House by then Minister of Fisheries and Oceans, the Honourable Fred Mifflin. The language used in the Preamble focused on the application of the principle to conservation management and exploitation of marine resources. In implementation terms, the creation of marine protected areas, as described in the Oceans Act (1996) under Part II, section 35 (1), were seen to be a primary management tool for implementing the precautionary approach.

Integrated management, as it was envisioned in the Act (1996), outlined in Part II, Sections 31-32, meant the integrated management of all activities and measures affecting coastal and marine waters. The application of integrated management, as described in the Act, was to occur at a national level through a national strategy (Part II, Section 29) and via better coordination led by the Minister of Fisheries and Oceans (Part II, Section 31). It was also anticipated to be implemented at a regional and local level through a regional integrated marine planning process. In his presentation to the House Committee, Dr. Parsons, the departmental lead on the Act, distinguished between coastal zone management and integrated management. Coastal zone management was focused on near shore activities and integrated management incorporates the ocean territory offshore as well. Integrated management includes coastal zone management but does not overtake it (Canada. Parliament, House of Commons, Standing Committee on Fisheries and Oceans (*Evidence*) 1995c at1605). In the Senate Committee discussion in response to previous comment by the fishing industry that they did not want to be managed by environmentalists (Canada. Parliament, Senate Standing Committee on Fisheries (*Evidence*), 1996c), Gerry Swanson, a DFO representative, defined management both in the case of integrated management and coastal zone management as a process that is expected to be

anticipatory in planning to avoid resource conflicts and should include stakeholders (Canada. Parliament, Senate Standing Committee on Fisheries. *(Evidence)* 1996d). In the literature, there was no consistent and clear distinction between integrated management and coastal zone management. As an example, one element of the implementation of integrated management under the Act was the creation of large ocean management areas and these have been referred to as integrated management and coastal zone management (Rutherford et al., 2005).

The ecosystem approach within the Act (1996) was noted in the Preamble in relation to protecting biological diversity. The Act has narrowly defined ecosystem as the oceans and its living resources and it was to be aided in implementation through marine science and hydrography [Part III, Section 43, b(i)].

Marine science and technology were the prevailing knowledge paradigms used in the Act (1996, Part III, Section 42). Throughout the Act, there are a number of references to the importance of investing in the marine science and technology to support the implementation of the Act, including marine environmental quality guidelines [Section 32(d)]. In addition, the Act refers to the importance of the hydrographic service (Section 45). There was one brief mention of traditional ecological knowledge [Section 42(j)]. In the House and Senate Committee hearings, representatives from First Nations as well as Inuit communities made the point that the traditional knowledge of their communities who had lived and relied on the ocean for thousands of years should not be overlooked. Little is said in Committee or debates as to how traditional knowledge would be used within the implementation activities. The Act, while acknowledging its value, was also silent on how traditional knowledge would be incorporated. There is no

mention made of social science or other forms of knowledge. It was evident from reading of the Act that the implementation of the Act was to be informed by evidence and data drawn from a narrow knowledge base that gave primacy to marine sciences and technology (Section 42) supported by economic studies [Section 42, b(i)].

The scope of stakeholder involvement, as described in the implementation and governance activities of the Oceans Act (1996), reflected its top-down governance structure, though it included some limited public representation (Part II). Participation in decision making around ocean governance is limited to consultation at a national level, and to involvement in management at a local level. Stakeholders were defined under the Act to be a narrow group including other federal departments, provincial and territorial governments, affected Indigenous organizations, coastal communities, and others. The Act established that other federal departments would be consulted and work in a collaborative manner with the national strategy led by the Minister of DFO (Part II, Section 29). It was less specific on how the various activities across the fourteen departments would be integrated at a federal level. The Act is predicated on recognition of the division of responsibilities under the Constitution Act (1982), but implementation was expected to be collaborative (Oceans Act, 1996, Part II, Sections 29–33). In the description of stakeholder groups, coastal communities were specifically identified, which was not surprising given that they, along with First Nations peoples, had been suffering more acutely the effects of the closure of key fisheries.

“Affected aboriginal organizations” were included in the list of stakeholders with whom the Government would consult and collaborate in ocean management strategy under the Act (Oceans

Act, 1996, Part II, Section 29). The Act recognized the First Nations treaty rights arising out of Section 35 of the Constitution Act (1982) and/or existing Aboriginal and treaty rights (Oceans Act, 1996, Part I, Section 2.1). The term “affected aboriginal organizations” reflected a limited view of the participation of Indigenous peoples. In the House and Senate debates on the Act, as well as the review by the respective committees, it was not made clear why Indigenous participation was limited to organizations and a list of those organizations was not appended to the Act.

Part I of the 1996 Act describes Canada’s ocean territories, specifically outlining the specific maritime zones, including the Territorial Sea and Contiguous zone (Sections 4–12), the Exclusive Economic zone (Sections 13–16), and the Continental Shelf (Sections 17–21). Part II Sections 38 to 40 outlined the enforcement provisions under the Act including the authorities and fines related to contravention. The integration of the Coast Guard into the Department of Fisheries and Oceans had occurred a year earlier driven by the Budget Review process that had been instituted across the federal government in 1993-1995. The integration was intended to achieve economies of scale and avoid duplication through the sharing of resources between the fisheries protection officers and Coast Guard, including cross-implementation of enforcement authorities and sharing of vessels according to the Minister during his speech in support of C-98. While these portions of the Act were read through as part of the narrative analysis process, and were significant from an overall perspective, the actual language was not instrumental to developing an understanding of the framing policy narrative.

8.2.1 Summary of narrative elements in the Oceans Act

- 1) Economic: The intent of the Act is to promote economic diversification of the current and future use of Canada's ocean resources, as new forms of ocean-related industry were needed to offset the losses to the Canadian economy and coastal communities of the fisheries closures.
- 2) Sovereignty: While Canada recognizes the common heritage of oceans, this Act affirms Canada's sovereignty over its ocean territory as proscribed by UNCLOS.
- 3) Governance: Prior to the Act, ocean governance in Canada was ineffective because it lacked coherence, thus the Act identified the Minister of Fisheries and Oceans as the lead to implement an integrated approach to oceans management. The Act was a framework enabling legislation that supported a top-down form of governance to establish a coordinated and collaborative approach to oceans management across the federal government and in Canada.
- 4) Framing Principles of the Act: Canada's oceans would be managed through a national strategy that would be framed by three principles: sustainable development, the precautionary approach, and integrated management.
 - Sustainable development, as it was contemplated in the Act, referred to conserving and protecting the ocean resources for current and future use.
 - The precautionary approach, as applied in the Act, referred to erring to the side of caution in ocean management activities.
 - Integrated management, under the Act, applied at a national, regional, and local level and was primarily contemplated to manage user conflicts through engaging stakeholders in an anticipatory planning process. Of the three framing principles,

only integrated management could be said to have been instrumental in framing the construct of the national strategy and regional implementation plans.

- 5) Ecosystem: The ecosystem approach was intended for the maintenance and protection of biological diversity. Reflecting an anthropocentric and exploitive bias, the Act narrowly defines ecosystem by its biological and ecological systems.
- 6) Knowledge: Marine science and technology were the prevailing knowledge paradigms used in the Act.
- 7) Participation: Participation in decision making around ocean governance is limited to consultation at a national level and to involvement in management at a local level. It also included some limited public representation.
- 8) First Nations: Affected Indigenous organizations were included in the list of stakeholders with whom the Government would consult and collaborate in the implementation of the Act. This represented a narrow bond of engagement with First Nations and did not recognize them as another level of government.

8.3 The Oceans Strategy

In the Strategy, the primary narrative was that the oceans represent an integral part of the social, economic, and cultural lives of Canadians; therefore, they share a collective responsibility, using a principled approach, to sustain and steward the ocean and its resources. While the Oceans Act (1996) served as the foundation for the Strategy, the Strategy included a much more expansive view in all categories, and these will be noted below. The Strategy included two documents, the overall Strategy (Fisheries and Oceans Canada, 2002a) and a policy and operational framework (Fisheries and Oceans Canada, 2002b). Both documents formed the basis of the narrative

analysis. As noted in the Introduction, the Strategy was informed by the experience gained over the previous four years of activity regarding integrated management and marine protected areas as well as extensive discussions with stakeholders and emerging experience in ocean policy internationally (Fisheries and Oceans Canada, 2002a, p. 1). The Strategy was issued after the report of the House of Commons Standing Committee on Fisheries and Oceans (Canada. Parliament. House of Commons. Standing Committee on Fisheries and Oceans *Report* 2001) resulting from their review of the implementation of the Act as had been required under Part III. It was evident in the Government's response to the review, that the Strategy was already under development before the review began (Government of Canada, 2002). The Strategy represented an important step towards developing a holistic approach to ocean governance that recognized the role of oceans in all aspects of Canadian life, not only for coastal communities, but also across the country as well.

The Strategy (Fisheries and Oceans Canada, 2002a) asserted that governance structures should be collaborative and inclusive, recognizing good ocean management as a shared responsibility. The structures must be adaptive to recognize the differences between the regions and the dynamic nature of the ecosystems. The predominant theme of the governance section in the Strategy was to implement an integrated management approach. This was not new from the 1996 Act but provided more detail as to how it would be done especially at a regional level. While the Strategy acknowledged the complexity of the governance environment, characterizing it as a web of laws and regulations from different levels of government, it said little about how to improve the coordination between federal departments and with other levels of government. Instead, the focus was on implementing regional management plans and marine protected areas.

In the Strategy (Fisheries and Oceans Canada, 2002a), the purpose of the governance structure was not only to support the economic opportunities that could be derived from the ocean environment, but also to include recognition of the importance of the social and cultural benefits. This was a significant difference from the Act (1996) and was reflected through the other elements of the Strategy, including the knowledge paradigms, participation, and the conceptualization of the ecosystem. The pressure to implement an effective governance system was propelled by the increased degradation of the environment, and unlike the Act, there was a clear link made to the ocean/climate nexus. The Strategy identified the source of the environmental degradation as the overexploitation of ocean resources and pollution from land-based and human activity. The objective of the integrated approach was to better manage this pressure by reducing the conflicts between users, but also between social, economic, and environmental objectives as well as to address the impact of cumulative effects. Again, this is a notable difference from the Act that had given priority to the economic uses of the ocean, and the environmental impacts were a secondary consideration.

The language around governance in the Strategy (Fisheries and Oceans Canada, 2002a) emphasized a common, consensual, and collective approach. While the Act (1996) had described governance as collaborative and coordinated with the DFO Minister as the lead, the Strategy incorporated a vision of the Minister as an enabler to developing and promoting a common vision. Key elements that were to support this task included increased participation not simply from stakeholders, but also from the general public. The tools to support participation included increased public awareness and implementing a stewardship approach.

Along with being more inclusive, the governance structure under the Strategy (Fisheries and Oceans Canada, 2002a) was anticipated to be adaptive, not only to the regional differences between Canada's three coasts, but also to learn and evolve through the implementation process. Two new elements were thus introduced in the Strategy: (a) the importance of feedback loops to support the learning and evolution process, and (b) the recognition of the dynamic nature of the ocean ecosystem.

The Strategy (Fisheries and Oceans Canada, 2002a) was predicated on the view that any activity taking place in and around the ocean should be assessed through the prism of the three key principles of sustainable development, integrated management and the precautionary approach. The definition of these three principles was much more expansive than in the Act, as will be described in this section.

While the Strategy (Fisheries and Oceans Canada, 2002a) included expansive language and the operational framework outlined the activities that would support an integrated approach to ocean management at a regional level, a clear gap was the lack of mechanisms support a coordinated approach at a federal level. It was an oversight that had been identified in the earlier review of the implementation of the Act by the Standing Committee on Fisheries and Oceans (Canada. Parliament. House of Commons. Standing Committee on Fisheries and Oceans. *Report* 2001).

In terms of governance, the Strategy (Fisheries and Oceans Canada, 2002a) advocated for a new approach, predicated on a view that ocean management was a collective responsibility of

governments, users, stakeholders and the public. It promoted a holistic approach to ocean governance that was based on the primary concern of addressing the over-exploitation of the ocean and the cumulative effects of human activity. It also recognized that the importance of protecting and conserving the ocean resources was more than economic, but integral to the cultural and social fabric of Canada and imperative to addressing the challenges of climate change.

The Strategy (Fisheries and Oceans Canada, 2002a) acknowledged that oceans define a large part of national sovereignty and are a critical part of national security. There were significant differences in the way that oceans were described in relation to Canada's sovereignty between the Strategy and the Act (1996). The Act defined Canada's sovereignty over its ocean territory, while the Strategy reflected that the oceans defined Canada's sovereignty. The intent of the Strategy was not specifically to protect Canada's jurisdiction over the ocean waters, but to extend the boundaries of Canada through the recognition of its ocean territories beyond its landmass. This was relevant particularly up in the Arctic where there was increased activity due to climate change. There were longer seasons of open water and areas of the ocean that had been previously inaccessible due to ice were now opening up. Canada was also trying to address the challenges resulting from human trafficking and the drug trade that used the ocean as their transportation route.

The Strategy (Fisheries and Oceans Canada, 2002a) acknowledged the integral importance of the ocean in all aspects of Canadian life from the economy, to the social and cultural fabric, and to national identity, describing Canada as an ocean nation. Ocean health was not simply a coastal

issue, but a national one that affected all Canadians. In addition, Canada had a role in managing the oceans as global commons and as a part of the global transportation route. As noted earlier, the most significant difference between the Strategy and the Act (1996) was the recognition of the importance of the ocean in a more comprehensive and holistic manner. The effect of this conceptual difference was most evident in how integrated management was perceived in the Strategy to “balance the coastal and ocean uses with maximum social and economic benefits, while not exceeding ecological thresholds” (p. 20). The Strategy highlighted the ocean’s importance to coastal communities as a “highway to world markets” (p. 2) and as key aspect of Canada’s role in the world. The relationship between coastal communities and the ocean was the “lifeblood that supports many coastal communities” (p. 2). While shipping and marine transportation have been an historic role for the ocean in Canada, in the Strategy the emphasis was on two aspects. The first was the importance of ensuring safe and secure navigable waters, which included not only meeting domestic, but also international obligations such as the International Maritime Organization. The second was that the recognition that Canada’s maritime traffic was part of a global transportation system. The Strategy also defined Canada’s role in global ocean management delineating several key responsibilities, such as assisting developing nations through shared learning to help them manage their own ocean resources and influencing the international policy activity around ocean management. The Strategy, therefore, more clearly defined Canada’s role in international leadership of ocean management and identified how it was connected to the broader foreign policy agenda.

In the Strategy (Fisheries and Oceans Canada, 2002a), the three framing principles of integrated management, sustainable development, and precautionary principle are greatly expanded in

concept and are interwoven in application. Noted in the Government's response to the Committee review of the implementation of the Act, the Strategy "will encompass the principles of sustainable development, integrated management and the precautionary principle to be applied to all ocean activities. In short, this means any type of activity taking place in and around our oceans . . . needs to be viewed against these three important principles" (Government of Canada, 2002, pp. 2–3). The two key aspects arising out of the statement are the importance of the interconnectedness of the three principles and that the scope of application was to be fundamental to all ocean management activities. The understanding of the principles was also more comprehensive to that of the Act. The precautionary principle was to be applied within an ecosystem-based approach and involved measures to conserve biological diversity and to improve the understanding of the marine environment. The priority was to be given to ecosystem health and integrity (Fisheries and Oceans Canada, 2002a, p. 12). Sustainable development involved integrating social, economic and environmental aspects into decision making. In keeping with the Bruntland Commission, consideration required that the needs and use of future generations should not be impaired (p. 10). Both principles would be implemented within the framework of integrated management.

In the Strategy (Fisheries and Oceans Canada, 2002a, p. 11), integrated management was a decision-making process and planning process based on natural, economic and environmental systems, not political boundaries. Integrated management operated within a balance between protecting the ecosystems and enabling use of the ocean environment. It acted as a framework through which economic, social and environmental factors could be considered for the sustainable use of the ocean. Applied at a regional and local level, it was the mechanism to bring local and

user considerations into the policy and management process. Implementation of integrated management was not to be top down but bottom up so that it could be tailored to meet the needs of the ecosystem. It was to be inclusive, participatory, and collaborative. The operational framework offered three examples that were underway at the time. One was in the Arctic involving the Beaufort Sea, a second was in the Atlantic in the region of the Eastern Scotian Shelf, and the third was in British Columbia involving the central coast (pp. 28–30). The British Columbia example later became known as the Pacific North Coast Integrated Management Area (PNCIMA) that is discussed in the background to the case study. The Strategy moved closer to meeting the requirements of modern-day ocean management by integrating the three key principles into a comprehensive framework and through an adaptive and inclusive process that was founded on an ecosystem base rather than political and administrative boundaries.

In the Strategy (Fisheries and Oceans Canada, 2002a), the ecosystem concept applied as a primary construct for decision making to capture the inter-relatedness of the multiple systems within the ocean environment, at a local scale and more broadly. There were three new ways in which the ecosystem concept was employed in the Strategy. The first was, as noted above, that ecosystem was the primary construct for decision making and planning, not political or bureaucratic contexts. The second was that the ecosystem constituted more than biological or ecological systems, but also incorporated economic systems, bringing together the core of integrating the human/ocean interaction. The third way was the recognition that ecosystems were nested within the framework of larger ecosystems through an interdependent relationship where change at one level had a consequential effect on the other (Fisheries and Oceans Canada, 2002b,

p. 3). The manner in which ecosystem is both defined and employed within the Strategy captures a more realistic and, therefore, likely more effective framework for ocean management.

The Strategy (Fisheries and Oceans Canada, 2002a) broadened considerably the knowledge paradigms employed to assist with the planning and decision making around ocean management by not only bringing in social and environmental science, but also local and traditional knowledge. As described, the intent was to employ the “full range of relevant knowledge...including scientific studies and local and traditional knowledge” (p. 11). While marine sciences remained at the forefront of the disciplinary approach to the collection of data and evidence to support the policy process, the integration of social and economic information was also factored into the process. The Strategy recognized the importance of local and traditional knowledge, proposing that “integrating scientific, traditional and social knowledge will also help meet the additional challenges posted by the need to integrate knowledge from various disciplines and sources” (p. 14). The Strategy was innovative in proposing a multi-disciplinary and integrated approach to knowledge that created space for marine sciences, social science, and environmental sciences, as well as local and traditional knowledge. The challenge, as was acknowledged in the Strategy, was finding the appropriate mechanisms to integrate these different forms of knowledge in a manner that could inform policy and program decision making. While the Strategy did not meet the challenge, it represented a new way of thinking for the DFO that was generally structurally inclined towards marine science, oceanography and biological sciences.

The emphasis on participation was new in the Strategy (Fisheries and Oceans Canada, 2002a) and reflected the inclusive and collaborative approach to decision making and management that underpinned it. In the Strategy, participation took centre stage, echoed through the document from the broadest terms referring to the importance of engaging the public through public awareness, to the more specific such as including citizens into the decision-making process through integrated management. Participation was seen as a necessary element to the ongoing evolution of the Strategy, as a source of knowledge and to support implementation. The concept of stewardship was employed to describe the public role, to meet the collective responsibility of good ocean management. Stakeholder groups also had an essential role. Non-government organizations were recognized for the first time in Strategy for their contribution to the policy process. Coastal communities were recognized for having a special interest in the outcomes of decisions, as well as good local knowledge and expertise that was valuable. It also recognized the diversity of ocean industries and the increasing role of private-public partnerships in promoting innovation. Finally, as will be discussed further, Indigenous peoples were recognized for their long and significant relationship with the ocean. The Strategy greatly expanded an emphasis on participation, suggesting that it was in the interest of all Canadians to perceive ocean management as part of their collective responsibility. The Strategy also included a more respectful and inclusive role for Indigenous peoples, non-government organizations, industry and coastal communities.

In the Act (1996), only affected Indigenous organizations were identified as a stakeholder group. The Strategy (Fisheries and Oceans Canada, 2002a), while recognizing First Nations rights as affirmed under Section 35 of the Constitution Act (1982), initiated a more respectful relationship

that acknowledged the special and long-term relationship held by Indigenous peoples with the ocean. The Strategy did not simply treat Indigenous peoples as another stakeholder group. In fact, the Strategy clearly reflected an understanding that there was much to learn from this traditional experience including implementing the holistic Indigenous approach to the marine environment. It also recognized traditional knowledge as a cornerstone to better understanding the marine environment (Fisheries and Oceans Canada, 2002a, p. 8). The Strategy sets out a more respectful relationship with First Nations with regard to ocean management but is limited as it lacks clear definition on how that special relationship would be incorporated into the ocean management process.

The primary narrative in the Strategy (Fisheries and Oceans Canada, 2002a) was that oceans represent an integral part of the social, economic, and cultural lives of Canadians; therefore, they share a collective responsibility, using a principled approach, to sustain and steward the ocean and its resources. It represented an important step towards developing a holistic approach to oceans governance that recognized the role of oceans in all aspects of Canadian life, not only for coastal communities, but also across the country as well.

8.3.1 Summary of the narrative elements of the Strategy

- 1) Governance: Governance structures must be collaborative and inclusive, recognizing that good ocean management is a shared responsibility, and they must be adaptive to recognize the differences between the regions and the dynamic nature of the ecosystems. In terms of governance, the Strategy advocated for a new approach predicated on a view that ocean management was a collective responsibility of

governments, users, stakeholders, and the public. It promoted a holistic approach to ocean governance that was based on the primary concern of addressing the over-exploitation of the ocean and the cumulative effects of human activity. It also recognized that the importance of protecting and conserving the ocean resources was more than economic; it was integral to the cultural and social fabric of Canada and imperative to addressing the challenges of climate change.

- 2) Sovereignty: Oceans define a large part of national sovereignty and are a critical part of national security. Increased criminal activity on the ocean was forcing Canada to assert its jurisdiction to stop human trafficking and the drug trade from entering Canada.
- 3) Role: The Strategy acknowledged the integral importance of the ocean in all aspects of Canadian life from the economy, to the social and cultural fabric, and to national identity, describing Canada as an ocean nation. Ocean health was not simply a coastal issue, but a national one that affects all Canadians. In addition, Canada had a role in managing the oceans as global commons and as a part of the global transportation route.
- 4) Principles: In the Strategy, the three framing principles of integrated management, sustainable development, and precautionary principle are greatly expanded in concept and are interwoven in application. The Strategy integrated the three key principles into a comprehensive framework and through an adaptive and inclusive process that was founded on an ecosystem base rather than political and administrative boundaries.

- 5) Ecosystem: The Strategy applied the ecosystem concept as a primary construct for decision making to capture the inter-relatedness of the multiple systems within the ocean environment, at a local scale and more broadly.
- 6) Knowledge: The Strategy greatly broadened its disciplinary approach to knowledge. It was innovative in proposing a multi-disciplinary and integrated approach to knowledge that created space for marine sciences, social science, environmental sciences, as well as local and traditional knowledge. The challenge, as was acknowledged in the Strategy, was finding the appropriate mechanisms to integrate these different forms of knowledge in a manner that could inform policy and program decision making. While the Strategy did not meet the challenge, it represented a new way of thinking for the Department that was structurally inclined towards marine science, oceanography, and biological sciences.
- 7) Participation: The emphasis on participation was new in the Strategy and reflected the inclusive and collaborative approach to decision making and management that underpinned it. It may have been over-optimistic in terms of engaging Canadians at large to perceive ocean management as part of their collective responsibility. Nevertheless, the commitment to public awareness and engagement was a step in the right direction. The Strategy also included a more respectful and inclusive role for Indigenous peoples, non-government organizations, industry and coastal communities.
- 8) First Nations: In the Act, only affected Indigenous organizations were identified as a stakeholder group. The Strategy, while recognizing the rights under Section 35 of the

Constitution Act (1982), initiated a more respectful relationship that acknowledged the special relationship held by the Indigenous peoples with the ocean.

8.4 The Oceans Action Plan

The Oceans Action Plan (Fisheries and Oceans Canada, 2005a) was an actions-oriented document focused on addressing the governance deficit in ocean management in Canada in order to meet economic opportunities, and to preserve and protect the ocean for future generations. It was built around four pillars: international leadership, sovereignty and security; integrated ocean management; health of the ocean; and, ocean science and technology. It more closely resembled the thrust of the Act (1996) than the Strategy (Fisheries and Oceans Canada, 2002a), and some of the expansiveness of the Strategy was reduced in the Plan. As with the Act and the Strategy, a key focus of the Plan was to address shortfalls in the ocean governance structure. The introduction outlined the ongoing challenges facing Canada's oceans and included the statement that previous approaches had failed to address them adequately. The Plan was to be distinguished from these approaches because it was directed towards action, and it stated that this approach would be complemented by the appointment by the Prime Minister of a Parliamentary Secretary who was specifically tasked to assist the Minister of Fisheries and Oceans with achieving the outcomes. Along with meeting domestic challenges, the Plan included an international role in promoting modern ocean management (Fisheries and Oceans Canada, 2005a, p. 4).

While the same political party was in power in 2005, the leadership had changed, and Prime Minister Paul Martin was leading a minority government, unlike the majority governments that the Party had held from 1993 to 2004. This contributed a high amount of political instability to

the policy process, and in fact, the government fell in 2006 leading to a federal election that resulted in a new party in power and the resignation of Paul Martin as leader of the Liberal Party. Only Phase I of the Plan (Fisheries and Oceans Canada, 2005a) was implemented, and in Budget 2007, the Health of the Ocean Initiative was launched as a part of the National Water Strategy, as a federal government-wide initiative under the leadership of DFO (Fisheries and Oceans Canada, 2012).

While the Plan was still under development (Fisheries and Oceans Canada, 2005a), the Commissioner on the Environment and Sustainable Development (2005), in the office of the Auditor General, undertook a review of the implementation activities of the Act. The Commissioner had concluded that DFO had not made implementation of the Act (1996) or the Strategy (Fisheries and Oceans Canada, 2002a) a priority. The report suggested that there was not a “workable and consistent approach to integrated oceans management” (Commissioner of the Environment and Sustainable Development, 2005, p. 1) and that governance structures were still fragmented and piecemeal and did not meet modern standards. A recommendation of the Commissioner was that the Ocean Action Plan be considered, through Treasury Board submission, as a horizontal initiative, which was not done at the time, but was later reflected in the future activity of the Health of the Oceans Initiative (Fisheries and Oceans Canada, 2012). Other aspects of the Commissioner’s report will be noted in the relevant categories below.

At its core, the Plan (Fisheries and Oceans Canada, 2005a) continued the same focus on improving the governance structure for ocean management in Canada, characterizing it in a manner similar to the previous Minister’s address in support of C-98 [Canada. Parliament. House

of Commons Debates (*Hansard*) 1995b at 14860], and the previous Minister's letter in the foreword to the Strategy (Fisheries and Oceans Canada, 2002a), describing the structure as fragmented, complex, and reactive not anticipatory to problems. New to the Plan was the emphasis placed on the need for greater transparency. While the Plan appeared unique with its emphasis on action, in fact, Phase 1 built off many of the initiatives including the large ocean area management planning activities outlined in the Policy and Operational Framework (Fisheries and Oceans Canada, 2002b) that was addendum to the Strategy. New to the Plan was specific focus on initiatives to promote ocean technology anticipated to support decision-making and lead new economic opportunities. The Plan put particular focus on action to address dominant forms of ocean pollution including ballast water and ship-source oil. The Plan set out an ambitious goal to be action oriented, and to be conducted in a phased approach that would allow for learning and evolution. Key hallmark values echoed through plan were the importance of clarity around objectives and processes, and transparency.

As with the Act (1996) and the Strategy (Fisheries and Oceans Canada, 2002a), integrated management remained the cornerstone of the governance process, as an approach through which specifically to manage user conflicts and to empower more integrated decision-making. The Plan (Fisheries and Oceans Canada, 2005a) also addressed the conflicts arising out of emerging and traditional uses of the ocean, an issue faintly addressed in the Act, but more prevalent in the Strategy. The actions to address conflicts and to integrate decision-making were focused on regional, sectoral, and local levels. While the Plan acknowledged the lack of venue for federal interdepartmental engagement, it did not offer any prescription for how to support better coordination amongst the federal departments. The Commissioner, in his 2005 review

(Commissioner of the Environment and Sustainable Development, 2005), had concluded that previous interdepartmental committees and other mechanisms to better integrate decision-making across the government were not successful. The Plan did not offer any concrete response about how to improve the integration of decision making across the federal family of departments that had ocean-related activities other than a mild statement that ocean management would be a government-wide initiative.

Learning was incorporated into the Plan (Fisheries and Oceans Canada, 2005a) through a phased-in approach. The intent was to use Phase I to explore several of the management models. The Plan did not, in contrast with the Strategy (Fisheries and Oceans Canada, 2002a), describe the need for governance processes to be adaptive to the dynamic ocean environment, which would make it a challenge to reconcile policy activities to the changing needs of the ocean environment.

The discussion around governance emphasized a desire to reduce complexity, again a point that had been made in the earlier Act (1996) and Strategy (Fisheries and Oceans Canada, 2002a). The difference was that the Plan (Fisheries and Oceans Canada, 2005a) referred specifically to smart regulation, reflecting the context of a government-wide initiative to improved federal government regulatory processes (External Advisory Committee on Smart Regulation, 2004).

Unlike the Act (1996) and the Strategy (Fisheries and Oceans Canada, 2002a), the Plan (Fisheries and Oceans Canada, 2005a, p. 6) made specific mention of the importance of harnessing bilateral, trilateral and international relationships to support ocean management. In

particular, the intention was to use the trilateral agreement between Canada, the US, and Mexico to implement an ecosystem-based stewardship of the shared ocean space and to manage fish stocks. Canada and the US were also committed to jointly addressing the degradation of the Gulf of Maine. Canada intended to work within the Arctic Council to develop an Arctic Marine Strategic Plan, and finally, Canada would continue to participate in the UN activities around UNCLOS. The two primary issues that Canada intended to address through these activities were to better manage fish stock and to deal with security issues arising off its coasts. While the primary motivators of managing fish stocks and protecting its coasts remained the same in the Plan, the execution changed from a defensive position noted in the Act and Strategy, to one that harnessed international relationships to achieve the same objectives.

The Plan (Fisheries and Oceans Canada, 2005a) depicted the ocean as having a pivotal and instrumental role in Canadian life, in a similar manner to the Strategy. The Plan, like the Act (1996), emphasized the economic opportunities that would arise from the ocean and improving governance would increase the capacity for Canada to seize those opportunities. As with the Act, science and technology were considered integral, but going further than the Act, the Plan proposed to harness the research and development structure within Industry Canada to invest and promote the growth in these areas.

The three principles of sustainable development, integrated management, and the precautionary approach remained the key defining framework for the Plan (Fisheries and Oceans Canada, 2005a), acknowledging its foundation in the Oceans Act (1996). Sustainable development was defined with reference to the Act, but also acknowledged that the implementation was taking

place within a government-wide approach to sustainable development. While DFO had issued its first sustainable development plan in 1997 and then subsequently in 2001 (Fisheries and Oceans Canada, 2001) as part of this overall government strategy, the Plan made explicit links between the two processes. The precautionary approach in the Plan also duplicated the definition being used government-wide (Government of Canada, 2001), which was to take care when knowledge and science could not provide certainty. Integrated management, was defined as agreed to through UNCED (Haward & VanderZwaag, 1995), with the emphasis of the importance to work together across governments and bring in sectors and citizens through a transparent process. The Plan put a greater focus on the open and transparent aspects of the integrated management approach than the Act. As with the Act and the Strategy, the Plan emphasized the importance of collaboration. An ecosystem-based approach remained the cornerstone of integrated management, to be informed by scientific data.

The concept of ecosystem was more consistent with that of the Act (1996) and focused on the natural systems that made up the ocean environment. In the Plan (Fisheries and Oceans Canada, 2005a), the importance of an ecosystem-based approach to oceans management was emphasized in order to protect the critical marine environment. The Plan closely resembled the Act by acknowledging that the relationship between the economic opportunity and the ecosystem. As well, it recognized healthy and productive ecosystems were the cornerstones of a dynamic ocean economy. Absent from the Plan was the recognition of the broader aspects of that inter-relationship including social and cultural factors that had been included in the Strategy (Fisheries and Oceans Canada, 2002a). It did however include the mapping of human activity as an overlay on top of the assessment of the biodiversity, productivity, and physical/chemical aspects of the

ecosystem, particularly in the case of ecological sensitive areas. As with the Strategy, the Plan recognized the importance of using ecosystems as the primary boundaries for ocean management instead of political or administrative boundaries.

The Plan (Fisheries and Oceans Canada, 2005a) scaled back the appreciation of the importance of integrating different disciplinary approaches, including natural and social science, and only proposed more integrated forms of knowledge with regard to the decision making around marine protected areas. The ecosystem-based approach was the centrepiece for all activities under the Plan but was to be informed by ecosystem science defined as interactions among diverse parts of the natural world. Little was said about integrating in multi-forms of knowledge, including local and traditional knowledge and social science.

While the breadth of stakeholders defined in the Plan (Fisheries and Oceans Canada, 2005a) remained as expansive as it was in the Strategy (Fisheries and Oceans Canada, 2002a), the primary mechanism for involvement was within the specific initiatives, defined by either region or sector. Whereas the Strategy had emphasized public awareness and stewardship as hallmarks to increase public participation, the Plan focused on transparency and clarity.

The Plan (Fisheries and Oceans Canada, 2005a) continued the process begun in the Strategy (Fisheries and Oceans Canada, 2002a) of carving out specific recognition of the relationship between Indigenous peoples and the ocean. The Plan went further than the Act (1996) and Strategy in acknowledging the specific relationship between First Nations and the ocean. In the case of the Pacific North Coast, the Plan specifically acknowledged that importance of the

fisheries as a food source, and for social and ceremonial purposes for First Nations. It also retained the integration of traditional knowledge in the overall knowledge structure to support the implementation of integrated management at a regional and local level. It did not, however, extend the integration of holistic and traditional approaches to ocean management to a federal level.

The Plan (Fisheries and Oceans Canada, 2005a) set out an ambitious goal, which was to address the governance challenges that had not been addressed through the Act (1996) or Strategy (Fisheries and Oceans Canada, 2002a). The plan for success was action oriented, to be conducted in a phased approach that would allow for learning and evolution. Key hallmark values echoed through plan included the importance of clarity around objectives and processes and transparency.

As the Plan was more specific in its description and delineation of the implementation activities, they are captured below in Table 5.

Table 5 Implementation of Oceans Action Plan (2005)

Jurisdiction	Program	Activity Description
International	International Oceans Management	➤ -Support UNCLOS management activities and Global Oceans Forum ➤ -Advance capacity in other countries ➤ -Contribute to protection of high-seas biodiversity and marine protected areas
International	Security and Prosperity Partnership	➤ Canada, US, Mexico develop complimentary strategies for ocean management ➤ Enhance North American marine transportation and port safety ➤ Combat spread of invasive species in coastal areas and fresh waters
International	Gulf of Maine	➤ Work with US on transboundary fisheries management through Gulf of Maine Council on Marine Environment
International	Arctic Marine Strategy Plan	➤ Adopted by Arctic Council, work collaboratively with 8 Arctic nations and Indigenous peoples to implement
International	Northwest Atlantic Fisheries Organization	➤ Use regulatory framework to address overfishing
International	Canada's Continental Shelf	➤ Delimit Canada's continental shelf beyond 200-mile limit as allowed under UNCLOS
National (but implemented through regional approach)	Integrated Oceans Management	➤ Implement Integrated Marine Planning in 5 priority areas including Placentia Bay and Grand Banks, the Scotian Shelf, the Gulf of St. Lawrence, The Beaufort Sea, the Pacific North Coast
National	Oceans Management Tools	➤ Ecosystem overview and assessment reports ➤ Identification of ecologically significant areas ➤ Seabed mapping ➤ Use of ecosystem objectives
National	Health of the Oceans	➤ Marine Protected Areas Strategy ➤ Ballast Water and Marine Pollution Regulations ➤ Pollution Prevention Surveillance for Sea Based Sources ➤ Birds Oiled at Sea
National	Ocean Science and Technology	➤ Oceans Technology Network ➤ Placentia Bay Technology Demonstration Platform

8.4.1 Summary of narrative elements of the Plan

- 1) Governance: Canada's ocean governance was to be conducted using modern ocean management arrangements to harness the full potential of the ocean, and to conserve and protect it. It put a greater emphasis on regional and specific initiatives to improve ocean management and less on integrating decision-making at a federal level.
- 2) Sovereignty: Ocean management, both domestically and globally, would be conducted within the context of international agreements and structures. While the primary motivators of managing fish stocks and protecting its coasts remained the same in the Plan, the execution changed from a defensive position noted in the Act and Strategy, to one that harnessed international relationships to achieve the same objectives.
- 3) Role: While the Plan recognizes the integral role of the ocean defining Canada as a people and is a contributor to overall wellbeing, it tilted back towards focusing on the economic development of the ocean as with the Act.
- 4) Principles: The three principles of sustainable development, integrated management, and the precautionary approach remained the key defining framework for the Plan, acknowledging its foundation on the Oceans Act. The Plan was more closely aligned with the Act than the Strategy in the way in which the principles were conceptualized.
- 5) Ecosystem: The concept of ecosystem was more consistent with that of the Act and focused on the natural systems that made up the ocean environment; nevertheless, it remained a cornerstone of the ocean management concept as reflected in the Strategy.
- 6) Knowledge: The Plan scaled back the appreciation of the importance of integrating different disciplinary approaches and limited a more expansive use of knowledge to

the decision making around marine protected areas. The ecosystem-based approach was the centrepiece for all activities under the Plan but was to be informed by ecosystem science defined as interactions among diverse parts of the natural world. Little was said about integrating in multi-forms of knowledge including local and traditional knowledge, and social science.

- 7) Participation: The Plan continued the trend begun in the Strategy to expand the breath of stakeholders involved in ocean management, including the public. It however focused the involvement more on a local or sectoral basis through the initiatives and less within a federal level. Clarity and transparency were the key values to empower participation and successful implementation.
- 8) First Nations: As with the Strategy, the Plan recognized the longstanding ties that the Indigenous peoples had with the ocean and marine resources. The Plan included the outline of a respectful relationship with First Nations and northern communities that recognized their unique and longstanding relationship with the ocean as had been present in the Strategy. It included specific mention of how this relationship would be acknowledged in the implementation of regional integrated management plans and initiatives. It did not, however, extend it to a federal policy level, a gap that existed in the Act.

8.5 The Public Narrative from the Case Study

The public narrative was exposed through the narrative analysis of the community hearing process. The speakers, who participated in the community hearing process conducted by the JRP as part of the review of the Northern Gateway Project, were clearly directing their remarks to

respond to the anticipated impact of the project on their community, their lives and the environment. Some of the narrative was therefore very specific to the Northern Gateway Project and was related to issues and concerns with Enbridge and its conduct in other locations that had led to pipeline spills and spill response. Other speakers included remarks that expressed discontent with the federal government and the political leadership of the day. While these are important contributions, they were not related to the research questions and were therefore left out of the narrative analysis. The analysis focused on those statements that were ocean and ocean-related and involved drawing out of the oral statements the narratives that related to the ocean generally. As with most story-telling, the oral statements often provided specific examples or personal accounts which, through the analysis, were dissected to understand what it said about the speaker's underlying values, ideas and beliefs about the ocean. Presented in this section is a summary of the analysis that is recorded in Memos 11 through 13.

Overall the primary narrative, conveyed through the oral statements, portrayed a relationship with the ocean that went far beyond its role as a source of food or local industry. This relationship was interwoven in all aspects of human and community life, from spiritual and ceremonial, to community self-sufficiency and the local and global economy. There was a strong recognition of the ocean as a valuable ecosystem, part of a broader system, and linked to other ecosystems including on land. The relationship between humans and ocean was holistic and interactive, where the survival of communities and people were dependent on the ocean, and people had a special responsibility to care for the ocean and its unique ecosystem including ocean life.

The spiritual connection to the ocean was conveyed in images and symbols, using metaphors such as the orca and the salmon. The salmon was often cited as a food source, but also for the ceremonial and cultural role in community. The orca has a similar role, to convey the concern over the vulnerability of ocean life as well as to highlight the unique importance of the habitat to the whale population. These beliefs were not just shared by First Nations peoples, but also others who lived in coastal communities and even those who were more remote from the ocean. They were similar regardless of the location of the hearing and stated by those who lived up in the north coast of British Columbia and the urban centres of British Columbia.

The concept of governance that prevailed throughout the hearings was that there was an obligation on the part of the human population to protect and care for the ocean and its inhabitants. It was based on the principle of stewardship: “Stewardship is part of our responsibility to our ancestors and future generations” (National Energy Board. April 27, 2012. Vol. 119. Lynn Pollard at 1858). Those making submissions described the ocean as sacred commons. This was similar to the idea of the collective responsibility that had been conveyed through the Strategy. A number of speakers spoke of the changing social values around ocean use. One speaker in particular captured the significance of this by sharing the analogy of the old growth forest, noting that where once they were seen as a “mature cellulose cemetery . . . , [they are now seen as] complex ecosystems with high biodiversity” (National Energy Board. January 15, 2013. Vol. 125. Audrey Pearson at 25891). These changing values, as expressed by a number of speakers, seemed more in alignment with the values expressed by First Nations speakers.

Many speakers, including both First Nations and non-Indigenous speakers, acknowledged that First Nations communities had specific sovereignty, jurisdiction, and governance over the waters, as the waters were part of their unceded traditional territory. Within the broader process of the approval of major projects, the responsibility of the proponents and government was to consult with First Nations communities whose traditional territories would be impacted by project. This arose as well through the oral statements by both First Nations and non-Indigenous speakers who wanted to ensure that the community hearing process was not viewed as a substitute for that duty to consult, a legal obligation that has particular meaning⁴. What was significant to the statements is that the recognition of the traditional territory was clearly extended to the ocean. Some aspects related to the fishing and harvesting rights of First Nations communities, but also extended beyond to acknowledge the long relationship that the Indigenous people had with the ocean environment. Thus, the concept of Indigenous sovereignty over the ocean territory was conveyed as arising out of the thousands of years old interaction between the First Nations and ocean environment and that “territory is the essence of our culture, the essence of our laws, the essence of our governance systems, our political institutions” (National Energy Board. July 9, 2012. Vol. 60. Spencer Greening at 9098). It was also noted that in many cases, the anticipated area to be impacted by the project would include unceded territories of many First Nations.

⁴ The duty to consult arising out of Supreme Court decision *Haida Nation v. British Columbia (Minister of Forests)* stated that the government has a duty to consult aboriginal peoples, and where appropriate, accommodate them when its conduct impacts on potential or established Aboriginal or treaty rights (Sterling & Landmann, 2009).

The ocean was an integrated part of all aspects of coastal life. The ocean was described as important as a food source, as essential to community wellbeing, and as a mainstay of the local and informal economy. As a key food source, the ocean provided nutritious and accessible food, particularly important to the remote communities where store bought food was expensive and often less nutritious. It was a source of food security given the challenges of importing food from elsewhere especially during the winter when the roads were often inaccessible or the weather too stormy for ocean travel. It was a source of self-sufficiency. The ocean, as a source of food, went beyond nutrition; it was also deeply connected to the community and to the informal economy. “Not only does these resources provide us sustenance, they are the very fibre and being of who we are as a community” (National Energy Board. May 24, 2012 Vol. 52. Joyce-Lynn Mitchell at 3881). Many described the importance of wild food, which is food harvested locally, as not only delicious, but as supporting the physical and mental wellbeing of community members. Wild food was a source of informal trade among community members that tightened the community bonds and also enabled trade with other communities. The salmon was often used as the metaphor to describe the importance of this relationship, emphasizing that the traditions, especially of First Nations, around the catching and harvesting of the salmon and the canning or smoking of the salmon were practices that brought the community together. They are also practices that connected one generation to the next as the techniques and skills were passed down.

“Knowledge and skills about the harvesting process, the land and resources are passed down from generation to generation. Kinship, work and community relations are created and reinforced by the joint participation in harvesting activities, the services related to wild food harvesting, and the sharing of the

harvest. The informal economy creates greater self-reliance and core reliance. It assumes a level of reciprocity that affirms trust and continued interaction (National Energy Board. May 24, 2012. Vol. 52. Arianne Loranger-Saidon, at 4142).

A persistent narrative thread throughout the hearings was the importance of the ocean to the ongoing viability of the communities. There were many speakers who spoke about how their livelihood as commercial fishers or eco-tourism operators were dependent on a vibrant ocean environment. Other speakers emphasized how the ocean and its resources were critical to the informal economy upon which they were significantly dependent because there were few other opportunities in their remote location.

Speakers also emphasized the importance of the ocean as a key part of the British Columbian identity. It was described as unique in the world. “There is nowhere in the world that has access to such a complete connected ecosystem of this scale, from mountains, forests, rivers and ocean” (National Energy Board. May 24, 2012. Vol. 52. Steve Milum at 3512). The ocean was viewed part of Canada’s national heritage and an aspect of Canada’s global responsibility to protect it. The ocean was seen as essential to the British Columbian economy. One speaker shared the results of a 2011 poll that captured that 76% of British Columbians said wild salmon was as culturally important to British Columbia as the French language to Quebecers, and that 86% said economic growth and development should not be done at the expense of wild salmon habitat (National Energy Board. May 24, 2012. Vol. 52. Greg Knox at 3960-3961).

The precautionary principle was viewed as a fundamental standard for decision-making around ocean use, and ocean management must be conducted in a sustainable manner. The precautionary principle figured significantly throughout the hearing especially given the unknowns around the risk of a marine spill. Many were vocal in their concerns about the lack of knowledge regarding how diluted bitumen would act in a marine environment and that there was lack of technology to clean it up. For this reason, in particular, many suggested that the decision would need to be negative as the current state of knowledge and the risks did not meet the standards of the precautionary principle.

In addition, there was a strong underlying theme of the importance of approaching the ocean in a sustainable manner. The conceptualization of sustainability went far beyond the Bruntland Commission, and it involved balancing the social, economic, environmental and spiritual values of the community.

So, let's adopt new sustainable development goals in Canada which could allow our First Nations youth to rediscover untainted wild places and intact ancient cultures, local citizens to continue the stewardship of the public commons of biodiversely rich unpolluted Crown lands and most important of all happiness in our people as we all paddle in the big black canoe together (National Energy Board. April 27, 2012. Vol. 48. Natalie Charlton at 843).

Several of the urban speakers raised concepts such as the conservation economy and the idea of eco-system accounting as models for balancing use and conservation. Integrated management did not figure as prominently as a concept, but rather was subsumed under the holistic approach to ocean management.

The concept of ecosystem was a comprehensive one that balanced economic, environmental, social, spiritual, and cultural values within a framework that recognized the interconnectedness of all. The concept of ecosystem was central to many of the speakers' presentations and used in a number of different contexts. A number of speakers emphasized the importance of ecosystem-based management that involved a more sustainable way of living. Some spoke of the linked nature of the ecosystems, including across political boundaries such as that shared with Alaska. This was particularly related in terms of the risk of marine spills. "We share an ocean with Alaskans and other Americans, even the Japanese, as demonstrated by the debris arriving on our shores. Our salmon, our whales do not stop at the lines of a map. Water sources are shared between provinces and countries (National Energy Board. May 24, 2012. Vol. 52. Carol Brown at 3510). The relationship to the global ecosystem was also noted as an important aspect of the stewardship responsibility. In many cases, the definition of ecosystem that was most prominent was the traditional Haida view that all things are connected. Sharp distinctions were not made between natural ecological systems and human systems and this was reflected, as well, in the intrinsic relationship between human and ocean. "The world is a small place. The First Nations up in the area have a beautiful saying. It's aweet nakoola (ph) and it means we are one with land and sea" (National Energy Board. August 8, 2012. Vol. 67. Holly Tracy at 13623). Participants did not convey an understanding of the ocean as an isolated and separate ecosystem.

EBM (ecosystem-based management) is a means to create meaningful work and to build healthy relationships within and among communities and ecosystems . . . , in a framework that protects natural environment while improving human well-being. . . . It reflects our values as British Columbians to balance ecological needs with social needs of

our communities. (National Energy Board. January 15, 2013. Vol. 125. Olivia Brooke at 24814-24817)

The same sentiment was expressed in relation to the wellbeing of the community, that it was the product of social and environmental factors.

The value and importance of local and traditional knowledge was highlighted especially in the context of decision-making around the ocean environment. The role of stories and story-telling was emphasized by many as an important way to convey information. “Long before people ever recorded information about their way of life in written form, they passed valuable information about their culture, their values, and beliefs through the telling of stories” (National Energy Board. July 19, 2012. Vol. 63. Lillian Sam at 11205). One example, by Heather Sapergia (National Energy Board. July 9, 2012. Vol. 60, at 9649-9662) used bird stories to draw a portrait of the diverse and rich life that would be impacted by the project. Other speakers used poetry as a way to convey their ideas, demonstrating the power of the narrative to express ideas, values and beliefs in a way that facts and figures could not. The value of local and traditional knowledge was emphasized, juxtaposed against the dominance of scientific and expert opinion that prevailed in other parts of the JRP process: “How is it that we have gotten to the point where we revere risk management technical talk over a wisdom in knowledge that has been years in the making?” (National Energy Board. April 26, 2012. Vol. 47 Patricia Lehoux at 981).

The informality of the oral statements within the structure of the community hearing was a powerful way for participants who normally would be outside of the decision-making process to share their views about important considerations in ocean management. An interesting aspect of

the case study is that it was a glimpse into the role of public consultation in a top-down decision-making structure, but from the viewpoint of the local community. Throughout the speakers conveyed their appreciation and respect to the JRP panel members for their willingness to come to their communities. This was even as many expressed a lack of confidence with the larger decision-making process involving the federal government and Cabinet in particular. Those who participated saw the community hearing as the critical avenue to ensure that their views were considered in the decision-making process.

I ask that you listen carefully to our stories and take them into full consideration, as the decision that's resting in your hands affects the lives of thousands of people, and therefore cannot be undergone lightly. I urge you to respect our opinions and carry the voices of the northwest with you back to Ottawa. (National Energy Board. April 26, 2012. Vol. 47. Skeena Lawson at 766)

As the hearing progressed into the later part of 2012 and early 2013, there were two emerging issues that arose around the JRP process. The first was that in the Budget Bill of 2012, the federal government changed the requirements of the review process for major projects (Jobs, Growth and Long-term Prosperity Act, 2012). A number of speakers concluded that this would abbreviate future public consultation processes:

When I signed up to give an oral statement, I thought my statement would be considered within a set framework for decision-making. But now it seems that has changed and that the indications are the federal government will likely override whatever recommendations this Panel makes. (National Energy Board, May 24, 2012. Vol. 52. Michael Ambauch at 3736)

A second element, most evident in Vancouver, was the rise of protest that disrupted the hearing process. The JRP panel members had to alter their meeting processes restricting access to the meeting room to those who were scheduled to speak, a change from the more open process that had characterized the earlier community hearings.

Many who participated as speakers in the community hearing process submitted that this type of participation was normally outside of their level of comfort, but they felt compelled to speak because of the risks to their communities, their livelihood, and to their way of life. Panel members, both at the start of each hearing and sometimes in response to a speaker, would remind participants that the point of the hearing was to hear their personal views, not technical or scientific information, nor a formal presentation of evidence. It meant that the bulk of the statements were made in the form of personal stories to share the important role that the ocean played in their lives.

The stories conveyed that the long and rich history of the First Nations in coastal British Columbia is deeply respected and that many Indigenous values and beliefs are informing the broader public's views on ocean management. First Nations have lived in coastal communities in British Columbia for thousands of years and the strong bonds with the ocean were recognized by both Indigenous and non-Indigenous speakers. The significance of the relationship was recognized in many aspects including governance, knowledge, and sovereignty. First Nations values and beliefs were frequently referenced in the oral statements as a framework to describe the interwoven nature of the relationship between the ocean and humans, to describe the responsibilities of governance, and as ways to convey the importance of principles such as the

precautionary principle and sustainable development. These values and beliefs were shared by both Indigenous and non-Indigenous speakers and illustrated that they were widely accepted. Many speakers emphasized the importance of adopting a more sustainable way of living that had been practiced by First Nations for thousands of years, and to follow the traditional laws related to the environment and to other living things.

8.5.1 Summary of narrative elements from public narrative

- 1) Governance: There was an obligation on the part of the human population to protect and care for the ocean as sacred commons, based on a principle of stewardship.
- 2) Sovereignty: First Nations, in particular, have sovereignty over the waters that formed part of their traditional territory.
- 3) Role: The oceans are interwoven into all aspects of human and community life through a holistic and interactive relationship between humans and the ocean. The relationship extended beyond its role as a food source, to be intrinsic to the community.
- 4) Principles: The precautionary principle was a fundamental standard for decision-making around the ocean. The ocean must be managed in a sustainable manner that would involve balancing the social, economic, environmental, and spiritual values.
- 5) Ecosystem: The conception of the ecosystem is predicated on the interconnectedness between human, land and sea, recognizing the fluid and dynamic nature of the ocean, and moving across political and administrative boundaries.
- 6) Knowledge: Decision making for ocean use should draw on diverse forms of knowledge, including traditional and Indigenous ways of knowing.

- 7) Participation: Local communities must have their voices heard in the decision-making around ocean use.
- 8) First Nations: The longstanding relationship between First Nations must be acknowledged and respected, including their territorial claims, their knowledge systems, and their values.

8.6 Conclusion

In this chapter, the elements of the narrative analysis were laid out beginning with the Act and then following through to the Strategy and the Plan. The framing policy narrative that underscored the Act persisted through the narratives of the Strategy and the Plan. However, there was also a gradual evolution in several key elements. In terms of governance, the narrative in the Act had emphasized the leadership role of the Minister of Fisheries and Oceans, to support coordinated and collaborative ocean management activities within the federal government, but also the provinces, and territories. Through the implementation period, the emphasis shifted from the top-down towards greater focus on regional integrated management activities. In the case of the public expectation around ocean use articulated through the JRP process, the narrative centered on the importance of a holistic form of governance that recognized more broadly the importance of the ocean and the responsibility of stewardship.

Over the implementation time period from 1997-2006, the key principles of sustainable development, the precautionary principle and integrated management remained critical, but they also evolved in their interpretation. Of particular note though was the fact that the Strategy incorporated a broader conceptualization of sustainable development by integrating social values

along with economic and environmental values. This conceptualization was more current to the narrative expressed during the JRP process.

The primacy of the ecosystem approach grew over the implementation time period as well becoming more of an integral centre to the policy narrative in the Strategy and the Plan. This was consistent with the narrative vocalized during the JRP process where the ecosystem broadly defined to include human and ecological elements was considered cornerstone to a holistic approach.

There was movement with the balance of values that underpinned the policy narrative. While the Act focused on the economic value as primary, the Strategy included the economic, environmental and social values as key. The Plan again placed a greater emphasis on the economic values but also addressed the environmental especially in the context of addressing climate change. The cultural value of the ocean was first articulated in the narrative of the Strategy and continued in the Plan in a limited way with a focus on local initiatives. The public narrative however gave equal weight to the cultural and spiritual values of the ocean along with the environmental and economic, recognizing the importance of all of them to personal and community wellbeing.

In Table 6, the narrative elements for the Act, the Strategy, the Plan and the public narrative are captured in a summary form to aid with the next step, the comparative analysis that follows in the next chapter.

Table 6. Comparative Matrix for Narrative Analysis

	Act	Strategy	Plan	Public Narrative
Top down governance	Key objective	Key objective		For decision-making
Local, regional governance	Implementation	Capacity building and implementation	Implementation and focus of key activities	Participation, sharing of local views
Integrated Management	Implementation strategy	Implementation strategy	Implementation at regional level	Decision-making and implementation
Precautionary Principle	To protect biodiversity	Key principle	Key principle	Key principle
Sustainable Development	Yes, but economic focus	Yes, includes economic, environmental and social values	Yes, economic focus	Yes, includes economic, environmental, social and cultural values
Ecosystem-based	Anthropocentric, exploitive	Cumulative impact and importance of ecosystem health and integrity	Anthropocentric, but within ecosystems-based approach	Also referred to as holistic approach
Sovereignty	Key objective to assert Canada's jurisdiction	Secondary objective	Objective but pursued through diplomatic means	Refers to recognition of First Nations relationship with ocean territory
Economic	Primary value	One of key values	Primary value	One of key values
Social	No reference	One of key values	One of values	One of key values
Environmental	Value for economic	For protection and conservation, dealing with climate change	For protection and conservation, dealing with climate change	For protection and conservation, dealing with climate change
Cultural	No reference	One of key values	As aspect of local implementation	One of key values
Spiritual	No reference	One of key values	No reference	One of key values

Table 5 cont'd

	Act	Strategy	Plan	Public Narrative
Indigenous Knowledge	Small reference	Key knowledge paradigm	As aspect of local implementation	Key knowledge paradigm
Stakeholders	Provinces/territories, Indigenous organizations, coastal communities	Provinces/territories, Indigenous organizations, coastal communities, First Nations, NGOs, users, general public	Provinces/territories, Indigenous organizations, coastal communities, First Nations, NGOs, users, general public	Provinces/territories, Indigenous organizations, coastal communities, First Nations, NGOs, users, general public

9. Analysis and Discussion

9.1 Introduction

In the previous chapter, the results of the narrative analysis were provided, and the chapter concluded with a comparative table that illustrated an overview of the key elements that resulted from the narrative process. In this chapter, the focus turns to the analysis of the results, particularly in the context of addressing the two research questions: (a) what the framing policy narrative of the Act is, and did it persist through implementation; and (b) does it remain relevant to present day public expectations around ocean use. The key findings that resulted from the analysis are outlined in this chapter, which then draws in the literature outlined in Chapter 2 and Chapter 4 to address the more general questions of what do the results mean, especially in relation to ocean policy and ocean governance in Canada.

9.2 The Comparative Analysis

In Chapter 8, the Act (1996) was analyzed to identify the framing policy narrative, and then subsequently the Strategy (Fisheries and Oceans, 2002a) and Plan (Fisheries and Oceans, 2005a) were analyzed to identify if the framing policy narrative persisted throughout implementation. What was revealed is that the framing policy narrative did indeed persist throughout the implementation period from 1997 to 2006, but the progression was uneven, punctuated by a more progressive and expansive narrative in the Strategy and retracted in a narrower and more modest narrative in the Plan.

The second case study analysis addressed whether the framing policy narrative remains relevant to the present-day public narrative around ocean use. The simple answer is: Yes, it is relevant, but not sufficient. Key values, ideas, and beliefs have evolved since the original framing policy narrative of the Act. What is remarkable however was that the Strategy (Fisheries and Oceans, 2002a) and the public narrative were much more in alignment in policy terms than the Act (1996) and the Plan (Fisheries and Oceans, 2005a). For example, in 2002 when the Strategy was issued, there was clear recognition of the importance of a broader ecosystem approach to ocean management that incorporated the social along with the economic and ecological values. The public narrative reflected this as well, with the notable addition of cultural, ceremonial, and spiritual values. The knowledge paradigms incorporated in the Strategy included the natural science as well as social science and local and traditional knowledge, as they were presented in the public narrative. The role of the public, stakeholders, and Indigenous peoples was greatly expanded in the Strategy and much more in concert with the expectations expressed through the public narrative regarding participation in the decision making around ocean use.

These findings and others are discussed further in this chapter. The chapter is organized around the narrative methodology and begins with a comparison of the metanarratives that ensued from the core documents and the public narrative. It continues with the defining stories that were identified through the narrative analysis process and categorized into the eight elements. The discussion includes noting those stories and voices that were absent from the narratives as well as bringing the broader policy literature to support the discussion.

9.2.1 Comparing the metanarratives

This subsection provides a summary of the comparison of the metanarratives for the Act (1996), the Strategy (Fisheries and Oceans, 2002a), the Plan (Fisheries and Oceans, 2005a) and the public narrative as an introduction to the comparative analysis.

The originating metanarrative of the Act (1996) was to define Canada's ocean spaces in order to secure and exploit the ocean resources contained therein for economic development. It emphasized the importance of defining Canada's sovereignty over its ocean territory, but it also highlighted the responsibility to manage the ocean environment appropriately. The Act was intended to remedy the governance situation that was fragmented and unable to provide the integrated management structure required to meet the obligations of modern ocean management. The articulations of key principles of sustainable development and the precautionary principle were in keeping with the international policy dialogue of the day even if they were modestly expressed within the overall text of the Act. While the Act included statements of coordination and cooperation, the list of those to be involved was limited. Overall the tonality of the Act was one of housekeeping, putting into place the structures and authorities through which ocean management would take place. The Strategy (Fisheries and Oceans, 2002a) was, however, more ambitious and aspirational, drawing a portrait of ocean management that was predicated on a holistic and principled approach.

The Strategy (Fisheries and Oceans, 2002a) took a much more comprehensive view expressing a narrative that recognized the importance of the ocean in all aspects of Canadian life, from social to economic to cultural, and to preserve and protect it for future generations. In the narrative, the

Strategy sought to stretch the importance of ocean governance beyond the traditional stakeholder groups of coastal communities and users by promoting the idea of the collective responsibility of all Canadians. It also recognized the centrality of the ocean to Canada's history. The Strategy was a landmark in so many aspects of its articulation of the ecosystem, the integration of different forms of knowledge, and the participation of local and First Nations groups. It also promoted an engagement with the public through stewardship and public awareness that was less evident in the Plan (Fisheries and Oceans, 2005a) and the Act (1996).

The Plan once again put the economic opportunities of the ocean in the forefront and resembled a stripped-down version of ocean governance than had been articulated in the Strategy. The Plan's primary narrative centred on what was required to meet the economic opportunity of the ocean. The corollary of that narrative was that Canada had still not gotten it right in terms of ocean management, and the role of the Plan was to remedy the governance gaps. It also suggested that ocean management was the key to harnessing the economic potential of the ocean and that this management should be conducted on a local, sectoral, or regional basis. Absent from the Plan was any real discussion about the need to improve the coordination amongst the federal family. The tonality of the Plan was one of active, immediate, and practical steps. While it still included some of the value statements that had been articulated in the Strategy, it subsumed them under the description of the implementation process of particular initiatives. A distinguishing aspect of the Plan from the Act and the Strategy was its emphasis on transparency and clarity—to support implementation through building confidence through certainty over decision-making processes.

In the public narrative, the metanarrative that is exposed encompasses a view of the relationship between humans and ocean as comprehensive and highly interactive. All elements of human life are impacted through the interaction with the ocean and its resources. These elements include the formal and informal economy, social and community relations, spiritual and ceremonial needs, as well as the culture and health of individuals. The relationship is not exclusively exploitive, and the use of the ocean environment is equally balanced with an emphasis on the obligation to steward and protect the ocean and its resources, not only for human use but also for the other beings that rely on it. The ocean is approached from a holistic view point, recognizing it as an ecosystem embedded in other ecosystems and interwoven into the broader conception of the environment.

The framing policy narrative articulated in the Act remained persistent through the implementation period. While the Strategy expanded the scope and definition of the key elements that made up the policy narrative, the Plan was more in alignment with the Act. There were a few exceptions, including the way in which sovereignty was conceptualized and an evolution in the recognition of the importance of including First Nations in ocean management activities as discussed further below.

The framing policy narrative has a narrower conception of the relationship between human and ocean than was found in the public narrative. It does recognize the importance of the balance between the economic use and the environmental protection, but it stops far short of acknowledging the other aspects of human life that are involved with the ocean. In the public narrative, there was an articulation of the changing social values around the ocean, moving from

a more evolved view point that recognized the oceans value beyond its capacity to support human activity.

In both narratives, ocean is approached as a natural system, embedded in other and broader natural systems. However, the policy narrative does not have the holistic reference that is exposed through the public narrative. The policy narrative retains an anthropocentric view of the ocean. In the public narrative the ocean is conceived of as having value to coastal communities, including First Nations, and to the broader Canadian population as a part of global transportation system or source of food, but does not recognize the intertwined relationship between the ocean and community at a cultural, spiritual, and wellbeing level. This relationship, however, clearly emerged through the public narrative. The policy narrative, as it evolved in the Strategy and the Plan, incorporated an acknowledgement of the critical relationship between ocean and climate, but did not go as far as recognizing the limitations of the ocean's capacity to absorb the ill-effects such as carbon, which were concerns raised through the public narrative.

While the values evolved and broadened from the Act through to the public narrative in terms of the relationship between oceans and humans, the governance narrative narrowed moving from a focus on top down structures in the Act, to increased emphasis on local and regional activity in the Strategy and the Plan. However, the changes in the values were reflected in an increased emphasis on integrated and holistic forms of governance.

9.2.2 Governance

In terms of governance, the Act laid out a governance narrative that include better coordination amongst the federal family and consultation with key stakeholder groups. It identified the

Fisheries and Oceans as the lead in ocean management, but within a framework that respected and acknowledged the authorities within other federal departments and other levels of government. Participation by stakeholders was to be limited to the regional or local level through management plans or via advisory groups on a national basis. The list of stakeholder groups was quite limited.

The Strategy included a recognition of the top-down structure, but also highlighted the importance of the regional planning process. It moved more towards a deliberative governance model (Dryzek, 2010) by incorporating increased opportunities for participation at the regional level. It included the importance of adaptation and learning through feedback loops (Hoppe, 2010). It articulated a much more comprehensive and holistic view of the relationship between humans and oceans, recognizing social and cultural aspects as well as environmental and economic, but also signalled the importance of monitoring and addressing the cumulative effects of human activity. It also incorporated the essential relationship between the ocean and climate, a linkage that is critical to addressing the effects of climate change.

The Plan emphasized the ocean management structures on a local, regional, and sectoral basis. It said little about coordination at the federal level, instead emphasizing targeted initiatives that were framed either by region, such as the Beaufort Sea, or by sector, such as ocean science and technology. It articulated a phased-in approach to implementation to allow for learning from earlier activity. The values of clarity and transparency were promoted to build the confidence of stakeholder groups in the implementation activities.

The resulting narrative around governance did not address the need for better coordination of the federal departments despite this being a persistent concern raised in the implementation reviews. Integrated management was the core framework for ocean management, but it was implemented at a local and regional level. The involvement of others, from governments to First Nations and stakeholders, evolved over the time period. The narrative around governance did not change significantly from the Act to the Plan, but the implementation became increasingly focused on the local and regional level. Integrated management remained the core principle for ocean governance. By integrated, what was described in the Strategy and the Plan was that there would be a mechanism or a process whereby the multiple uses of the ocean environment could be reconciled including anticipating their cumulative impact in order to protect and conserve the ocean environment.

In 2006 the resulting policy narrative maintained a leadership role for DFO but placed much of the activity at a local, regional or sectoral level. In fact, it essentially defaulted to the federal structure that was in place prior to the Oceans Act where the federal departments continued with their individual sectoral activities. Governance, as it exposed through the public narrative, focuses more on the critical values that should be incorporated into decision making, including the interactive relationship between human and ocean and the importance of the ocean to community. The public narrative also reflected the assertion of First Nations to govern over the ocean space within their territories. In terms of the structure of governance, it is clear that the public expects and desires an integrated approach that supports considering not only the impacts on other ecosystems but also the cumulative impact. The governance narrative also included recognition of the particular relationship of the First Nations to the ocean environment,

acknowledging and respecting the more than 6,000-year-old history and tradition in ocean management.

The key finding that results from the analysis is that, at least from the perspective of the history of Canada's ocean policy and the present-day expectations, the management of the ocean environment needs to take place at the ecosystem or local level, a viewpoint reinforced by Jentoft (2007), who asserted that to be effective, it needs to take place at the level of the ecosystem. However, it was clearly articulated in both the policy and the public narrative that there are foundational principles by which that management would take place. From the perspective of ocean governance literature, these foundational principles are often best expressed at the highest possible level (Vallega, 2001). It reinforces the importance of ocean policy as a top-down activity but blended with bottom-up implementation.

Within the narratives, there was an assumption of a role for the federal government in ocean policy. This is partially explained by the fact that the documents reviewed were federal documents and the JRP process was a federal process. Indeed, a notable absence from the policy narrative was the delineation of the relationship between the federal government and other governments in ocean management. Another notable absence from the governance narrative was the views of the other federal departments who are engaged in ocean related activities. These are two noteworthy gaps, as each represents significant authorities over the ocean space, either through jurisdiction or activity.

The absence of these other voices limited the ability to investigate if there was conflict or discordance that befuddled the implementation of a coordinated federal ocean strategy. From UNCLOS through to Parliamentary debates, formal reviews, and commentary on the Oceans Act, the importance of a coordinated and integrated decision-making structure was emphasized, and in the case of the latter two, the failure of the federal government to achieve this coordination was noted. This failure to integrate and coordinate appeared to also occur within the DFO itself, as there was an absence of expressions of policy coherence between fisheries policy and ocean policy, which is unusual especially given that the Act was intended, in part, to protect Canada's fish stocks. From the review of the supplementary material including the House and Senate debates and Committee processes, it was evident that changes to fisheries policy were being undertaken concurrently with the drafting of the Oceans Act. It is, therefore, surprising that there was no reference made to how the two would fit together. In the Strategy and the Plan, again little reference is made to fisheries policy. In the public narrative, no distinction was made between ocean and fisheries policy. The stories of the salmon, the importance of fish and shellfish to local community, and the contribution of commercial and recreational fishing were all primary reasons given for the importance of good ocean management.

In the public narrative, many references were made to a holistic approach. Holistic and integrated, while related concepts, do not mean the same thing. By integrated, what is meant is bringing together, in an encompassing way, the different sectoral and competing interests to coordinate the activities and decision-making in a way that reduces conflict and the cumulative impact of the overall activity (Marian, 2012). Holistic, particularly, as it was used in the public narrative, means taking a whole of ocean approach, that extends beyond simply integration and is

founded on an ecosystem-based conception of ocean governance. Within the ocean policy narrative, while the Strategy goes far towards taking this view, it remains an area that requires further development in future ocean policy activities.

9.2.3 Sovereignty

The narrative around sovereignty changed significantly during the implementation period. Whereas it could be described as defensive in the Act, the Plan envisioned a more diplomatic approach to promote Canada's sovereignty over its ocean territory. A new element added to the sovereignty narrative was the need to focus on national security resulting from the threats from the drug trade and human trafficking. In the public narrative the narrative around sovereignty centred on a recognition of the long history and traditions of First Nations in governing and managing their ocean territory.

The sovereignty narrative in the Act was a defensive one reacting to economic events of the fisheries closures that had heightened the urgency to protect Canada's jurisdiction over its ocean space. It was primarily about asserting Canada's sovereignty over its ocean territory, through defining it in domestic law and by setting out the authorities that would be used to police it. In the Strategy, sovereignty was largely defined in relational terms, meaning the narrative focused on how the ocean territory extended Canada's place territorially into the world and was part of defining Canada's collective identity within the global community.

While the sovereignty narrative in the Plan was still primarily about asserting Canada's jurisdiction over its ocean territories, the mechanisms anticipated to assert sovereignty were quite

different. Rather than asserting its sovereignty through a defensive position, it promoted the concept of using Canada's existing international relationships defined through bilateral, trilateral, and international structures to promote its sovereignty. It was an articulation of international relations that closely resembled the approach championed by Right Honourable Lester B. Pearson (1955), first in his work on international peacekeeping and then later as Prime Minister. Given that the Right Honourable Paul Martin, who was Prime Minister at the time of the Plan, was of the same political party as Pearson partially explained this change in approach (Martin, 2009). A further explanation was that Martin's father had been a member of Pearson's Cabinet and influenced by his foreign policy position (Martin & Young, 1988). The significance of the difference in narrative between the Act and the Plan is that the Plan was a more modern and updated articulation of sovereignty that recognized the strength in nesting policy activity within the framework of the complex network of international relationships. A second aspect of the narrative on sovereignty, first exposed in the Strategy but also articulated in the Plan, was to address the growing threat of international criminal activity, such as human trafficking and the drug trade that were using the Canadian coast as an entry point to the US.

In the public narrative, a number of statements spoke of First Nations sovereignty over their ocean territory. In this case, the concept of sovereignty is founded on their longstanding use and tradition with particular ocean areas, whether for food or transportation, and as part of their community. Within the public statements reviewed, there was broad acceptance of the First Nations sovereignty so that it seemed more implied as the accepted norm rather than as a point of challenge. As well, there was a persistent theme of the importance of drawing Indigenous values around the ocean and the environment into all ocean management activities.

Many of Canada's ocean boundaries are shared with the US, and a number of transboundary agreements and structures facilitate that shared space. Some reference was made to these transboundary relationships in the Plan. In the public narrative, there was recognition of the co-location of ecosystems and the fluid nature of the ocean and marine life. The transboundary nature of Canada's ocean territories makes it surprising that not more was stated in the policy narrative regarding how it influenced the framing of the policy and its solutions. Pyć (2016) suggested that national ocean policy was actually a subset of international ocean policy, and with three coasts and highly integrated marine ecosystems, that would seem paramount for Canada. The Plan was, therefore, prescient in its construct and recognition of the international context of ocean policy, a necessary framing for future ocean policy.

9.2.4 Role

The concept of the role is used in the context of what contribution and relationship did the ocean have to the economy, culture, history, personal, and community wellbeing of Canadians. In the Act, the role of the ocean in Canadian life was as a source of economic activity. The primary focus was on addressing the disruptive challenge of the collapse of the groundfish stocks on both the east and west coast and the impact of fisheries closure on local economies and communities. It also looked towards exploiting the untapped potential of the ocean through emerging industries and hence the articulation of the role of science and technology in the Act. The Strategy framed a much more comprehensive narrative regarding the role of the ocean in Canada, recognizing that the linkages took place at multiple levels, from local and community to national citizenship, and involved social, cultural, as well as economic and environmental values. In the Plan, the

narrative around ocean use was largely more economically and environmentally focused but did recognize, in particular through the initiatives, the interwoven relationship between local coastal and First Nations community and the ocean.

The resulting narrative defined the relationship between humans and oceans as largely an exploitive one to support and promote the economic opportunities that could result from the ocean resources. This is unchanged from the narrative of the Act, and while the role was greatly expanded by the Strategy, it was once again reduced in the Plan. The only element that did carry over from the Strategy was a better recognition of the environmental impacts of human activity and the link to climate change.

In the public narrative, the way that the ocean was described differed significantly from the policy narrative. It included recognizing the ocean as integrated with all aspects of life, and at multiple scales. It was more than a reservoir of ocean resources; it was an important source of food, of community and economic activity, and basis for marine transportation. It was also described as essential from a cultural, ceremonial, and spiritual level, supporting and promoting individual and community wellbeing. A surprising aspect of the public narrative was the coherence between Indigenous expressions of value for the ocean and those shared by non-Indigenous speakers. This may be a factor unique to the British Columbia coast, as other marine planning activities such as the MaPP process (Marine Plan Partnership for the North Pacific Coast, 2018) as well as Haida marine planning (R. Jones et al., 2010) have also demonstrated there are many consistencies in how key principles around ocean governance are conceived. This is an area that should be explored further in research as well as in future ocean policy activities.

What is important about the narrative that emerges around the role of the ocean is that it encapsulates the primary narrative about the relationship between human and the ocean. Over the time period and particularly as expressed by the public narrative, the human/ocean relationship broadened beyond simply an exploitive one of harnessing Canada's oceans resources, towards recognizing the ocean as an instrumental part of the global climate. In the public narrative, it went further to capture the intrinsic relationship between the ocean and human in community and personal wellbeing. This is going to be a fundamental reconciliation point for future ocean policy activities. While the public consultation represented only a subset of the Canadian population, the current dialogue around the TransMountain⁵ Project between the federal government, provincial governments, First Nations, as well as through public protests and media includes similar narrative elements. The balance of responsibility and use has evolved since the early days of the Oceans Act, and clearly there is greater public expectation to protect and conserve the ocean. This is also being articulated in the growing international campaign to combat plastics in the ocean. Both of these examples are areas that could be the subject of future research, using a similar narrative methodology.

9.2.5. Principles

There are two ways in which the principles differ amongst the Act, Strategy, and Plan. The first is how each is defined, and the second is how they are used. In the Act (1996), the precautionary

⁵ Kinder Morgan has proposed to twin the current pipeline from Alberta to Port Metro Vancouver, doubling the tanker traffic that would transverse the Salish Sea. A primary issue raised by the provincial government, some First Nations and non-government organizations is the increased risk of oil spill in the marine environment, and the impact of increased marine traffic on the local orca population.

approach was described *as limited to the side of caution* [Part II, Section 30(b)], and while the originating Minister had suggested it as a ribbon running through the Act [Canada. Parliament, House of Commons Debates (*Hansard*)1995b at 14860], it was largely confined to supporting biodiversity. In the Strategy, the precautionary principle was to be applied through an ecosystem framework, which meant that it took a more comprehensive and integrated approach than used in the Act. Its primary objectives were to preserve ecosystem health and integrity not only for the purpose of protecting biodiversity, but also marine conservation. In the Plan, the precautionary approach was guided by a government-wide mandate that took its definition from the United Nations (1982) UNCED agreement, which emphasized that in the face of scientific uncertainty, care should be taken to protect the current and future uses of the ocean environment. Given its wider adoption across government, the precautionary approach was integral to the formation and implementation of the Plan.

Sustainable development was largely exercised in support of economic development in the Act, whereas in the Strategy, it was expanded to include the integration of social, economic, and environmental aspects into decision making. In the Plan, the definition of sustainable development was more akin to the Act (1996) and drew from the Bruntland Commission, thus focused on the balance between the economic and environmental values. The implementation of sustainable development in the Plan (Fisheries and Oceans Canada, 2005b) was informed by the government-wide initiative around sustainable development that required DFO to plan for and report regularly on its sustainable development activities across the departmental portfolio. Therefore, sustainable development as a principle was woven into most aspects of the Plan's implementation.

In the Act (1996), integrated management was at the forefront of the construct of the governance framework and referred to the integrated management of all activities and measures affecting the ocean. It was to be implemented at a federal level through interdepartmental mechanisms and at regional level through integrated management plans. In the Strategy (Fisheries and Oceans Canada, 2002a), the three principles of sustainable development, precautionary principle, and integrated management were expected to be applied to all ocean-related activities, including those outside of DFO's direct control. Integrated management was to be in support of, but also constructed by, the implementation of the principles of sustainable development and the precautionary principle. The Strategy conceived of integrated management as a decision-making and planning process that supported the balance between use and conservation of the ocean environment. Integrated management meant more than mitigating between competing uses or agendas as it had been applied in the Act. It also involved reconciling the economic, social, and environmental factors based on a recognition of the natural, economic, and environmental ecosystems. While the Plan (Fisheries and Oceans Canada, 2005a) focused its integrated management activities on a local, regional, and sectoral basis, it put greater emphasis on the open and transparent nature of the process in order to build confidence towards the implementation of the plan.

In the policy narrative, the three principles that are intended to govern the decision-making process are sustainable development, the precautionary principle, and integrated management. In the public narrative, the precautionary principle was echoed as an important principle, and it was defined in the same manner as the policy narrative, which is to not make a decision to proceed

with an action if there remains scientific uncertainty over the impact of that action on the ocean environment. In both the policy and the public narrative, this responsibility extended to future generations, incorporating a concept that the governance structure must steward the resources for future generations not just immediate needs. In the public narrative, First Nation speakers also emphasized the obligation of stewardship to the ancestors as well. Both the policy and the public narrative incorporated the importance of sustaining the ocean and its resources. The public narrative went far beyond the definition of sustainable development in the policy narrative, and it included addressing the social, cultural, and spiritual values along with the environmental and economic. Integrated management, while a primary concept in the policy narrative, was not present in the public narrative in that form. However, the public narrative emphasized consistently the need for a holistic approach, and it captured many of the same elements, which were the need to approach the ocean from an all-encompassing viewpoint, not sector by sector, and that it was critical to consider the cumulative effects of all of the human activity. This holistic approach, which appeared to be rooted in the traditional knowledge and experience of the First Nations, was a persistent and defined aspect of the public narrative around ocean use.

9.2.6 Ecosystem

In the Act (1996), the ecosystem was largely defined by its ecological and biological systems. The emphasis was on using an ecosystem approach for the maintenance and protection of biological diversity. In the Strategy (Fisheries and Oceans Canada, 2002a), the ecosystem was the centrepiece in the construct of the decision-making structure and articulated a broad and diverse conceptualization of the ecosystem. Along with the inclusion of critical human systems into the construct of the ecosystem, the Strategy also recognized the importance of the inter-

relatedness of the ecosystems, from links between ecosystems such as land and water, to local ecosystems embeddedness in global ecosystems. In the Plan (Fisheries and Oceans Canada, 2005a), the concept of ecosystem was predicated on natural systems and more closely resembled that of the Act. As with the Strategy, it did place the ecosystem at the centre of the decision-making structure and recognized that the function of ecosystems did not fit neatly with the political or administrative boundaries.

In the public narrative, the nature of ocean ecosystems is that they are fluid and dynamic, nested in other ecosystems and linked to land-based ecosystems. As a concept, the ecosystem is a critical foundation of ocean management, but is challenging because it is not confined to political and administrative boundaries. While an ecosystem-based approach to ocean management has been implemented widely across the globe, this jurisdictional hurdle is a fundamental one that requires political leadership to overcome (Rodriguez, 2017).

As the narrative analysis exposed and the comparative analysis illustrated, narrowing the definition of the role of the ocean led to a narrowing of the conceptualization of the ecosystem. This narrowing reduced the scope of knowledge paradigms that were considered, and it missed important linkages that existed between human activity and the ocean. In terms of the ecosystem, what became evident in the Strategy (Fisheries and Oceans Canada, 2002a), and was duplicated in the Plan (Fisheries and Oceans Canada, 2005a) and the public narrative, was the importance of making the ecosystem the centrepiece of decision making. Given the fluid and dynamic nature of the ocean, and its interconnectedness with other and broader ecosystems, the ecosystem is a necessary construct to define the policy setting for governance and management activity. In

addition, the Strategy and the public narrative demonstrated that the definition of ecosystem needed to be broader than the natural systems. It also needed to include the human systems, including the formal and informal economy, the relationship with community, and the relationship to individual wellbeing. It is a holistic view that has been practiced by First Nations for millennia but needs to be better incorporated in Canadian ocean policy.

Taking a holistic view to ocean policy necessarily expands the values involved and the knowledge paradigms required to inform decision-making. As the Strategy (Fisheries and Oceans Canada, 2002a) and the public narrative illustrated, it is not sufficient to consider simply the economic and environmental values as the earlier conceptualizations of sustainable development did. Instead, sustainable development must include consideration of the social, cultural and ceremonial value of the ocean along with the economic and environmental. This creates challenges for finding models to integrate these different values systems and knowledge paradigms. The Act and the Plan relied on a narrow definition of relevant knowledge to inform decision making, making the investment in marine and ecosystem sciences. The Strategy and public narrative exposed that to achieve a full understanding of the human and ocean interactivity, the knowledge paradigm needs to expand to include social, local and traditional knowledge. New constructs need to be explored that allow for multi-disciplinary approaches to the development of knowledge to inform policy making.

The ecosystem is a powerful frame through which to develop and implement ocean management regimes. As it was depicted in the public narrative, an ecosystem framework recognizes the interconnectedness of the different systems within the ocean environment, but also allows for the

consideration of the different scales for implementation. In earlier attempts to develop integrative models (Ostrom, 2015), a challenge point had been how to scale them up to larger management areas. The ecosystem frame allows that scaling to occur through a recognition and coupling of different ecosystems.

A second key contribution resulting from the narrative analysis is the value of the ecosystem as a concept that can integrate the diverse values of the ocean environment, from the economic and environmental, to the cultural, spiritual, and scientific (Chan et al., 2012). Integrating these diverse values is a necessary condition of ocean policy success as was clearly illustrated in the public narrative. Exploring how to integrate these different values is an area that requires further research, particularly to overcome the challenge of different knowledge systems and different forms of data. The narrative methodology used in this research demonstrates a capacity to find a common platform through the narrative. This is an area worthy of further exploration, to use the narrative methodology as a mechanism to dissect and then integrate the different data and knowledge sets.

9.2.7 Knowledge

In the Act (1996), two knowledge paradigms dominated its construct. The first was law, which was expected given that the Act defined Canada's ocean territories and the authorities that related to it. The second was marine science, and as noted in earlier chapters, ocean policy in Canada had long been dominated by the framing paradigm of marine science. A third paradigm that received mention in the Act was traditional knowledge. In the Strategy (Fisheries and Oceans Canada, 2002a), local and traditional knowledge were incorporated as a key pillar of

contribution from coastal and First Nations communities. The other knowledge paradigm added in the Strategy was social science, reflecting that the Strategy sought to incorporate the human aspects of ocean use into the ocean management process. A partnership was built between DFO and the Social Science and Humanities Research Council in support of research to inform ocean policy (Fisheries and Oceans Canada, 2002a). In the Plan (Fisheries and Oceans Canada, 2005a), the knowledge paradigms were scaled back to focus on informing the ecosystem approach as it was defined in the Plan. The Plan referred to ecosystem science as the interactions between the natural systems of the world, and little was said about the social science aspects. Local and traditional knowledge were to be incorporated through the specific initiatives.

In the policy narrative, the emphasis was on knowledge derived from the natural and marine sciences to inform decision making around ocean use. In the public narrative, while this knowledge paradigm was recognized for its value, there was equal importance given to other forms of knowledge including traditional and local knowledge.

9.2.8 Participation

In the Act (1996), participation in ocean governance was limited to the defined group of stakeholders who participated through advisory groups at a federal level or through management processes at a regional level. The Strategy (Fisheries and Oceans Canada, 2002a) greatly expanded the concept of participation, both in form and in definition of stakeholder group. In form, the Strategy nested the responsibility for good ocean governance as a collective responsibility, not to derogate from the federal role, but to draw into the structure the Canadian public as well as a broader group of stakeholders. Public participation was conceived of as an aspect of stewardship, supported by awareness and engagement. It placed an obligation on policy

makers to empower public participation through communication. This shift towards citizen focus was part of a broader effort within the Canadian government that was exploring new ways to engage citizens in the policy making process (Balka & Peterson, 2002). In the Plan, the engagement with the public was anticipated to occur at the level of the particular initiatives whether through regional planning or through sector initiatives. Both the Strategy and the Plan (Fisheries and Oceans Canada, 2005a) recognized an expanded group of stakeholders, including emphasizing the importance of local and coastal communities and First Nations.

The narrative around participation exposed through the public narrative was highly defined by the Joint Review process itself, the format of the community hearing and the nature of the Northern Gateway Project. The voices heard predominantly through the public consultation were those who were expressing concern about the impact of the ocean environment. Very few speakers got up and spoke in support of the Northern Gateway project as a benefit to their coastal community. This is an important consideration, as in essence, the public narrative exposed only one side of the debate over ocean use. This is not to suggest that there was a side that did not care about the risks of diluted bitumen in the ocean environment, but that there were those who anticipated that they would benefit from the marine terminal and the increased tanker traffic.

Despite the one-sidedness of the public participation in the JRP process, it did provide insight into how community hearings can support participation and consultation. Many speakers emphasized that the fact that the community hearing was undertaken in their communities, or close to their communities, made them accessible. The importance of public participation and the role of civil society in ocean governance is an area that is growing (Soares, 1998). The challenge

point remains how to allow for public participation while still ensuring timely decision-making. Marine spatial planning is one instrument that has been used to incorporate broader participation in the ocean management process (Collie et al., 2013) and will likely continue to be used in conjunction with broader approaches such as ecosystem-based management (Rodriguez, 2017).

9.2.9 Indigenous Peoples

The Act (1996) narrowly defined First Nation participation through affected Indigenous organizations. There are two remarkable features to that definition. The first is that the Act did not contain an acknowledgment of Indigenous people as another level of government involved in ocean management, where in fact, coastal First Nations had been governing and managing their ocean resources for many millennia. The second remarkable feature was the idea of engaging through affected organizations, suggesting that there was a select group of organizations that the government anticipated interacting with regarding ocean policy. This group was not described, but it was a different approach than the one for coastal communities that were defined in more general terms.

The Strategy (Fisheries and Oceans Canada, 2002a) and the Plan (Fisheries and Oceans Canada, 2005a) were distinct from the Act, as they both incorporated a more respectful relationship with Indigenous peoples and northern communities that acknowledged their longstanding relationship with managing the ocean environment. The Strategy included recognizing the value of the traditional knowledge gained through that experience and the importance of adopting a holistic approach to ocean management articulated in First Nations principles. In the Plan, the engagement with First Nations and northern communities was expected to occur at a local and

regional management level, whereas the Act had included Indigenous participation in an advisory capacity along with other stakeholder groups at a national level.

In both the public and policy narrative, there was a clear recognition of the value and importance of the long relationship between First Nations and the ocean. What was striking about the public narrative was that many of the aspects of that relationship, including the values, ideas, and beliefs around the ocean, were embedded in both Indigenous and non-Indigenous conceptualizations. It suggested that there was less distance between traditional First Nations beliefs about ocean governance and the public expectations around governance than the distance between the policy narrative and the public narrative.

The broad principles of the Act (1996), namely that of integrated management, sustainable development, and the precautionary principle, would not necessarily be in conflict with First Nations title. Conflict would however potentially arise over the application of particular components of the Act in site-specific areas. R. Jones (2006) echoed this point in relation to the establishment of marine protected areas and any potential of abrogation of First Nations rights, such as the fishing, harvesting, or other traditional activities in the area. It was his conclusion that the major motivation for the Government of Canada to seek agreement with First Nations was to define and limit treaty rights, rather than protect them.

9.3 Summary of Key Findings

- The framing policy narrative, with some adaptation and additions, remained consistent through the implementation period.

- The policy narrative remains relevant, but not sufficient to meet the expectations of the public around ocean use that was articulated in the public narrative.
- The broader narrative in the Strategy is more consistent with the public narrative around ocean use and should be used as a model to be built upon for future policy activities.
- The original objective of the Act to improve the coordination and collaboration of the federal departments was largely vacated through the implementation period; the emphasis on governance focused more on an integrated or holistic approach at the local or regional level. The sectoral and fragmented approach to ocean governance is discordant with the objective to an ecosystem approach that conceives of the ocean as a whole, but that does not necessarily mean integration at a top level of governance. Zacharias (2014) distinguished between integrated ocean policy and integrated ocean management. If, as it appears to be the case through the narrative research, the ecosystem is the foundation of good ocean management, then integration should be implemented at that level. Integrated ocean policy, however, can mean coordination policy activities at a federal level. Recent initiatives such as the Ocean Protection Plan provide an example where a common policy framework can be used to bring together initiatives undertaken by separate departments. The challenge point will be the implementation of those initiatives at a regional level.
- The narrative analysis revealed that the early depiction of the relationship between First Nations and the federal government in ocean governance, as it was described in the Act, is no longer sustainable or desirable. The Strategy and the Plan demonstrated an increased interest on the part of the federal government to involve Indigenous

peoples in ocean management activities, particularly at a regional level. The public narrative reinforced a more current day view of the importance of recognizing First Nations' role in ocean governance. PNCIMA and the MaPP processes are reflective of a movement towards co-management models between First Nations and the federal and provincial governments. A caution here is whether that finding translates in the same way to other parts of Canada, and it is likely that the relationship in ocean management will be unique to each region. A fundamental aspiration arising out of this research is to see the Indigenous values and principles of ocean management better integrated in the federal ocean policy activities. Over the time period from the passage of the Act in 1996 to the public narrative in 2012, it has become evident that First Nations have asserted their sovereignty over their ocean spaces. In addition, it was clear through the public narrative, that there is good acceptance by coastal community members and the public of this expression of sovereignty. The public narrative also exposed the alignment between public values and Indigenous values and principles, and a further research activity would be to see how this alignment could be better reflected in the Act.

- The narrative analysis did not yield an understanding in how the implementation of an integrated domestic policy regime would be accomplished in the context of an international policy and regulatory regime. Further research might examine how these international authorities constrain the capacity of the federal government departments to cooperate. For example, marine shipping must meet the requirements of not only Transport Canada, but also the International Maritime Organization. Environment and Climate Change Canada must also meet targets set out in international agreements to

- address the challenges of climate change. Canada's ocean policy must not only respond to domestic challenges, but also international commitments, including transboundary agreements and international organizations, operationalizing the commitments under UNCLOS and other international agreements.
- The narrative analysis did not expose the relationship between fisheries and oceans policy. Given that one of the key objectives of the Act was to define Canada's ocean territories in order to protect its fish stocks, it would be expected that there would be more discussion of how the ocean policy fit with and was complemented by fisheries policy and vice versa. In addition, since the Fisheries Act followed the Oceans Act through Parliament, it would have seemed appropriate to find more references to fisheries policy in the Oceans Act and in the implementation. Yet the Act, the Strategy, and the Plan were silent in this regard. The questions and comments by parliamentarians through the review of the Oceans Act legislation illustrated that many did not distinguish between the objectives of fisheries policy and oceans policy but saw them as necessarily related. In the public narrative, while it was clear that fish were important not only as a food source but also source of income and community sustainability, fish management was not discussed in relation to ocean policy. A caution remains, however, in the review of the implementation of the Oceans Act , (Commissioner of the Environment and Sustainable Development, 2005), tension existed between fisheries and ocean policy, and this is an area that is worthy of further research. Ocean policy is not simply about fish but is also necessarily broader, but key objectives of the fisheries policy, including protection of habitat and biodiversity, are supported by the Oceans Act.

- Over the time period and particularly as expressed by the public narrative, the human/ocean relationship broadened beyond simply an exploitive one of harnessing Canada's oceans resources towards recognizing the ocean as an instrumental part of the global climate. In the public narrative, it went further to capture the intrinsic relationship between the ocean and human in community and personal wellbeing. This is going to be a fundamental reconciliation point for future ocean policy activities.
- Over the course of the implementation period, the definition of ecosystem evolved from natural systems to recognizing the importance of integrating the human and natural systems. In addition, as it was articulated in the public narrative, the nature of ocean ecosystems is that they are fluid and dynamic, nested in other ecosystems and linked to land-based ecosystems. As a concept, the ecosystem is a critical foundation of ocean management, but is challenging because it is not confined to political and administrative boundaries. While an ecosystem-based approach to ocean management has been implemented widely across the globe, this jurisdiction hurdle is a fundamental one that requires political leadership to overcome it (Rodriguez, 2017)
- The narrative methodology was a useful way to research ocean policy because it uncovered the complexity of the stories that make up ocean policy, and it demonstrated the evolution of key beliefs around ocean use. Given that the Canadian ocean policy is currently under review, this is a valuable and timely contribution.
- This dissertation also provided an example of how the narrative methodology could be used to analyse ocean policy context, a different approach that the ones that have dominated ocean policy to date.

- The narrative methodology is applicable to the ocean, as an environment, because like the research conducted by E. Roe (Hukkinen et al., 1990; E. Roe, 1989, 1992, 1994), it demonstrated its capacity to overcome some of the challenges of traditional policy tools.
- Ocean policy issues, like environmental issues, are complex because they involve different values, ideas, and beliefs. Reconciling these values is the primary challenge of a governance process.
- This research exposed the importance of not only capturing and reconciling social, ecological and environmental values, but also the cultural, ceremonial, and spiritual values that form a critical aspect of the relationship between humans and oceans at a community and personal level.
- Integrating different forms of knowledge to reconcile these values is a significant challenge of ocean governance. Narrative methodology can be used to create a common platform of stories, whether derived from science or local or Indigenous knowledge, that can support the decision-making process around the oceans.

9.4 Conclusion

This research was one of the first occasions that the narrative policy analysis framework (Corbett, 2013; E. Roe, 1994) was applied to Canadian ocean policy. While Canadian ocean policy has traditionally been studied from a framework of science/policy interaction (Bailey et al., 2016) or via specific outcomes (Ricketts & Harrison, 2007; Rothwell, 2006; Rothwell & VanderZwaag, 2006), this research focused on the underlying policy narrative drawing on a grounded theory methodology (Charmaz, 2006). The results of the research demonstrated the

capacity of a narrative approach to investigate the underlying values, ideas, and belief that form the policy narrative. The narrative approach enabled a comparative process that uncovered the progress of those values, ideas, and beliefs, their meanings, and their prominence in the policy process. “The comparative dimension facilitates the tools to observe changes in patterns of interpretation” (Weiner, 2007, p. 11). It allowed for the dissection of the stories that underpin the complexity of ocean policy (Hukkinen et al., 1990).

The narrative analysis of the public consultation exposed that the values held by the public towards ocean use has evolved since the passage of the Oceans Act (1996). There are greater expectations regarding recognition of the impact of human activity on all aspects of the ocean, from marine life to cumulative effects. There is also recognition of the inter-relatedness of ocean health and human wellbeing at local, national, and global scales. The challenge of the policy process is to remain abreast of and relevant to changing public expectations. Fischer (2003) used the example of the Vietnam war and the public protests to demonstrate how the inability of the policy process to keep abreast of the public narrative can have significant consequences, such as a loss of public confidence in the government and the policy. The comparative between the ocean policy and the public consultation through the narrative analysis approach revealed that there was a normative disconnect in how the relationship between the ocean and human was framed. While the ocean policy narrative characterized the relationship as exploitive and the ocean as a resource that should be conserved and protected for human benefit, the public narrative described a relationship based on stewardship founded on values more closely aligned to Indigenous values. Ocean policy needs to be adaptive not only to the changing dynamics of the ocean environment, but also to the changing social values around ocean. This research

demonstrated the value of the narrative approach to inform and assist with the incorporation of public values into the policy process. Using a narrative approach alongside forms of public consultation, whether through community hearings as were conducted by the JRP or through surveys, interviews, and online mediums, would provide policy makers with the tools to not only collect the public opinion, but to also analyse it in a medium that can support a comparison with the policy narrative. As it was shown here, the comparative between the policy narrative and the public narrative can expose the similarities and differences and assist policy makers with the insight into where they need to make changes to ensure there is accord between them (Paschen & Ison, 2014).

Another critical benefit that was exposed through the narrative analysis was the level of the power dynamic between the policy maker and the public. Often, the policy makers have greater capacity to influence the policy process, partially because they are the decision makers but also because they have greater capacity to access information including relying on experts. The public consultation process gave the public a voice in the decision-making process, but the narrative analysis took the stories and presented them in a format that enabled comparison within the policy process.

The narrative analysis of the ocean policy activities exposed the narrow band of knowledge that was drawn upon to inform the policy process. There was greater emphasis and investment made in ocean science and technology, than in social science or traditional knowledge. This bias was a common aspect of the policy process that favours *evidence* based on facts rather than stories (Greenlagh & Russell, 2006). The comparative with the public narrative exposed two critical

dimensions: the limitations of science in resolving cultural conflicts; and, the importance of local and Indigenous knowledge in ocean management. There are clearly limitations to the overreliance on science in ocean policy. Science, as it is defined in the ocean policy documents, does not have sufficient capacity to mediate and resolve the underlying conflicts in ocean use that result from different values, ideas, and beliefs (Parsons, 2002) in how the ocean should be used and yet, it is often called upon to do just that. As the JRP panelists made clear at the onset of their consultation process, they intended to privilege science in their deliberations (Joint Review Panel, 2013a). The narrative analysis of the public consultation, however, emphasized that the underlying issues were more the differences in scientific fact. The narrative approach is not a sufficient but a complementary tool to uncover where the facts hide cultural and ideological differences (Czarniawska, 1997).

The narrative approach also exposed the importance of expanding the definition of science and the underlying paradigms that support evidence in policy making. While the Act (1996), Strategy (Fisheries and Oceans Canada, 2002a), and Plan (Fisheries and Oceans Canada, 2005a) refer to the importance of traditional knowledge in ocean management, there was little evidence that it was in fact used. Through the narrative analysis of the public consultation, it became clear that what was meant by knowledge was broader than *science* as it was used in policy making. Speakers shared that they understood knowledge resulted from a combination of observation, story-telling, tradition, and history of a close relationship with the ocean. It was also predicated on appreciating the ocean as a living entity, having an existence and being defined outside of its use to humans. This different way of knowing and observing the ocean has explanatory capacity that reaches across the physical and timescale boundaries that often limit ocean science. First

Nations in British Columbia have many thousands of years of history of ocean management to draw upon to inform their understanding of the ocean. As an example, from Vancouver Island, the tsunami stories of the Coast Salish people were able to unlock the mystery of the impact of the earthquake and tsunamis in the 1700s (Finkbeiner, 2015). The narrative approach is not substituted for this knowledge, but through the narrative, it becomes a powerful conduit through which to help translate the knowledge.

The overreliance of ocean policy on ocean science as its source of evidence for policy making has contributed to the disconnect between the ocean policy and the public narrative. While the policy narrative often defined the ocean as a distinct and separate environment, the public narrative characterized the relationship as holistic and interrelated. This difference can be accounted for in part to the “persisting ideology of the enlightenment with its emphasis on facts rather than responsibility and its detachment of humans from their contexts” (Wesselink, Colebatch, & Pearce, 2014, p. 343)

The narrative analysis exposed the dominance of the policy process by positivist and epistemic forms of knowledge while the public narrative was dominated by the emphasis on the social, cultural, and spiritual aspects. EBM evolved as an approach to ocean governance that would enable the integration of the social, ecological, and environmental systems (Curtin & Prellezo, 2010). The challenge for EBM is to find mechanisms to also incorporate the cultural, ceremonial and spiritual aspects of the human/ocean relationship.

A key feature of the narrative is its foundational role in both knowledge production and dissemination. Regardless of the discipline, some form of narrative, whether it be scientific graph or journal publication, is used to organize and convey the results of the research activity. Additionally, humans draw upon the narrative as a way to understanding and interpret information (Fisher, 1989).

The comparative analysis reveals the importance of adapting ocean policy to meet the changing social values around ocean use and the environment. It also demonstrates the value of a broader ecosystem or holistic approach to ocean policy that incorporates not only the economic, ecological, and environmental values, but also the cultural, social, spiritual, and community values. It confirms the necessity to continue to pursue integrated and common approaches to ocean policy that will support and enable the reconciliation of the different values.

It suggests that there remains a primary role for the federal government in governance terms, while recognizing the importance of regional and local initiatives. While there had been an early emphasis on improving the coordination and integration of ocean policy, particularly at a federal level, the narrative from the Strategy (Fisheries and Oceans Canada, 2002a) to the public narrative evolved towards a holistic or ecosystem approach. What this translates into is a change in the point of reference for the integrative action.

In the results of the comparative review of the key ocean policy documents, and then subsequently with the public narrative around ocean use, several significant conclusions could be drawn. The first was that the policy narrative that had evolved by 2006 was significantly

narrower in its interpretation of key elements of ocean policy than had existed in the Strategy issued in 2002. This becomes germane because the second conclusion is that the policy narrative of 2006, while still relevant to the public narrative expressed in 2012-13, is not expansive enough to address the values, ideas, and beliefs around ocean governance that emerged through the public consultation process. The third significant conclusion is that the policy narrative of the Strategy was more in concert with the public narrative around ocean use.

In terms of governance, there are three main insights that can be drawn. The first is that fixing the governance structure was a main impetus behind the development of ocean policy from 1996 to 2006. The reviews illustrated that the mechanisms to support better coordination of the planning and decision making of the federal departments were largely unsuccessful. However, where integration had more significance was at a local or regional level. Thus, the second insight is that ocean governance is better implemented at a local, coastal, or regional level, in parameters dictated by the ecosystem, rather than political and administrative boundaries. Integration at this level not only ensures the incorporation of local and traditional knowledge, but also allows for more input and participation from a broader community of stakeholders. It is a more accessible point for the public to be engaged in the discussion around marine planning. The third insight is the importance of how the relationship with the ocean is defined. The narrow definition articulated in the Act (1996) and the Plan (Fisheries and Oceans Canada, 2005a) is not congruent with the public's perceptions of the role of the ocean in their lives. The Strategy (Fisheries and Oceans Canada, 2002a) and the public narrative captured the comprehensive and intrinsic relationship between human and ocean, and this should govern future policy activities to avoid

policy failure because the definition of the role of ocean affects so many elements of ocean policy.

Finally, in the public narrative, the term *sacred commons* was used to describe the collective responsibility and importance of the ocean. The shift in focus in the Plan (Fisheries and Oceans Canada, 2005a) towards using diplomatic relationships and international agreements suggests an opportunity to promote this conception of the global ocean as sacred commons, not simply an environment to carve up into political jurisdictions to enable its exploitation.

The overarching conclusion that results from the comparative analysis of the two components of the research is that policy narrative as a foundation remain relevant and timely but does require some adaptation to update it to current public expectations around ocean use. These areas include incorporating a holistic approach to ocean use; recognizing the social, cultural, and spiritual aspects; and achieving a level of stewardship that not only protects the ocean for future generations, but also for other life forms that depend on it, and this is a critical aspect of addressing the impact of climate change. It also demands a broader conceptualization of ecosystem beyond its natural systems to include human systems and to incorporate diverse forms of knowledge into the creation of evidence to support the policy and decision-making processes.

10. Conclusion

10.1 Introduction

The intention of this research was to explore a critical chapter in Canada's ocean policy to determine what was the underlying narrative that defined the policy activity that ensued. This was an important time because it led off with the Oceans Act which remains the defining legislative instrument for federal ocean policy. The research explored this narrative in two ways. It firstly looked at how it persisted and evolved over the implementation period, and secondly, it investigated if it was still relevant.

The results of the research reinforced the perception that ocean policy is a complex or wicked issue because it involves a confluence of values and different interpretations of the importance of them (Chuenpagdee & Jentoft, 2009). The significance of values, ideas and beliefs about the ocean was exposed through the narratives of the key elements of the ocean policy.

In the concluding discussion below, these key points are explored through the primary elements that framed the analysis of the narratives. In the final section, several recommendations are made for future research and policy activity.

10.2 Governance

Addressing the governance deficits in Canada's ocean policy was a persistent theme through the implementation period from the passage of the Act to the Plan. Each of the core policy documents had emphasized the importance of moving away from the disjointed sectoral

approach that had characterized earlier governance structures. Integrated management was the cornerstone of the policy response, offering a framework for decision making, planning and management. Integration meant “seeing the problem as a whole” (Miles, 1999, p. 6), an approach that was similar and complementary to the holistic approach articulated through the public narrative. Ricketts and Hildebrand (2011) noted that despite a number of iterations of the interdepartmental committee intended to support integrated management at a federal level, this was largely a failure. They concluded that the Committee failed to provide the direction required to ensure a “whole-of-government” (p. 9) (authors use of quotations), approach to ocean management. This sentiment was echoed by Ricketts and Harrison (2007) who noted that despite initial activity following the passage of the Oceans Act, the progress on implementation of integrated management within the federal government slowed to crawl even within the efforts of the Strategy and the Plan.

Action to improve coordination and governance at a federal level had resulted in the adoption of horizontal government-wide initiatives under the Health of the Ocean Initiative initiated in 2007 under the National Water Strategy (Evaluation Directorate, 2012), and the more recent Ocean Protection Plan launched in 2016 (Transport Canada, 2017). Horizontal initiatives are used by government to manage complex issues that require the cooperation of multiple departments to work in an integrated manner while still respecting the authorities within each portfolio (Auditor General of Canada, 2005). Horizontal initiatives often include a interdepartmental committee structure to support the work (Government of Canada, 2015). In the evaluation of integrated ocean management in Canada, the conclusion was that the interdepartmental process supporting

the Health of the Ocean Initiative had also failed to adequately support a process of integrated management (Evaluation Directorate, 2012).

The same evaluation also noted the lack of progress of the integrated management plans occurring at a regional level. By the time of the evaluation, of the five regional plans initiated under the Oceans Act, and supported by the Strategy and Plan, only one had been endorsed by DFO whereas the remaining four were in varying degrees of completion (Evaluation Directorate, 2012). However, the evaluation did recognize a number of benefits ensuing from the planning process including that there was a continued need for integrated planning as a framework through which to address the impact of human activity on the ocean environment. This was being accelerated by the new and emerging uses of the human environment and increased awareness of the environmental challenges facing the ocean. In addition, the evaluation found that there had been capacity building at a regional and local level including amongst stakeholder groups. One example was that the interdepartmental collaboration that occurred at a regional level extended beyond the mandate of ocean management. The report did acknowledge that one of the negative impacts of the long drawn out process of planning was that it raised the expectations of stakeholders but led to the impression that DFO was slow to respond. The report concluded that while the federal government had an important role with providing leadership and resources to support the integrated management process, much of the activity necessarily occurred at regional level.

Applied at a regional and local level, it was the mechanism to bring local and user considerations into the policy and management process. Implementation of integrated management was not to

be top down but bottom up so that it could be tailored to meet the needs of the ecosystem. It was to be inclusive, participatory, and collaborative. The ocean was the “ lifeblood that supports many coastal communities” (Fisheries and Oceans Canada, 2002a, p. 2), and through the narrative analysis what was exposed was that this translated into areas that were previously unseen in the ocean policy reviewed, such as the importance of integrating Indigenous forms of governance through co-management. Specifically, the narrative results highlighted the role of the ocean in supporting the harvesting of wild food, which is locally gathered, fished, or hunted, that was an important food source, necessary to the subsistence of remote communities but also acted as an informal economy, supporting the bonds of the community. The dissertation also demonstrated the principles that underpin many forms of Indigenous governance as it relates to the environment (Turner, 2009) are in concert with public expectations around ocean use. First Nations are already proceeding with marine planning activities within their own territories, and governance arrangements will need to be considered within the framework of Nation-to-Nation frameworks. This is a change to the governance framework that underpins the Oceans Act and should be updated. This will necessarily involve new forms of governance mechanisms to support a co-management model.

10.3 Ecosystem

The parameters that defined the ecosystem evolved from the Act, through the Strategy and Plan. The public narrative made clear is that defining the ecosystem narrowly through its natural systems is insufficient to capture the essential and intrinsic relationship between human and ocean. Operating within a narrow definition leads to reliance on a limited number of knowledge paradigms including marine science. For this reason, what is needed are more expansive

definitions of ecosystem such as articulated in the Strategy and then echoed through the public narrative. It is however a confounding situation from an integration point of view, how to develop a model that enables all these different values to be evaluated and assessed together. Ecology and economics are disciplines that have been on forefront of developing models to integrate the assessment of human and ecological values into an ecosystem assessment (Chan et al., 2012). . These models include social-ecology systems (Ostrom, 2007) ecosystem system services (Chan et al., 2012) and ecosystem management (Endter-Wada, Blahna, Krannich, & Brunson, 1998). What these models share is that the ecosystem is a valuable model to assist with understanding how the relationship between human and oceans. They all draw on an underlying systems theory in their conceptualization of the relationship. The narrative analytic method used in this research does not begin from that frame. Instead, it is based on the role of the narrative in the human experience (Fisher, 1989) and how that becomes a vehicle to translate values, ideas and beliefs into the policy forum (Boswell, 2013; M. K. McBeth et al., 2007; E. Roe, 1994; Van Eeten, 2007). The public narrative exposed that the importance of capturing the cultural, spiritual and ceremonial value of the relationship with the ocean as well as the environmental, economic and social. The role of stories and story-telling was emphasized by many as an important way to convey information. “Long before people ever recorded information about their way of life in written form, they passed valuable information about their culture, their values, and beliefs through the telling of stories” (National Energy Board. July 19, 2012. Vol. 63. Lillian Sam at 11205).

How then to account for, measure and integrate these diverse value systems? The case study illustrates the potential strength of narrative analysis framework to discern, aggregate and

translate these values into a form that can be integrated into a broader policy context. A concluding observation is that there is significant potential and need to continue to explore the capacity of narrative analysis to translate the non-material and public values around ocean use into a form that enables better integration with the traditional disciplines of marine science, economics and the law. Further research could be conducted using mixed methods such as proposed by Roe (1994) in his description of the ideal process of narrative analysis that would draw on formal coding methods and frequency tables as a part of the aggregation of the observations resulting from the narrative process. As long as the conduct of the research retained the flexibility of the grounded method (Charmaz, 2014) this could be a successful formula through which to translate these non-material values into a form to compare and assess with material values.

10.4 Participation

Participation is a necessary element to the ongoing evolution of the ocean policy, as a source of knowledge and to support implementation. The concept of stewardship was employed to describe the public role in meeting the collective responsibility of good ocean management. The role of the public envisioned by the Strategy was a collective one, whereby citizens would be engaged through a process of awareness and education to participate in the stewardship of the ocean resources. A more realistic construct of engagement of the public in ocean management is likely to occur at a local or regional level.

The assessments of the integrated ocean management processes in the Atlantic coast (Rutherford et al., 2005) and the Pacific coast (Bones, 2009) illustrated the opportunities and challenges with

these participatory processes. Several highlights included capacity building within the stakeholder groups that resulted from the collaborative engagement, the informal and formal structures that were developed to support the collaborative process, and the forum for the consideration of competing interests in the ocean environment. The challenges were that the processes took a long time requiring considerable commitment and capacity on the part of participants and even with clear structures, effective engagement was often difficult. The planning processes were occurring within politically complex environments that also impacted on their proceedings (Nowlan, 2016). Perhaps the most powerful conclusion that can be drawn is that Canada has, through the multiple regional integrated ocean management processes built up significant capacity and learning that could be used to support future activities. To harness this body of experience and translate it into a form for policy learning and transfer would be a useful future research exercise.

10.5 Indigenous peoples

As it became clear through the public narrative, the holistic view that underpins Indigenous approach to oceans management is founded on the intrinsic relationship between the ocean and humans, the value of the ocean environment to other living beings, and its interrelatedness to the broader ecosystem. It was described as the sacred commons whereas the common property approach that defined much of the government policy is predicated on an exploitative relationship that involves managing conflicts between various users. It is distinguished from the private property rights that exist on land (Ostrom, 2015). R. Jones (2006) offered an Indigenous perspective to the assessment of the Oceans Act and its relationship to First Nations. As hereditary chief of the Haida located in the north coast of British Columbia, he drew upon his

experience of the interaction between First Nations and the Department of Fisheries and Oceans through the implementation of the Act primarily in British Columbia. It was his conclusion that the Act was “cautious about acknowledging specific aboriginal or treaty rights or prescribing a role for First Nations in ocean management and planning” (p. 299). While the Act specifically noted the importance of collaboration with First Nations and others, it did not provide for “how First Nations’ ocean interests will be accommodated in planning and development” (p. 300). This was a deficit that was clear early in the narrative analysis when the Act reduced participation of First Nations to affected Indigenous organizations. While R. Jones acknowledged that the Act contained a non-derogation clause related to First Nations treaty rights (section 2.1), and to provisions to collaborate, cooperate and consult with First Nations, he gave examples of where other Canadian legislation had gone further (p. 303).

- He noted the National Marine Conservation Areas Act, 2002 allows the Minister to enter into management agreements with First Nations. As well, it allows for a change to the boundaries to the marine conservation area in response to acceptance of land claim by the Government of Canada.
- The Migratory Bird Conventions Act, 1994 includes the 1995 Protocol (added to the 1916 Convention between the UK and US for the protection of migratory birds in Canada and the US) that Indigenous and traditional knowledge, institutions and practices is incorporated in the conservation principle and is recognized in the regulatory and conservation regimes.

In terms of the specific implementation activities of the Oceans Act, including the Oceans Strategy (Fisheries and Oceans Canada, 2002a) and the Oceans Plan (Fisheries and Oceans

Canada, 2005a), R. Jones (2006) noted that there was a lack of specific guidance as to how to incorporate First Nations into ocean planning and ocean management. Kearney et al. (2007) noted further that while the Act and its implementing activities suggested a desire to devolve more responsibility for decision making to coastal communities including First Nations, municipal, regional and provincial governments, in effect it remained top down in implementation. In their study of coastal-based management in Canada, the authors also emphasized that there was a growing desire on the part of coastal communities to have more local responsibility over their ocean environment (Kearney et al., 2007). While this research did not focus on the role of the provincial, regional and municipal governments in ocean management, this remains a critical and growing area of policy focus especially within integrated and local planning initiatives.

There was also a deficit in the successful blending of scientific and traditional knowledge in the decision-making around ocean use. This was also echoed during the public narrative. Guénette and Alder (2007), in their study of the implementation of marine protected areas and integrated management plans in Canada, identified only a few examples where traditional knowledge was included. Specifically, they mentioned the process to establish the marine protected areas in the Beaufort Sea and Gwaii Hanaas where traditional knowledge was incorporated. They noted that the inclusion of traditional knowledge was an essential way to encourage Indigenous peoples to participate in marine planning processes but also acknowledged that, in many cases, disputes over traditional territorial rights overtook consideration of traditional knowledge. R. Jones (2006) saw the establishment of co-management committees as a possible remedy while

acknowledging that gaining access to traditional knowledge was becoming challenging as more and more of it was lost.

10.6 Contribution of research findings

When this research began, ocean policy was not on the top of the federal government's agenda, little attention had been given to the Oceans Act, and there was a modest level of policy activity. In the academic realm, the research had primarily focused on the science/policy intersection and its contribution, or specific outcomes related to the objectives of the Act. Today, at the conclusion of the research, the Government of Canada is amending the Oceans Act, drafting new ocean policy for the next decade and has implemented a horizontal ocean protection program. Major resource proposals from Energy East to TransMountain Pipeline Extension have fueled an active public debate around ocean use and there is an international campaign underway to heighten the awareness of the impact of plastics on the ocean. Within this context, the contributions of this research can be divided into practical advice for policy makers and suggestions for future research.

10.6.1 Advice to the Minister

This research exposed the differences that exist between the public narrative around ocean use and the framing policy narrative of the Oceans Act and its key implementation activities. The Minister has already tabled C-55, An Act to Amend the Oceans Act and the Canadian Petroleum Resources Act (2018).

The Act is being amended to improve the process of establishing marine protected areas as the previous process had led to significant delays. It also includes a more robust statement regarding the application of the precautionary approach that is in alignment with the Government of Canada policy. This research demonstrated that the founding principles upon which the Act was framed, namely sustainable development, precautionary approach, and integrated management remain central to the public's expectations around ocean management. In addition, the importance of ensuring that the implementation of these principles stay relevant and evolve as social values around ocean use change was made clear. This research also concluded that it was imperative to make an ecosystem-based approach central to ocean management and that the ecosystem be defined broadly enough to incorporate social, cultural, spiritual and ceremonial values along with the economic, and ecological. This will require further research into models that can support that integration, and the government is encouraged to continue to invest in research to support this development.

This research also uncovered the importance of utilizing diverse knowledge paradigms including local and Indigenous knowledge for the evidence to support policy making. The importance of this diverse knowledge platform should be incorporated in the Act as well as key implementing activities. The challenge, as exposed through the research, is that the history of ocean policy making in Canada has defaulted to ocean science as its primary knowledge paradigm. It will take tremendous political will and leadership to encourage a culture change that will accept and integrate other knowledge forms into the 'evidence' used in policy making.

Given the centrality of the ecosystem as the ‘system to be governed’ (Chuenpagdee & Jentoft, 2009), the implementation of integrated management activity should be at this level. In some cases, such as the Salish Sea, that will require a transboundary structure for implementation whereas for the north Atlantic, it could include international agreements such as the Galway Agreement involving Canada, European Union and the United States (*Galway Statement on Atlantic Ocean Cooperation*, 2013). Regardless of the scale, implementation of an ecosystem-based approach involves working across administrative and political boundaries. The record of successful cooperation amongst federal departments in the implementation of ocean policy, at least during the years researched from 1996 to 2006 was a failure and the formal reviews consistently noted the lack of action in this regard. It would suggest that for an ecosystem approach to be successful, even at the regional level, it will require political direction and leadership to overcome the natural institutional barriers to cooperation.

While the research led to the conclusion that integration was best pursued through an ecosystem frame, there is still a need for coordinated federal ocean policy. There is a clear expectation from the public that the ocean be approached as a whole, and not as a sum of sectoral activities. The Ocean Protection Plan launched by the federal government in 2016 as a horizontal initiative represents a significant step in that direction and the government is encouraged to keep progressing with this approach.

The research also exposed an evolving role for First Nations in ocean governance and management. Where the Act originally referred to ‘affected aboriginal organizations’, the public narrative emphasized the importance of recognizing the longstanding role of First Nations in

ocean management. The Government of Canada, through the Reconciliation Framework (Canada, 2018), has increasingly pursued nation-to-nation agreements with First Nations and this may be a legal framework through which to pursue co-management models. In addition, the research demonstrated that traditional and Indigenous values around ocean management are complimentary to the underlying principles of the Oceans Act, and a shared application of the principles would meet the expectations of the public around ocean use.

As the narrative analysis demonstrated, the public are seeking a balance between ocean use and ocean protection. Stewardship is more in concert with Indigenous concepts than with the early days of the Oceans Act when the objective was to preserve and protect the ocean resources for future use. The recent dialogue around major projects and ocean plastics heighten the urgency for government to ensure that their policy activities are in accord with public expectations. It suggests an ongoing role for incorporating elements of the narrative methodology into the policy making processes whether in addition to a consultation processes or as part of the impact assessment activities undertaken by Environment and Climate Change Canada.

All of this demand for the policy process must be met by a complimentary focus of activity by the academic community.

10.6.2 Further research opportunities

This research was novel for several reasons. It drew upon a policy analytic perspective to conduct the research on Canada's ocean policy. It used a narrative methodology to carry out the research and it focused on Canada's Oceans Act and the ensuing implementation years but

complimented it with present day narratives around ocean use. It provides a basis for future research.

For example, this research used the narrative as the explanatory mechanism to understand the evolution of values, ideas and beliefs in Canada's ocean policy. Another research method might use a discourse approach, to investigate how discourse has evolved, conflicted and mediated through the history of Canada's ocean policy and the consequential impact on the policy process (Dryzek, 2013). Narrative is often used by discourse as an instrument or vehicle through which to take form both in expression and interpretation. Discourse analysis would allow for the investigation of power dynamics in the instrumentalities that characterize ocean policy, a valuable contribution particularly to support the integration of Indigenous and other voices into the policy process.

Further research could also be done on applying narrative methodologies to support the implementation of ecosystem-base approaches. This research demonstrated the capacity of the narrative methodology to provide a common forum or mechanism to understand the stories or the articulation of different values and disciplines in ocean policy. This could be explored further to create models and modalities to support in particular the integration of cultural, spiritual and ceremonial values around ocean use.

As noted above, there would also be opportunities to experiment with partnering narrative methodologies and forms of public participation such as consultation to support decision-making process around ocean and even the environment. This research has demonstrated the benefit of

uncovering the public values and translating them into a format that can be used in the policy making realm. More research is needed to refine this process.

Finally, Canada's ocean policy realm would benefit from an ongoing and consistent contribution from the public policy perspective. This is an under-researched area but as recent events in Canada have demonstrated, there is high demand from government, civil society and industry to better understand ocean policy issues.

10.6 Summary

This research has led to a fulsome exploration of Canada's ocean policy as it developed from 1996 with the passage of the Oceans Act through an active implementation period punctuated by key activities such as the Strategy and the Plan. Earlier periods of Canada's ocean policy had not been as active and focused as the interval between 1996 and 2006. The subsequent period characterized by horizontal initiatives such as the Health of the Ocean Initiative and the Oceans Protection Plan were part of a broader policy strategy that did not focus on ocean management exclusively.

The review of this policy period through a narrative analysis lens illustrated the importance of key elements of ocean governance including governance, participation, knowledge, the conceptualization of the ecosystem and the role of the ocean. It also revealed the importance of the true integration of First Nations values and beliefs and a recognition of their longstanding relationship with the ocean into ocean governance activities.

On its own, the review of the policy period was valuable but what has contributed to its relevance to current day discussion around ocean use, was the addition of the case study that exposed the public narrative. Through this narrative analysis, the broad set of values, ideas and beliefs around ocean use were exposed and without consideration of them, ocean policy is doomed to policy failure.

It is hoped that this research contributes to the field of Canadian ocean policy research, which as Lamson (1994c) noted has been a modest one. Given the compelling public debate that is underway on the west coast of Canada, and the continued growth of the ocean economy on the east coast, ocean policy is likely to stay on the federal government's agenda for the next decade at least. In addition, the continued development of ocean policy will be useful to the broader discussion of economic and social development in the Arctic as well as the emerging sovereignty issues. A keynote to end on is that the importance of investing in and promoting ocean policy is a critical aspect of better understanding the effects of climate change on the ocean and the inter-relationship, but also to support the adaptation efforts.

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Appendix A

Memo 1: First Reading of Act

This is the first reading of the Act as it passed in 1996. Important to make the note because there are differences from the earlier version of the legislation that were proposed for this Act., and likely some amendments made since 1996 due to changes in related legislation but not so great as to change the actual intent of the Act.

The Act is clearly meeting a diverse set of objectives here. It is setting out Canada's ocean territory and given that there is a considerable redefinition of that territory, a certain amount of the Act deals with changes to authorities for the Min of DFO and other Ministers (i.e. Justice and Foreign Affairs) as well as related amendments to other statutes.

The Act does not actually say much beyond the preamble about the core principles of how Canada is intended to manage its ocean resources. It does make clear that consultation and participation is beyond the federal family and includes provinces, territories and aboriginal peoples. This section was an add-in after the first draft of legislation, which did not refer to this broader group.

The document is quite short and not as comprehensive as I would have expected given that it sets out Canada's ocean policy. It really just provides a basic outline of authorities – but does not say much about expectations. There is a reporting mechanism noted to Parliament and the requirement for a review of the Act by Parliament, but it is not an ongoing obligation. To be explored further.

Some reference to the Fisheries Act – but rather light so it does not appear to have a deep emphasis on the relationship between the two – how do then to reconcile the different objectives and authorities??

A lot of detail about what happens if an offence is committed under the Act. In fact, there is more ink spent on this area than any other part of the Act. Is that necessary because of the requirements of law or is it because there is a pro-enforcement bent to the drafters of the Act??

In terms of coding, it may be more challenging than I thought to just use the 'norms' to code – there is a certain amount of housekeeping in the Act that I will need to acknowledge but that appears less relevant to the actual implementation of the Act. However, it could be that within the 'housekeeping' it is embedding mechanisms to implement integration etc. so need to be cautious about how I code.

Next step is a second reading when I make notes along the margin of the document and then write a summary memo of my observations from that process.

Memo 2: 2nd Reading of Act

In this second reading of the Act (1996 version), I went through and coded text based on the following codes:

Sustainable development (purple) in preamble

Precautionary principle (orange) in preamble

Integration (blue) in preamble

Ecosystem (green) in preamble

Other (yellow)

Legal/Sovereignty (pink)

The codes were selected based on the principles outlined in the international agreements, and then codes for general. My intent with yellow (other) is to go through it again and see if there are additional codes I need to use or to figure out how to categorize these elements. For example, under other I have tagged anything related to science whether in the creation of, or use – there is one small reference to traditional ecological knowledge, but the overwhelming emphasis is on ocean science. Under legal/sovereignty I have tagged references related to aboriginal peoples but this may require a separate coding – tbd.

Integrated Management

- Integration is a broader area and I have included where there is language such as collaboration and consultation, which are strictly speaking not integration but could be understood as on a continuum towards a more holistic or integrated approach. Integration also specifically speaks to regional integrated plans and to a national integrated marine protected area system.
- (Process note: initial I coded collaboration with other federal departments, P/T governments, and with “affected aboriginal peoples, coastal communities etc.” under Integrated Management as it relates to the concept of working together but it equally could be coded as stakeholders under ‘other’) repeated again in Part II 29
- Part II deals with the Ocean Management Strategy and integrated management is a primary framework noted throughout from the aspect of the development of a national strategy (29, 30 (b), 31), 35 (2) for the development and implementation of a national system of marine protected areas

Ecosystem

- Ecosystem approach is defined narrowly in the Preamble – linked to the “maintenance and protection of the biological diversity”
- The protection and preservation of the marine environment.... Wording only comes up in 14. (a) iii. as an activity for which Canada has jurisdiction (before in (i) deals with installation of artificial structures etc., and (ii) deals with marine scientific research. For those who think the Act is ocean protection legislation – they might be disappointed except it does delineate the consequences of offences and harm to the ocean. It says less about how it will promote protection and preservation – this should be identified further in the later analysis. It should be juxtaposed against the earlier reference in 14 (a) to Canada’s sovereign rights for the economic exploitation and exploration (and again in 18)
- Conservation and protection of fishery resources including marine mammals, endangered species, unique habitats, biodiversity – all stated to happen through marine protected areas (*interesting that fisheries is first on the list (both commercial and non-commercial) – also this is the real guts of the ‘protection’ part of the Act, but it is limited in scope to marine protected areas. Not much value given the long time it took for the GoC to achieve a target of 5% (2017)*)

Sustainable Development

Interestingly, the reference to sustainable development is not specifically a commitment to a sustainable development approach but rather to use ocean science, research and technologies to assist with meeting the objective of sustainable development. It is a nuanced distinction perhaps, but it could be interpreted that the placing of the understanding phrase first is putting a context limitation on sustainable development. It is not an all-out pursuit of sustainable development but rather where it is informed by science, technology and research.

(Preamble: WHEREAS Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;)

- Part II 30 (a) defines sustainable development – “sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their needs” (*This is straight out of Bruntland*)

Precautionary Approach

- “wide application of the precautionary approach to conservation, management and exploitation of marine resources...” in order to protect and preserve the marine environment (*Note: in 2002 the Government undertook a government-wide initiative to review the precautionary approach – interesting to see how this aligns*)
- Part II 30 (c) “the precautionary approach, that is erring on the side of caution” (*the choice of approach versus principle was deliberate (See Benevides & McClenaghan, 2002; Government of Canada, 2001; VanderZwaag, 2002; VanderZwaag et al., 2002)*)

Legal and Sovereignty

- Canada recognizes the common heritage of the oceans (in preamble)
- Affirms Canada’s domestic law over EEZ (note a key objective of this Act is to define Canada’s ocean territorial and to outline the authorities that reside with it including what is federal and what is provincial)
- Recognizes existing treaty rights (as described in Constitution Act, 1982)
- The bulk of the Act deals with legal and sovereignty including a detailed delineation of offences and their consequences, and the development of regulations to implement the Act.
- Outlines Canada’s sovereign rights with the regard to the territorial sea and contiguous zone, the sea bed, the continental shelf, the EEZ

Governance

- Part II, Oceans Management Strategy – outlines the governance structure
 - The Minister of DFO is the lead with regard to the development of a strategy
 - The Minister of DFO will collaborate with other federal departments, provincial and territorial governments, affected aboriginal, coastal communities etc
 - Minister is the lead in making regulations, in enforcing authorities (keeping in mind that the Act includes the integration of the Coast Guard)
 - Reference to the authorities of Minister of Foreign Affairs regarding certification of Canada's ocean territory
 - For implementation, the Minister will
 - Coordinate with other ministers, boards and agencies of the Government of Canada
 - May act on his own or in jointly with others, taking into consideration the views of other Ministers, P/T, affected aboriginal organizations, coastal communities, and others
 - Set up
 - Advisory or Management Boards
 - Recognize established advisory or management Boards
 - May, in consultation with the usual crowd, establish MEQ
 - Minister will cooperate with the usual crowd in exercising his powers
 - Minister can enter into agreements, make grants and contributions, disseminate info, make recoverable expenditures
 - Minister responsible for oceans (Part III, 40 (1), also Minister responsible for Coast Guard (Part III, 41 (1))
 - Minister's key job is to “encourage activities necessary to foster understanding, management and sustainable development of oceans and marine resources...to ensure the facilitation of marine trade, commerce and safety in collaboration with other ministers of the Government of Canada” (40. (2)) *Again, repeats the narrative that the task is to manage the oceans for economic purposes, not for protection.*
 - **Committee to review**
 - Built in review of Act three years after coming into force (Part III, 52 (1), (2))

Other

Canada and the world

- In Preamble, describes Canada as a “world leader in oceans and marine resource management” (*while this is true in the sense that no other nation at the time (1996) had put legislative form to an ocean policy, and Canada had played an instrumental role in UNCLOS and then subsequently in the UN Convention on Straddling Stocks, it is not clear why this is important—what role does it play in Canada's foreign policy?? Or international reputation??*)

Economic

- I have also added in reference to economic objectives into other but this may require a rethink as the analysis progresses as it may be a more dominant objective than say protection or conservation. Note that the language below is the opportunities for economic diversification – not economic development though it does include generation of wealth

(WHEREAS Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal communities;)

- Overall, it reads more like a economic development act than an oceans protection act, ocean protection coming about to protect current and future uses of the ocean and its resources. In fact, the delineation of Canada's ocean territory in a piece of legislation was not necessary because of UNCLOS at this point – it would be almost a decade later before Canada ratified it. So the key motivation to describe and delineate Canada's ocean territory was to protect fish stocks and pre-empt any incursions by the US or other into exploring or exploiting the sea bed.
 - Minister's key job is to "encourage activities necessary to foster understanding, management and sustainable development of oceans and marine resources...to ensure the facilitation of marine trade, commerce and safety in collaboration with other ministers of the Government of Canada" (40. (2)) *Again, repeats the narrative that the task is to manage the oceans for economic purposes, not for protection.*

Aboriginal

- Likely reflective of the relationship between Aboriginal communities and the Government of Canada, the language "affected aboriginal organizations" does not acknowledge First Nations as another level of government
- Acknowledges rights as described under Section 35 of the Constitution Act

Stakeholders

- Delineated throughout as other federal departments, P/T governments, affected aboriginal organizations (not FN), coastal communities and other persons and bodies (*note does coastal communities as a stakeholder group continue throughout? See earlier note regarding aboriginal organizations—does this change? Is the stakeholder group list expanded?*)
- Collaboration is how the interaction is described

Knowledge

- 32. (d) gives the Minister, in consultation with the usual crowd, the authority to establish marine environmental quality guidelines (*I anticipate, given the discussion around C-55 that this was an underutilized section of the Act—it would seem to be a powerful tool to support implementation of the principles*)
- emphasis on scientific knowledge
- Part III, 42. Outlines marine science, from the collection to the use and as a subset is the support of ocean technology development
 - One key subset is (j) related to obtaining the traditional ecological knowledge (*assumed to be aboriginal or Indigenous but not stated as such*)
- No mention is made of social or cultural knowledge or data
- Part III 43 (i) does include economic studies
- Note this act also lays out the responsibilities and authorities related to the hydrographic service

Memo 3: 3rd Reading of Act

Preamble

During this reading, I identified the sources for each of the key principles delineated in the preamble.

Starting with

- 1) common heritage of all Canadians – mimics language from UNCLOS
- 2) using science to foster sustainable development (Both Bruntland and ?)
- 3) the ecosystem approach to maintain biological diversity (CBD)
- 4) wide application of precautionary principle (WCED?)
- 5) integrated management (need to verify the actual source for this by reading supplementary materials) and note that it is defined further in the document

Other clauses

- 1) Canada's leadership (Where did this come from?)
- 2) Reaffirm in Canada's domestic law Canada's sovereign rights in EEZ (clearly this a main impetus for the Act as the bulk of the text is focused on delineating Canada's ocean territory and defining the rights and obligations including enforcement that exist within the sovereign territory)
- 3) Significant opportunities for economic diversification – interesting here is that the term is not economic development, but the way the clause reads the objective of defining Canada's ocean territory is not simply to protect existing industries (such as fishing). Instead it appears to create the opportunity for exploitation of the ocean beyond current industry (Why the term diversification – interesting to see if there is more definition in supplementary materials)
- 4) Collaborating with rest of fed, p/t and aboriginal communities (clause existed in first draft) Key here is that it is collaboration not integration - the expectation was to work together but not necessarily to promote integrated decision-making over ocean use (Is this a limiting factor – Where did the expectation for a more integrated approach come from? Look at 2006 Evaluation of Integrated Management – seems to assume that there will be more integrated activities across the federal family but that this was not achieved)

It would be interesting to compare the way the principles are articulated here with the first Federal Sustainable Development Act (and for committee appearance – the most recent proposed amended version) – are the principles more defined in that Act? This relates to the fact that the Oceans Act is described as enabling legislation that is, it lays down basic concepts but is not prescriptive. (*Read literature – use of enabling legislation*) Based on some of the ocean governance literature and implementation literature, it seems appropriate to provide sufficient scope for adaptation given the ever-changing complexity of the ocean environment and the human relationship with it. But by enabling that flexibility, does it leave confusion for

implementation. *This will become clearer when comparing the results of the Act with the Strategy and the Plan – how closely do they translate the concepts of the Act?*

In broader terms, does this Act meet the challenge of McRae and Munro (McRae & Munro, 1989, p. vii) “there is considerable scope for the Convention’s norms to be amplified and clarified by state practice” *Should I delineate the norms of UNCLOS further as part of the analytic comparative framework?*

9. application of provincial law

Look up two cases (Nfld and BC) related to provincial jurisdiction over seabed.

14. Sovereign rights of Canada

“for the purpose of exploring and exploiting, conserving and managing the natural resources”

“with regard to other activities for the economic exploitation and exploration of the exclusive economic zone, such as the production of energy from the water, currents and winds”

- exploitation as a term appears twice here (and in other sections) suggesting that a dominant narrative of the Act is to enable use and exploitation of the ocean rather than protection and preservation (see note below)

“the protection and preservation of the marine environment” – this is buried in subclause (b) (iii) whereas many assume that this is the governing intent of the Act – see previous academic reviews of the implementation of Canada’s Oceans Act and is the only time that the wording shows up in the Act suggesting that it was not the dominant narrative but rather a secondary voice – is that because the authors felt that it was already captured in the Preamble or because this was not the intent of the Act (beyond the articulation of ocean territory and integration of the Coast Guard) *Need to check supplementary documents to see how it is articulated.*

17. (1) (a) description of the continental margin *How does this reconcile with the submission to the International Seabed Tribunal?*

18. “sovereign rights over the continental shelf for the purpose of exploring it and exploiting the mineral and other...” Again, we see the word exploitation and no mention made of protection or preservation yet that would have been an expectation of UNCLOS
Part II Oceans Management Strategy

28. excludes lakes and rivers (note US ocean policy often includes the Great Lakes as well)

29. clearly delineates the Minister’s leadership role “shall lead and facilitate the development and implementation of a national strategy for the management of”

But in collaboration with other federal, p/t, aboriginal communities, coastal communities and others

30. re-articulates some of Preamble provides more definition of the key principles of the strategy

- (a) “sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs” – this is the language straight out of the Brundtland Commission (World Commission on the Environment and Development, 1987, p. 43) (** Should not C-55 include an updated definition consistent with the proposed amendments to the Federal Sustainability Act)
- (b) “the integrated management of activities....” *Need to look into supplemental documents to understand what was meant by integrated management in 1992-1996)*
- (c) “the precautionary approach, that is erring on the side of caution” – note here of the use of the term approach vs principle (referring back to VanderZwaag (VanderZwaag, 2002) – in comparative analysis valuable to also look at later Government of Canada articulation the precautionary (Government of Canada, 2003)

31. Integrated management plans

“The Minister, in collaboration with, shall lead and facilitate the development and implementation of plans for the integrated management of all activities or measures in or affecting...” – in the comparative analysis, this was translated into the LOMAs – how does that reconcile – what does it mean that it took 20 years to implement – what about other activities and measures?? (Note: recognize the geographic limitation of the LOMAs – not covering all BC coast, just the area defined under PNCIMA)

32. Implementation of the integrated marine plans

key narrative clauses include:

(b) shall coordinate with other Ministers, agencies, boards of federal government with respect to all activities or measures in or affecting coastal waters and marine waters (This is pretty definitive but broad scope – but what about obligations of other Ministers etc. to coordinate with Min DFO in same area)

c. sets up authority to create advisory or management boards but also includes obligation to take into consideration the view of others fed/p/t, aboriginal, coastal communities
- this could be translated into a requirement to consult when setting up these groups and also to include these groups in membership (*Need to review supplemental documents to see if there is any further clarity offered on what the expectations are from this clause*)

(d) may establish,....(in consultation with usual group) environmental quality guidelines, objectives and criteria respecting...

- *How has this been translated through Strategy and Plan (is this not a mechanism that could be used to assist DFO with ensuring that other feds meet a minimum requirement??)*

33. the duties and functions of the Minister

- includes key language of cooperation, entering into agreement, compiling/analysing and disseminating data (does not define what kind here)
- may consult with (usual groups) but not obligation to do so

34. coordinate logistics for the advancing of scientific knowledge of ...(ocean enviro)

(A prevailing paradigm of knowledge is used throughout the document that privileges the ‘scientific’ data though that is not specifically defined though Clause 42 suggests it is ocean

science data and economic (43 (b) (i) (less is mentioned of socio-ecological and cultural data – is it DFO’s role to capture data about the impact of human activity on the ocean and the oceans impact on human activity??)

– again worthwhile to see what the supplemental documents reveal and on a go forward basis to compare with how ‘knowledge and data’ are understood in the Strategy and the Plan – also see clause 42 (j) that does includes recognition of traditional ecological knowledge)

35. establishing a marine protected area (These are the key clauses being amended by C-55)

- key narrative is the conservation and protection of.... Delineated from fishery resources to endangered species and their habitats, unique habitats, areas of high biodiversity, and other as determined by Min.

35. (2) relates the development and implementation of a national system of marine protected areas - back to the purpose of integrated management

- possible rationale here is that 1) ensure that the creation of marine protected areas is conducted in an integrated manner (that is taking into consideration the consultations outlined in sec. 31 and sec. 32); 2) to require the integrated plans to incorporate consideration of marine protected areas - given that the integrated plans have largely failed?? *What is the relationship between these and marine protected areas (See PNCIMA and ESSIM to determine)*

36. emergency designation of marine protection on interim basis (*See if this clause is augmented under C-55*)

37. – 39. Deals with the authorities, punishments and fines related to contraventions under the Act

39.5 liability for costs for seized, abandoned or forfeited asset (Why can’t this clause be used to address the problem of abandoned vessels in Tod Inlet and Cadboro Bay??)

Part III – Powers, duties and functions of the Minister

40 (1) reinforces Minister as the lead for oceans

- (the Department of Fisheries and Oceans Act, 1985, 2 (1) establishes the Department of Fisheries and Oceans, section 4. (1) (d) establishes the Minister as responsible for coordination of policies and programs of Gov. of Canada respecting oceans

4 (2) also other matters related to the ocean as assigned by law to the Minister (also as outlined in 1979 Government Organization Act)

40 (2) objective of ‘understanding, management and sustainable development’ of the ocean is primarily for economic purposes -“facilitation of marine trade, commerce, and safety in collaboration with other ministers of Gov of Canada”

41. Coast Guard Services

-necessitated by the fact that Act facilitates the integration of Coast Guard into DFO from Transport

(prior to was there agreement between Transport and DFO in the use of Coast Guard?)- a comment made by several DFO officers at the time was that by integrating the Fisheries officers and Coast Guard functions it turned their jobs from fisheries protection into enforcement activities (including that they now required to carry a gun) Rationale for the integration came out of the Budget Review Process of 1993-1995 that resulted in a conclusion that there were savings to be achieved by keeping one sets of 'boats' on the water instead of two
The most recent name change (2015) of the Department to Fisheries, Oceans AND the Canadian Coast Guard is symbolic of the fact that the integration especially in cultures was never achieved.

42. Marine Sciences

- delineation of the duties and functions of Min related to marine sciences including collection, conduct, investigations, distribution and dissemination, ocean technology

Stand out clause is (j) dealing with traditional ecological knowledge

Clearly, disciplinary bias on the natural science approach to the study of the ocean – no mention made here for other disciplinary approaches that might focus on the relationship between humans and oceans, and (j) is remarkable for the recognition of other traditional forms of knowledge
(SEE if this is actually incorporated in Strategy and Plan)

43. enunciates Minister's authorities regarding policies and programs related to marine science including hydrography and fisheries science
and in (b) (i) also economic studies for understanding oceans and their living resources

(ii) sets out authorities for ships, research centres, labs etc.

44. allows for foreign research to be conducted in Canadian ocean territory (under authority of Minister of Foreign Affairs) with the condition that the results are shared with the Minister of DFO

45. outlines hydrographic service

(as with marine sciences, hydrographic services are conducted by DFO for the service of Canada that is other federal departments and includes in the case of 45 (b) provinces, other states, international organizations and persons

47. – 51. Fixing of fees and making of regulation by TB (51) in the case of fixing of fees

52 (1) sets out that the administration of the Act be reviewed 3 years after coming into force by Standing Committee (FOPO)

(2) that this review be a comprehensive review including the consequences of its implementation and to make a report to House including statement of changes

(note this review was undertaken in 2002 and forms part of the supplemental documentation used in this analysis particularly in reference to Strategy and Plan)

Question to be considered through reference to policy literature related to enabling vs prescriptive legislation is whether a regular review should be required when using enabling legislation – key to enable agility and adaptive (note this references literature on enviro governance) but how to ensure that compliance with broad objectives of Act (reference to implementation literature here)

(Latter part of text deals with Related Amendments that I reviewed in Read 1 and Read 2 but that are not relevant to the construct of a narrative analysis of the Act because they are primarily updating other legislation so it is consistent with this Act – it does not represent an addition to the narrative text of the Act)

Memo 4: Reading of Supplemental Documents Related to C-98

Bill C-98 was introduced in June 14, 1995 but with usual summer recess, consideration of the Bill did not come to the House (and then Committee) until the fall. The rationale to go back to C-98 even though the Parliament prorogued before it passed is that it provides valuable background to the context and how the narrative developed that led to final version of the bill (C-26) that was passed into law in 1996.

[For consistency, I have retained the same coding framework for the review of the supplemental materials as I used for the review of final version of the Act (as noted in Memo 2)]

On September 26, 1995 – Minister Tobin gave an address in support of the bill at second reading. This is the substantive outline of the supporting narrative for the Bill on the part of the government. Substantive in that it outlines the key problem statement, the policy objective and gives indication of the political issues that were forcing the Government to act at this time.

- Asserting sovereignty was a prevailing impetus for the Act.
 - Problem: Minister outlined recent incursions on Canada's ocean territory
 - Policy: UNCLOS provided the policy solution with the creation of demarcated ocean regions for states.
 - Political: Minister under pressure due to economic loss resulting from closure of Atlantic fisheries. Minister is political Minister for Nfld, Liberals hold a majority of seats from Atlantic provinces (1993-1997)
- “Wise development of the ocean waters”
 - relates directly to historical role of ocean in Canada's development
 - to obligations arising out of ‘new global rules’ with UNCLOS and Bruntland – referencing sustainable development
- Addressing the “piecemeal, fragmented and scattered” ocean management policies that existed at the time in Canada
 - Connects the importance of integrated management to sustainable development
- Leadership of the federal government in ocean policy
(I have not yet coded for this but I will need to address this as well as consultation – currently marked yellow)
 - “legal authority to draw together all of Cda's ocean stakeholders to develop a strategy” (partially relates to integrated management as above) but included is a key element of consultation
 - also demarcates the feds at a national level but emphasizes the importance of public involvement at a local level
- merger between DFO and Coast Guard
 - (I am not spending too much time on this one as it is essentially a housekeeping activity that seems more propelled by the Budget Review process than meeting some significant policy objectives, that said the Minister outlined a number of reasons for the integration)
 - “coordinated approach to policy development and a strengthened operational focus”
 - cost effective/cost-efficient

- meeting new challenges
 - multi-task and consolidate
 - sharing of resources
 - “common-sense approach to dealing with the problem of the deficit”
- dealing with environmental stress
 - linked to earlier discussion of sustainable development so perhaps fold it into one
 - links to economic and social goals of coastal Canadians (recognizing the significant impact of the drop in groundfish) “economic loss, economic dislocation, real human suffering”
 - importance to safeguard ocean biodiversity and endangered species
 - described marine protected areas as management tool to take precautionary approach to fisheries

(voices not heard – Indigenous peoples, or industry)

Following his address, members from all parties engaged in Questions and Comments and then Debate on the Bill before voting to send it to Committee. Within the statements, questions and comments by members, additional perspectives were raised that offered clarity on key concepts, provided some historical context to the concepts as they existed in the day and also identified other issues or concerns that had not been raised by the Minister or not contained in the text of the bill.

E. Robichaud, Sec. State (Agriculture & Agrifood, Fisheries & Oceans) (Debates September 26, 1995)

3 objectives:

- Canada’s clear legal jurisdiction
- New oceans management strategy based on the principles of sustainable development & integrated management
- Consolidate and clarify federal responsibilities for managing Canada’s oceans

3 themes throughout:

- Cooperation
- Coordination
- Broad-based community input

- notes reference to ‘integrated strategies’ coming from Bruntland and UNCED

Monique Guay, Laurentides (BQ)

- expressed concern about overlap between Min DFO and Min Environment (this also is raised in Committee and addressed by the ADM, Science)

Following this process, the Committee undertook hearings on Bill C-98. A significant day occurred on October 18, 1995 when the lead from DFO, Assistant Deputy Minister of Science, Dr. Scott Parsons and others appeared before the Committee. Prior to his appearance, the Committee had been provided with extensive briefing binders summarizing key components of the Act. In his address to the Committee, Dr. Parsons provided much more detail and context to key elements of the Act that had not clear through the Minister’s address or through the text.

Below, I outlined the ones I believe are most useful to the analysis process. By useful, they either add new information or provide clarity that supports the narrative analysis process.

- “The objective of this Bill, the Canada Oceans Act, is to establish a framework for oceans management and marine resource and environmental protection in Canada. To establish this framework, basically three elements were considered to be required: first the definition of the oceans area over which Canada exercises its jurisdiction and manages and protects resources; second, the principles that would be used to guide Canada in managing its ocean resources; and third, the consolidation of some of its ocean programs to improve the effectiveness of oceans management initiatives. In essence, these three elements correspond to the three parts of the Canada Oceans Act”. (Parsons)
 - Also incorporates several key pieces of legislation including Territorial Sea and Fishing Zone Act, 1971 that established maritime boundaries for territorial sea and fishing zones (this definition is modified and extended in the Oceans Act to be consistent with UNCLOS)
 - Canadian Laws Offshore Application Act, 1991 – provides for extension of federal and provincial laws to regulate activities that fall under Canadian jurisdiction as per international law – Oceans Act incorporates and this Act was repealed following passage of the Act
 - (other impacted legislation includes Canada Shipping Act, Coastal Trading Act, Resources and Technical Surveys Act)
 - Noted that the legislative authorities, and the proposed environmental protection and conservation initiatives are in line with UNCLOS – two guiding principles sustainable development and integrated management
- Sustainable development defined using Bruntland commission
- Integrated management “refers to the development of long-term plans for the management of activities occurring within the estuaries and coastal and marine waters....The principle recognizes that the oceans, theirs resources, and their associated conservation and development cannot be managed in isolation, one from the other.” (Parsons)
 - He refers to regional plans for the implementation of this principle
 - Also notes that it means that the federal departments are meant to work together (under the leadership of the Min DFO)
 - He distinguished between coastal zone management (as relating to the near shore) whereas integrated management also ‘incorporates marine waters further offshore’ (he makes the specific point that integrated management includes coastal zone management but does not replace or exclude it)
- (Parsons) outlines concrete implementation measures arising out of the Act
 - Establishing marine protected areas
 - Establishing marine environmental quality guidelines (and notes that given ‘collaborative nature of this new oceans management approach’, others will be involved in developing and implementing these – probably Environment Canada??)
 - Marine science and hydrography to promote an ‘eco-system’ based management approach for oceans – to promote understanding of oceans, their processes and marine resources and habitats. (Note: it was around this time in the US ocean

policy literature and later that we see an extension of the concept to incorporate socio-ecological – a broader conception that includes human activity)

- (Parsons) Describes the Act as enabling legislation – to give the Minister powers to “get the ball rolling” on a new ocean management approach – the success of which depends on “the willingness of federal, provincial, territorial, native and other groups to collaborate in this type of approach” “The Oceans Act is really a major step towards reorienting the country’s approach to the management of oceans”. (Committee chair provides his comment that enabling legislation, which is becoming the norm at this time in Gov of Canada, leaves too much to the discretion of regulators and not within the scrutiny of Parliament.
- Further discussion in committee regarding overlap between Min of DFO and Min of Environment – response from Parsons – in case of ocean protection in coastal zone management, previously exercised by Enivor, not moving to DFO under this Act. Min of Enviro will keep authorities related to ocean disposal (he did note that at one time memo of intent between two DMs to change under Oceans Act but discussions had not concluded by appearance date) ** The responsibility regarding ocean disposal remains with the Minister of the Environment
- Environmental assessment would continue to be conducted under CEAA (even if coastal or marine) Habitat management provisions exist under Fisheries Act “This legislation is not introducing another environmental assessment review process” (Parsons) Other areas of dialogue between EC and DFO over Oceans Act according to Parsons included part VI of CEPA, freshwater aspects including habitat management, a shellfish monitoring (which remained with EC)
- Committee also raised question regarding ratification of UNCLOS suggesting that if Canada claiming leadership in the area of ocean management – it would follow that it needs to ratify agreement (Legal advisor DFAIT sidestepped issue by suggesting it required political response but when pushed further explained that there had been a delay because of issues around Part XI dealing with seabed mining that were finally resolved last year) (See Graham’s book where he confirms as did Anderson in our coffee that it was a political issue with NFLD including political Ministers from Nfld)

Committee hearing November 7, 1995

J.K. Thomas, (Commissioner, Coast Guard and Senior ADM DFO *Note previously I am not certain that Commissioners were ADMs and they had a direct reporting relationship to DM)
- notes that safety is a new business line for DFO , his presentation centres on what activities will be conducted by Coast Guard and which will remain with Transport, also the setting of fees and other activities e.g. dredging that will be offloaded to the ports

Dr. Lawrence Mysak (member, Canadian Meteorological and Oceanographic Society)

- proposes expansion in Preamble where it reads “WHEREAS Canada promotes the integrated management of ocean and marine resources” to also include “wishes to confirm its intention to cooperate in the stewardship of global oceans”

Dr. Mysak also raises the importance of cooperation amongst different groups of researchers including fisheries, geological survey (marine geophysics), climate modelling and prediction, weather forecasting, atmospheric sciences...

Ms. Mary Sillett (Vice President, Inuit Tapirisat of Canada)

- raises issue of conflict over jurisdiction with Nunavut Final Agreement (*check to see if amended language added at Committee*)
- also under sec 42 Marine Science, possible source for clause (j) Her words “During our thousands of years in the Arctic, we have developed a sophisticated knowledge and deeply rooted understanding of the land, the waters and animals, and our place in the natural world. This expertise and knowledge is not recognized in the proposed Oceans Act”.

Paul Okalik (Adviser, Nunavut Tunngavik Inc.)

- describes the Inuit as primarily marine people and depend on marine environment for their livelihood
- shares question of jurisdiction over land-fast ice zones (those areas of ocean that are frozen during winter months) these zones are often further out than the 12 mile zone and are under the Nunavut management institutions

November 20, 1995

Minister Tobin (with officials) appears before Committee. His testimony extends the narrative that he began during his second reading speech in the House. Below is some key language that may be valuable to consider during the analysis.

- referencing the work of the National Advisory Board on Science and Technology (NASBST) “the board made the point that sustainability and stewardship must become the watchwords for economic development. This was a point made also by the World Commission on Environment and Development in the ... the same point made at the Rio summit..”
- “the precautionary approach to oceans management, which ought to be like a ribbon that runs through all of the efforts of this government, indeed of governments around the world, to ensure the proper conservation of marine life”
- “Too often in the past, governments have erred on the side of social and economic need in managing the oceans resources. Indeed it is understandable that governments would want to reflect social and economic needs. But the reality is that in trying to reflect those needs we too often paid not enough attention to the needs of the resource. We must now err on the side of conservatism. This is a prerequisite if we are to keep our commitments to a holistic and collaborative approach to the management of this vast and diverse coastal resource base”. (1540)
- “The legislation creates a sensible framework for future action. It sets the stage for the development of a long-range comprehensive vision for Canada’s ocean territories and marine resources. It’s time to make a commitment to the future of our oceans.”(1545)
- “this bill consolidates into one new department the authorities currently held by some fourteen government departments and agencies, and it accomplishes the merger, in legislative terms, of DFO and the coast guard” (1555)

- Minister amended clause 29 to included language to consult with provincial and territorial governments, aboriginal authorities and interested persons and bodies

Move to review amended text from Committee and compare with C-26 (see research notebook for analysis

Committee clause by clause review December 5, 1995

The observations from the reading of the supplemental material are arranged by code. As with the earlier reading, yellow is used to capture other which includes all elements to related to the other codes and will require further analysis to divide into appropriate categories. (note: science is put in here as well because it was convenient at the time – may move to its own coding for future??) (The codes are used to signal a relationship to a concept or principle that is outlined in the Act). The results of the coding process are to be arranged so as to construct the prevailing narrative (and to create a framework for alternative or non-narratives).

Memo 5: Review of Supplemental Materials Related to C-26

With the prorogation of Parliament, the Oceans Act bill was required to be reintroduced to the House. On April 17, 1995, Minister Mifflin sought leave to have the new bill C-26 reinstated at the stage of C-98 before prorogation. After securing assurances from the Minister that the bill was in the same form as C-98, it was agreed that, as per special order March 4, 1996, C-26 would be introduced and read in the House.

June 10, 1996 – 92 amendments were proposed to C-26 including those from government and committee. As is usual, the Speaker batched the amendments into motions for voting...

Motion in Amendment proposed by Minister Mifflin – proposed changing the Preamble to include new language (four statements previously discussed and approved by Committee), and as explained to the House by McWhinney (1800-1805)

- recognition of the distinct qualities of the three oceans and a recognition that these oceans are the common heritage of all Canadians (proposed by fishing orgs and aboriginal authorities)
- to add as statement No. 5 to Preamble – “that conservation based on ecosystem is of fundamental importance to maintaining biological diversity and productivity in the marine environment” (he said many witnesses raised but he did not identify by name)
- 6th statement Preamble – “promotes the application of the precautionary approach to conservation management and exploitation of marine resources to protect those marine resources and to preserve the marine environment” (would make it consistent with Canada’s advocacy for the inclusion of the same language in UN Convention on Straddling Stocks)
- 7th amendment – recognizes the economic diversification (proposed by ocean industries)

McWhinney (June 10, 1996) in support of government amendments

– “One of the goals when constructing this act was to ensure it was build on the most solid of foundations. From this foundation will come better decisions about ocean management.” (1855)

- Scott (Skeena, Ref) 1915 – is a good example where the debate around Oceans Act became conflated with the politics around the fisheries issues include in his case the management of the salmon fishery in BC.

McWhinney (June 11, 1996) in support of government amendments

- “In Bill C-26, marine protected areas are described as areas of the sea designated for the conservation, protection of endangered or threatened marine species and their unique habitats, commercial, non-commercial fishery resources, including marine mammals and their habitats and any other marine resource or habitat that is necessary to fulfill the mandate....To many Canadians this is one of the most important clauses of the Canada’s oceans act. It will be a milestone in Canada’s oceans history.”

BQ – proposed amendments and continued discussion regarding the incursion of Act into areas of provincial jurisdiction.... It was Scott (1810 on June 10, 1996) Skeena, Ref) who gave best response noting that marine resources were transitory and did not respect international boundaries much less provincial boundaries – rationale for why we needed a national approach.

Final debate on the third reading of bill began on October 7, 1996 (FOPO did not review the bill again):

Ted McWhinney, PS to Min DFO led off the debate (note McWhinney is an international law specialist)

-“The oceans act accomplishes three key legislative ends. It stakes out Canada’s jurisdiction over 6.5 million square kilometres of ocean areas. It establishes the framework for proactive oceans management strategy based on collaboration among all Canadians. It gives authority to the Minister of Fisheries and Oceans to act as the federal lead in ocean related policies and activities”. (5145) *(Reiterates succinctly what ADM introduced in Committee in C98 – missing element is the integration of coast guard though that may fall under the Min DFO acting as lead)*

- reiterates three key principles are: sustainable development, integrated management, and precautionary approach. *(Note: this is a strong statement of these principles here than was made by Minister Tobin in his address in support of C-98 at second reading – while it could be interpreted to reflect McWhinney’s own bias – it is replicated through the speeches by members of all parties during this debate. Also noted in the debate was that another committee (Environment) was reviewing the definition of sustainable development – there is therefore a broader movement in the area of these principles than just in the Oceans Act)*

- “We have long shown strong international leadership on the protection of ocean resources. It is time to turn those noble sentiments into wise policy. It is time to back up our strong global voice in ocean resources with strong domestic action...Canada has never had a comprehensive co-ordinated blueprint for responsible management of our three oceans and the renewable and non-renewable resources they contain. It is time to lead by example. It is time to respond to changes in international law and to advances in environmental understanding...The World Commission on Environment and Development and the Rio summit both called for actions taken in this legislation. Our experience from resource crisis and the turbot dispute calls for the actions undertaken by the bill.” *(Reinforces the importance of the international policy activity on the framing of the normative structure of the Oceans Act. It also emphasizes the motivations for why to put Oceans Act through at the time, namely asserting Canada’s sovereignty, address economic crisis, and protecting Canada’s reputation internationally. This latter point is emphasized more by government members than it was during the earlier debates in support of C-98 but the recognition of Canada’s leadership role has always been in the Preamble.)*

- “Bill C-26 obliges the federal government to rationalize and modernize its own ocean policies and programs” (5145) *(This has not been articulated quite so clearly in previous discussions especially the point about modernizing policies and programs. Earlier language emphasized cost-effectiveness and cost-efficiencies... While this continues to be an aspect particularly in response related to the setting of fees, there is a slight modification to the narrative regarding the impact on the implementation of the Act.)*

-“The final bill underscores that our three oceans are the common heritage of all Canadians and that conservation based on an ecosystem is essential to the diversity and productivity of those oceans. The preamble now contains a clause which states that Canada will promote the

application of the precautionary approach in order to protect resources and safeguard the ocean environment.” (5146) *(Added in to C-98 by Committee, note the recognition of the ‘ecosystem’ remains relatively muted except for an eloquent contribution by Harold Culbert (Carleton-Charlotte, Lib) later in the debate on C-26 on October 7, 1995 who outlined the connectedness of the ocean systems, the importance of the ocean to Canadian history and the arts, the recognition of the economic setbacks with the collapse of the groundfish in the Atlantic and the reduction in salmon catches in west coast, but also described new and emerging industry including new ocean technologies that are exploring the ocean as never before. He also emphasized the importance of ocean awareness as part of the ocean management strategy and that it needs to start early in the classroom. He noted that Canada was in a unique position (requirement?) to act because of the size and scope of our coastlines but also because of the diversity of our ocean environments. (5191))* Later in the debate on the same day, Dianne Brushett (Cumberland-Colchester, Lib) describes in this way “ It puts in place the fundamental legislative foundation to ensure that Canada’s ocean strategy is based on converging environmental, economic, social and foreign policies. Ocean resources are not finite. We have learned the hard way. We have learned that human actions jeopardize fragile ocean ecosystems. We have learned that ocean species and resources are independent. We have learned also that the environmental health of our oceans is directly connected with our country’s economic health. If we abuse the oceans we pay the price for that abuse.” (5183)

-key change with this version, previous version authorized Minister to set marine environmental quality guidelines – this version gave the Minister power to make regulations and to designate officers to enforce regulations

-“The Standing Committee has also toughened up the requirements on the Minister of Fisheries and Oceans to show leadership, to seek consensus, to take action and be held responsible for his actions”. (5147) (note that the BQ also continued to raise concerns about the overlap between Min of DFO and Min of Environment – “For the last six months or so the definition of sustainable development has been under study. The Department of Fisheries and Oceans is bypassing once more the Department of Environment. I believe that the Minister of Fisheries and Oceans has enough in his own backyard to keep himself busy. He should let Environment Canada administer the environment. ((5188) Mr. Gérard Asselin (Charlevoix, BQ)

- note much of the debate from BQ continues theme from Committee regarding the role of the federal government and that of the province, suggesting that this Act creates an incursion into provincial jurisdiction (or at least gray areas)

- Reform position centers on the setting of fees (note as was noted by McWhinney (5146) the issue of fees had become confused with the setting of fees under the proposed new Fisheries Act that was following the Oceans Act for consideration by the House and Committee. So there was some conflation of the two) BQ also raise setting of fees but focused more on expansion of Coast Guard jurisdiction to pleasure boats (Oct 8, 1995 5216).

October 21, 1996 C-26 passed third reading and is sent to the Senate.

Second reading of C-26 took place in the Senate on April 25, 1996, moved by Senator Perrault (of BC)

-“This Canada Oceans Act effectively recognizes the rights and responsibilities attributed to it under international law and deals effectively with ocean management issues in a manner that will serve Canadians for many years to come.....The bill before us today is backed by international agreement. This is not some renegade effort being made by Canada to do an “end run” on the world as far as the oceans are concerned. It is consistent with existing international law and it has the support of people of various political backgrounds and origins.”

-“The Canada Oceans Act sets in motion a new approach to oceans management; an approach based upon the federal government working in collaboration with all of those who have a stake in the future of our great oceans”.

Bill was read a second time and referred to the Standing Senate Committee on Fisheries

The Senate Standing Committee on Fisheries held 3 days of hearing on C-26

On Day 1 – Scott Parsons, ADM Science, DFO appeared on behalf of the department before the Committee

- his presentation largely replicated the one he had made to the House Committee earlier
- of note: he described the precautionary approach as embedded in the Oceans Act and the Fisheries Act (which at the time was before the House for amendment)

(throughout the discussion, departmental officials were required to make clear what fell under the Oceans Act, and what was under the Fisheries Act. In particular, in response to representations from the NS fishing industry, Senators and officials took pains to explain that there were things beyond fish that would be managed under the Oceans Act. In some much as fish are part of the ocean, they too fall under the Oceans Act, an example given by official Turner on Nov 28 is of marine protected areas, which would be used to benefit the conservation of species for fisheries. The Fisheries Act would remain the primary instrument for the management and regulation of fisheries.) In the exchange with Moreira of the fishing industry, it was the first time there was an explicit statement in response to his assertion that if you are not managing the fish there is little else to manage, instead Senators make clear that there are broader environmental objectives that are being sought through this legislation. (Senator Bryden – “To my understanding, there is a large concern which has developed over the years, that there is more to the ocean than a gravel pit for fish, that, in fact, the ocean has a significant impact on our environment, our coastline, on what happens to our ozone layer, on water birds and mammals and on transportation. It is perhaps time that the oceans were treated with a broader perspective than simply as a resource to be mined.” (Tuesday, November 26, 1996) Gerry Swanson, DFO November 28, 1996 “With respect to management of resources, the Oceans Act would provide a mechanism for the Government of Canada and the Minister of Fisheries and Oceans to

coordinate the management of ocean resources on a broad ecosystem basis... Yes, of course fisheries resources are part of the ecosystem.”

Committee passed Bill on unanimous consent November 28, 1996

Moreira also raised concerns about the word “management” in the case of integrated management plans. Underlying his concerns was a view that the way it was written there was a risk of “Let us not have the fishery managed by environmentalists...” In his appearance on November 28, 1996, Swanson responds “The word “management” in this clause of the bill is a term that is used and is consistent with integrated coastal zone management which is a concept that has considerable acceptance in international discussions these days. In that sense, it relates to a process. It relates to the inclusion of stakeholders who have an interest. It relates as well to being anticipatory and planning so as to avoid resource conflicts.”

Representatives of the Shipowners and the Chamber of Maritime Commerce – raised that the effect of the Oceans Act (with the transfer of the Coast Guard to DFO) was “the framework of the regulations with which our industry operates has now been fragmented between two departments—namely Fisheries and Oceans and Transport. (They called for the development of a waterway management strategy) “We knew at the outset that this bill was to have a framework related to the United Nations Convention of the Law of the Sea. We never thought at the outset that Coast Guard services and marine trade and commerce, which, at least in my mind, do not fit within the framework of the Convention of the Law of the Sea in its details, would be “captured” by the proposed oceans act in this way.” (Réjean Lanteigne, Manager, Marine Operations, Canadian Shipowners Association)

Memo 6: Preliminary Analysis and Notes

From the reading of the Act itself, and then a review of the minutes of the House and Senate review of the draft legislation, the following has emerged:

- sovereignty is a significant part of the overarching narrative. Sovereignty can be broken down into the following:
 - delineation of Canada's ocean territory and establishing its authorities over it
 - defending Canada's fishing stocks (in response to US, Portuguese and other incursions that had taken place in recent years)
 - establishing the federal government as a lead in ocean policy, but within the context of collaboration with provincial, territorial and aboriginal governments (note that this latter aspect was expanded upon through the review process), and with local input (through regional planning process)
- sustainable development
 - but within the context of economic development, rather than conservation and protection (note only one mention of conservation and protection in Act)
 - draws on the Bruntland definition and UNCED is also an influencing factor (meeting global rules)
- economic diversification
 - in my original read of text, I was bewildered why the term diversification but through the House and Committee debates, it is clear that economic crisis precipitated by the closure of the groundfishery in the Atlantic and the reduction of salmon in BC was a compelling political issue. (Over the course of both the House and Senate debates, the issue around fisheries is often conflated with the discussion around the oceans act. It showed up under the discussion of authorities (of the Minister), the setting of fees and the consultation with stakeholders. The government representatives whether political or bureaucratic took pains to distinguish between the Oceans act and amendments to the Fisheries Act that was being considered later by Parliament.
 - In some cases, though in a muted way, diversification also referred to laying the groundwork for emerging industries hence the reference to ocean technologies under marine science (also brought into this Act where previous authorities related to marine installations)
- Integrated management
 - Meant moving away from a sectoral approach
 - Was a new way of doing business in Canada
 - Included the importance of consultation and also taking place at a local level where appropriate
 - Bringing together ocean related activities that had previously resided in 14 departments (though in truth, as it is revealed through the House and Senate hearings, key authorities remained with Environment Canada and Transport)
 - Integrated management was often described attached to sustainable development as twin principles for the management of oceans (arising out of the new global rules) (Precautionary principle, ecosystem-based management etc were added in later by House Committee and through amendment by government)
- As a statutory form

- Foundation for Canada's ocean policy
- Enabling legislation to let the Minister "get the ball rolling"
- First of its kind in Canada
- While UNCLOS is a precipitating factor to why put through the Oceans Act now (though it seems the need for better tools to manage Canada's fisheries was the real impetus) and it influenced the construct of the Act and in particular the Preamble (as in recognition of the common heritage) – it was not ratified until 2003 and it was made clear during the hearings that the Oceans Act was not required to ratify UNCLOS. Issue of Canada's leadership on global stage is raised several times as a rationale for why we need Oceans act. Two evident international activities—Canada's early and significant participation in the UNCLOS negotiations; and more recently, Canada's participation in the UN Convention on Straddling Stocks – this would make it consistent with Canada's articulated position
- Integration of the Coast Guard had already taken place earlier in 1995 so again, while it was officially given as a reason for the Act,) it tidied up the authorities between DFO and Transport, but BQ questioned why it was necessary to put in legislation
- Ocean protection – the connection between ocean and climate makes a very modest appearance in the House and Senate hearings and certainly not in an official way either through the Minister or PS's presentation or by officials. However, as the hearings progress – and as noted earlier, more principles related to ocean protection are added into the Preamble.
- Traditional ecological knowledge – I point this out because of the uniqueness of the clause – it was intended to capture not only Indigenous but also local fisheries and coastal community knowledge (it is raised in a very small way throughout the discussion)

Self-reflective note: I gave more weight to the 'official' statements made by Minister and Parliamentary Secretary, as well as DFO officials then to individual members reflecting a view that those statements were official government policy. From my experience in Ottawa, the text for these speeches was written by the department with final approval by the MO (It is also clear that McWhinney was a stand in for Mifflin during 2nd reading of C-26). I also gave less credence to BQ statements as they seemed to be framed by the political agenda to assert Quebec's rights, which was true for most of their statements in the House. While it may have been an influencing factor such as supporting the amendment to include the clause related to the provinces and territories, I am cautious about overstating its importance.

Memo 7: First and Second Reading of Ocean Strategy document

Method note: for my first reading of the Ocean strategy document I used the same codes as the Act and highlighted based on the codes (using different colours for each code) Yellow – signified other which meant something that did not fall under the other codes (See Memo 2 for outline of codes and colours)

In the second reading of the Ocean strategy document, I made margin notes and I also tag (using coding colours) adding.

This memo summarizes my observations from the first and second reading of the Ocean Strategy document. Questions that I looked to address while I was conducting my reading of the document included:

- Similarities to the previously identified narrative in the Act
- Differences in language, concept or articulation from the framing norms and principles detected through the narrative analysis of the Act
- New additions of concepts, metaphors, norms not previously used in the Act that may signal a change or evolution
- Where possible, reference to the relevant literature on ocean policy, governance

In the Strategy (p.6) it states: “At its core, the *Oceans Act* has a principle based approach...” – *which reinforces why I am using a narrative analysis framework to study. Other ways to study to achieve the same effect might be to use simply textual or content analysis, which would enable the researcher to identify the principles but would be less successful at capturing the evolution in their conceptualization. Narrative analysis reveals the underpinning ideas, beliefs and values to the conceptualization of the principles so when it indicates sustainable development, as an example, it becomes clearer whether that is understood to be a limited definition focused on future use or whether it expands to include broader impact including biodiversity, cumulative effects etc.*

Context note:

- The Strategy was issued 6 years after the passage of the Act
- It came out 2 years after the House of Commons Review of the Act (which I have not yet reviewed for the purpose of analysis)
- Thibault is now Minister but same Government

Overview

- Minister’s message was similar to Tobin’s and McWhinney’s introductory speeches in support of legislation
 - Vision of Canada’s ocean management
 - Size, scope and diversity of Canada’s ocean territory and the ocean economy
 - Canada’s leadership in ocean management via Oceans Act
 - Importance of sustainable development, precautionary approach and integrated management (described as key principles)
 - Collaboration and involvement of stakeholders and Aboriginal peoples, provinces and territories

- Differences in his message included
 - Inclusion of the importance of oceans to Canada's social and cultural identity
 - Greater emphasis on importance of participation as critical to enabling integrated management and sustainable development
- New concepts:
 - The inclusion of the social aspects not just economic and environmental. This is repeated throughout the document
 - (see p. X description of integrated management)
 - Participation – is related to decision-making and governance and again repeated throughout the document (also broadening the definition of applicable stakeholders from coastal communities, Aboriginal people and industry – to speak of it as collective responsibility relevant to all Canadians and having global implications)
 - Suggest lessons learned from the implementation activity that has been undertaken since 1997
 - Promoting stewardship and public awareness (*these elements are proposed as necessary to engage Canadians in ocean management – new to the narrative. Is this indicative of a government that is in its third majority and/or part of the broader trend in public administration related to citizen participation?*)
 - Climate Change (p.2)
 - “Implementation of the Strategy challenges Canada to explore new ways of looking at our ocean resources and new ways of doing business” (p. 21) *this statement is used in the preamble to introduce the list of proposed and current activities outlined in order to encourage comment and participation. (Is part of the new way of doing business – the openness and encouragement of participation?? Not stated but seems to be suggested by the way the language is laid out in the document.*
 - (p.22) recognizes that some activities will require new resources, others legislative change, whereas some may involve establishing new committees *When reading AG audit – identify if new activities were note)*
- References to literature:
 - Socio-ecological approach to oceans
 - Participation as an aspect of governance
 - Public participation and stakeholder involvement in decision-making

Purpose:

- “sets out policy direction for ocean management in Canada”, “defines the vision, principles and policy objectives” for future management of Canada's ocean waters including inland (p.x)
- in policy terms, suggested that Strategy resulted from experience with Integrated Management and MPAs, with discussions with ocean stakeholders over past four years, and emerging experience in ocean policy internationally (p.1) *It would be interesting to see what experience they might be referring to – Australia??*
- Purpose to outline policy framework:
 - Establish the context
 - Set out the framework

- Describe the strategic approach
 - Set out a series of federal activities (p.1)
- Stakeholders want “a common vision and a common set of principles” (p.3) *refers to the lack of consistency and predictability in ocean management because of the large number of government departments and agencies involved – this harkens back to the stakeholder motivation that was articulated in advance of the 1987 ocean policy*
- “The Oceans Act provides the legislative foundation for Canada’s Ocean Strategy” (p.6)

Integrated Management

- “coordination of policies and programs across government” (p. x) *same as with Act*
- emphasized that Strategy is not just about federal government responsibility but collective responsibility *(this is a nuanced difference from Act which emphasized federal and DFO Minister as lead – here the language seems designed to promote the idea of a collective effort – not sure where there evidence is that the ‘collective’ was involved in its design)*
 - p.4 point made that current management involves “a complex web of laws and regulations by different levels of government” and that current governance structure gets in the way of developing a “unified vision and integrated approach” (p.4) that considers “impact of individual sector activities on each other and on the oceans as a whole” (p.4) *description of a unified vision is new...overall however this narrative resembles that of UNCLOS’ holistic approach to ocean management (note later in the document, holistic is used to refer to Aboriginal approaches to ocean management)*
- integrated management is the model of ocean governance that is promoted and it is defined (p.11) and is described as involving 3 core commitments (p.x):
 - work collaboratively across federal government and with other levels of government *(same as with Act)*
 - “share responsibility for achieving common objectives” *(this is new especially the idea of sharing the responsibility – in the Act the language was of collaboration and cooperation)*
 - “engage Canadians in oceans-related decisions in which they have a stake” *(this introduces a new level of participation specifically drawing the public into decision-making)*
- Three specific areas are identified for ocean governance
 - Institutional governance mechanisms (both within federal government and with other levels) to use new and existing mechanisms such as committees, management boards and information sharing *(When it comes time to review supplemental documents – critical to compare what is proposed here to what that the AG and Evaluation on Integration find actually took place)*
 - Implementing a program of integrated management planning – “Integrated Management establishes decision-making structures that

consider both the conservation and protection of ecosystems, while at the same time providing opportunity for creating wealth...It brings together the environmental, economic and social considerations for planning for sustainable use of the oceans..." (p.x) *(This involves a stronger articulation of the balance between conservation and protection, and use than was seen in the Act. It also indicates a framework for decision making that is broader than the environ/eco tradeoff that predominates the Act narrative. In this case adding in social considerations as well)*

- Promoting stewardship and public awareness *(new concepts)*
- New language to Integrated Management articulated here includes
 - "new ways of looking at our ocean resources and new ways of doing business" (p. xi) Repeated on page 14 *Suggest that the government is proposing to engage industry and stakeholders in a way to engineer a cultural or philosophical shift?? Less exploitive, increased focus on balance? Ecosystem-based approach? Pages 14-15 delineate what this means to key industries*
- In governance terms,
 - Anticipate the Strategy to be adaptive, evolve over time through learning and collaboration *(note: this is consistent with the ocean governance literature that emphasizes the fluidity of the systems requires adaptive management and the involvement of multiple stakeholders) (ADD references)*
 - Involve an accountability framework "to measure progress, relevance and effectiveness" p.xi *(Check both AG report and Evaluation on Integration to see if this was implemented) Why these measurements – how to measure?*
- Relationship of integrated management to addressing environmental threats to oceans – "the lack of an integrated approach to using the shared resource has often caused conflict among economic, environmental and social objectives" (p.3) *This appears to draw into the implementation of integrated management a need to take a socio-eco-environmental approach – SES? See Jentoft and Ostrom.*
- Integrated management is seen as mechanism for the direct involvement of coastal communities in the policy and management decision-making (p.8)
- "As a principle, Integrated Management is a commitment to planning and managing human activities in a comprehensive manner while considering all factors necessary for the conservation and sustainable use of marine resources and the shared use of ocean spaces" (p.11) *This is considerably more comprehensive than the definition of IM used in the Act which focused on more coordinated and integrated efforts of the federal government.... Key point of analysis*
- Repeats what is stated in Act, that intent is large scale as well as local plans:
- Other principles include under IM are:
 - Integrated data collection, monitoring, research, synthesis and information sharing, communication and education (p.11)
 - "full range of relevant knowledge is applied to the planning process and decision-making process, including scientific studies and local and traditional knowledge" (p. 11)

- “inclusive and collaborative ocean governance structures and processes” (p.11)
- “flexible and adaptive management techniques” (p.11)
- “planning on the basis of natural and economic systems together, rather than principally on political and administrative boundaries” (p.11)

These principles are well within the highlighted elements of both ocean governance and environmental governance literature – Excellent opportunity to bring the literature in through the analysis

Precautionary Approach

- not use of the term approach though in the body of the description it is referred to as “a key principle” (p.11) *Bring in the Gov’t of Canada Discussion paper on Precautionary Approach here*
- not seen as a static understanding but intended to be informed by ongoing work of Gov’t of Canada (is this reference to that paper noted above)
- application of the approach to be made within context of ecosystem-based approach, conservation measures to maintain biological diversity, promote improvements in understanding marine environment, and priority given to maintaining ecosystem health and integrity (p.12)

Eco-system based

- “developing resource management decision-making and environmental assessment approaches that take an ecosystem approach and effectively recognize the long-term cumulative impacts of human actions on the marine environment” (p.4) *what is significant here is the addition of the cumulative effects into the assessment of impact – To verify against AC)*
- application of the precautionary approach to be made within context of ecosystem-based approach, conservation measures to maintain biological diversity, promote improvements in understanding marine environment, and priority given to maintaining ecosystem health and integrity (p.12)
- **Stewardship** – “The broadly defined stewardship responsibility is designed to ensure that resources of the oceans are managed wisely, respect the stated principles, and protect the oceans for the benefit and enjoyment of future generations” (p. 13) *This is somewhat buried in page 13 but reads as the key manifesto for the document. All of the elements are included in the Act but what is new is the overarching conceptualization under stewardship.*

Knowledge

- “full range of relevant knowledge is applied to the planning process and decision-making process, including scientific studies and local and traditional knowledge” (p. 11)
- “scientific knowledge required to make oceans management decisions encompasses both natural and social dimensions” (p.10)
- “The ability to understand and protect marine ecosystems also depends on the ability to bring together the various disciplines of marine sciences” (p.12)

- “modern oceans management requires integrating social and environmental information so that human activity is better factored into sound decision making” (p.12-13)
Note the inclusion of social science and social dimensions is new in the Strategy. The Act does acknowledge marine sciences, local and traditional knowledge. The importance of a multi-disciplinary approach is also new and reflects what became evident in the ocean policy literature about the need to take a ‘common’ or multi-disciplinary approach.

Sustainable Development

- “the richness and biodiversity of Canada’s oceans provide enormous potential for present and future generations” (p.2) *while this is essentially an exploitive statement, it also incorporates the underlying definition of sustainable development found in the Bruntland Report*
- Broader definition of sustainable development that includes:
 - Integration of social, economic and environmental aspects of decision making (p.10) *(social is new)*
 - Careful consideration to not impair ability of future generations to meet their needs *(Careful consideration being a new aspect)* p.10
 - Integrated management is the approach that will the implementation of the principle (p.10-11) *new to associate sustainable development and IM within implementation*

Role of ocean

- “Canada is an ocean nation whose economy, environment and social fabric are inextricably linked to the oceans and their resources” (p.2) *New narrative – Canada as an ocean nation, places greater prominence of the role of the ocean in Canadian society. In addition, it is more than simply an economic feature, or environment of the Canadian landscape but is described as an aspect of the social fabric – again, this is a new feature to the narrative of the role of the ocean from the Act.*
- “The health of our oceans and sound management of the ocean resources are not just coastal issues – they are truly national and affect all Canadians” (p.2) *while this statement does not reflect the public interest captured in Smout-Coffen’s survey in 1996 – it does represent an attempt to broaden the narrative of the importance of the oceans beyond coastal communities – important political choice given that the majority of Canadians live inland from the ocean.*

Sovereignty

- “oceans define a large part of national sovereignty” (p.2) *(interesting framing as it has changed the nature of the direction of relationship from the Act where Canada was defining its sovereignty over the ocean territory – here it is stating that the oceans define Canada’s sovereignty – perhaps in reference to events up in the Arctic (was there an increase in Canadian activity to assert its sovereignty during this time?)*
- “are a critical element of national security” (p.2) *(again, this seems more relevant to the Arctic given the NORAD arrangements with the US)*

International

- recognizes Canada's role as part of the global transportation system (p.2)
- suggests that Canada has unique expertise in "knowledge, management advice and technical expertise for the world community" (p.3) *While the Act described Canada as a world leader (in ocean management) this extends that narrative further to suggest that Canada has something to teach, share with the world about ocean management and including how to generate benefits (economic, social and cultural) out of the ocean and its resources.*
- Recognition of being part of the "global "commons" (their quotations)" (p.5)
- Acknowledges UNCLOS, as the "international constitution" (p.5)
- There is a full section on Canada's international leadership (p.16-18)
 - Key elements include:
 - Influencing international activity
 - Assisting developing nations with sustainable development
 - Need a common understanding amongst federal departments to advance a coherent international oceans strategy
 - Meeting international obligations and enforcing international and national law within Canada's maritime boundaries
 - Safety and security of shipping

Governance

- Emphasis on it as a 'collective responsibility' (p. 18)
- Core commitments include:
 - Work collaboratively (within federal) and among other levels of government
Note: among is an interesting choice as it projects the level playing field rather than top down – as in the feds are one amongst many levels of government
 - Share responsibility for common objectives *(again this language is quite different from Act, emphasizing the role of the feds as one amongst many – sharing the load, and that there is a set of 'common' objectives – what is less clear is how these common objectives are determined*
 - Engage Canadians in oceans-related decisions in which they have a stake *(this is new – promoting the idea of more citizen involvement in decision-making – again – not clear how they are intending to make this happen)*
- Proposed activities
 - Institutional mechanisms to enhance coordinated and collaborative decision-making – "using new and existing mechanisms such as committees, management boards and information sharing to promote coordination in ocean management" (p.19)
 - A program of Integrated Management planning, includes establishing advisory bodies that are to "consider both the conservation and protection of ecosystems, at the same time providing opportunities for wealth in oceans-related economies and communities" (p.19) *The description of the balance is new, as the Act seemed more tilted towards economic diversification and economic development, with lesser emphasis on protection. Ecosystem approach is noted in both*
- Integrated Management as a cornerstone: *(here is an opportunity to bring in the literature discussing the differences between governance and management, recognizing that it is*

not a clear or agreed to distinction – within literature there is overlap in understanding of what is involved in each)

- Anticipated as a planning and management approach (not governance but follows from the governance models including those proscribed by the Constitution)
- Includes attributes of flexibility, transparency and collaboration
 - Collaboration to be achieved through sharing information, consultation with stakeholders, and participation in planning process
 - Also recognizes that in specific cases, co-management might be the model
 - Models of IM would be adapted to the characteristics of the local environment, depending on the amount and diversity of human uses and impact
 - “balance of coastal and ocean uses with maximum social and economic benefits, while not exceeding ecological thresholds” (p.20)
 - IM board to be established to:
 - Maximize participation of all interests
 - Provide advice to decision-makers
 - Be responsible for some aspects of implementation (clear that the overall responsibility of implementation will not be delegated down to this board)

Economic

- “the richness and biodiversity of Canada’s oceans provide enormous potential for present and future generations” (p.2) *while this is essentially an exploitive statement, it also incorporates the underlying statement of sustainable development as described in the Bruntland Report*
- the economic role of the oceans (p.2) is broader than in the Act recognizing the importance of the ocean to the Canadian economy in three broad areas:
 - “lifeblood that support many coastal communities (p.2) *recognizing a distinct role in coastal communities (could be interpreted as broader than economic but given it is situation in a paragraph that begins with describing the importance of ocean and its resources to Canadian economy – it can be presumed they mean economic lifeblood*
 - role in shipping and trade (“our highways to the world’s market places (p.2)
 - a key aspect of Canada’s role in the world (*a narrative that Liberals promoted during this time in office, see Red Books and Speeches from Throne*) “backbone of global transportation system”
 - “safe and secure navigable waters” *reflects the underpinning narrative of marine safety at the time which was to ensure safe shipping (contrast with today’s narrative that is also focused on impact of shipping on marine environment)*
 - identifies challenges to sustainable economic opportunities (p.15)
 - conflicts are becoming more common especially in near shore
 - cumulative effects are difficult to assess
 - challenge of understanding the dynamics of marine ecosystems and predicting future conditions

Social and cultural *New to Strategy

- “Oceans also offer the potential for numerous opportunities to generate significant economic, social and cultural benefits” (p.3) *Adding in the social and cultural benefits is new to the narrative around the importance of oceans and was not present in the Act.*

(see also section on Knowledge)

Climate Change *New to Strategy

- “Canada’s oceans are also a critical component of the overall global and national climate as they determine and regulate climate, and provide keys to the understanding of and adaptation to global climate change” (p.2). *While in the debates in support of C-26 there had been some mention made of the relationship between ocean and climate, it was not included in the narrative in the Act. This represents a bold statement (even in today’s terms) of the importance of that relationship.*

Participation *New to Strategy

- while the Act describes stakeholders and emphasized the importance of collaboration and cooperation, the Strategy goes further and uses language such as collective, common etc
- in the Strategy participation of groups is seen as a necessary element to the evolution of the Strategy (recognizing adaptive nature of it), source of knowledge for the policy and management decisions, and to support implementation
- Below breaks down the ‘groups’ as they are in the Strategy
- A further group mentioned throughout but not assigned a specific section is the public meaning citizen and is often referenced along with the importance of stewardship and awareness. The role of the citizen in ocean policy was definitely not described in the Act and represents a shift from the top-down approach. (Draw on governance literature to discuss further – possible representation of a shift in overall federal government approach to citizen involvement – not exclusive to ocean policy?)
 - “Sharing that knowledge with the Canadian public is an important element of enhancing public awareness and engaging public debate” (p. 13)
 - “encourage Canadians to volunteer and actively participate in care for ocean resources in meaningful and positive ways” (p. 20)
 - also anticipate citizen participation in decision-making through the Integrated Management process

Aboriginal

- recognizes the Constitution Act, 1982 (as does the Act) and reinforces the same certainty of recognition of those rights (p. 7)
- “...have long held a special relationship and connection with oceans.” (p.7)
- “There is much to be learned from the holistic Aboriginal approach to the marine environment” (p.7-8)
- “Aboriginal traditional ecological knowledge is an important component of increasing understanding of the complex marine environment”. (p.8) *This elevates the Aboriginal knowledge beyond simply a cultural aspect but as a contributor to the knowledge based upon which decisions are made about the oceans (this is noted in sec. 45 as traditional ecological knowledge without specific mention of Aboriginal) –*

Coastal communities

- are recognized for having a specific interest in policy and management decisions and therefore offers more involvement
 - also recognizes that they are critical to “on the ground” expertise and monitoring
- In theory terms, from implementation literature – bottom up involvement in decision-making and implementation
- p. 15 recognizes that coastal communities (including large cities) are increasingly promoting tourism as an economic development opportunity (from eco-tourism to cruise ships)

Industry

- recognizes the diversity of ocean industries
- Strategy intended to promote private-public partnerships (p.20)
- Ensure conservation and sustainability of ocean resources
- *(unlike Act, which made a distinction between traditional and emerging industries – Strategy speaks to diversity and promotion of all – certainly not focused on simply fish but refers to the broad range (p.8)*

NGOs

- ngos and academic organizations seen as legitimate contributors to policy process in broad range of areas
- Strategy intended to encourage participation to support evolution and implementation (p.9)

Stewardship

- New concept added in Strategy, “...Strategy builds on existing foundation of stewardship and public awareness activities and will continue to develop and promote national initiatives in these areas” (p.20), “Oceans stewardship means acting responsibly to conserve the oceans and their resources for present and future generations” (appears to mimic the definition of sustainable development)
- Added to meet Canada’s commitment under Chapter 36 of Agenda 21
- To be coordinated with other programs including National Stewardship Initiative and Natural Legacy Agenda

Memo 8: First Reading and Coding of Operational Framework (Addendum to Strategy)

Reading note: This document was issued in 2002 as an addendum to the Oceans Strategy. The intent of the document was to outline the way in which Integrated Management would be implemented so that the federal government could elicit feedback from stakeholders. It was therefore anticipated that the document would duplicate the language of the Strategy but with additional detail. Overall, it did just that but did also provide more information about how the government defined and intended to implement key principles, and added in some new information about those principles. (The actual reading, coding and margin notes of the document took place from Friday, December 9 to Monday December 11 though the weekend days were excluded due to a family trip to Vancouver.)

Method note: The document was read and coded on the IPAD Pro and saved as a pdf document. The Notability software enables the same coding process as paper along with the opportunity to include margin notes.

Purpose:

- “intended as a working document for Canada’s oceans community” (p.1)
- DFO “its role as oceans trustee” p. 7 *this is new language to describe DFO’s role*

Integrated Management:

- “An Integrated Management approach to oceans-related activity requires consideration of the impact of a variety of activities may have at an ecosystem level” (p.1)
- “flexible and transparent planning process”, p.ii
- while stages are outlined in planning process, also emphasizes that the process is not necessarily linear (“there is general movement towards a proactive management approach as the process matures”, p.iv)

To compare with IM literature (p.4)

- key advantages of IM
 - collaborative frameworks
 - open dialogue
 - transparency, flexibility, and enabling diversity
 - gather input from scientific and traditional knowledge
 - enable “vigorous public debate” p.5 *first time that we have seen IM proposed as forum for this debate (later in document emphasis is on conflict management – how are these two concepts related)*
 - efficiencies by increasing networks, sharing of knowledge and reducing regulatory delays (*how would this work? Because of some of work would have been done through IM process?)- later comment about how it address uncertainty in risk management (presumably directed to industry in terms of getting approvals?? P.5)*
- IM intended to work to support conservation and protection initiatives such as marine protected areas (*Current government appears focused on pursuing marine protected areas without overarching context of IM?*)

- “The Canadian approach to Integrated Management recognizes that management objectives and planning practices must reflect that ecosystems nest within other ecosystems” (p.15). *Is there a distinct Canadian form of IM? Has it been studied as such in the literature? But notes further that the LOMAs boundaries will be drawn using “a mix of ecological considerations and administrative boundaries” (p.16) So there is recognition of the need to compromise the ecosystem approach within political boundaries despite statements otherwise?*

Governance:

- Governance characteristics described in this document:
 - Collaborative (echoing the Strategy document that oceans management is a shared responsibility, and that governance and implementation will be done collaboratively)
 - Inclusive – hence the emphasis on participation, awareness
 - Adaptive – used here in the sense of evolving the governance structures and the plans as lessons are learned, being flexible to differences amongst the regions (p.2 “designed to be sufficiently flexible to permit the tailoring of plans to fit specific regional settings”, also p.10), use of feedback loops for adaptive management (p.23) *Ideal to look at implementation literature to discuss this further (e.g. Hoppe et al)*
 - Evolutionary— also recognizing that ecosystems dynamic in place and time, and separately that the role of Management Board may evolve over time (from initial information and consultation to oversee, p.11) as implementation occurs
 - Informed by multiple sources of knowledge
- IM is the primary governance framework of the Strategy
- Addressing the deficits of the previous “Over the past century, agencies involved in managing oceans activities have been typically concerned with managing a single species or a single activity. This approach has fostered “boom or bust cycles” (their quotations) that have often depleted valuable resources and foreclosed the future options and benefits associated with the use of those resources” (p.3) *A very damning statement that would appear to have more application in the fisheries context particularly as it was during this time that the Gov’t was still addressing the closure of the cod fishery and reduction in salmon catches.*
- “Equally challenging is oceans governance in the 21st century. It must establish decision-making structures that consider both the conservation and protection of ecosystems, while at the same time providing opportunities for wealth in oceans-related economies and communities.” (p.4) *this statement puts conservation and protection in the forefront of governance rather than economic exploitation whereas the Act appears to do the opposite*
- “Collaboration is the governance model proposed for Integrated Management” p. 11

- Ecosystem is seen as the key construct for decision-making (not political or administrative boundaries, hence the importance of collaboration to manage across these jurisdictions) P.14
- IM intended to address multiple federal responsibilities (over 23 departments etc), provincial/territorial, Aboriginal etc, as well as duty to consult and recognize land claims
- Not intended to replace sectoral processes “but rather to provide overall coordination, coherence and balance to the matter in which an ocean or coastal area is managed’ (p.27) *How will these processes be linked? Look at Integration Evaluation to see if it actually took place.*

Knowledge:

- Throughout the emphasis is on multiple sources of knowledge including traditional ecological, social, economic and marine sciences
- Key role of knowledge is to understand the eco-system and human impacts, cumulative effect of multiple uses, and includes long term as well as short-term data (Act did not address cumulative effects or need for long term study)
- “Integrating scientific, traditional and social knowledge will also help meet the additional challenges posed by the need to integrate knowledge from various disciplines and sources”. P.14 (*Frameworks for this integration ?? To be investigated further Ostrom, Jentoft who else?*)

Implementation??

- Implementation is mixed in with discussion points on IM and on governance but for purposes of this note, key characteristics is that the implementation is not anticipated to be topdown but collaborative and the importance of bottom up in the tailoring of management practices is emphasized.
- Includes the implementation of an evaluation process (p.32) *Was this ever done outside of that one example?*

See Stage 3 – (p.26-29) to compare against evaluation

Ecosystem-based

- “Each ecosystem interacts and nests with other ecosystems...p.3 – interdependent, large scale systems can be irreversibly effected by local change
- MEQ (p.19) *while referred to as part of the indicators for ecosystem management – not certain how and if they were drawn upon*

Sustainable Development

- Noted as one of the core principles

Precautionary Approach

- “the *Act* (original italics) calls for the wide application of the precautionary approach to the conservation, management and exploitation of marine resources” (p.2) term ‘*wide application*’ is new to *Strategy and Operational framework* – suggests a more expansive application of the approach than was first articulated in legislation and in House debates
- later refers (p.9) directly to the Government’s document on Precautionary Approach “*A Canadian Perspective on the Precautionary Approach/Principle TO GET*” (also cited by VanderZwaag (VanderZwaag, 2002; VanderZwaag et al., 2002)

Economic

- p.1 includes more expansive definition of the economic activities of the ocean adding in high tech, pharma sector (along with fisheries, oil and gas exploration, marine recreation and tourism, aquaculture, shipping and transportation, scientific and technological research)
- historical activities: “harvesting and transportation” (p.3), “other economic and social activities are gaining significance...” (this is a Eurocentric interpretation of use as the Indigenous communities would have had broader interactions with the ocean including at a social and cultural level – I would also argue, based on my own Scottish background, that the same would be true for them)

Social

- social data is mentioned throughout but little is said on what it is referring to and how it is to be collected
- also distinguishes between scientific and social data (see page 22)

Participation

- planning process to reflect level of intensity of activity and capacity of participants to engage in process p.iii (only one further mention made of capacity building later in document.... p.16)
- “At the heart of Integrated Management is a commitment to citizen engagement in the broadest sense; that is governments at all levels, Aboriginal groups, corporate and sectoral interests, community interests, non-governmental organizations, and Canadians generally” (p.11) citizen engagement is a new concept here – look at Canadian organizational literature for this time period – believe that citizen engagement was a newer concept being promoted during this time within the federal government.

NGOs

- role in “preserving the ecological, scenic and cultural values of the area” p.13 this seems to be a rather narrow role provided for NGOs (what about environmental or economic etc, or broader social as in community building)

Aboriginal

- IM to enable Gov’t to co-manage where appropriate, meaning where Land Claims have included jurisdiction in near shore area (p.7)
- Particular role for aboriginal organizations and communities “These organizations have traditional knowledge from their connection to the oceans, a holistic approach to environmental management that echoes the ecosystem approach” (p.12) language also used in Strategy

Role of ocean

- Oceans (including estuaries and coasts), “the focus of major economic activity, and are an integral part of the country’s culture and identity” (p.1)

Memo 9: First Reading and Coding of Oceans Action Plan

Method note: reading and coding took place on iPad Pro.

Purpose

- Four pillars to Plan:
 - International leadership, sovereignty and security
 - Integrated ocean management
 - Health of the ocean
 - Ocean science and technology

(more closely resembles this main thrust of the Act than the Strategy)

Role of the Ocean

- “We are defined as much by our oceans as by our land”. (p.3) *this is a new perspective that appears to give equal weight to marine as terrestrial concerns*
- *articulation of the expanse of ocean-related activities within Canadian society/economy is limited to coastal communities (unlike Strategy that emphasized the communal aspect for all Canadians)*

Knowledge

- “Living on the land limits our vision of what our oceans look like beneath the surface” (p. 3). *This is new – first time articulation of the limits of our knowledge and the richness of the subsea environment.*

Governance/Management

- “Modern oceans management arrangements are necessary to enable Canadians to more fully realize the potential of their oceans” (p.4) *what is striking about this statement is that it is less about protection and conservation as it is about exploitation*
- “Currently, oceans governance arrangements are not designed to deal with the challenges of modern oceans management” (p.4). *This statement repeats the rationale for action during consideration of the legislation for the Oceans Act (1995 onward) and the Strategy (2002). Makes me wonder why the previous attempts to implement more effective governance arrangements have not worked.*
 - Attributes to governance structures the failure to:
 - Protect ocean health (including loss of fish stock and habitat)
 - Growing user conflicts and administrative complexity
 - A weak oceans industry sector

- Suggested that an example of the “action” being taken by Gov’t is the PM tasking the Minister to lead development of Oceans Action Plan and the appointment of a Parliamentary Secretary (p.4) *Again, this already took place in 1987 when Siddon was tasked with improving ocean policy. In 1996 it was clear McWhinney as PS played a leadership role in getting the Oceans Act through the House.*

Implementation

- Discusses phased in approach to implementation (p.5) *but makes no reference to the Strategy and the activity that would have taken place between the Act and the writing of the Plan other than vague “progress to date” p. 5*
- New is the inclusion of specific timelines for the implementation of Phase 1 activities

Sustainable Development

- “The Oceans Action Plan articulates a *government-wide* (their italics) approach to seize the opportunities for sustainable development” (p.5). *Check if the Federal Sustainable Development Act is being implemented at this time – likely this is a reference to that activity.*

International Leadership, Sovereignty and Security

- this is put up front similar to the Act and includes the similar focus and tonality of the Act (these areas where less prevalent in the Strategy)
- security seems to be focused on protecting fish stock
- there is direct reference to international agreements with US and the new Security Partnership with US and Mexico
- also reference to Canada’s role in the Arctic Council (p.6)
- Canada’s leadership role in global effort to improve oceans governance (*this language replicates the Act and the Minister’s and McWhinney’s address in support of the legislation at second reading*)
 - “we can help advance capacity building in other countries as well” (p.11) *no mention made about capacity building with Canadian communities as was done in Strategy (and to a more limited degree in Act) though this was an aspect of the Bruntland Commission and 1992 Rio*

Integrated Management

- The scope of economic activity described on page 6 is more limited than the Strategy and more closely resembles that of the 1987 Policy and the narrative around the Act (no mention of pharma for example)

- Limiting factors that are intended to be mitigated by the Plan include decision-making not clear or integrated, regulatory complexity and uncertainty, growing conflicts between users (p.7) *all of these were also articulated in Act and in Strategy so the need has not changed*
- “Solutions to these problems can be found in new management models founded on the three principles of Canada’s Oceans Act: sustainable development, the precautionary approach and integrated management” p. 8 (*What are the new management models that are anticipated to be used here – how are they different from the IM model that was pursued through the Strategy?*)

Ecosystems

- remain the centerpiece of decision-making though no reference to the inter-relationship amongst ecosystems
- interesting in description of IM it refers to “It involves planning and management of natural systems rather than solely political or administrative arrangements” (p.13) *use of the term natural systems versus ecosystem as was done in Strategy is a change – Why?*

Social, traditional, cultural

- no longer articulated as an aspect of IM or the knowledge that would inform decision-making
- science here is “ecosystem-based science” (p.9) that is focused on the natural world (no mention made of the human systems or study of the human impact)
- science would be supported by modern technologies

Economic

- The scope of economic activity described on page 6 is more limited than the Strategy and more closely resembles that of the 1987 Policy and the narrative around the Act (no mention of pharma for example)
- Ocean science and technology are paired up as both a source of science to support decision-making and as a prospect for economic development for coastal communities

Other

Different from Strategy but was noted in the discussion around legislation that led to Act

- P. 17 recognized that protection and conservation of marine areas split between three departments and describes the Strategy as a blueprint for all three to achieve a network of protected areas
- P.18 – provides more prominent reference to the pollution associated with marine shipping including ballast water pollution and ship-source oil

Concluding Observations

- The tone of the Plan is more similar to the Act than the Strategy
- The emphasis is more limited than the Strategy and somewhat resembles the ‘pillars’ of the Act
- Definition of sphere of the ‘economic’, of knowledge is more limited than in Strategy (as noted there is little reference to the social)
- No mention of stewardship, participation etc
- Less language around consensus, collaboration – gives a sense of a topdown document unlike the Strategy
- Baffling why there is still described a continued need for improved governance when that was the purpose of the Act, and the Strategy (there is a consultation document that was developed prior to the Plan and it may provide clues as to why)
- (Also look at the Committee’s Review, the AG’s audit and the evaluation of Integrated Management)

Memo 10: Reading of Supplemental Materials Related to Oceans Act, Strategy and Plan

Review of the Oceans Act by FOPO (2000)

- Report issued October 2001
- As required under the Act (Section xx), the Standing Committee undertook a review of the implementation of the Act
- Previous reading notes are adjacent to the Committee report in the binder
- From this reading:
 - Clarified that Committee views IM as a decision-making process (page 11)
 - In discussion of the need for some form of interdepartmental coordination around marine conservation areas (recognizing that authorities exist in Parks, DFO and EC) – Committee noted the importance of the “stewardship of marine environment under single agency” (p.11) *(two key points are being made here – one, the mandate of stewardship (as distinct from exploitation, or conservation/protection); and two, the single agency) (To explore how the term stewardship differs from other concepts)*
 - Specifically in reference to discussion around offshore oil and gas (Nova Scotia) but also woven throughout the report is the importance of the Minister to take more of a lead in ocean management – but little is recommended on how this should be improved
 - Overall the binding narrative of the report is that the Act is sound but the implementation needs improvement – the recommendations of the Report are therefore directed towards improving the implementation
 - Compelling the Minister to improve consultation (example in the setting of fees)
 - Improve the clarity and transparency of the implementation (by: clarifying key principles; through regular reporting via annual report on progress of implementation; publishing public information related to MPAs)
 - Emphasizing the importance of DFO leadership including in areas where currently excluded such as offshore oil and gas (here the Committee actually seeks EC to conduct an environmental assessment under CEAA – is this an example of one of the deficits of the Oceans Act – should it be able to trigger an environmental assessment with reference to CEAA??) (Relationship between Oceans Act and CEAA would be an essential future research to improve overall decision-making)
 - From the point of the reading for the progress of narrative from the Act to the Strategy – the Committee’s report is quite modest and does not include some of the significant changes in concepts (e.g. inclusion of social impacts, public awareness) but does briefly mention stewardship and the public consultation *(Given the significant expansion in narrative in the Strategy (from the Act) – it would have been expected to see more impulse for these changes coming from the Committee – it does not appear to be the case – are they reflected in the Gov’t response?)*

Government's Response to FOPO Report

- Response issued March 2002
- In the response preamble, there is a noticeable (from the Act) increase in emphasis on the 'publics' role and interest in ocean management (*the language is more inclusive than in the Act and reflects what is seen in the Strategy, it is less evident in the Plan*)
- Suggests that implementation of the Act is intended to be transformative based on three principles—integrated management, increased transparency, and greater ocean stewardship (*again this concept of stewardship arises??*)
- "...an ideological shift towards a more holistic approach" (p.1) (*the term holistic is used in the Strategy related to Aboriginal approaches to ocean management, here it appears to be applied in a similar way to integrated meaning that it is intended to consider the multiple of interests involved in ocean use*)
- "The Oceans Act lays the foundation for the Government of Canada, with the Minister of Fisheries and Oceans as champion, to collaborate with Canadians to collectively manage the nation's maritime resources." (p.2) *instructive here is that it still presents Gov't of Canada as lead, but brings in the concept of the 'collective' that becomes more prominent in the Strategy.*
- "The strategy will encompass the principles of sustainable development, integrated management and the precautionary principle to be applied to all ocean activities. In short, this means that any type of activity taking place in and around our oceans, whether fishing, aquaculture, offshore oil and gas development, ecotourism or laying of telecommunications cables, defense activity, etc., needs to be viewed against these three important principles". (p.2-3) (*Question here is how this was to be implemented – response document seems to suggest reliance on regional IM planning processes starting with pilot projects—Look at Beaufort and PNCIMA to see if defense and oil and gas included*)
- In this description of IM – MEQ requirements and standards are described as cornerstone – (*Was this an underutilized implementation tool? How could the MEQ have been used more effectively? Is this the reason for the proposed change in C-55?*)
- Gov't outlined progress of activities in support of IM (p.3) (this summary does not list each one but rather summarizes based on key categories and highlights particular aspects relevant to research) (Coding labels same as used for Act, Strategy and Plan)
- Two broad arenas of activities:
 - Domestic
 - Within DFO
 - Across Federal family
 - With stakeholders
 - International
- Key categories included and within each:
 - Governance
 - Integration and collaboration
 - Integrated Management Plans (21 Integrated Plans underway, 5 LOMAs)
 - MPAs (13 areas of interest)

- 2001 Montréal Declaration—over 100 countries political commitment to improve the state of oceans thru:
 - protection from land-based activities
 - integration of authorities (e.g. coastal, land and marine)
 - improve ocean reporting
 - UN Informal Consultative Process on Oceans
 - Domestic legislative changes specifically involving federal
 - Species at Risk
 - National Marine Conservation Areas
 - CEPA
 - Stakeholders
 - Northern and Inuit
 - Governance Partnerships
 - Ministerial Ocean Ambassadors
 - Ministerial Advisory Council on Oceans
 - F/P/T Oceans Task Force
 - Partnership w International Oceans Institute – ocean explorations national discussion series (also involved CBC program under Ideas)
 - Addressing land-based activities
 - Through new national program
 - UN Global Programme of Act
- Sustainable Development
 - APEC Ministerial Conference 2002
 - World Summit on Sustainable Development 2002
 - Arctic Council Meeting 2002
- Knowledge
 - Oceans Management Research Network (w SSHRC)
 - Increased scientific support with particular emphasis on ecosystem and cumulative impacts including effect of one user on others (*this is first time articulated in this fashion in the documents*)
 - GIS system to support IM and MPA activities
- Key narrative references related to Oceans Act
 - “The Oceans Act sets out a new philosophy for managing Canada’s ocean resources.” (p.4)
 - “the spirit of collaboration and cooperation” (p.4)
 - “reduce regulatory burden on existing and future users” (p.4)
 - “...even more importantly, bring them (users my note) face to face in order to plan future use in a collaborative manner” (p.4-5)
(I highlight these statements because they reflect new language not seen in the Act but more reflective of what is seen in the Strategy – of note is the ‘new

philosophy’, ‘the spirit of’, ‘reduce regulatory burden’, and users being brought ‘face to face’)(To note on narrative map as contrast point to Act)

- Committee asked Gov’t to clarify the terms “precautionary approach” and “ecosystem approach” – Gov’t’s response was to point to the federal discussion paper on the Precautionary Approach (for my purposes see draft 2001, VanderZwaag comments, Lee and Barrett comments, final version)—Gov’t did not address specifically request for clarity on ecosystem approach in broader context suggested that clarification of technical terminology (meaning terms used in subsection 35(1)) would be carried out through implementation activities)
- Committee raised concern about the lack of involvement of the Minister of DFO in the offshore oil and gas activities being considered under the joint Canada-Nova Scotia Offshore Petroleum Board – Gov’t’s response was that CEAA was being amended to address “broad environmental (including fisheries) concerns” (p. 11) *Issue for me is whether this is consistent and sufficient with the statement regarding the application of the three key principles to all activities on page 2 of the Govt’s response – In response to Recommendation #9 Gov’t suggests addressed through an MOU between DFO and Canada-Nova Scotia Offshore Petroleum Board (and that same is being implemented with Canada-Newfoundland) – in broader context, they suggested that integration would be achieved through IM plans*

Report of the Commissioner of the Environment and Sustainable Development to the

House of Commons, Chapter 1: Fisheries and Oceans Canada—Canada’s Ocean

Management Strategy (2005)

- Report issued in 2005
- Examined DFO’s actions to “implement the Oceans Act”, (p.1) specifically delivering national oceans strategy and integrated management plans, and establishing marine protected areas
- Findings:
 - Implementation of Act has not been a Gov’t priority
 - Not developed a “workable and consistent approach to integrated oceans management” (p.2)
 - Noted that governance structures were still not up to “modern-day challenges” (p.2) and they remained complex, fragmented, lacked transparency and focussed on problems as they arose rather than addressing them proactively. (They also noted that Gov’t recognized same in its Ocean Action Plan)
 - Parliament has not been given the financial and other information needed to make DFO accountable for implementation of Oceans Act, nor has Department reported regularly as it had suggested it would do (see Gov’t response to Committee 2002)
 - Oceans Action Plan did not address the key issues including need for long term leadership (note throughout the Report acknowledges DFO role in ocean

- management but also highlights a leadership vacancy for example in the case of interdepartmental initiatives). Also related is a query by the Report
- Adequate funding was noted as an issue for implementation (see page 6) where it is noted that no new funds were allocated for the Act or the Strategy thus it required the Department to reallocate funds from within the department (also recall the DFO went through significant cuts during the Budget review era of 1993-1995)
 - Observations of note:
 - Governance
 - In the AG's report (page 11) the AG makes the recommendation that the Ocean Action Plan be considered (through TB submission) a horizontal initiative
 - Because they questioned the effectiveness of the interdepartmental committee
 - They expressed concern about a conflict between DFO's mandate for fisheries and its mandate. Two aspects to this—one, DFO is traditionally structured to manage fisheries and would need to transform to manage oceans (*I would suggest that this has never occurred and it would be interesting to research further what it meant by transformation – what are the critical management ingredients needed to for oceans as distinct from fisheries*); and two, the nature of DFO's role under fisheries management is “active and direct” (p. 11) and this is different from the “integrating and collaborative approach of the Oceans Act” (p.11) (*within the Report, there is not further detail to provide insight into how and why the evaluators saw this as a potential conflict area – was it due to relationship to other federal departments?, or to stakeholders? Only descriptor offered on page 11 is that they are competing roles—I would interpret that to mean that having responsibility for overall oceans management sometimes puts DFO in a conflict position vis a vis reconciling the conflicts amongst various users including fishers*)
 - They also noted, based on their review of international activities, that no model prevails (p.31) but that the governance structure should be placed where it has influence across government, and independent of industry and interest groups. (A key point also made here is that there is a need for a cultural change both within government and with users – to make decisions that consider the effect on other users and the health of the ocean – thus the governance structure has a significant burden (not just implementation but also cultural change – See implementation literature to better understand what this adds to the challenges of implementation)
 - In DFO's response (also on page 11) they outline a governance structure involving DMs and ADM level committees, a national implementation and regional implementation committees to be

established in 2005, and an Ocean Action Plan Secretariat (to coordinate the activity of the committees and report to the DM and ADM committees) *(While much of the future activity from these committees occurred outside of the research period and the mandate was altered after the 2006 election when the new Conservative government brought in a different approach to oceans management focusing mostly on one pillar of the Oceans Plan namely the Health of the Oceans reporting. Interestingly a similar OAP structure is set up for the 2016 Oceans Protection Plan under the senior ADM Trevor Swerdfager)*

(note: I need to draft an analytical memo to think through how to approach the issue of governance within Canada's ocean policy, drawing on the ocean governance literature but also the implementation literature. In addition, within the Act, through the Strategy and to the Plan, the narrative around governance has changed – moving from a more top-down construct in the Act that establishes DFO as a lead, working in consultation with others, to the Strategy where DFO has a key role but there are numerous others involved through collaboration (language includes 'collective responsibility'), and then in Plan (stripped down version of Strategy with a return to the narrative of the Act)

- Socio-Economic

- AG's report (p.15) notes that DFO has failed to develop guidelines on how to integrate socio-economic factors into IM (Gov't made no reference to this observation in its response).
- Of knowledge – AG report on review of international experience emphasized importance of creating mechanisms for the inclusion of different forms of knowledge including traditional knowledge (p.31)
- Spatial planning is important but it should reflect how the ecosystem functions – taking into account how the social and economic interests relate to it (concluded from international review, p. 32) but does not offer insight into how
- Adaptive learning – oceans management approaches must be adapted through learning (consistent with implementation literature – Hoppe et al)

(Note: this is a constant and confounding issue in ocean management hence the emphasis in the literature on a multi-disciplinary and interdisciplinary approaches. I am going to draft an analytical memo on frameworks (beyond what was already included in the Lit Review) to rethink and gain better depth on how this integration might take place. (It is worthwhile to note the 2005 Strategy included a partnership with SSHRC – interesting to find out if it yielded any research outcomes to inform this integration) *The reason I focus on this particular aspect is that without considering the human aspect of ocean policy (versus the natural ecosystems) than only one part of the equation is being considered. I believe that this is a significant handicap that has been present throughout Canada's ocean policy (also see Lamson who echoes this point). In terms of the narrative – in the Act there is little mention of the social aspects – in the Strategy it becomes more prevalent and then recedes again in the Plan).*

- AG's comment on overall narrative

- DFO has failed to “communicate a clear and compelling oceans story to development parliamentary and public support for its activities” (p.28) P. 32 note the importance of public education and engagement towards the success of policy conclusion drawn from international review *(Again, while the Strategy goes further than the Act or Plan in articulating the importance of this story – the commitment does not appear to have persisted. (Look at the analysis of the Australia’s example by Vince where the lack of ongoing commitment to the ocean policy was exacerbated by the lack of political and public support, in part due to lack of a compelling story (This draws into the role of the narrative in the political aspects of policy implementation))*

Memo 11: Narrative Analysis of Public Consultation by Joint Review of Northern Gateway Project

Purpose: This memo outlines the scope, process and results of the narrative analysis of the public consultation conducted by the Joint Review of the Northern Gateway Project. The purpose of the narrative analysis is to capture the narrative around ocean and ocean use that was exposed through the public consultation process. The public consultation was chosen because it was an existing public data set conducted by an independent body that elicited public narrative around oceans.

Key considerations for the choice of data set include:

- The Joint Review process was conducted by a quasi-judicial body (National Energy Board) and the conduct of the hearing process can be a barrier to public consultation. *(See literature regarding consultation in the policy process)*
 - In 2010, after receiving Northern Gateway application ((Joint Review Panel, 2013a, p. 13) Joint Review held public sessions in Whitecourt, Alberta, and in Kitimat and Prince George, British Columbia to determine the scope of issues.
 - In 2011 Joint Review held 35 public information sessions and 32 online workshops to educate public regarding participation in the hearing process (p.14)
 - From January to July 2012, they heard oral evidence from 393 participants in 17 communities
 - Starting in March 2012 they heard oral statements from 1,179 individuals in 17 communities (As noted, “oral statements are untested evidence and are not subject to questioning by other parties” (Joint Review Panel, 2013a, p. 14) “The views and letters of comment told us what people thought was important” (Joint Review Panel, 2013a, p. 15)
 - In addition to public meetings, participants were able to use technologies include phone and video to participate.
- The Joint Review process included testimony related to issues particular to the pipeline and to the terminal and marine traffic, but also broader public policy issues were raised regarding Canada’s reliance on fossil fuel, the impact of fossil fuel industry on the environment etc. (See Expert Panel review of NEB – confirming that in absence of other policy venues, the NEB hearing process became a venue for public dialogue around these issues. This both justifies using the data set as a source for the public narrative and offers a caution that the ‘public’ view may be overly biased by higher participation of ENGO’s – who are more empowered and resourced to participate than other members of public. But, if I am careful in my selection of testimony, choosing representatives for each of the key stakeholder categories, I can correct for this.)
- While the Joint Review panel recommendations were based on technical and scientific analysis (see p.14)—they were conducting the consultations in order to elicit a better understanding of the “public interest” ((Joint Review Panel, 2013a, p. 11), which was more expansive than technical and scientific and included the environmental, social and economic impacts. (As well in particular in reference to Aboriginal peoples, cultural – also acknowledged for coastal communities)

Scope:

- For the purpose of my research, I will be focusing on drawing samples from the January 2012 to January 2013 time period. The rationale is that, according to the Joint Review documents ((Joint Review Panel, 2013a), this period of consultation was intended to capture public input through oral statements and evidence that would not be subjected to the cross-examination process of the hearing structure. I am therefore making the assumption that the narratives exposed through the oral process will be more reflective of the values, ideas and beliefs of the stakeholder rather than responding to a line of questioning or argument that has been proposed by others.
- The upside is that participants who might be intimidated by the cross -examination process would feel less threatened if they were just providing an oral statement (it also is a more natural way of storytelling especially in Indigenous cultures).
- In addition, in the review of other forms of testimony, I found that many stakeholders did not speak with their own voice but used outside legal counsel to assist with the preparation and in some cases delivery of their testimony. This would therefore confine the ‘narrative’ to the structures of the legal argument and may lead to important aspects of the narrative being ignored because they did not have legal relevance.

Process:

- The oral testimony is captured and transcribed by an outside contractor (International reporting) and is archived on the NEB website.
- I conducted a search of the Northern Gateway documents using the keyword ocean.
- In addition, using the dropdown options provided under the Advance Search function of RegDocs (NEB) specifically document type ‘other’, application s.52, file type pdf, role commenter, commodity oil (note: email to NEB librarian on January 8 to verify the search criteria)
- I have downloaded and reviewed the International Reporting documents related to oral evidence and oral statements in the period January to July 2012
- As per Chair’s comments (Vol 34, March 28, 2012) the oral contributions provided during these hearings are outside of the formal hearing process and are not subject to cross-examination or questioning. The final hearing process began in September 2012. The purpose of these community hearings was to hear from community and individuals based on their personal experience and knowledge what they feel will be the potential effects of the project. Given that the parameters of the community hearings emphasize the personal views versus the technical or scientific evidence regarding effects of the project, I felt they were a fitting source of data to capture the narrative around ocean use that was conveyed.
- A couple of key qualifiers—this discussion was centred around the Northern Gateway Project and therefore the input from the public was framed by the anticipated impact on the marine environment from the terminal and the shipping. However, I believe that at its core, the public input exposed fundamental values, ideas and beliefs that revealed a narrative around ocean use.

- The public is not homogenous and therefore the public is broken down into stakeholder groups based on the way they were defined under the Act, and subsequent discussions. Samples are drawn from the following stakeholders: environmental non-government organizations, First nations, coastal communities, users and the public. I used the NEB hearing documents to identify what stakeholder group they fit into.

Chair's statement: 12-03-31, Volume 36

26306 “The process for the Joint Review includes two sets of hearings: the first set of hearing are what we're here for today and that's the community hearings. The community hearings have two components to them, the first component has been oral evidence, which we are —almost completed that phase, as well as the oral statements. And it's the oral statements that we're here to hear today.”

26307 “As we've outlined before, orals statements are an opportunity for participants to provide their personal knowledge, views and concerns about the proposed project to the Panel in your own words.”

Memo 12: Narrative Notes from Review of Oral Statements

(March 2012 to January 2013)

Process note:

- Transcripts of the oral statements were prepared by International Reporting a company that was contracted by the NEB for this purpose.
- Transcripts are divided into volumes and each volume, in general, covers the oral statements for a particular day and place. In some cases, the community hearings were held over several days at the same place and I did not review all of the days but chose a single day as representative for that location.
- I chose examples from the different locations to be able to account for regional bias based on the assumption that the views held by those in the north close to the project might differ from those in the south of BC, similarly those in coastal locations may have different views from those inland. I also included in transcripts from hearings held in Vancouver and Victoria in January 2013 to capture public views from these southern BC urban settings. Overall, the time period for the hearings was one year.
- Coding and margin notes are taking place on Ipad Pro using Notability software

Procedural note:

- In the federal Budget bill for 2012 (Bill C-38), there was an amendment made to the shorten th(Check on this). This was referred to in the oral statements but there is no evidence that it changed the nature of the community hearings as they were underway before the change was passed through legislation. (Add in reference to Bill # etc)
- *Good description of what is expected in oral statement, (Vol 60, 8944)

Comox, March 31, 2012 (Vol. 36)

- Majority of the speakers were general public who lived in the coastal area around Vancouver Island. One also identified as the Co-Chair of the Sierra Club (Mike Bell) but noted he was there in his own capacity. Another identified as an academic (Darrell Tomkins) but also indicated that she was there as a public member. (*Note James Mack was scheduled to present but did not attend that day)
- There were three user representatives: two ran eco-tourism outfits, one was a commercial fisher.
- Primary narratives:
 - Oil spills – there was consistent narrative through the oral statements about the risk of oil spills:
 - the anticipated effect of dilbit on marine mammals and the coastline
 - the rugged environment that would heighten risk to supertankers (stormy seas, high winds)

- lacked the technology to manage oil spills
 - examples of other spills including Exxon Valdez were referenced
 - risk to salmon (many references to salmon not only as food source or commercial but also cultural role in FN), also reference to species at risk including whales
- Environmental legacy – there was a strong narrative about protecting the unique environment (Great Bear Rainforest, Haida Gwaii).
 - As a responsibility for future generations
 - As a ecosystem essential to marine mammals
 - As the lifeblood of coastal communities
 - As a heritage site, unique in the world
 - To protect livelihood of local economies
 - To respect the importance to First Nations communities and their traditions (not just fish but also cultural)
- Governance – some general comments made about the consultation and decision-making process
 - Lack of transparency
 - Lack of access
- Conflict over uses – recognition that there was need to find balance between economic vs environmental value
 - Ocean as common property resource (one member of public/academic)
 - Use of the precautionary principle
 - Need for improved energy policy (this seemed more about a demand for a policy discussion about the role of fossil fuels in Canada’s economy both domestically and internationally (one member of public argued against need to ship dilbit to Asian markets suggested that there was more than enough market in the US))
- Absent from the oral statements
 - Any reference to the Oceans Act
 - Any reference to sustainable development or integrated management
 - Concern about the ocean was subsumed under the general concern for the environment – did not distinguish land/ocean but rather was predominantly characterized as risk to coast and marine mammals

Smithers, April 26, 2012 (Vol. 47)

- Attendees were all public representatives who lived in the area
- Primary narratives (related to oceans):
 - Risk of oil spill
 - Extreme coastal weather, world’s biggest tides “...when you make your decision about whether 200 or so supertankers should go through these straits, these rocky narrow passages, keep in mind the extreme weather that can happen on very short notice “(Richard Audet, 856)
 - Human error, manoeuvring tankers (right angles down Douglas channel)

- Comparing pristine environment with other examples illustrating impact of environmental degradation (Indonesia, Kalamazoo, Ontario)
- Costly to clean up marine spill, Enbridge not responsible
- Technology and knowledge:
 - Lack technology and know-how to clean up dilbit spill in ocean/river
 - Inaccurate marine weather data because most of the buoys are sheltered thus giving impression of more modest winds, waves and changes to tides (Jane Stevenson, 1063)
 - “How is it that we have gotten to the point where we revere risk management technical talk over a wisdom in knowledge that has been centuries in the making?” (Patricia Lehoux, 981) in reference to elders
 - challenge of tugs keeping control of a supertanker during the high winds and seas (1029)
- Values:
 - Reconciling environmental values with economic values
 - Bhutan – focus on happiness instead of GDP
 - Difference in relationship or value for people of the north versus from the south (source of food, cultural significance etc)
 - “So let’s adopt new sustainable development goals in Canada which could allows our First Nations youth to rediscover untainted wild places and intact ancient cultures, local citizens to continue the stewardship of the public commons of biodiversity rich unpolluted Crown lands and most important of all happiness in our people as we all paddle in the big black canoe together...(Natalie Charlton, 843)
 - “We have to also weight the social, economic, spiritual values that is within the communities that are going to be impacted by this proposed pipeline” (Chief Adam Gagnon, 1363)
- Economy
 - Impact on local economy if loss of salmon and pristine wilderness “So I feel the risks of ruptures on the river and spills on the ocean that could destroy our salmon economy and tourism values outweigh the potential benefits of a relatively small number of jobs and revenues...” (Ryan Holmes, 1406)
 - Source of food for local communities
 - “The environment and the economy are totally interdependent here” (Caroline Bastable, 887)
 - “This area, northwest BC, it depends on healthy ecosystems in order for the economy to remain resilient” (Michelle Larstone, 961)
- Governance
 - Recognizing FN long relationship (...for the First Nations, the north coast rich and diverse marine ecosystems are tied to their cultures and livelihoods.(Laura Anderson, 735) “The native leaders of northern British Columbia are making this decision based on the threat to their water, the threat to their livelihood, and the threat to their identity, and they are thinking of the future” (Richard Audet, 864),

- “This pipeline and tanker proposal is a threat to the health of the entire northwest region on an environmental level, an economic level, a social level, and a cultural level, particularly, for the First Nations whose culture and traditions are intrinsically linked to their water and their land.” (Caroline Bastable, 890)
- Disgruntled with Harper (seen as pro-Industry, not listening) “And it seems today that Enbridge and the Harper government have decided to ignore our outcries, ignore the governments of the past and ignore their colleagues. This is not acceptable to a democratic government.” (Laura Anderson, 741)
 - Previous governments (Trudeau etc) had banned oil tankers in north coast “for a long time we’ve had a ban on tanker traffic on this coast and it was created for a very practical and still applicable reasons”(Richard Audet, 858)
 - May 2010 80% of BC opposed crude oil tankers in north coast (Laura Anderson, 740)
 - “...I ask that you listen carefully to our stories and take them into full consideration, as the decision that’s resting in your hands affects the lives of thousands of people, and therefore cannot be undergone lightly. I urge you to respect our opinions and carry the voices of the northwest with you back to Ottawa” (Skeena Lawson, 766)
 - “...it occurs to us that you, as members of the Review Panel are finding yourselves, given local recent changes, in an increasingly disempowered position” (Elizabeth Bastian, 1276) *reference to changes in the consultation process in Budget 2012??*
- single reference to “The ocean ecosystems is a huge and largely unexplored place” (Matt Simons, 939)
 - “Orca whales and pristine coastal beaches and the Great Bear Rainforest, quiet remote inlets not choked with supertanker traffic, salmon runs in the millions spawning, as they have for millions of years in clean rivers” (Michelle Larstone, 959)

Smithers, April 27, 2012 (Vol. 48)

- Not surprising, the focus of the public comment was on the risk to the rivers and to the surrounding land, less reference to oceans though several are noted below
 - Tanker traffic
 - Challenge of manoeuvring ‘super tankers’ in the Douglas Channel – “So we know about the tankers. The logistics of moving these tankers through the storm-ridden and risk-strewn waters along the north coast of BC are overwhelming” (Todd Stockner, 1818) *this quote captures the way that the narrative is being expressed – it is not just the fact of tankers in the ocean but the nature of the ocean environment that they would be in specifically the narrowness of the Douglas Channel and the storminess of the north coast)*
 - “I have a difficult time thinking about tankers on the coastal waters, and the risk involved with navigating a vessel that large, with such a potentially deadly cargo, in a sensitive marine environment” (George

Stokes, 1773) *This quote captures the key narrative points specifically 'risk', 'navigation', 'deadly cargo', and 'sensitive marine environment'.*

- Risk of technology failure
- Risk to salmon (mostly from rivers)
- Cost of tanker accidents
- “In closing, I would like to say that it’s not all about oil and money. The things that matter more are water, fish, wildlife, wilderness without threat of destruction, and employing good stewardship to maintain that which sustains us so it can sustain our heirs” (George Stokes, 1784) *I included this quote because stewardship is not a term that appears very often but the narrative of protecting the future legacy is a regular one.*
- Risk – an often-mentioned aspect
 - The risk of spills
 - The risk to the environment
 - The risk to wildlife and marine mammals
 - The risk for future generations

Terrace, May 8, 2012 (Vol. 50)

Note: in some cases, I will make brief mention of a reference to a narrative but not repeat it again if it has already been stated many times in earlier notes. It is also interesting that in the Terrace hearings, there was less focus on the ocean impact and more on the land.

Attendees: most were public but of note, the local MLA for Skeena appeared, and representatives of the Steelhead Society of BC.

- Primary narratives related to oceans:
 - Tanker spill
 - Volatile coast
 - Cumulative impact on marine environment (from other proposed industries in Kitimat)
 - Effect of dilbit on water (also expressed concern about condensate)
 - Destruction of pristine ocean environment
 - Inaccessible coast and ocean environment therefore hard to clean up
 - Inadequate capacity to respond to bitumen spill
 - Example of devastation seen in northern neighbours with Exxon Valdez
- Salmon/Fishing
 - As key food source
 - Part of way of life
 - Best saltwater fishing in the world
 - Fishing industry key to future success
(not only about fish but related is food security given the reliance on local resources that would be devastated by oil spill either on land or in water)
- First Nations

- Adopt more sustainable living, move away from current Kst economy
- Following Tsimshian law – relationship to environment, to other living things
- Governance
 - Hope that voice of majority will not be ignored (Mark Collins)

Note: a number of presenters brought up broader policy issues such as need to explore energy alternatives, the underpinning growth imperative in the economy and consequential impact on the environment.

[What is interesting about the primary narrative that is oft-repeated in these oral statements is that the relationship with the ocean is a very intense and central one to their lives. Not surprising I suppose given that they are generally coastal people whether Indigenous or non-Indigenous, but it is not a comprehensive relationship that is captured in the Ocean Act. It somewhat is recognized in the Strategy and not in the Plan.]

Prince Rupert, May 24, 2012 (Vol. 52)

- Attendees: public, E.D. of Skeena Wild Conservation Trust, First Nations (Haida, Tsimshian)
- primary narratives:
 - persistent theme of the challenge of the environment – harsh and unpredictable weather, storms, winds, shallow nature of Douglas Channel with many shoals
 - landslides in Douglas channel causing tsunami-like conditions (David Cook, 3442)
 - addendum to the theme of the harsh weather conditions is that view that no technology exists that can overcome them – too unpredictable
 - in addition, the harshness of the weather creates a risk not only for tankers but act as a barrier for clean up of oil spill, causing the oil to spread faster and farther, limiting access to the spill to clean it up
 - environmental risk of oil spill – “Amounts of this size, if fully released, would amount to environmental nuclear bombs which would profoundly impact the marine environment for many years and possibly result in the complete destruction of natural salmon runs, herring spawning areas, eulachon runs, shellfish harvesting and seaweed harvesting areas” (David Cook, 3446)
 - oil spill threatens food security (3562)
 - the community dependent on food they gather from food and land (Mae Jong-Bowles, 3579)
 - “Our sea’s most powerful spell is romance” (Mae Jong-Bowles, 3609)
continued narrative is the centrality of the ocean not just as a food source or as an economic source through fishing or tourism but its centrality in the community and in members lives on a spiritual and cultural basis whether Indigenous or not (Ocean Rutherford, 3625)

- question raised about why not going to Vancouver or Seattle, locations already set up for this type of traffic rather than harsh north coast
 - Exxon Valdez demonstrates risks (3468) “The Exxon Valdez oil spill disaster has brought one pod of orcas to the brink of extinction. All of creation mourns when the whale songs fall silent.” (Kaleen Foote, 3468)
 - Risk to vulnerable species like the Blue Heron (Carol Brown, 3500) “...the great blue heron, *ardia Herodias*, is on B.C.’s blue list of vulnerable species. This means that the *British Columbia Wildlife Act* and the *Federal Migratory Birds Convention Act* protect these birds and their nests and their eggs and habitat. But do they?” (3500)
 - Not only the reliance on seafood for food but also affect plants on land that draw
 - If cannot deal with natural hazards (like debris coming from earthquake in Japan), “how are we going to deal with manmade supertanker running aground?” (Wendi McKim, 3564)
 - Throughout the risk of spills from the tankers are primarily associated with Enbridge, only brief mention of them as Chinese run tankers, and one reference to BC Chamber of Shipping (*thus contrary to my early discussions with CAPP who tried to argue that the tankers were not their issues, the public perception throughout is that the tankers and the risk of a marine spill is part of the Enbridge project – the public does not distinguish it as the responsibility of another company or industry – it is clearly articulated as Enbridge and the federal government to have oversight into their actions*)
 - What is lost, by a marine spill, is the pristine environment, the marine life, the plants, the birds ...etc (an assessment of value comes from the pristine nature of the north coast environment as well), and the fact that there is currently no technology that will clean it up (presenters consistently referred to Exxon Valdez to prove their point)
- Eco-system
 - “We share an ocean with Alaskans and other Americans, even the Japanese, as demonstrated by the debris arriving on our shores. Our salmon, our whales do not stop at the lines of a map. Water sources are shared between provinces and countries. (Carol Brown, 3510) *Conveying the message of how the ecosystems are linked, beyond political boundaries – a message that is also incorporated into the Strategy.*
 - “Already we have seen polluted seaweed and that kind of thing from the radioactive happenings in Japan.” (Christina Barette, 3538)
 - “There is nowhere in the world that has access to such a complete connected ecosystem of this scale, from mountains, forests, rivers and ocean” (Steve Milum, 3923)
 - Canada and world leadership

- “Canada could be a leader, a team player for the health of the world, but instead, is failing in many environmental and scientific areas”. (Carol Brown, 3512)
- salmon
 - as a critical food source
 - the importance to FN cultural identity and heritage
 - legacy for the young
 - (Greg Knox, ED Skeena Wild Conservation Trust)
 - 3949 in 2009 did a poll and found that over 80% of watershed dependent on salmon in some manner for food, culture, livelihood, recreation
 - 2011 poll, 76% of BC said wild salmon as important culturally to BC as French language to Quebecers, 86% said economic growth and development should not be done at expense of wild salmon habitat (3960, 3961)
- the environment
 - reference to Douglas Coupland ‘Souvenir of Canada’ “And one theme he draws back to is that nature and wilderness bind us all as Canadians and we can all share stories of extreme beauty, extreme weather, and extremely delicious foods that we’ve been able to gather in this country” (Sheri Disney, 3714)
 - throughout the depiction of the environment is both that it is harsh (in particular the weather but also the narrowness of the Douglas Channel, “our coastline is treacherous and rocky” (Joyce-Lynn Mitchell, 3898)) but also its pristine and untouched beauty – underpinning this narrative is that belief that if the oil spill occurs it would ruin this environment forever, there is little faith in technology to clean it up due to witnessing the experience of other spills including oft-referenced Exxon Valdez. What is lost then is not just the centrality of the environment, but its pristine nature that is both an attraction for eco-tourism and as source of trust for its bounty as a food source. *It is important to parse these differences out when describing the narrative.*
 - Again the centrality of the environment to the community (“So food, recreation, culture, these things are worth more than dividends” (Sheri Disney, 3718))
 - *Relationship to the environment—throughout the underpinning narrative regarding the relationship of humans to the environment includes the importance of protecting for future use, the interconnectedness between the natural environment and the community, the responsibility to care for and protect the unique space (it is perhaps appropriate to characterize the relationship as one of true sustainable development for community members are very clear that their food security, their economies are dependent on exploiting the environment and its resources but in a*

sustainable way that protects its future use and the relationships within a broader ecosystem – while many of the public were not Indigenous, I was struck about how close their philosophy towards the environment was to the traditional beliefs of First Nations) “We are concerned with striking a difficult balance here.” (Leslie Rowlands, 3796) “Not only does these resources provide us sustenance, they are the very fibre and being of who we are as community.” (Joyce-Lynn Mitchell, Tsimshian, 3881)

- Informal economy
 - Stresses the important contribution of the informal economy from hunting and fishing, the exchange of goods and wild food harvesting leading to social networks – sharing and exchanging, as well as handing down knowledge from generation to generation (Arianne Loranger-Saidon, 4142) “Through the maintenance of the social networks, the harvesting of wild food also acts like an insurance policy in the area. In times of hardship, empty stomachs and freezers are filled with wild food harvested by friends and family....the value of the activities involved in an informal economy are often invisible and forgotten in formulation of land management policies. (4144-5)
- Sustainable development
 - “Aboriginal communities and residents of northern British Columbia are not opposed to development. We’re opposed to unsustainable development.” (Sheri Disney, 3721)
- Governance
 - “I’ve enjoyed the meaningful account these hearings—I’ve heard at these hearings, and respect them as jewels of our northern life, medals of lives well lived”(Carol Brown, 3488) *Not surprising perhaps given the strong community spirit that underpins the hearings, this statement reveals a positive view of the hearings and a statement to the panellists that there is knowledge being transmitted through these community hearings that is based on experience and wisdom gained through life experience. Not stated but perhaps implied is that it is offered as juxtaposition to the scientific and technical knowledge that dominates the other parts of the hearing process – Exposing the value of the ‘oral statement’ format not confined to the procedures of a quasi-judicial process. The oral testimony section is similar in that it offers an opportunity, particularly for Indigenous peoples, to share their knowledge in the oral tradition but they are expected to be available for the formal hearings for questioning so it differs from the oral statements. The statements, while only 10 minutes long, nevertheless have become powerful mechanisms to capture the narratives that are important to the public. (Obviously confined to those willing to appear).* “First Nations are story-telling people. That is how our culture and history is passed from generation to generation.” (Joyce-Lynn Mitchell, Tsimshian, 3886)

- April 17, Minister announced streamlined environmental review process to be applied retroactively to the JRP (Wendi McKim, 3555)
- “When I signed up to give an oral statement, I thought that my statement would be considered within a set framework for decision-making. But now it seems that has changed and that indications are the federal government will likely override whatever recommendations this Panel makes. This can be problematic.” (Michael Ambach, 3736) *This is a growing narrative reflecting that the changes in Budget 2012 have been communicated publicly and the tenor of the trust in the role of the JRP from the public who appear is beginning to change. Whereas in the earlier hearings, participants clearly thanked the Panel for their attendance and willingness to consult, in this hearing more than 10 make the point that the federal government seems to already signalling that it intends to approve the project even though the JRP process has not been finalized. “And this is the erosion of the democratic process under which we, in this country, have laboured for years. Many people have fought and died to preserve that right, and we have a government now in place that I believe is wholly and solely directed to undermine that democratic process. We have the right to dissent, and we have the right to voice those dissents. The Prime Minister of this country stood on a foreign platform and directed to the Canadian citizenry how we are going to function and how we were going to work, and that this project would go ahead. He would ensure that. That, to me, undermines the credibility of this Panel itself, and undermines the credibility of the Canadian government in general. (Arnie Nagy, 4036-4038)*

○ PNCIMA

- Statement made by Arnie Nagy, Haida who sat on Integrated Oceans Advisory Committee – noted that at PNCIMA meeting Chamber of Shipping and International Ship Owners Alliance of Canada submitted a document labelling environmental organizations as ‘foreign-funded eco-terrorist’ (3972 – he is paraphrasing)
- He saw lobbying campaign of the federal government by transport sector to put Enbridge in an alternate to the meeting – he felt that lobbying and the campaigning against the environmental groups led to the funding being cut to PNCIMA because funding coming from Tides Canada (3974)
- The cost was to run the credibility of the PNCIMA process – because it was an ‘obstacle to the Enbridge pipeline’ – he stepped down (3976)
- He also noted that in his meetings with Transport officials, he heard the words of Steven Brown (Chamber of Shipping) repeated to him – evidence of the level of lobbying on behalf of the transport industry and their acceptance of his position. (3980) He also had to respond to accusations during his appearance at committee that he represented foreign funded radicals. “I’d suggest to you that as a First Nations person trying to look after our lands on Haida Gwaii, why would I be looking for—looking after the interest of an American corporation or an American

agenda when I have my own agenda to make sure our rights and our cultures are protected for future generations” (3985)

- Knowledge
 - Lack of faith in risk assessment asserting that data on North Sea, particularly Norway is not transferable to the Douglas Channel, confined area (Michael Ambach, 3742), also lack of integration of risk assessment framework (Enbridge vessels excluded from risk analysis in the Aleutians) Michael Ambach, 3746
 - Gaps in knowledge on how to deal with bitumen (Michael Ambach, 3752)
 - “It is my understanding that there is no existing technology that would facilitate a clean-up in this area because our currents are too strong”. (Joyce-Lynn Mitchell, 3902)
- emerging narratives:
 - Ecologically and Biologically Significant Areas identified by DFO under Pacific north coast integrated management area – 15 were identified, many of which were in Dixon Entrance, Hecate Strait and Queen Charlotte Strait where tankers were intended to go (Peggy Davenport, 3395) *What comes up several times during this set of oral statements is that there is a parallel process under way (PNCIMA, see Arnie Nagy comments below 3970) and an apparent disconnect between the JRP and DFO*
 - There are a number of presenters who speak to the criticism that they feel has been levied at them, characterizing them as crazy environmentalists funded by US organizations (this shows up in other hearings but appears more prevalent here) – response from the participants is dismay with the federal government, with trust in the process and with what they interpret as a disregard for the voice as community members (not by JRP but by Enbridge and Minister Joe Oliver in particular)
 - “Being here today is costing me a day’s pay. It would be preposterous for anyone way over in Ottawa to characterize myself or any of the rest of the people in this room as being foreign-funded radicals.” (Ian Dobson, 3828)
 - “To the Panel, you know, when a government attacks its own people in the way that this government is doing, it can only lead to one thing down the road and that is one of confrontation.” (Arnie Nagy, 3992)
- consultation
 - (Arnie Nagy Haida, 3993) “I for one minute or for one moment do not believe that this Panel has the Constitutional—or does it meet the Constitutional requirements of consultation with First Nations”. *Note in the Connections document, the JRP suggests that the government was considering this panel consultation along with Enbridge consultations as meeting that requirement but would reserve the right to conduct further consultations with First Nations if it was deemed necessary.*
 - Because not all Canadians consulted, cannot determine if in public interest... (Jonathan Seagull, 4049)

Skidegate, June 14, 2012 (Vol. 57)

Attendees: public, quite a number of students both high school and elementary, FN (mostly Haida) and at the end of the day, 6 Haida Chiefs representing their particular clans

Primary Narratives:

- Environment
 - Unique environment ‘Galapagos of the North’ (Catherine Garrett, 6938)
 - Gwaii Haanas, world heritage site (Karl Puls, 7037)
 - Connection with the ocean was much more than economic, it was also spiritual, cultural and historic and these values were equal too or even more important to many of the speakers. (Keith Moore, 6865)
- Ecosystem
 - Part of the ecosystem, stewards of the sea (Mariken Van Gorp, 6910)
 - As Haida believe, all things connected (Kelsey Pelton, 6757)
- Oil spill
 - Many speakers spoke of the irreversible devastation that would result from a marine spill, affecting not only the ocean but marine mammals and subsequently the land as well
 - There were similar to other hearings references to Exxon Valdez to prove the point about the impact of the spill.
 - There were many references to the stormy weather and high winds that not only contribute to the risk of oil spill but also would complicate the clean up.
 - Also one reference to the pollution from increased marine traffic (Michael Muller 7305)
 - Enbridge history of spills (many references)
- Pollution
 - Arising from ballast water (Sean O’Neil, 7391-7392)
- Economy
 - Reliance on ocean for eco-tourism, for fisheries
 - Small communities, coastal communities have unique and important role in overall economy (Michael Muller, 7310)
- Food
 - Security
 - Nutritious food shared by community (Ceitlynn Epnors, 6798) *here there are two critical elements to the narrative (also seen in previous hearings) the centrality of the seafood, salmon and fish to the diet, and the role that the ‘wild food’ plays in bringing together the community who share and exchange the bounty*

Emerging Narratives:

- Role of small communities and coastal communities in overall economy (*this was putting a slightly different take on the economic impact, to highlight and recognize that devastating local coastal communities has not just a local impact but a broader national one as well*) Michael Muller, 7310

Kitamaat Village, June 26, 2018 (Vol 59)

Attendees: public, Haisla and Haisla Chief, organization: local Labour Council and PSAC rep, Skeena Watershed, Kitimat Municipal Council

Primary Narratives:

- Dominant narrative remains the risk and costs of a marine spill in Douglas Channel
- Addendum to that narrative is the stormy and unpredictable weather, the pristine but remote environment, the abundance of marine life, the species already under risk including the eulachon and the whales
- Food from the ocean is consistently described as central to the self-sufficiency of the communities especially Haisla, a critical aspect of the informal economy not only within Kitimat but also trade with other nations (Joyce Amos, 8821)
- Ocean and the coast are centrepiece to the Indigenous cultures and preserving them critical given the cultural loss resulting from residential schools and other encroachments
- Continued vocalization that individuals not ‘rapid environmentalists’, understood sustainable development but also highlighted the uniqueness of the local environment both on land and in the ocean
- Tanker moratorium was raised once (Martha Murray, 8871)
- Risk of marine spill – technology limited, double hulled tankers not infallible, human error (interesting in this hearing and last one reviewed, human error was described as being anticipated as a greater cause of a spill than breakdown in technology – only other equivalent risk was the weather and both technology and human skill were not seen as equipped to respond to it given its severity and unpredictability especially in winter.

Emerging Narratives:

- There was more discussion in this hearing about the constitutional rights of First Nations and that the JRP process does not replace or abrogate those rights (this was also vocalized by FN in earlier hearings)
- Cumulative effects of marine noise – not just increased traffic but its collective impact with Rio Tinto and other anticipated industry
- Also increased risk of marine accidents because of the increased marine traffic (collision between vessels)
- Loss of recreational use of Douglas Channel because of increased risk from supertankers (Lucy McRae, 8335)

Prince George, July 9, 2012 (Vol. 60)

Attendees: majority were public members, a few PhD students and faculty from UNBC, two FN one Tsimshian from Gitga'at community, other from VI north Kwikwasut'nuxw

Primary narratives:

- Given location of the hearing the main focus was on the terrestrial impacts of the project including pipeline spills and the unstable environment (earthquakes, harsh winters etc)
- Definitely more speakers addressed the broader issue of climate change, the reliance on fossil fuel etc than in earlier hearings
- Food security – several speakers reinforced the importance of protecting the ocean given its role as a food source, one speaker Sonja Ostertag, a PhD student noted that this has particular meaning in remote communities where alternatives (store bought food) are expensive, and unhealthy (9349)

Emerging narratives:

- A valuable reference by Barbara Coupe, 8995 to the parameters for considering the public interest—should be long term not short term, “wellbeing of society is a functional of environmental and social, as well as economic factors and must be addressed in a measured, thoughtful and planned fashion considering all stakeholders” (*a number of speakers referred to the importance of including the social and environmental impacts as values in the calculation of the benefits and costs of the project*)
- A number of speakers also questioned why the refining of the oil cannot take place in Canada rather than shipping out the raw material – analogous to shipping raw wood
- Beautiful description by Heather Sapergia (9649-9662) of bird stories (*to me this provides another example of the power of the oral statement to be able to use the narrative to convey impact (rather than just fact and figures), indeed several speakers shared poetry as well*)
- On governance – Floyd Crowley, retired from West Coast Energy noted the changed role of NEB where once it was ‘king’ (9629) and companies worked hard to prevent spills because NEB could pull their license whereas today it appeared as though government undermining their position.
- On governance – several speakers noted FN and others not willing to participate in the hearings because they did not agree with the process
- Northern communities feeling the affects of climate change faster than in south (Ian Picketts, 9431)

Burns Lake, July 17, 2012 (Vol. 62)

Attendees: public, mostly from Burns Lake itself, quite a few were farmers or used farming and fishing as food sources

Primary Narratives:

- Description of the area as large marshland, concern with effect of pipeline spill, noted that area was unstable due to landslides and heavy freight trains
- Governance – dismayed with characterization as radical environmentalists, mostly they were people who live close to land and were concerned that their way of life would be compromised
- A number of references to First Nations – to impact of residential schools and to the effect that a spill would have on their traditions
- Little faith in Enbridge to clean up spills especially given the remoteness of landscape
- Saw little economic benefit in project but significant environmental causes

Emerging Narratives:

- A number of speakers were of German heritage and had immigrated to the area to farm – spoke about the differences between Europe which they described as crowded and polluted and their environment with clean lakes, air etc.

Fort St. James, July 19, 2012 (Vol. 63)

Attendees: many FN from Nak'azkli nation, public

Primary narratives:

- Concern about the environmental risk of the pipelines and the pumping station planned for the area
 - Risk to traditional way of life (including medicines)
 - Risk to food source including salmon
 - Part of a continuum of disregard and exploitation of FN territories (unceded) note Keith Prince thanked town people for their support (11225)
 - Significant seismic activity in area and risk of landslides
 - Impossibility of cleaning up a spill “cleaning a 700 foot deep fiord” (Jana Gainor, 11075)
- Governance:
 - Loss of confidence in the process especially with passage of Bill C-38 that changes the hearing process (Shelley van Erp, 11333)
- Ocean
 - Pristine beauty of ocean (many stories of paddling by canoe and seeing marine mammals)
 - Recognize the unpredictability of nature “Nature reserves the right to be unpredictable” (Lisa Burgener 11431)

Denny Island, July 27, 2012 (Vol. 64)

Attendees: Heilstuk FN presented oral evidence first, oral statements began afterward, most of the speakers were also Heilstuk (overall very small number of speakers)

Primary narrative:

- The centrality of the ocean and salmon to the community and FN traditions and the impact of a marine spill

Emerging narrative:

- The local economy was just beginning to recover, dependent on the ocean, a spill would reverse that (Carrie Humchitt, 11906)

[Several references to the previous hearing in this location when there was a huge gathering at the airport to meet the JRP – led to a cancellation of the hearings the next day due to security concerns]

Comox, August 10, 2012 (Vol. 68)

Attendees: this was a continuation of the community hearings that began in March, attendees were mixed, many coming from neighbouring areas including a number from Quadra Island, one from Powell River, and one from Port Alberni – of note, the hearing began with a caller from Ontario

Primary narrative:

- As it related to oceans, there was a significant repeat of common narrative around the risk to the pristine ocean environment, marine mammals, treacherous navigation through Douglas Channel, shallowness of Hecate Strait,
- Also the centrality of the ocean to the coastal communities, FN, local economy (a number of speakers ran eco-tourism businesses or businesses dependent on local ocean environment)
- Risk of spill included many comments about Enbridge's record, inability to clean up spill,
- A few brought in principles of sustainable development (Geraldine Kenny, 14201 as an example)

Of note, the Chair had, several times, to caution speakers not to refer to civil disobedience and there was a small pause in proceedings due to a disruption in the back of the room – tensions appear to be escalating and criticism is increasingly focused on Harper (this is unrelated to the ocean narrative but I add here for contextual note)

Port Hardy, August 8, 2012 (Vol. 67)

Attendees: public, a number are from Malcolm Island, a remote island off Vancouver Island, as well as Alert Bay, one elected FN counsellor Namgis tribe, Mayor of Alert Bay, FN Mamalikiulla, Living Ocean Society rep.

Primary narrative:

- Overall same narrative as with earlier hearings especially given all the speakers were from coastal communities –
- Several acted as whale researchers and offered their perspective on the impact of marine noise on the orca population, the return of other whales
- Emphasis on the marine biodiversity, its essential role in community/economy etc
- Also that the unique marine environment and marine mammals was part of Canada's international reputation – would put that at risk
- Relationship with the ocean was described in 'eco-system' terms recognizing the interrelatedness of it (see quote from Leah Robinson in notebook)
- No faith in technology or Enbridge to prevent spills or clean them up
- Many speakers were fishers or regularly travel via Douglas Channel and Hecate Strait and emphasized the severity of the weather even in summer
- Robert Mountain, FN Mamalikiulla – this is not consultation, consultation means with each FN individual (13379)

Next two hearings are conducted in 2013 in Victoria and Vancouver respectively.

TransMountain application is 'underway'?? (check) so it is anticipated that there will be cross references to the impacts of that pipeline extension and Northern Gateway.

Victoria, January 7, 2012 (Vol. 119)

Attendees: public, from Victoria, surrounding islands and neighbouring up island, Several organizations including Briony Penn for Land Conservancy of BC, Liam Hildebrand for Social Coast

Note: most of the speakers emphasized a strong personal relationship with the ocean and the coast – did not come across as simply 'environmentalists'

Primary narratives:

- Consequence of marine spill
 - Impact on salmon
 - Loss of pristine environment (including Great Bear Rainforest, surrounding coast, glass sponges, mpa(at only 1%), marine conservation areas)
 - Cost of clean up – who bears it, Enbridge? Government of Canada?
 - Inability to respond to spills because of remoteness of location, severe weather, lack of technology (as demonstrated by other spills referenced by speakers) fallacy of oil spill clean-up
 - Two speakers had significant professional experience with marine navigation and one included marine spill response – gave a clear assessment on why the location

was too challenging for the oil tankers, contributed to the risk of spills and formed barriers to response

- Ecosystems
 - Critical importance of ecosystems (Gerry Taylor, 19170)
 - Interconnectedness of all oceans systems (Carmen Smith)
 - Relationship and importance to FN and coastal communities
- Environment
 - Location is ‘national treasure (Barbara Watson, 19262)
 - Several references to precautionary principle as important to guide the decision-making of the JRP
 - Relationship to the economy – a number of speakers emphasized the need to think long term about the impact on the environment and the economic consequences (to fishing, tourism etc) if it was harmed. Also many speakers noted that economic trade-offs should never trump environment – it was the primary responsibility. *(Is this reflected in the definition of sustainable development?)*
- Governance
 - Gerald Graham (19507) noted that marine transportation routes were included in scope of JRP (as of August 2012), he also emphasized that TERMPOL conducted by Transport (and supported by five gov’t departments) was not sufficient – still public expectation on JRP to consider impacts of marine transportation

Emerging narratives

- Several brought up the concept of ecosystem accounting – putting true value on the ecosystem
- Also critiqued Enbridge for the failure to appropriately include in their risk analysis
- Kem Luther – gave an excellent overview of what is meant by risk including its historical origins (19005)

Vancouver, January 15, 2013 (Vol. 125)

Attendees: mostly public but several organizations including EcoTrust Canada, Gwaai Hanaas Tour Operators and same guy represented Commercial Bear Viewing Association of BC, WWF, Seakayak Association of BC – no one self-identified as FN

*during this hearing the proceedings were stopped several times due to disruptions from protesters, public access to the hearing room was controlled, and while many speakers thanked the panel for the opportunity to speak, they also vocalized their discontent with the process (mostly juxtaposing against Harper and Enbridge more generally)

Primary narratives:

- Many gave their support to FN groups who were protesting the project, quite a few speakers spoke of the FN having specific authorities or roles regarding the decision-making of the project given that it was intended to go over traditional lands and waters (*this particular recognition of FN rights became a more compelling narrative throughout the hearing process and was not specific to a particular location – reinforcing the importance of recognizing the FN in the governance process (not as an stakeholder but also a decision-maker)*)
- The relationship with the environment –
 - Many spoke personally of a close and memorable interaction with the pristine environment and the importance of protecting it
 - The ocean and marine mammals were included in this narrative – as a specific reference but not distinct one except for one Harold Gopaul, 24899 “we are failing our oceans”
 - More speakers brought in the bigger issues of climate change, reliance on fossil fuels etc but only a few made that their exclusive focus
 - Most speakers spoke about protecting the BC environment because it was unique, part of national heritage, and aspect of global responsibility
 - Also because its pristine character made it a valuable tourism location “nature tourism”
 - Effect of marine noise on whales – many references to work of CetaceaLab, quiet was an important aspect of this habitat
 - The environment is the “sacred commons” Neville Gosling (25550) *there is book by same name so the term is not unique to him*
- Many references to the challenging nature of the ocean/coastal environment and the severity of the weather – risk of marine spill great
- Human error always a real aspect of marine spill even with best technology
- Lack of resources for spill response especially with federal government cutbacks
- The economy
 - Many spoke of the economic devastation that would occur with a marine spill
 - Loss of salmon and other fish habitat
 - Loss of tourism
 - Loss of livelihood for FN and coastal communities.
- The relationship between the two
 - Need to find a more sustainable way to live
 - Conservation economy (Brenda Kuecks, 25005-8) (first time this was laid out in principles she was President of Ecostrust Canada)
 - Ecosystem-based management, more sustainable way to be (Olivia Brooke, 24813-24817)
 - Working ecosystem (Todd Monge, 25817)
 - Changing social values (Audrey Pearson, 25891) made an eloquent comparator to how changing social values affect the way we perceive things, gave the example of women’s vote, work, and also old forest trees – (*how does policy incorporate*

ability to adapt to these changing social values – is that not the point of this narrative analysis to demonstrate that social values around ocean use have changed and whether the current Act has the ability to keep pace based on its adaptation through its implementation activities??)

Memo 13: Analysis of the Narrative Notes from the JRP Case Study

Process note: In my first review of the narrative notes, I highlighted using the colour coding that I had established for the review of the Act, Strategy and the Plan. I found it was sufficient but recognized that the margin notes would be very important to identify the differences that emerged through the case study.

It was critical to ensure that I accounted for the context that the comments made during the oral statements in response to the Northern Gateway project that was being proposed. I did this by extrapolating from the comments that were specific to the project, general ideas or views regarding ocean use. Overall however speakers were often articulating general views about their relationship to the ocean, the role and responsibility to the ocean and to how decisions ought to be made around ocean use.

General categories that emerged during the review included:

- Relationship between the ocean and humans
- Governance
- Principles for decision-making

Relationship between oceans and humans

- Throughout the narrative that was conveyed regarding the relationship between the oceans and humans included:
 - More than just economic or a food source, the relationship was also spiritual, cultural and intrinsic to the community (whether FN or coastal)
 - As a subset, the relationship with the salmon was described as of the same importance to British Columbians as the French language is to Quebecers
 - Further is the role of ‘wild food’ of which salmon is a key part in the sustenance of the local and remote communities including in FN traditions (loss of salmon would mean not just an economic loss but impact on social relations of community and a tear down of the cultural traditions of coastal FN) *The centrality of the concern around salmon was both practical given its importance as a food, cultural icon and a food source for orca, but also was used as a symbol to convey what would be lost or what is need of protection. Whales include the orca and the humpback were referred to as requiring protection as well, from marine noise, tanker strikes and to safeguard the habitats but they were not described as central to the community. Like other marine mammals and bird species, they were seen as important to protect from risk.*

Governance

- Governance included decision-making, participation and stewardship. Most speakers acknowledged that the final decision was going to be made by the federal/central government and that the hearing served as a way to get their ‘voices’ into that decision-

making process. Participation in the hearing process was seen as important to ensure that local interests were included in the decision-making process. The term consultation was used both in the policy sense (bring in literature here) and in the duty to consult as required for First Nations (described it further). Stewardship was a term that was used several times during the case study but I believe, better captures what the public expectation was about the purpose of the governance process. (to be investigated further)

- While the project impacts would be experienced locally, there was no suggestion made during the hearings that the decision should be made locally. *The issue of the locus of decision-making in ocean policy is a constant. In the Act, it remains in the federal government's hands and management is anticipated to take place locally. In the Strategy, there is more of a collaborative and consensus approach to decision-making so it appears spread between various locations. In the case study, part of the role of the federal government decision-makers is to take the local input and to reconcile the various demands on the ocean environment. Another element that emerges through the case study is that other parts of the federal family are engaged in parallel activities that overlap with the JRP activity. For example, Transport Canada conducted a TERMPOL (describe process in further detail) to review the impact of the marine transportation routes of the project, but as stated by Gerald Graham(Vol. 119, 19507) there is still a public expectation that the JRP address the impacts. There were perceived differences in how these two processes were addressing the issue of impacts of marine transportation. (Possible differences including addressing marine noise and the risk of tanker strikes on marine mammals). As well, DFO continued the PNCIMA process which was one of the five integrated management processes piloted under the Act, referred to in the Strategy and the Plan. (A subset of the case study will be a brief overview of the PNCIMA process). The purpose of the PNCIMA process would appear to overlap with the JRP's consideration of the marine impacts of the planned project, recognizing that the marine impacts was not viewed by the JRP as part of their original mandate, it was added into scope in August 2012. It was also true that the NEB did not feel equipped to deal with the marine impacts as historically its focus has been terrestrial (private conversations with NEB officials).*
- FN were viewed by both FN and non-Indigenous speakers as have a special or particular authority over the area because of their long-term and traditional use of the waters and surrounding land. There were two key elements to this narrative. The first is related specifically to the JRP process and it was made clear by many FN speakers that the JRP process did not fulfill the duty to consult obligation of the federal government (add in description of that duty). The second is that the narrative offered by both Indigenous and non-Indigenous speakers was that the First Nations had authority over the decision-making process, not exclusive but more involved than simply consultation. *In the original text of the legislation proposed for the Oceans Act, it recognized the constitutional rights of Aboriginal people but did not go further in terms of identifying them as a specific stakeholder group. That is changed in the final text of the Act. In the Strategy, the role of Aboriginal people was expanded further to recognize their 'particular' contribution including traditional knowledge (this is consistent with a reference in the Act and the international convention) but also their role. In the case study, many speakers reference UNDRIP as an additional authority for the requirement to include Indigenous peoples.*

Today, the federal government is approaching First Nations as a third level of government.

- Consultation – expectation to bring local communities into the decision-making as it related to coastal and ocean use.
- Adaptation – to changing social values. (Audrey Pearson 25817) captured it so well that our values change, she gave example of women’s rights and old growth forests, that change how we define the problem. Where once old growth were seen as “mature cellulose cemetery” (Vol. 125, 25891), they are now viewed as “complex ecosystems with high biodiversity” (Vol. 125, 25891). *The reason to include reference to this comment is that it captures the underlying focus of my research which is to see if there is an evolution or change in ocean policy that appears to have kept pace with the public expectation of how we should relate to the ocean.*

Guiding principles

- Precautionary principle
 - The importance of the precautionary principle was highlighted by the many speakers who expressed concern that there was a lack of knowledge and technology to adequately address the impact of dilbit in the water. The central theme of the narrative was that if we did not know how to clean it up, then we should not take on the risk of a marine spill.
- Sustainable development
 - Overall the concept of sustainability was broader than a balance between the environment and the economy though this remained a clear underpinning aspect of the narrative. Other values that expected to be included in the calculation were the spiritual, cultural and community impacts of the project – emphasizing that the ocean was perceived to be more than an environment to be exploited but rather an intrinsic part of humanity – of social relationship. *The key narrative was the need to take a holistic approach to understanding the relationship between the ocean and humanity including our responsibilities to the broader community of terrestrial and marine life.*
 - Furthermore, many approached with a FN or Indigenous philosophy regarding the relationship with the environment – that of being one – not anthropogenic
 - Sustainable development as it was defined in the Bruntland report was significantly tied to the capitalist economy – in this case study a number of speakers question the commitment to the ‘growth economy’ and the underpinning requirement to grow that they attribute to the capitalist economy. Both FN and other speakers suggest adopting a more sustainable way of living that moves away from the capitalist economy.
- Integrated management
 - As with sustainable development, the underpinning narrative was that it was not just reconciling the other economic uses of the ocean, though this did arise in

- particular in relation to fishing and ecotourism, but also reconciling the spiritual, cultural and community importance of the ocean
- Specifically related to local, coastal and small communities was the role of the ‘informal economy’ especially with regard to wild food such as salmon, necessary not only for food security, but also nurturing social relations and community development as well as trade with other communities (redefining what is meant by wealth – several speakers told the stories of how these communities continued to thrive in the 1930’s whilst other communities were suffering the effects of the Great Depression.
 - Ecosystem approach
 - Broadening the definition of what is meant by ecosystem. Beyond the traditional ecological boundaries to incorporate the social, terrestrial and global impacts. Recognizing the ocean as a commons – shared by many both human and others. Recognizing the coastal (tide water) relationship between ocean and plants, affecting more than just the marine life. Ocean and humanity – the spiritual, culturally, intrinsic relationship. Ocean and climate – this was less prevalent, more of the concern was expressed about the effect of fossil fuels on the climate.
 - Nuances:
 - Stewardship – this appear to mean more than just protecting the environment, but also protecting for future generations as well as a particular obligation for humans (as significant users of the ocean) to care for it for others e.g. marine mammals. *The concept of stewardship is more prominent in the Strategy than in the Act and in the Plan – need to investigate further what this concept means in an ocean management context.*
 - Holistic – here it is used to capture the broad and deep relationship between the ocean and humans (as described above) *It is used in the Strategy specific to Aboriginal communities but what appears through the case study is that it is also very present with those who live in coastal communities.*

Additional notes:

- Canada and the world – Because the Act, the Strategy and the Plan all include this aspect, I have noted here that in the case study several speakers spoke to the impact of the decision on the international perception of Canada and Canada’s role in the global community. None however referred specifically to Canada’s role vis à vis ocean management.
- Informal economy – the role of the ocean in the informal economy and the importance of the informal economy in coastal communities is completely ignored in earlier economic assessments of the contribution of the ocean to the economy. Noted in the case speakers is the importance of coastal communities to the overall national economy.
- PNCIMA – a separate discussion of PNCIMA will be included in the case study review because it is happening concurrently with the JRP as a parallel process and is also one of the LOMAs under the Oceans Act and Strategy. However, this research is not an analysis of PNCIMA.

Voices not heard:

- Narratives not expressed in the oral statements was support for the Northern Gateway project
 - This is because it would be challenging for community members (particularly in these small communities) to get up in front of their neighbours and vocalize their support
 - They may also perceive that it is the role of Enbridge to make the case
 - They may not feel as much urgency to participate
 - Other industry members who support the project are using other venues to convey their views (see Arnie Nagy's comments about the lobbying of the shipping industry (3980))
 - And in addition, others are participating in the formal hearing process as intervenors etc because they have the resources, capacity or interest to do.
- *How does this affect the public narrative around ocean use? While there were some commercial fishers who spoke, the shipping industry was absent. But if public hear is understood to mean the citizen rather than the sectoral interests than I believe data source holds up as a good choice.*

As it relates to the choice of narrative analysis as a methodology

- A number of speakers conveyed the import of telling stories as a way to capture wisdom and knowledge
- Seen as an alternative to the scientific and technical knowledge that prevails
- Was a powerful way to convey impact on the spiritual, cultural and social aspects of the project (*this goes to the challenge of integrating different forms of knowledge into decision-making about ocean use*)