Making collaboration work: An evaluation of marine protected area planning processes on Canada's Pacific Coast

by

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Bachelor of Science, Geography, University of Victoria, 2002
Master of Arts, International Affairs, Carleton University, 2005

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy
in the Department of Geography

Supervisory Committee

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Abstract

It is widely agreed that marine protected areas (MPAs), which can provide long-term protection to marine ecosystems of high ecological, economic, social and cultural value, will only be successful if they are designed and implemented with the involvement and support of stakeholders and other key actors. Putting a collaborative approach into practice is not easy, though. Appropriate governance structures, which formalize and facilitate information sharing, consensus building, and decision making are necessary, but insufficient. Also needed is a shared interest on the part of all groups – beginning with MPA agencies themselves – to work together, notwithstanding the often considerable investments of time, effort and material resources that are required. Perhaps most fundamentally, effective collaboration depends on trust, and strong interpersonal relationships.

Consistent with a global trend in favour of more inclusive and participatory approaches to protected area planning and management, Canada's federal government has set out to develop a national system of MPAs in cooperation with a broad array of interest groups, including marine resource users and other stakeholders; government actors with responsibilities and authorities for oceans activities that relate to the objectives of MPAs; and Aboriginal communities and organizations within whose territories MPAs are situated. The overarching goal of the study was to understand the extent to which federal MPAs in British Columbia (BC), Canada, are established collaboratively, and what is required to overcome obstacles to successful collaboration. This goal was pursued through an in-depth investigation of two MPA planning processes in BC: the proposed Race Rocks MPA, at the southern tip of Vancouver Island; and the Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site, in the Haida Gwaii archipelago. Data for the study was collected through semi-structured interviews; documentary research; and a participant questionnaire.

The study found that, while MPA agencies engaged with outside parties in a variety of ways to plan Race Rocks and Gwaii Haanas, these processes fell short of expectations for genuine collaboration in a number of respects. In the case of Race Rocks, this has resulted in the failure (for a second time) to designate the MPA. The dissertation illuminates the challenges and shortcomings that were encountered in both cases, and offers practical solutions to address them.

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Abbreviations

AMB	Archipelago Management Board (Gwaii Haanas)
BC	British Columbia
CHN	Council of the Haida Nation (the elected government of the Haida Nation)
CPAWS	Canadian Parks and Wilderness Society
DFO	Fisheries and Oceans Canada (lead agency at Race Rocks; key partner in Gwaii Haanas)
ECC	Environment and Climate Change Canada
ER	Ecological Reserve (Provincial protected area designation)
GHMAC	Gwaii Haanas interim Marine Advisory Committee
GoC	Government of Canada
IMP	Interim Management Plan (Gwaii Haanas)
MPA	Marine Protected Area
NMCA	National Marine Conservation Area
PC	Parks Canada (lead agency at Gwaii Haanas)
RRPAB	Race Rocks Public Advisory Board
ToR	Terms of Reference
TC	Transport Canada

Chapter 1
Introduction

1 Overview of the problem and research contribution: putting collaboration into practice

As a result of over-fishing, land-based pollution, climate change and other factors, the deterioration of marine ecosystems and accompanying social, cultural and economic impacts are growing global concerns (Canessa & Dearden, 2016; Cinner, Daw, & McClanahan, 2009; Ricketts & Hildebrand, 2011). Studies have shown that marine protected areas (MPAs) can help address both of these issues, effectively protecting habitats and organisms while delivering economic and other social benefits (Caselle, Rassweiler, Hamilton, & Warner, 2015; Leisher, van Beukering, & Scherl, 2007). The World Conservation Union (IUCN) defines an MPA generically as "any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical, or cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment" (Kelleher & Kenchington, 1992, p. 7). Specifically, MPA designations vary widely according to their purpose, legal status, governance framework, and management approach.

Oceans have immense spiritual, cultural, recreational, subsistence, and commercial value, and they are used in many different ways. MPAs will align well with the interests and objectives of some – perhaps even most – resource users and interest groups, but by imposing new restrictions or prohibitions on current and future activities, disagreement, conflict and opposition are inevitable. The commercial fishing industry on Canada's Pacific coast, for example, has stated that it has no objection to temporary fishery closures for conservation purposes; but the industry was opposed to a new National Marine Conservation Areas Act, which came into force in 2002, because it threatened to close areas to harvesting in perpetuity without any requirement to compensate fishermen for their economic losses (Standing Committee on Canadian Heritage, 2001a). To design MPAs that advance social and economic as well as ecological objectives, MPA agencies need to understand and address the needs and perspectives of a diversity of stakeholders, including commercial, recreational and subsistence resource harvesters, tourism operators, recreationists, educators, and researchers. In many countries, furthermore, oceans governance – "the processes and institutions by which coastal and ocean areas are managed"

(Alley & Topelko, 2007, p. 2) – are a tangled web of overlapping authorities, mandates, rights and responsibilities (Bicego, 2003; Borrini-Feyerabend, Farvar, Renard, Pimbert, & Kothari, 2007; Canada, 2002; P. Jones, Qiu, & De Santo, 2011a). To integrate MPAs into broader governance frameworks, therefore, MPA agencies must also work closely with other government organizations, and with indigenous groups that may have unique rights respecting the use and management of marine areas.

There is little dispute in the MPA and marine planning literature that all interested parties need to be involved in MPA decision making, and a clear preference has emerged in the literature for greater collaboration to ensure the success of these conservation tools (Dickinson, Rutherford, & Gunton, 2010; Jentoft, van Son, & Bjørkan, 2007; P. Jones, De Santo, Qiu, & Vestergaard, 2013; Pomeroy & Douvere, 2008). There is no single answer to how this can best be achieved, however, and what 'collaborative' MPA planning and management looks like in practice varies widely (Dickinson et al., 2010; Jentoft, 2000). It is also well understood that actually *doing* collaboration is difficult; that it incurs costs as well as benefits; and that it introduces risks as well as opportunities (Bodin & Crona, 2009; Daniels & Walker, 1996; Fennell, Plummer, & Marschke, 2008; Frame, Gunton, & Day, 2004; Jentoft, 2000; Yaffee & Wondolleck, 2003). Collaborative processes "are extremely difficult to bring off, frustrating and demanding to participate in, often lengthy and expensive for their members, and they can easily fail" (William Ruckelshaus in Sigurdson, Stuart, & Bratty, 2011, p. 29). Getting collaboration wrong has consequences, moreover (P. Jones et al., 2011a; Yaffee & Wondolleck, 2003). "Even proponents are coming to realize that collaborative approaches to natural resource management can but do not always work and that at times failure comes at a heavy cost of time and effort (and, perhaps more significantly, in social capital consumed rather than built)" (Conley & Moote, 2003, pp. 373–374).

Putting a collaborative approach into practice means opening decision-making processes up to more actors; taking into account more issues, interests and perspectives; and undertaking complex negotiations and trade-offs where unilateral decisions would once have sufficed (Huppé, Creech, & Knoblauch, 2012). This requires structures and processes for people and organizations to come together to exchange information, deliberate, problem solve, and work towards consensus decisions. Just as importantly, it requires a willingness and an ability on the part of all interested parties to do so. Existing scholarship indicates that more attention needs to

be paid not just to the structural elements of collaboration, therefore, but also to its social and relational dimensions, including the incentives that stakeholders have to participate in collaborative planning; the personalities and interpersonal skills of those involved (conveners and participants); and the importance of mutual understanding and trust for effective collaboration (Bodin & Crona, 2009; P. Jones et al., 2011a; Wondolleck & Yaffee, 2000). Much has been written on the principles of protected area governance, in which the importance of intergovernmental cooperation, stakeholder participation, and other elements of collaborative decision making are emphasized (Abrams, Borrini-Feyerabend, Gardner, & Heylings, 2003; Barry, 2003; Borrini-Feyerabend et al., 2013; Christie & White, 2007; Dickinson et al., 2010; Hedley & Willison, 2007; Kearney, Berkes, Charles, Pinkerton, & Wiber, 2007; Lockwood, 2009; Pomeroy, Parks, & Watson, 2004). These principles, in turn, have been adopted by government agencies in the policies and governance arrangements they put in place for MPA planning and management, and there are numerous case studies from around the world in which descriptions of these is given (see for example Blue Earth Consultants, 2012; Anthony Charles & Wilson, 2009; Day & Dobbs, 2013; De la Cruz Modino & Pascual-Fernández, 2013; Fox et al., 2013; Gaymer et al., 2014; Gleason et al., 2013; Heck & Dearden, 2012; Horigue, Aliño, White, & Pressey, 2012; Jessen et al., 2011; P. Jones, Qiu, & De Santo, 2011b; Leroy, Dobell, Dorcey, & Tansey, 2003). However, there have been few published case studies that look beyond the objective details of collaborative arrangements such as stakeholder advisory bodies and cooperative management boards, to how collaboration actually unfolded in these cases; nor, crucially, have many studies investigated how cases of collaborative MPA planning were experienced and judged by the stakeholders and other non-state actors involved, which is needed to provide a diversity of perspectives on how collaboration is (and should be) implemented (Dalton, 2006). These are gaps that this study will help to fill with an investigation of two recent MPA planning processes in British Columbia, Canada.

Since enacting the Oceans Act in 1996, collaboration has been a consistent theme of the Government of Canada's stated approach to oceans management (N. A. Davis, 2011; Rutherford, Dickinson, & Gunton, 2010). With respect to MPAs, specifically, the importance of collaboration is articulated prominently in the 2005 Federal MPA Strategy, which emphasizes the need for governments to work together, with Aboriginal groups, and with resource users and other stakeholders to establish MPAs through a "cooperative and collaborative approach"

(Canada, 2005b, p. 3). Due in part to difficulties associated with putting this approach into practice, however – conflicting stakeholder interests; unresolved Aboriginal rights and territorial claims; and inconsistent intergovernmental cooperation have all been cited as challenges – Canada's progress towards a comprehensive MPA system has been slow (Canada, 2005b; CPAWS, 2014; Guénette & Alder, 2007; OAG, 2012). Along with other signatories to the Convention on Biological Diversity (CBD), the Government of Canada (GoC) has made repeated commitments to increase the amount of its territorial waters within MPAs. However, it fell far short of a goal, set in 2002, to have a completed system of MPAs in place by 2012 (Canada, 2011; IUCN, 2003), and seems unlikely to meet the next CBD target, set in 2010, to have "at least" 10% of coastal and marine areas effectively protected by 2020(Canada, 2011, p. 6) (Canada, 2011, p. 6, 2016; CBD, 2010). Both Canada's clear articulation of a collaborative approach, which is in line with a global trajectory in the direction of increasingly inclusive and participatory protected area governance, as well as the difficulties it has encountered putting this approach into practice, makes the Canadian experience well-suited to research that is aimed at better understanding the challenges of collaboration for MPA planning and management, and what is required to make it work well.

2 Research Goal and Questions

The overarching goal of study is:

> To understand the extent to which federal MPAs in British Columbia, Canada, are established collaboratively, and what is required to overcome obstacles to successful collaboration.

With this goal in mind, three research questions were set out to guide investigations of two recent MPA planning processes on Canada's Pacific coast: the Gwaii Haanas National Marine Conservation Area Reserve (NMCA) and Haida Heritage Site, in the Haida Gwaii archipelago; and the proposed Race Rocks MPA, at the southern tip of Vancouver Island (see Figure 5, p. 27). The research questions are:

1. In line with the collaborative approach articulated in policy and legislation, how were stakeholders, First Nations and government organizations included in decision making at these sites, and what were the key challenges and shortcomings identified by those involved?

2. What are the interests and expectations that motivate participation in multi-stakeholder planning; and, conversely, what barriers or disincentives may discourage it?
3. What is the role of interpersonal relationships for successful collaboration, and how can relationships be strengthened (or, conversely, weakened) through MPA planning?

By answering these questions, the expectation is that the study will enhance understanding of issues and challenges related not just to the two cases, but to collaborative MPA planning more broadly. Likewise, it sets out to discover and highlight lessons and achievements from the cases that can help to improve the implementation of collaborative approaches elsewhere in BC, Canada, and beyond.

The remainder of this chapter sets out the ideas and thinking that guided the study. Section 3 reviews the literature from which the key concepts and theoretical framework were drawn. Section 4 provides a background to the research context, and Section 5 describes the research process, including the case study approach, site selection, recruitment, and data collection and analysis. Section 6 summarizes the study's intended contribution to current scholarship, and considers its limitations. The organization for the remainder of the dissertation is outlined in Section 7.

3 Key concepts and theoretical approach

The research questions are directed at understanding the extent to which federal MPAs in BC are established collaboratively, and what is required to overcome obstacles to successful collaboration. These questions were informed by a review of the literature on protected area governance, collaborative resource management, and participatory decision making, and it is to these areas of scholarship that the study will make its contributions. A brief review of key concepts drawn from this literature is given below.

3.1 Key concepts

3.1.1 Collaborative governance and management

> *"[It is] the shared responsibility of governments, Aboriginal groups, coastal communities, industry and others to support the sustainability of our marine resources. ... The concept of consultation and collaboration is essential to the development and implementation of the federal marine protected areas network and its individual*

components – its success depends on how well various interests are able to work together."

– Canada's Federal MPA Strategy (Canada, 2005b, pp. 10–11)

To speak about collaboration is to speak, in the first instance, about governance. Lockwood (2010, p. 754) defines protected area governance as "the structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how stakeholders have their say." Although governance is not synonymous with management, which is about actually making and implementing decisions, the two concepts are commonly used interchangeably or in combination (Béné & Neiland, 2006; Borrini-Feyerabend et al., 2013; Kearney et al., 2007; Robinson & Berkes, 2011). Thus, "collaborative governance" is "a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative" (Ansell & Gash, 2008, p. 2). When considering what Canada's MPA agencies mean by 'working together' with outside parties, the distinction between governance and management should be kept in mind: the one refers to the structures and processes by which collaboration is implemented; the other to the broader framework of authorities, responsibilities and rights within which those structures and processes are established.

While in some protected areas decisions are made primarily by governments (top down governance), and local groups or communities take the lead role in others (bottom up), a growing number of governance models occupy an expansive middle ground of collaborative decision making, in which stakeholder participation is recognized as an essential element. Ansell and Gash's definition of collaborative governance, above, leaves considerable room for variation in practice, notably with respect to who is included in a collaborative forum (the 'non-state stakeholders'), and the degree to which control over process and outcomes (i.e., decisions) is shared. Lead agencies can engage in deliberation and consensus-building, but who sets the agenda, and who makes the final decisions? What is the implication when consensus is *not* achieved? Stakeholder participation itself is often understood in terms of a spectrum, or continuum, of involvement and control. At one end, stakeholders are informed about plans and decisions but have little if any role in shaping them (i.e., little collaboration); at the other, significant control and responsibility for decision making is delegated to citizen-led bodies (i.e., a high degree of collaboration). The classic conceptualization of this spectrum is Arnstein's

Ladder of Citizen Participation, which was published in 1969 and has seen many adaptations (Figure 1). An alternative to this conceptualization is May's five-pointed star (Figure 2), which approximates the different levels found in hierarchical representations, but "unlike the ladder, there is no 'natural' way to orientate the star" (May, 2006, p. 312). May's point is that the appropriate level of stakeholder engagement may not always be the *most* engagement (the ladder formulation is unnecessarily ideological); it depends, rather, on the needs at hand and the interests of outside parties. For example, MPA implementation processes typically proceed through three principle stages: (1) site selection; (2) pre-designation planning (the primary focus of this study); and, (3) post-designation planning and management (Canada, 2011; DFO, 2009b). Depending on the planning stage, the tasks at hand, and the stakeholders involved, DFO's MPA Practitioner's Guide proposes a variety of structures, processes and tools for public involvement, including open houses and newsletters, for information sharing and education; focus groups, for gathering feedback; advisory groups and bilateral meetings, for higher levels of involvement; and, at the far end of the scale, "joint planning" arrangements (DFO, 2009b, p. 16). Whereas the 2005 Federal MPA Strategy recognizes all of these as mechanisms "to improve collaboration and cooperation" (Canada, 2005b, p. 11), it is important to keep in mind that they do not all amount to truly collaborative decision making. Although the meaning of 'true' collaboration is to some extent subjective, since it can vary according to the perspectives and expectations of those involved, it is generally understood that collaboration entails more than consultation (as in information-sharing), and that any collaborative process will enable participants to have a real impact on decisions (Kessler, 2004; Thompson, Jago, Fernandes, & Day, 2005).

According to Kearney et al. (2007, p. 82),"the concept of collaboration only makes sense if it is accompanied by increasing decision-making powers for a country's citizens." Common to many definitions of co-management, in particular, is the notion that some amount of authority and responsibility should be delegated from governments to local management bodies (Carlsson & Berkes, 2005; Christie & White, 2007). "Without power-sharing co-management is not real, only symbolic" (Jentoft, 2000, p. 529). Co-management is a notoriously imprecise term, though (the 'co-' is more often than not left undefined), and 'true' co-management is complicated in Canada by a governance context in which government ministers (of whom there may be several with overlapping jurisdictions within the boundaries of an MPA; see below) cannot legally

delegate their decision making authority to outside parties.[1] This means that even in a highly participatory (inclusive, deliberative, consensus-seeking) process, stakeholders can have at most an advisory role in decision making. This is an issue of more significance in relation to Government-First Nations cooperation, though, in which a Minister's authority to take unilateral decisions may well be contested. This is because most First Nations in BC have never ceded control of their territory to the Crown (through historical or modern treaties), and may continue to assert sovereignty and decision-making authority within those territories (Gladu et al., 2003; von der Porten, Lepofsky, McGregor, & Silver, 2016; P. B. Wood & Rossiter, 2011). First Nations "see themselves as full and equal participants in the decision-making process" (Senate Committee on Aboriginal Peoples, 2001), and will not accept co-management arrangements in which, like stakeholders, they are accorded merely an advisory role. The rationale for the study's first research question (above on page 4), therefore, is to draw on the views of those directly involved in the designation processes for Gwaii Haanas and Race Rocks, including stakeholders and First Nations, to understand how collaboration was implemented and experienced in this governance context.

Gwaii Haanas, it should be noted, is already a well-documented and widely celebrated example of collaborative Government-First Nations protected area management (Borrini-Feyerabend et al., 2013; R. Jones, Rigg, & Pinkerton, 2016; Sloan, 2014; Thomlinson & Crouch, 2012). In 1993 the Gwaii Haanas Archipelago Management Board (AMB) was established by Parks Canada and the Council of the Haida Nation (CHN) to oversee the management of the Gwaii Haanas National Park Reserve and Haida Heritage Site. One of the reasons this site was selected as a case study is that, in 2010, it underwent an important change. The creation the Gwaii Haanas National Marine Conservation Area Reserve extended the site – and the mandate of the AMB – into the considerably more complex (from a governance perspective) marine environment. This has introduced new challenges for cooperative management that have not yet been fully examined.

[1] The relates to the principle 'delegatus non potest delegare' (no delegated powers can be further delegated), or the anti-fettering doctrine, which prohibits a Minister from entering into any contract that could prevent him/her from fulfilling his/her statutory obligations. "A Minister cannot, by agreement, deprive himself of a power which is committed to him to be exercised from time to time as occasion may require in the public interest, or validly covenant to refrain from the use of that power when it may be requisite, or expedient in his discretion, upon grounds of public policy, to execute it" (*The King v. Dominion of Canada Postage Stamp Vending Co. Ltd.*, 1930).

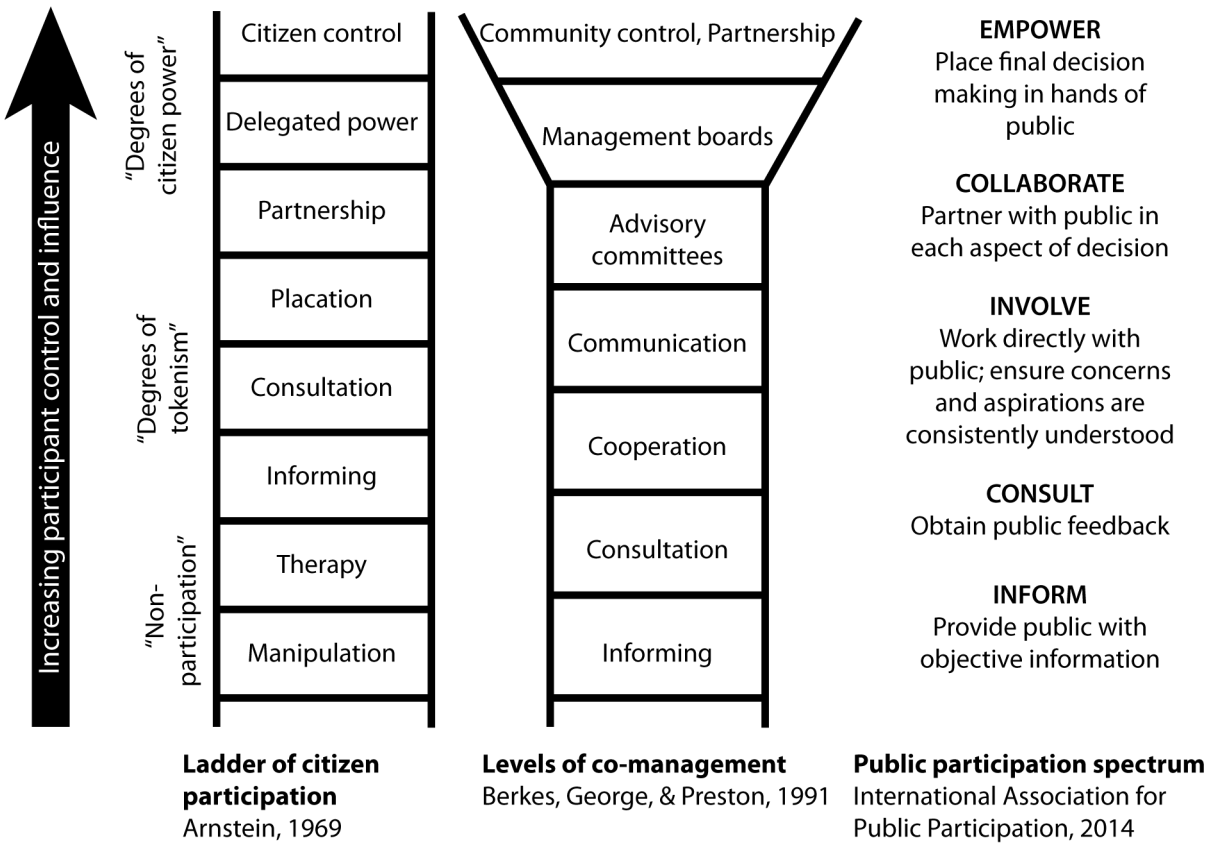

Figure 1 – Hierarchical representations of stakeholder participation in decision making

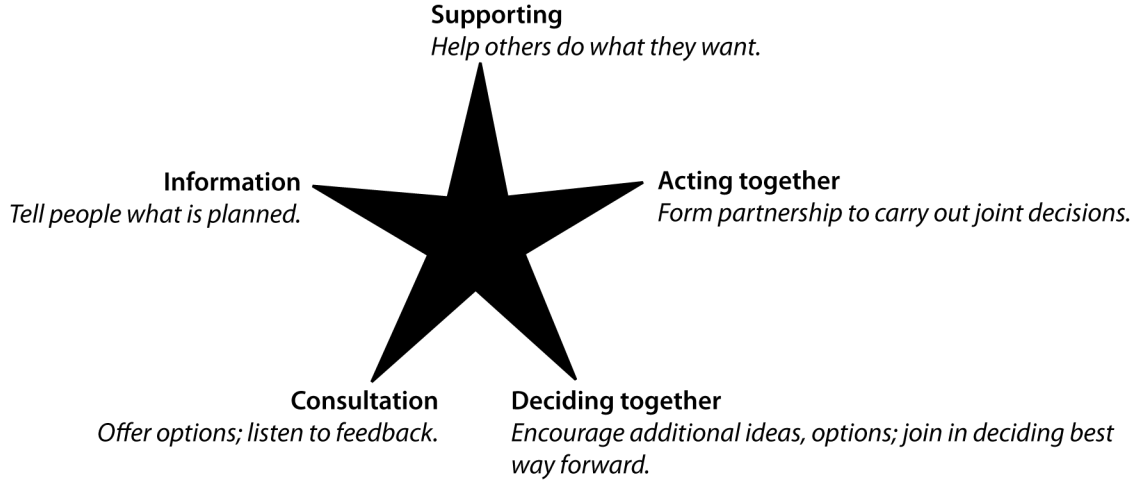

Figure 2 – May's non-hierarchical Star of Participation: five "participation stances"

3.1.2 Multi-stakeholder planning: motivating interests, barriers or disincentives, and shared commitments to collaboration

In their definition of collaborative governance (see above), Ansell and Gash (2008) emphasize six criteria for a collaborative forum: (1) it is initiated by a public institution; (2) participants include non-state actors; (3) participants engage directly in decision making and are not merely 'consulted'; (4) the forum is formally organized and meets collectively; (5) the forum aims to make decisions by consensus; and (6) the focus of collaboration is on public policy or public management. Depending on how they are implemented (and on how one interprets Ansell and Gash's third criteria), two of the forums used or contemplated by lead agencies in Gwaii Haanas and Race Rocks could meet this definition.[2] The first is Government/First Nations management boards, which formalize joint decision making between representatives of government and First Nations organizations. As the name implies, though, these are exclusive of resource users and other stakeholders. The second, more inclusive structure is multi-stakeholder advisory bodies, which are designed to facilitate deliberation and consensus building among a small group representing all key interest groups. Advisory bodies have been used in the designation processes for all of Canada's MPAs, including Gwaii Haanas and Race Rocks, and are a common tool for collaborative MPA planning and management (post-designation) in many other parts of the world as well. For this reason, and as the only structures aimed at bringing all groups together around the same table, these bodies merit close attention and will be a focus of this dissertation.

Advisory bodies correspond with Gunton et al.'s (2010, p. 98) definition of collaborative planning, which "engages stakeholders in an interactive dialogue that incorporates stakeholders' views in management decisions by seeking stakeholder agreement and endorsement … [and] is emerging as the preferred model of participation" for resource and environmental planning. Advocates believe that multi-stakeholder processes can produce better decisions than those produced by experts alone; deepen stakeholder's mutual understanding of complex issues and their own diverse perspectives; resolve stakeholder conflicts; and build trust (Frame et al., 2004; Gunton et al., 2010; Kessler, 2004; Pomeroy & Douvere, 2008). Putting a multi-stakeholder advisory body in place is a necessary but insufficient condition for effective collaborative planning, though. What matters, ultimately, is whether all parties actually want to take part in

[2] The lead agencies engaged outside parties in a variety of other forums, too, such as bilateral consultations and community information sessions. These contribute to an overall 'collaborative approach' but do not meet definitions of collaborative governance or planning in the literature.

these forums, and to do so with the commitment needed for a deliberative and consensus-based process to work well. "Given the largely voluntary nature of participation, it is critical to understand the incentives that stakeholders have to engage in collaborative governance and the factors that shape those incentives" (Ansell & Gash, 2008, p. 10). This study's second research question targets the factors that motivated or, conversely, discouraged participation in the multi-stakeholder advisory bodies put in place in Race Rocks and Gwaii Haanas.

There is no guarantee that outside parties will participate in a planning process simply because they are invited to do so, and the reluctance of stakeholders to get involved has been cited as one of the main challenges to implementing collaborative MPA planning (K. Davis et al., 2014; Manwaring & Nutter, 2014). The literature points to a number of explanations for this, including a lack of faith in government agencies; a lack of capacity; and the availability of preferable alternatives to the multi-stakeholder forum. The principal normative argument in favour of a collaborative approach is that it gives a say to those who will be directly affected by decisions, which corresponds with the norms of a democratic society and should lead to decisions that more accurately reflect stakeholder needs and values (Abrams et al., 2003; Kessler, 2004; Lockwood, 2009; White et al., 2005). Stakeholders can be skeptical, though, that government agencies will actually incorporate the input from an advisory body into decisions in a meaningful way. In practice (sometimes by design), "advisory committees are often far removed from actual decision making" (Ansell & Gash, 2008, p. 4). Participating in collaborative planning is not cost-free, moreover. It can be very time-consuming, and will usually involve material costs. Some prospective participants may not have the capacity to get involved, or they may not believe that the benefits of doing so will outweigh the costs (Goetz, 2004; Kessler, 2004; London, 1995; Sievanen et al., 2011). Finally, if stakeholders can avoid the multi-stakeholder forum and still achieve their objectives (for example through bilateral consultations with decision makers, or legal action) – if the multi-stakeholder process is not 'the only game in town', in other words – they will also be less motivated to take part (Ansell & Gash, 2008; Sigurdson, Stuart, & Bratty, 2011).

A successful multi-stakeholder process requires more from participants than simply showing up. It also depends on all participants (including government conveners) sharing information, engaging constructively in deliberations, and working in good faith to reach consensus positions; it depends on participants being committed to a collaborative process, meaning that they are not

only at the multi-stakeholder table to advocate for a particular position or ensure a specific outcome, or merely to fulfill an obligation to be there, but also because they believe that working collaboratively with other interested parties is the best way to achieve their objectives (Ansell & Gash, 2008; Arnold, Koro-Ljungberg, & Bartels, 2012). Without this shared commitment, a nominally collaborative process will be at best ineffective, and at worst could disempower those involved. "In any deliberative process, the risk also exists that more powerful interests may co-opt the less powerful … processes may produce outcomes that are neither fair nor efficient, and that reflect the values and interests of certain stakeholders more than others" (Schusler, Decker, & Pfeffer, 2003). Most people are willing to cooperate if they believe others will too, but nobody wants to be taken advantage of as the 'sucker' who cooperates when others do not (Ansell & Gash, 2008; Ostrom, 2000; Pomeroy, Mascia, & Pollnac, 2006; Putnam, 2001). To facilitate a genuinely collaborative process, advisory bodies often include guiding principles or codes of conduct that set out the expectations and responsibilities of those involved. For example, the Terms of Reference for the Race Rocks Public Advisory Board (a multi-stakeholder advisory body that will be looked at in detail in this study) call on board members to provide information openly; participate actively in discussions, and encourage contributions from other participants; offer respect for other viewpoints; "deal with differences as issues to be discussed, not positions to be defended;" and make a good faith effort to reach agreements (DFO, 2010, pp. 3–4). The literature indicates that it is best if 'ground rules' such as these are developed by participants themselves, and that independent facilitators be used if necessary to help ensure that they are understood and followed (Arnold et al., 2012; Gunton et al., 2010).

Prospective participants will be disinclined to get involved in any planning process, including a multi-stakeholder advisory body, if they do not believe the results are likely to justify the efforts required. If, on the other hand, "it is a credible process (that is, it has both integrity and a fair chance of producing results) and an open process (that is, the dialogue is both honest and receptive to different points of view), then people will invest the energy – the enormous expenditure of energy necessary to make collaboration succeed" (London, 1995, p. 11).

3.1.3 Trust and relationship building through and for successful collaboration

It has been argued that successful natural resource management is as much about managing human relationships as it is about managing natural systems (Berkes, 2009; Dedual et al., 2013;

Pinkerton, 1989), and according to Crona and Hubacek (2010, p. 1), "many attempts at sustainable resource governance have failed because of inadequate attention to the role of social relationships in shaping environmental outcomes." One reason to play closer attention to relationships is that people work better together when they know and trust one another. This is commonly understood in the resource management literature in terms of social capital, which Huppé et al. (2012, p. 1) describe as "the fabric of trust, shared values and understanding that allows diverse participants to work together." When social capital is high, people have confidence that their collaborative behaviour will be reciprocated (Bodin & Crona, 2009; Wondolleck & Yaffee, 2000; Young, King, & Schroeder, 2008). This has collective as well as individual value because it means that less time and effort needs to be spent judging whether others can be trusted to act in good faith, and more of both on actually working towards common goals (Andersson, 2004; Crona & Hubacek, 2010; Pretty & Smith, 2004; Putnam, 2001; Rudd, Tupper, Folmer, & Van Kooten, 2003). "Trust lubricates co-operation" (Pretty & Ward, 2001, p. 211). Conversely, when trust within a group is low, people will be more circumspect about working together, and may choose "unfettered private actions" over the risks or uncertainty of collaboration (Pretty & Ward, 2001, p. 211). A lack of trust can pose a significant obstacle to the success of collaborative arrangements (Pinkerton, 1999; Pretty & Ward, 2001).

Although MPAs are often intended to meet social as well as ecological goals, it is generally understood that conservation takes precedence when these goals conflict (Christie et al., 2003; Gardner, Bicego, Jessen, & Baker, 2008; MacKinnon et al., 2015). Some stakeholder activities, such as resource harvesting, are likely to be constrained or even prohibited by new MPA regulations, therefore, making concern and opposition from some stakeholder groups – at least at the outset to a planning process – almost inevitable (Agardy et al., 2003; Bennett & Dearden, 2014; Gleason et al., 2013; Hedley & Willison, 2007; Pomeroy et al., 2004). Stakeholders often do not trust government agencies and officials to understand their concerns, or to work with them in good faith to address those concerns and implement fair, well-informed, and transparent decisions (Wondolleck & Yaffee, 2000). This could be based on negative past experiences with those agencies, a general disregard for government bureaucracy and regulations, and/or misconceptions about the purpose of MPAs, which might impose fewer restrictions than stakeholders assume (Gardner et al., 2008; Hedley & Willison, 2007; Sayce et al., 2013; Thompson et al., 2005). When invited to take part in a participatory planning process, therefore,

stakeholders often do so "in a skeptical frame of mind … sensitive to issues of equity, concerned about the power of other stakeholders, and alive to the possibility of being manipulated" (Ansell & Gash, 2008, p. 15).

Distrust between government and First Nations can be a profound challenge for implementing MPA collaboration. In the past, protected areas in Canada were created with little or no consultation with the First Nations occupants and owners of these territories (Ayers, Dearden, & Rollins, 2012; CPAWS, 2009; Gladu et al., 2003; Langdon, Prosper, & Gagnon, 2010; Murray & King, 2012). In some cases, First Nations communities were even forcibly removed from their lands to make way for parks, which was in line with both the prevailing Western view that people and protected areas should be kept apart, and with a broader colonial project of expropriation and attempted assimilation of indigenous peoples, which resulted in severe cultural, social, political, economic and health problems for these communities (Gladu et al., 2003). "Historically, Aboriginal Peoples have seen parks as, at best, an abstract European construct far removed from their own culture's holistic view of land and place or, at worst, just another way of constraining Aboriginal and treaty rights and expropriating lands" (Gladu et al., 2003, p. 6). Although First Nations engagement is now a fundamental part of MPA planning and management, and in the terrestrial context First Nations are directly involved in the management of many of Canada's national parks (Langdon et al., 2010), this very negative history has left a lasting "legacy of mistrust" that will take time to overcome (CPAWS, 2009, p. 23).

"There's a great deal of fear in indigenous communities right across the country in terms of working with crown governments because of the historical relationship," Chief Steven Nitah of the Lutsel K'e Dene First Nation told Parliamentarians in 2016. "That fear is stunting any kind of ambition that indigenous communities may have in managing their lands using federal or provincial legislation" (Standing Committee on Environment and Sustainable Development, 2017, p. 59). If cooperative MPA management is to have any chance of succeeding, First Nations need to be confident that government counterparts recognize and respect their rights, interests, and knowledge, and that MPAs will not cause them to be further alienated from their traditional territories or disempowered with respect to ongoing management decisions (CPAWS, 2009; Gardner, 2001). One challenge is that First Nations have ways of knowing and being with respect to their traditional territories that may not fit neatly within the scope of an MPA mandate or the preconceived models of collaborative decision making put forward by MPA proponents

(Moore, von der Porten, & Castleden, 2017). Another is that most cooperative management bodies do not (contrary to the understanding of some) transfer any legal authority to First Nations, but leave the final say over decisions to government ministers. Some critics have argued, therefore, that these arrangements simply perpetuate an unequal relationship and "normaliz[e] the Crown's sovereign rule over stolen territories" (Youdelis, 2016, p. 1377). Drawing on Canadian and international examples of cooperative management in terrestrial and marine protected areas, however, Gardner (2001) concluded that the question of who holds the ultimate authority is relatively unimportant if the parties to a management agreement are confident that that authority is not likely to be invoked unilaterally. This comes down to trust: "A central force in the success of cooperative management bodies seems to be the attitudes of those involved. Experience to date clearly shows that dedication, trust and commitment have been virtually as important as the type of model or structures used" (Gardner, 2001, p. 21).

Conflict or disagreement is not necessarily a bad thing if it can catalyze constructive dialogue and innovative problem solving. "Differences," notes Gray (1989, p. 11) "are often the source of immense creative potential." To tap into this potential, though, the individuals representing groups and organizations in conflict or competition need to be able to establish good personal relationships, especially if they are working in a context of low general (inter-organizational) trust, as will often be the case in the context of an MPA planning process. "Negative impressions need to be replaced with trust, which depends on the accumulation of positive experiences and cultivation of healthy relationships" (CPAWS, 2009, p. 65). Part of the enthusiasm for collaborative planning processes (such as the multi-stakeholder bodies discussed in the previous section) comes from the expectation that, by providing a forum for inclusive deliberation and consensus seeking, they enable people with different perspectives, interests and objectives to learn from and about each other, "creating new relationships, building upon cooperative relationships, and transforming adversarial ones" (Schusler et al., 2003, p. 312). The literature offers numerous examples of trust being strengthened between stakeholders and government authorities as a result of meaningful engagement and participatory decision making (P. Jones et al., 2011a; Schusler et al., 2003; Wondolleck & Yaffee, 2000), and in Canada, DFO has claimed "new trust-based relationships" as an outcome of stakeholder consultations on MPAs (see Canada, 2000, p. 3367, 2005c, p. 2287, 2005a, p. 2273). However, stronger relationships are by no means guaranteed when agencies engage outside parties in MPA planning (Singleton, 2002;

Wagner & Fernandez-Gimenez, 2008), and whereas effective collaboration can lead to an "upward spiral of cooperation", the opposite (a downward spiral caused by an erosion of trust) is also possible (P. Jones et al., 2011a, p. xvi). It is for this reason that this study's third and final research question focuses on the importance of relationships as a necessary asset for effective collaboration, and on what can be learned from the two case studies about building strong relationships in an MPA planning context.

3.2 Theoretical framework

The preceding literature review provides a theoretical framework to guide the study, with the goal of understanding the extent to which federal MPAs in BC are established collaboratively, and what is required to overcome obstacles to successful collaboration. Highlighted were three elements of a successful collaborative approach to MPA planning and management. First are the governance structures and processes that are used to facilitate and promote inclusive and meaningful involvement in decision-making. In this study I assume that processes that are more inclusive, and which afford participants more influence over decisions, are more 'collaborative.' Keeping in mind May's (2006) point, though, that the role of stakeholders in decision making does not necessarily have to be understood in ideological (more is better) terms, and that expectations for inclusion will vary according to issues, interests, and other considerations, the intention of the first research question (Table 1) is to draw on the views of non-state actors themselves to identify any shortcomings in these arrangements. Of particular interest will be how the third criteria in Ansell and Gash's (2008) definition of collaborative governance – that participants engage directly in decision making – plays out in the two cases, since it is known that none of the governance structures in these cases give non-state actors a final say in decisions.

In addition to the formal structures and processes that make up a collaborative governance arrangement, the literature review highlighted two other elements that are necessary for effective collaboration, and that will, by the same token, be important to understanding obstacles to success and how they can be overcome. The first is that all parties – including, crucially, government agencies themselves – have to *want* to work together, and have to believe that others do too. If agencies put in place a multi-stakeholder forum that does not align with the interests and expectations of outside parties, or in which the perceived benefits of participating are outweighed by the costs (or even risks) of doing so, the arrangement will be of little value; it

could, in fact, be counterproductive if it diminishes rather than strengthens confidence in the trustworthiness of lead agencies or other actor groups. Closely related to motivation and commitment, therefore, is the importance of trust-based relationships (and, by extension, relationship building), which encourage and enable collaborative partners to work well together.

Each of above the above elements will be the focus of one of the three empirical chapters in the dissertation (Table 1). Chapter 2 describes the structures and processes that were employed in Gwaii Haanas and Race Rocks to implement the collaborative approach the GoC has articulated; Chapter 3 investigates the interests and disincentives, or barriers, that alternately encourage or discourage participation in multi-stakeholder collaboration; and Chapter 4 addresses the importance of relationships and relationship building. As illustrated in Figure 3, none of these elements is independent of the others. For example, one of the positive outcomes of a collaborative decision-making process should, if done well, be stronger relationships between those involved (A→ C). Trust-based relationships will, in turn, give actors confidence that their cooperation will be reciprocated, and thereby enhance the motivation to take part in a collaborative process (C → B). All three elements are expected to feature in the results and discussions in each of the empirical chapters, therefore. Also illustrated in Figure 3 is the intended outcome of a successful collaborative process, namely well-informed, well-supported and, ideally, consensus-based decisions.[3] In an MPA context, these can include decisions about the design of MPAs themselves (their conservation objectives, boundaries, regulations, management plans, etc.) and, just as critically, about the governance arrangements for these protected areas once they are established. The extent to which consensus-based decisions are an outcome of the Gwaii Haanas and Race Rocks planning processes will be considered in all three of the empirical chapters.

Table 1 – Elements for successful collaboration, and corresponding research questions.

Element	Research question
Structures / processes to promote and facilitate inclusive and meaningful involvement in decision-making.	In line with the collaborative approach articulated in policy and legislation, how were stakeholders, First Nations and government organizations included in decision making [at each site], and what were the key challenges or shortcomings identified by those involved? (Chapter 2).

[3] This study does not touch on the question of whether such decisions result in better social or ecological outcomes, which is the ultimate objective of MPAs.

Motivating interests and shared commitments to a collaborative approach.	What are the interests that motivate participation in multi-stakeholder planning; and, conversely, what barriers or disincentives may discourage it? (Chapter 3).
Trust-based relationships and opportunities for relationship building.	What is the role of interpersonal relationships in successful collaboration, and how can relationships be strengthened (or, conversely, weakened) through MPA planning? (Chapter 4).

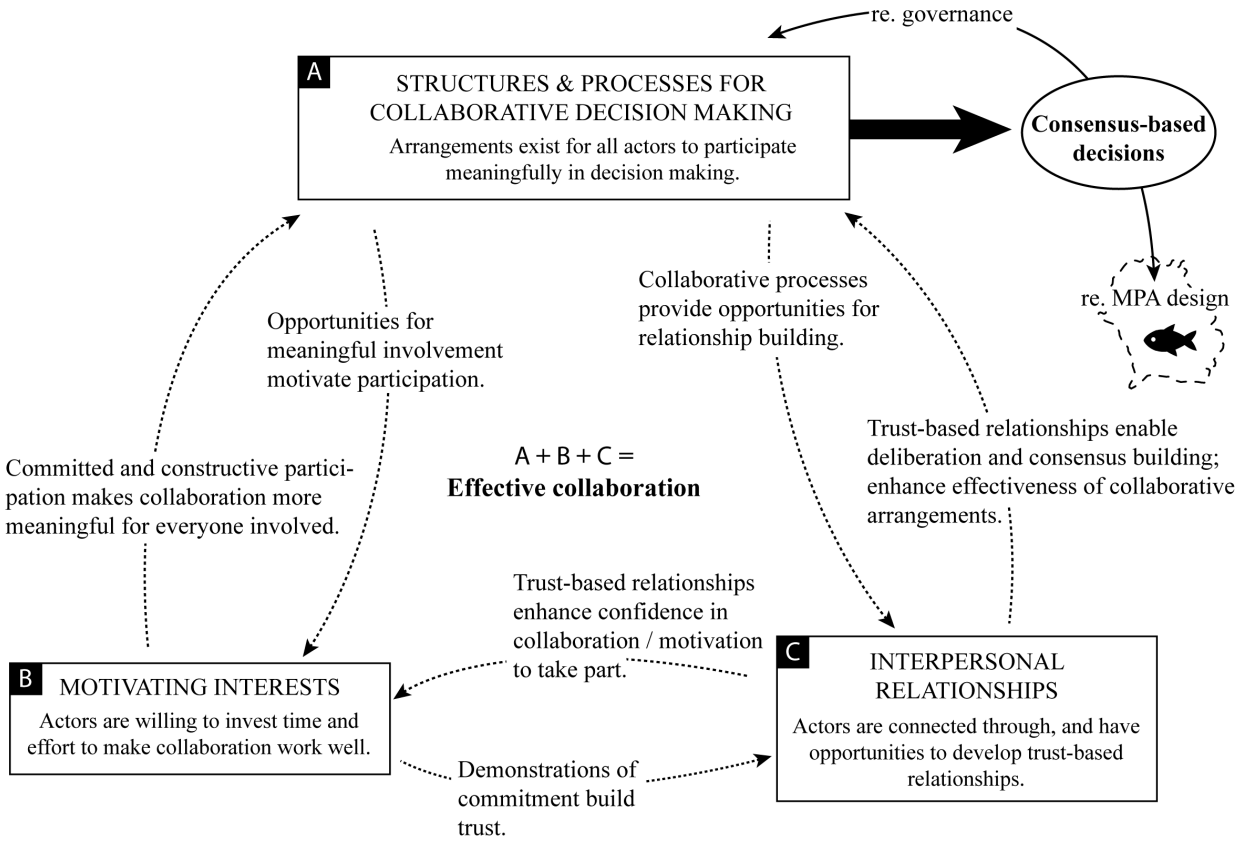

Figure 3 – Interconnected elements for effective collaboration

4 Case study context: Federal MPAs and interest groups in Canada

Conservation tools have been employed in Canada's oceans for decades, including fishery closures, National Parks with a marine component, and sub-national marine protected areas such as provincial Conservancies and Ecological Reserves (Canada, 2005b; Canada & British Columbia, 2014; CPAWS, 2015). Federal MPAs are relatively new, though; the first site – the Endeavour Hydrothermal Vents, in BC – was only designated in 2003. It and nine other sites (the most recent was established in 2017) are administered by the Department of Fisheries and

Oceans (DFO) under the 1996 Oceans Act, which calls on DFO to establish a national system of MPAs with a focus on protecting marine species and their habitats (see Oceans Act, 1996, sec. 35). In addition, the Parks Canada Agency (which is also responsible for the country's mostly-terrestrial National Parks system) has a mandate under the 2002 National Marine Conservation Areas Act to protect representative areas of Canada's marine environment (NMCA Act, 2002). Finally, Environment and Climate Change Canada (ECC) is responsible for developing Marine Wildlife Areas under the 1985 Canada Wildlife Act, which are targeted at the protection of migratory birds and species at risk. Together, these three programs (Table 2) make up the core of Canada's federal MPA system (CPAWS, 2015; Hedley & Willison, 2007). Sites designated under different legislation may also contribute to the system, providing they meet a set of eligibility criteria set out in the 2011 National Framework for Canada's Network of Marine Protected Areas (see Canada, 2011 s, 5.2).

Table 2 – The three core programs of Canada's Federal MPA system

Protected area designation	**Conservation focus**	**Legislation**	**Lead agency**	**Existing sites (2017)**
Marine Protected Area (MPA)	Important fish and marine mammal habitats, endangered marine species, unique features, and areas of high biological productivity or biodiversity.	Oceans Act (1996)	Fisheries and Oceans	10 + 3 in progress or proposed
National Marine Conservation Area (NMCA)	Representative examples of Canada's natural and cultural marine heritage; opportunities for public education and enjoyment.	NMCA Act (2002)	Parks Canada Agency	4 + 3 in progress or proposed
Marine Wildlife Area (MWA)	Habitat for a variety of wildlife including migratory birds and endangered species.	Canada Wildlife Act (1985)	Environment Canada (Canadian Wildlife Service)	0 + 1 in progress

(Sources: Canada, 2005b; DFO, 2015a; ECC, 2013; Parks Canada, 2013).

With seven years being the average time required to designate an Oceans Act MPA, and twenty years for NMCAs (Standing Committee on Environment and Sustainable Development, 2017), Canada has created just 12 federal MPAs since 2002 – ten Oceans Act MPAs and two

NMCAs. Together with two existing sites that were added to the NMCA system retroactively, these represent approximately 1% of Canada's territorial waters – one tenth of the 2020 target, or a shortfall of some 520,000 km^2 (Canada, 2016; CPAWS, 2015; House of Commons Standing Committee on Fisheries and Oceans, 2016) (Figure 1). In 2012, Canada's Commissioner of the Environment and Sustainable Development spelled out the lack of progress:

> *"It has been 20 years since Canada ratified the United Nations Convention on Biological Diversity[4] and 15 years since it committed to leading and coordinating the development and implementation of a national network of marine protected areas under the Oceans Act. Yet there is no national network of marine protected areas. … At the current rate of progress, it will take many decades for Canada to establish a fully functioning MPA network" (Office of the Auditor General, 2012, p. 3).*

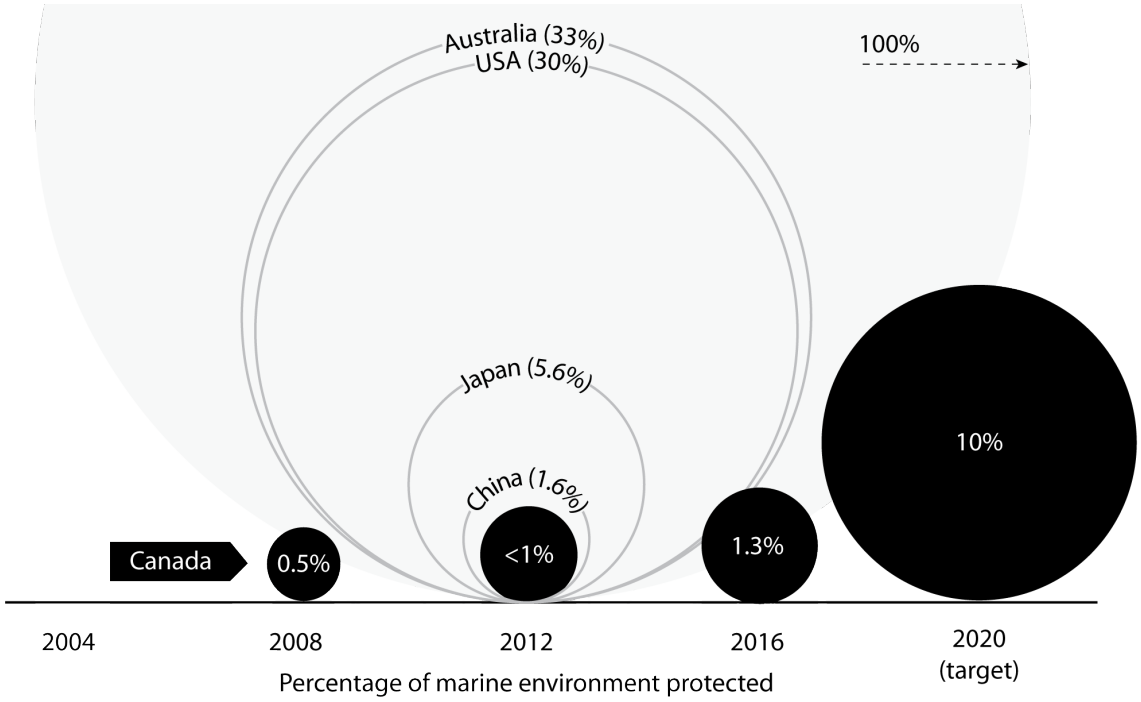

Figure 4 – Canada's progress towards 2020 MPA target

(Source: CPAWS, 2008, 2011, 2013, 2015)

[4] At the Convention Canada and over 190 other countries "committed to establishing a system of protected areas to conserve biological diversity, including the marine environment" (OAG, 2012, p. 10).

Even as government agencies work to meet the 2020 target – a mandate that a senior official in Canada recently described as 'terrifying' for the acceleration in MPA designations it implies (Standing Committee on Fisheries and Oceans, 2016a) – they must also meet their commitment to plan and manage these sites in collaboration with all interested parties. Broadly, there are three key groups that need to be included in the design and implementation of MPAs in Canada: Aboriginal communities and governments (First Nations in BC)[5]; other government agencies with oceans-related responsibilities; and resource users and other stakeholder groups. A brief introduction to each group is given here.

The 2004 Supreme Court of Canada (SCC) decision in Haida v. British Columbia established that, even in the absence of legal title or final treaty settlements, the Crown has a duty to consult Aboriginal people on proposed activities that could affect their interests, and to accommodate those interests when appropriate (one possible means of accommodation in the context of protected areas is the establishment of cooperative management arrangements) (CPAWS, 2009; *Haida Nation v. British Columbia (Minister of Forests)*, 2004; von der Porten et al., 2016). Aboriginal peoples are not 'stakeholders' akin to non-Aboriginal resource users and other interest groups. They have Constitutionally-guaranteed rights with respect to their traditional territories[6], and are increasingly recognized as an order of government with collective rights to self-determination and decision-making authority within their territories (CPAWS, 2009; von der Porten et al., 2016; Weitzner & Manseau, 2001). Ensuring that these rights are understood and respected is a key issue for First Nations when contemplating whether or not to support and participate in MPAs (Gardner, 2001). MPAs have the potential to benefit local First Nations in a number of ways, for example by maintaining ecological integrity within their traditional territories; preventing unsustainable resource harvesting while allowing for the continuation of traditional uses (e.g., fishing for food, social and ceremonial (FSC) purposes); creating new opportunities for employment and economic development (for example in eco-tourism and related industries); and by enhancing public understanding of First Nations culture and rights

[5] As the descendants of the original inhabitants of North America, Canada's 1982 Constitution Act recognizes three groups of Aboriginal people – Indians (First Nations), Métis, and Inuit (INAC, 2004). Aboriginal peoples in British Columbia are known as First Nations, and will be referred to as such in this dissertation unless a reference to the legal / general term 'Aboriginal' is required.

[6] Section 35(1) of the 1982 Constitution Act states that "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (Canada, 2012, s. 35.1).

(CPAWS, 2009; Gardner et al., 2008; Gladu et al., 2003). As noted above, however, past experiences with protected areas have in many cases been very negative, and First Nations see threats as well as opportunities in proposed MPAs (Ayers et al., 2012; CPAWS, 2009; Gardner et al., 2008). Three related concerns are that MPAs will impose restrictions on First Nations access to marine resources, particularly when they include no-take zones that are intended to prohibit all resource harvesting; that cooperative management arrangements will, due to their advisory-only status, diminish rather than strengthen their authority for managing these areas; and, for those First Nations that are engaged in comprehensive treaty negotiations, prejudice the outcome of these negotiations by reducing the lands / waters that the government considers 'on the table' for First Nations ownership (Ayers et al., 2012; CPAWS, 2009; Gardner, 2001). The Government of BC committed in 2005 to a 'New Relationship' with its First Nations peoples, grounded in government-to-government relationships and shared decision-making (British Columbia, 2005), and the Minister of DFO recently affirmed that the federal government, likewise, is "absolutely committed to a renewed nation to nation relationship with Canada's Indigenous peoples" (DFO, 2015c). First Nations expect to see these commitments reflected in MPAs and MPA governance arrangements that reflect and advance their rights and interests.

Meanwhile, MPA agencies must work closely with a potentially large number of other government departments when designating and managing MPAs, and do so in a way that respects their existing jurisdictions and authorities. In Canada there may be as many as three levels of government – federal, provincial or territorial, and municipal – with authority within the boundaries of an MPA (in addition to First Nations), and it would be difficult (as well as potentially meaningless) for lead agencies to establish a protected area without their support and involvement. Even at the federal level, where all branches (Ministries) are theoretically committed to supporting GoC policies, there is no guarantee that this support will be forthcoming without a concerted effort on the part of MPA officials to raise awareness and build bridges. The dynamic nature of the marine environment means that, even more so than terrestrial protected areas, all MPAs are vulnerable to conditions and activities that occur beyond their boundaries (P. Jones et al., 2011a). Lead agencies do not have the statutory authorities, resources, or expertise to manage these activities singlehandedly, and even within the boundaries of an MPA, overlapping oceans jurisdictions may mean that they cannot regulate all of the activities that take place there. Writing in the Canadian context, VanderZwaag and Macnab

(2011, p. 20) note that "a major difference between marine and terrestrial protected areas lies in the singular management authority typical on land and the multiplicity of authorities common in oceans." This is particularly true in inland waters, where the land and seabed – integral parts of marine ecosystems – are owned by the provincial rather than federal crown (Alley & Topelko, 2007; Doherty & Duggan, 2007). "The bottom line is that if we truly want to progress as a country we must recognize the critical need to work together, especially among government agencies," said the Minister of DFO in 1998 (Anderson, 1998). This has proven difficult, though. An acknowledgement in the 2005 Federal MPA strategy that cooperation has "not always been consistent" (Canada, 2005b, p. 7) understates the challenge of improving cooperation between departments that are accustomed to "jealously protecting their turf" (Jessen, 2011, p. 25).

Finally, lead agencies must engage a diverse group of resource users and other stakeholders in the MPA planning process (Canada, 2005b, 2011; Canada & British Columbia, 2014). This will include local communities; business operators and industry groups in industries such as tourism, aquaculture, and commercial and recreational fishing; environmental and other non-governmental groups (NGOs); and academic and educational organizations. One difference between the two cases in this study is that the fishing industry, which tends to be "deeply suspicious" of MPAs and can be highly influential in the success or failure of MPA proposals (Gardner et al., 2008, p. 85), is a major stakeholder group in Gwaii Haanas but not Race Rocks (which has been closed to commercial and recreational fishing since the 1990s). Stakeholder groups do not have the statutory authorities of federal and provincial governments, nor the traditional and constitutional rights of First Nations. Whereas the Canada-BC MPA Network Strategy, which was released in 2014, calls for "collaborative decision making" between governments and with First Nations, therefore, the commitment to stakeholders is for "meaningful opportunities for participation, consultation and information exchange" – a notable distinction (Canada & British Columbia, 2014, p. 1). Even if they are not to have a final say in decisions, though, stakeholders do expect credible opportunities to share their ideas and express their views and concerns, and MPA agencies have made it clear that public involvement is integral to the success of the MPA program (Canada, 2005b; DFO, 2009b; Parks Canada, 2008). Indeed, MPAs cannot succeed without broad – and particularly local – support, and two MPA designation processes have failed in Canada thus far because this support was lacking (Leading

Tickles in Newfoundland and Labrador, and Gabriola Passage in BC) (Gardner et al., 2008; Guénette & Alder, 2007; Jessen, 2011)."

5 Research Process

The research process consisted of the following stages: (1) Definition of research objectives; (2) Selection of case studies; (3) Recruitment process and study respondents; (4) Data collection; and (5) Data analysis.

5.1 Definition of research objectives

From the literature review summarized above, a set of preliminary research questions and objectives was drafted. These were presented in meetings or by phone with key informants (some of whom were later recruited to participate in the study), including seven federal and provincial government officials, two researchers studying MPA processes elsewhere in the country, a non-government marine planner employed by coastal First Nations, and two stakeholder representatives with collaborative MPA planning experience. The research ideas were also presented to the members of the Race Rocks Public Advisory Board – subsequently one of the main subjects of the study – at that group's final meeting in March, 2011. The feedback from these conversations confirmed that there was a strong interest in making collaborative planning for MPAs (and marine management generally) work better in the province, and helped to refine the questions and select the case studies. The recruitment process began in Spring 2012, and data collection took place between August 2012 and August 2013. During this time I used a combination of methods and data sources to address the research question and objectives (Olsen, 2012).

5.2 Case study approach and site selection

A case study approach was chosen in order to look beyond articulations of collaboration in statutes, policy guidelines, governance agreements, etc., to how collaborative planning actually occurred in specific examples, and how it was perceived by those involved. The value of case studies is in their power to explain unique and complex situations in detail. Though this does not allow for conclusive statements to be made about other cases, it does enable researchers to shed light on those that share some of the same features (Bryne & Ragin, 2009; P. Jones et al., 2011a; Mascia, Claus, & Naidoo, 2010). Concentrating on collaboration at the MPA-site level also brings a number of topics into focus. It is here that MPA officials need to engage with those who

will be directly affected by management decisions; and it is at this level that local resource users and other stakeholders can play a substantive and ongoing role in decision-making. It is also here that we see how a collaborative approach is put into practice at the site level, where actual regulations must be designed, implemented, and complied with. Finally, when it comes to discussing a specific MPA, there may be opportunities for actors to explore and advance shared interests in more tangible ways than is possible at scales where bigger-picture issues (and disagreements) are more likely to prevail.

In order to undertake an investigation of collaborative MPA planning that was both in-depth and comparative, two sites were sought for inclusion in the study. Gwaii Haanas and Race Rocks were selected for a number of reasons. While both are (or will be) part of Canada's federal MPA program, they are designated under different legislation, by different agencies, and for different purposes (see Table 2, above). Administered by Parks Canada, the Gwaii Haanas National Marine Conservation Area Reserve is the first protected area to be designated under Canada's 2002 NMCA Act. It was preceded by the Gwaii Haanas Haida Heritage Site (which was designated by the Council of the Haida Nation in 1985), and Gwaii Haanas National Park Reserve (designated by the GoC in 1996). As an NMCA, it was created "for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world" (NMCA Act, 2002, sec. 4.1). Established in 2010 following an approximately two-year public planning process, Gwaii Haanas is currently one of four NMCA sites across the country, and the only one in BC (a second NMCA in BC – the Southern Strait of Georgia – has been proposed and the planning process is ongoing). Race Rocks, on the other hand, is a proposed Oceans Act MPA. In comparison to NMCAs, Oceans Act MPAs have a narrower mandate (public education and enjoyment are not stipulations of the Oceans Act) focused on the protection of fish and marine mammal habitat (Oceans Act, 1996, sec. 35.1). Administered by Fisheries and Oceans Canada (DFO), there are three existing Oceans Act MPAs in BC and 10 across the country (the most recent – Hecate Strait and Queen Charlotte Sound MPA – was designated in 2017). Although Race Rocks was one of the earliest candidate sites for the MPA program, however, and has been the subject of not one but two public planning processes since 1998, it has yet to be designated.

That Gwaii Haanas has been successfully designated, whereas Race Rocks has become one of the most prolonged planning process in Canada,[7] was of interest in choosing these sites. So too was the fact that Gwaii Haanas is situated within the traditional territory of a single First Nation – the Haida – whereas Race Rocks is within the territory of at least four Coast Salish First Nations (T'Sou-ke Nation, Songhees Nation, Esquimalt Nation, and Beecher Bay First Nation). It was anticipated that more parties at the table might make collaborative decision making more difficult at Race Rocks, particularly given that T'Sou-ke, Songhees and Beecher Bay have asserted overlapping claims to the area around Race Rocks (Beecher Bay et al., 2015; Te'mexw, 1994). Other differences of possible significance to the implementation of collaborative decision making at the two sites include their size (Gwaii Haanas is 3,500 km^2; Race Rocks is 2.5 km^2); jurisdictional context (because Race Rocks is situated in inland waters, BC has ownership of the lands and seabed; the GoC has jurisdiction of the water column[8]); and resource uses (one of the most important activities in Gwaii Haanas is commercial fishing, which, in the interests of conservation, has not been permitted at Race Rocks since the 1980s) (Backe et al., 2011; Canada, 2000).

Other methodological considerations informing the site selections included their location, and the timing of the study. The Pacific region is the only one, thus far, that is host to both Oceans Act MPAs and NMCAs, which provided an opportunity to draw comparisons between these two programs.[9] Comparison was also facilitated by the fact that many of the study participants, while typically recruited on the basis of their involvement in either Race Rocks or Gwaii Haanas, were familiar with both (a small number of study contributors were closely involved in both planning processes). When the research process was being planned the consultations for both MPA designation processes had concluded only recently, which was another reason for selecting these sites as it increased the likelihood that study participants could

[7] It shares the record with the St. Lawrence Estuary MPA, in Québec, which was also identified as an Area of Interest in 1998.

[8] Canada and BC disagreed on whether 'inland' applied to the waters between Vancouver Island and the mainland, including the Strait of Juan de Fuca (or Salish Sea) where Race Rocks is located, but in 1984 the Supreme Court ruled that it did (see SCC, 1984). Gwaii Haanas, in contrast, which is located further offshore, is presumed – by the federal government, at any rate – to be under federal jurisdiction. Although this has not been confirmed by a court (PNCIMA, 2010), the NMCA Act stipulates that Canada must have "an unencumbered right of ownership" to establish NMCAs, which BC did not contest when Gwaii Haanas was established (NMCA Act, 2002, s. 2a).

[9] The other regions are the Atlantic (site of 6 Oceans Act MPAs), Arctic (site of 1 MPA), and Great Lakes (site of 1 NMCA).

be contacted, and that their memories of these processes would be relatively fresh. Finally, unlike two other sites in BC (Endeavour Hydrothermal Vents, and Sgaan Kinghlas, both Oceans Act MPAs), which are located further offshore and far from populated areas (Figure 5), both Gwaii Haanas and Race Rocks are host to a diversity of resource users. In combination with their jurisdictional characteristics, including the role of First Nations, this makes them relatively complex cases for collaborative MPA planning and management and, correspondingly, attractive research subjects.

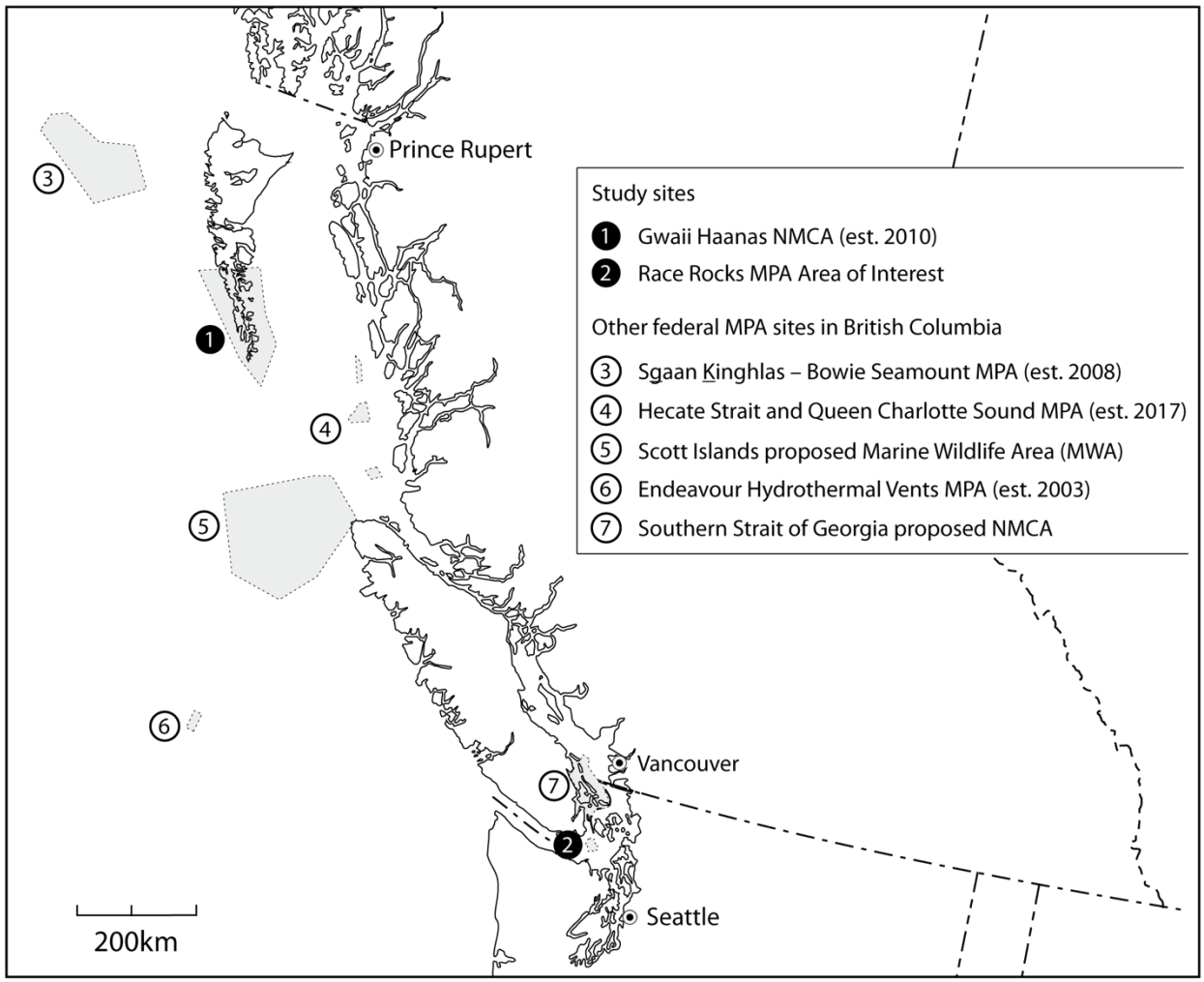

Figure 5 – Study sites and other federal MPAs in BC

5.3 Recruitment process and study respondents

The primary objective of the recruitment process was to contact and solicit the input of participants in the planning processes for Gwaii Haanas and Race Rocks, including the MPA officials responsible for designing and implementing these processes; representatives of federal,

provincial and First Nations governments; and individual stakeholders or stakeholder group representatives. Secondarily, input was sought from individuals who could speak more generally to the topic of collaborative MPA planning in BC and Canada. Respondents were initially selected from relatively small and well-defined groups: the Race Rocks Public Advisory Board (RRPAB), Gwaii Haanas interim Marine Advisory Committee (GHMAC), and Gwaii Haanas Archipelago Management Board (AMB). The first two of these were established to facilitate multi-stakeholder deliberation and consensus building in each case, and were ideal starting-points for recruitment because they included representation from all key interest groups. The six-member AMB, with representation from Parks Canada, the CHN, and DFO, was also selected because this body was responsible for overseeing the NMCA planning process in Gwaii Haanas. All three bodies had publically available membership lists (DFO, 2009c; Parks Canada, 2009, 2015), and contact information was typically obtained through the members' organizational / professional website.

In a first recruitment phase, former members of the RRPAB[10] and GHMAC, and current members of the AMB were emailed a Letter of Introduction requesting their participation in the study (Appendix B) and a Backgrounder on the project (Appendix C). If email addresses were not available (rare), or when a response to emails was not received, attempts were also made to reach individuals by phone. If respondents indicated that they were willing to contribute to the project, they were sent a Consent Form with further details about the research project and the conditions of their involvement (Appendix D). Interviews were scheduled at this time, and conducted in-person or by phone.

The GHMAC comprised ten community members, representative of a variety of stakeholder groups.[11] Eight members were successfully contacted (contact information could not be obtained for one individual; no response was received from a second), and six agreed to participate in the study either fully (interview and survey) or partially (survey and/or written comments). Three officials from Parks Canada (the lead agency) were contacted, and two were available to participate in the study. Three government organizations – the Council of the Haida Nation

[10] Some of the interest groups represented on the Race Rocks PAB assigned primary as well as alternate members. Initially only primary members were contacted; if they could not be reached, then alternates were contacted.

[11] 12 members were selected to the Committee, but only 10 participated regularly throughout the process (see Chapter 3).

(CHN), DFO, and the Government of BC – were also represented at some committee meetings by *ex officio* members; however, attempts to contact these members were not successful. Of the six AMB members contacted, four agreed to take part, including two from Parks Canada and one each from DFO and the CHN (two others did not respond to email or follow-up phone calls).

The RRPAB comprised members or representatives from eleven interest groups (excluding alternates), nine of whom were successfully contacted and seven of whom agreed to contribute to the project. Over the course of the PAB, 15 representatives from DFO, the lead agency, attended board meetings, but it was determined (from meeting records and in conversation with initial contacts) that not all played a significant role in the planning process. Some officials redirected me to those who were better placed, in their opinion, to contribute to the study. Altogether nine DFO officials were contacted in this phase of the recruitment process, of whom four participated in the study, including those directly responsible for leading the PAB. Representatives from the Department of National Defense (DND) and the Province of BC also agreed to participate (four representatives total), as did an independent contractor hired by DFO to liaise with T'Sou-ke Nation, Songhees Nation, and Beecher Bay First Nation (the nations themselves chose not to be directly involved in the RRPAB process – see Chapter, 3, s. 3.1).

In total, 16 contributors representing the Race Rocks planning process, and 12 contributors representing the Gwaii Haanas planning process were recruited in the first phase (see Table 3).This sample included representation from a diversity of stakeholder groups, as well as all of the government organizations most closely involved in both the Gwaii Haanas and Race Rocks planning processes. Not everyone who was contacted agreed to take part in the study, however. It is impossible to know for certain the reasons for this, as most refusals were in the form of non-responses to the Letter of Introduction and follow-up phone calls. When recipients did respond to say they could not take part, however, the most common reasons given were that they were too busy (as well, several recipients agreed to take part but were subsequently unavailable to do so), or that they did not feel they could make a meaningful contribution. However, two individuals – both DFO officials – expressed discomfort with the sensitivity of the research topic and the format of the study. One said they would have difficulty speaking candidly about the process they were involved in, because of the sensitivity of some of the issues being discussed with interest groups; the other pointed to a component of the interview that asked respondents to name their 'key contacts' in the context of the MPA project – this question was originally designed to

collect data for a social network analysis (SNA), which was not ultimately undertaken because the response rate was deemed to be too low. The DFO official in question was not comfortable disclosing the actual names of the people with whom the department worked and discussed the MPA with. Although there is no way to know whether this influenced other prospective participants, too, it is conceivable that non-respondents were similarly reluctant to take part for this reason. In the background information provided to prospective participants, recipients were told they were under no obligation to name individuals if they had privacy concerns. However, a more detailed explanation of this portion of the interview was only provided in the consent form, which recipients did not see until they had agreed to take part. The rationale at the time was that giving too much detailed information at this stage might, itself, have reduced the response rate.

The key-contact question was also the basis for a snowball sampling procedure in a second round of recruitment, whereby initial respondents named new individuals who might be suitable to include in the study (Morgan, 2008). Respondents could name up to five key contacts for each of two questions (Appendix E, Part B), and either at this time or at the end of the interview they were also asked whether they recommended I contact these or any other individuals to participate in the study. In this way it was hoped that most of the individuals (and all of the organizations) most closely involved in the cases would be identified and contacted. As expected, many of the people named as key contacts were members of the RRPAB, GHMAC or AMB themselves. However, 32 new individuals were identified in this way, of whom 20 agreed to take part in the study. Half of the respondents recruited in this way worked in government, either for the lead agencies (Parks Canada and DFO) or other departments (Table 3). The snowball sampling process also led to the recruitment of individuals who could speak on behalf of two groups that were underrepresented in the first round of recruitment: First Nations, and the commercial fishing sector. In Race Rocks, T'Sou-ke Nation, Songhees Nation, Beecher Bay First Nation, and Esquimalt Nation were not directly involved in the RRPAB. With the exception of Esquimalt, however, they were heavily involved in the MPA planning process outside this forum. Six individuals involved in or closely familiar with the nations' engagement were recommended for inclusion in the study, including the Chiefs of all four nations. Three of these individuals (including one Chief) agreed to speak with me either on or off the record. With regard to the commercial fishing industry, this is the biggest stakeholder group in Gwaii Haanas and, in part for this reason, representatives were primarily engaged in sector-specific consultations outside

the NMCA planning process. All six of the individuals identified through the snowball process, including industry representatives and consultants, agreed to contribute to the study.

Table 3 – Participant recruitment

First Round	
Race Rocks (RRPAB)	
Stakeholder groups	7
DFO (lead agency)	4
Government partners	4
First Nations (Liaison)	1
Gwaii Haanas (GHMAC and AMB)	
Stakeholder groups	6
Parks Canada (lead agency)	4
Government partners (DFO and CHN)	2
Subtotal	*28*
Second round	
Parks Canada	3
DFO	4
Government partners	3
First Nations (Race Rocks)	3
Commercial fishing sector	6
Other	1
Subtotal	*20*
Total	***48***

5.4 Data collection

Three methods were used to collect data on the cases: semi-structured interviews; documentary research; and a participant questionnaire.

5.4.1 Interviews

A semi-structured interview was chosen as the primary means of obtaining information about both the objective details of collaboration and how it was experienced and judged by those involved. Interviews are well-suited to questions about issues and events of which there will be a diversity of perspectives (Dunn, 2000). They not only enable respondents to provide more fulsome answers than is possible in a questionnaire, but also to ask questions of their own, and correct false assumptions or misunderstandings on the part of the researcher (Dialsingh, 2008;

Dunn, 2000; Sullivan, 2000). The semi-structured format, in particular, provides the flexibility to pursue topics and lines of inquiry that are not anticipated beforehand, which is of considerable benefit to exploratory research such as this. It was assumed at the start of the research process, for example, that conflicting stakeholder interests would be a major challenge (and rationale) for collaborative planning. This topic was duly emphasized in the interview and questionnaire. In fact, though, stakeholder conflict turned out to be a relatively minor issue from the perspective of most respondents, one of whom suggested that, by focusing on it, I risked causing "confusion." On the other hand, the tension and competition between government organizations – the "turf wars", as one respondent put it – called for more attention than I had realized. The semi-structured format enabled me to adapt the interviews in response to this new information.

Interviews followed an interview guide (Appendix E) to ensure that the main research topics were addressed, but no two interviews were exactly the same in terms of the questions asked. Primary questions in the guide were asked of all respondents, and scripted follow-up questions were drawn upon as appropriate to the interview in question. As well, some questions were posed on the fly in response to issues or facts introduced by respondents. Interviews were transcribed and analyzed on an ongoing basis throughout the research phase – as were documentary sources (see below) – so that novel information and insights could be integrated into subsequent interviews in the form of new questions (Dunn, 2000). The interview guide was field tested with three key informants, two of whom were not involved in the case studies but were well-informed about the topic and research context; the third had a role in one of the case studies, and later participated in the study as a respondent. Interviewees were provided with a copy of the interview guide ahead of time, and were invited to ask any questions before the interview began.

A total of 45 interviews were conducted (Table 4), of which three (all with First Nations representatives) were off the record. Three of the study's 48 contributors did not participate in an interview; their contribution was in the form of the questionnaire (see below), written comments, or both. Most interviews (35) were conducted by phone; the remainder (10) were conducted in-person at locations chosen by interviewees (including government offices, the University of Victoria, a First Nations community, two personal residences, and a coffee shop). Interviews were 70 minutes in length, on average, and ranged from 35 minutes to 2 hours 40 minutes.

Table 4 – Data collection: interviews and questionnaires

Case	Interviews	Questionnaires
Gwaii Haanas		
Parks Canada	7	6
DFO	3	3
CHN	1	0
Stakeholders	7	8[12]
Sub-total	*18*	*17*
Race Rocks		
DFO	5	5
DND	3	3
Province of BC	1	1
First Nations	4 (3 off the record)	0
Stakeholders	7	5
Sub-total	*20*	*14*
Not case-specific		
Government	4	n/a
Stakeholders	3	n/a
Sub-total	*7*	
Total	***45***	***31***

The interviews proceeded in three parts. In Part A, respondents were asked relatively straightforward questions about their involvement in the MPA case. This had three purposes: first, to begin addressing the research objectives with information on collaborative forums, motivations, and relationships; second, to acquaint respondents with the research topic, and give they and I an opportunity to build rapport (Carley-Baxter, 2008); and, third, to acquaint myself with the respondent's background in order to determine which topics to concentrate on in the remainder of the interview. Part B comprised the two questions referenced earlier concerning key contacts and the snowball sampling process. Respondents were asked to name up to five individuals with whom they had their most important relationships in the context of the protected area. Some respondents found these questions difficult to answer. One respondent, for example, said he could not narrow his "most important" relationships to a mere five individuals, and, though he did so for the purposes of the interview, his comment brought into question the

[12] One Gwaii Haanas Advisory Committee member submitted a questionnaire but did not participate in an interview.

validity of the data collected in this way (his own, and potentially that of other respondents too). Another respondent said it was easier to think about the positions of the people he worked with than about the individuals themselves, pointing to how this part of the study might have been designed differently. Asking respondents to identify professional positions or affiliations, rather than individuals, might also have increased the response rate by not obliging respondents to name names – something that at least one prospective respondent was uncomfortable doing.

As noted above, the 'key contacts' question was originally intended for use in a social network analysis (SNA), which was not subsequently undertaken. Nevertheless, the data gathered in Part B of the interviews was not wasted. Since respondents were asked to briefly explain their choices, valuable qualitative data was collected on collaborative planning, in general, and the importance of relationships, in particular. These explanations – and the follow-up questions and conversations they precipitated – led to some of the study's most interesting findings and conclusions. They also made it possible to retain relationships as a key analytical subject of the study even as original research objectives that depended on the results of an SNA were determined to be infeasible.[13]

In the final section of the interview – Part C – respondents were asked how they engaged with others to exchange information about the MPAs, share ideas or points of view, make decisions, and build relationships. Informed by the key concepts outlined in Section 3, this open-ended question was designed to learn about the formal collaborative structures used in each case, and to capture any other examples of collaboration and relationship building that fell outside the scope of these structures, if applicable. Once respondents had outlined their experiences (e.g., participation on the RRPAB or GHMAC; ad hoc intergovernmental communication; discussions in informal settings), follow-up questions were drawn from the interview guide, or crafted in situ, to learn more about the examples given. If an example was new to the researcher, questions were asked about objective details such as location, purpose, and participants. Other questions were more personal and subjective, concerning the respondent's own reasons for collaborating; what they did to prepare, if applicable; their expectations for collaboration; and their perspective

[13] The intended purpose of the SNA was to describe in quantifiable terms the relationships linking those involved in the planning of Gwaii Haanas and Race Rocks. Original study objectives included identifying the principal collaborative links between individual participants; calculating network metrics such as density and centralization; and correlating these with actor attributes obtained through the questionnaire. A modified Objective #3 (see Section 2) focuses, instead, on a qualitative investigation of relationships.

on what was achieved. Part C was designed to capture as completely as possible the scope of collaboration in the two cases.

5.4.2 Documentary research

Documentary research was closely linked to the interview process to provide a complementary source of facts and contextual data. In the course of sharing their perspectives on collaborative MPA planning, interview respondents referred to a myriad of documents and documented events, from cooperative MPA management agreements, to landmark court cases and political speeches (see Appendix G). Efforts were made to investigate all of these references, for two reasons: first, to verify objective facts and obtain further details about topics addressed in the interviews, including the structures and processes for collaboration; and, second, to develop a fuller understanding of the documents as "features of social worlds/lives/practices" (Gibson & Brown, 2009, p. 66). Some of the documents that respondents drew my attention to were artefacts of collaborative planning, such as meeting records, regulatory documents, and management agreements. These and others, such as statutes, policy guidelines, and legal decisions, also formed the context in which that collaboration occurred. In referencing them, therefore, respondents were pointing to a rich source of information about how collaboration is framed, understood, and practiced.

A number of MPA-related documents were reviewed during the design phase of the project, such as the Oceans and NMCA Acts, and the Federal MPA Strategy. Most if not all of these were subsequently referenced by interview respondents, which prompted closer examinations of the details within them at the analysis stage. Many other documents / documented events had not previously been seen. Once identified by respondents, these were obtained in several different ways. Some, such as legal decisions, policy documents and management agreements, were available online from government websites. For documents pertaining to Race Rocks, specifically, a trove of historical information has been archived by the Warden of the provincial Ecological Reserve, and was accessed from the RaceRocks.ca website.[14] This proved to be a much more comprehensive source of information on the MPA planning process than DFO's own site.[15] A number of historical documents and records of correspondence were provided by

[14] See http://www.racerocks.ca/administration-of-race-rocks/race-rocks-mpa-advisory-board
[15] DFO's Race Rocks page is at http://www.dfo-mpo.gc.ca/oceans/aoi-si/race-eng.html

interview respondents themselves – in some cases on the condition that they only be used for reference, and not disseminated – and others, such as consultation records, were requested from government departments (DFO and Parks Canada). Finally, a substantial number of documents were obtained through two access-to-information requests. One of these was submitted to Parks Canada for feedback the Agency received from key stakeholder groups (the commercial fishing sector, and environmental NGOs) on the proposed Gwaii Haanas NMCA; the other was to DFO for records of the department's consultations with local First Nations at Race Rocks.

5.4.3 Questionnaire

Finally, a participant questionnaire was used to learn more about perspectives and attitudes towards collaboration generally, and the collaborative planning processes for Gwaii Haanas and Race Rocks specifically. The questionnaire (Appendix F) used a multiple-choice format to collect data on (1) the level of support for these MPAs; (2) perspectives on features of the planning processes such as fairness, levels of controversy, and outcomes; and (3) measures related to collaborative norms, including support for collaborative planning in principle, and levels of trust among stakeholders and decision makers. All questions were formatted according to a Likert (agree, strongly agree, etc.) or Likert-like scale (e.g., approve, strongly approve, etc.), whereby respondents chose from a set of responses to statements of opinion or fact (Brill, 2008). One of the key objectives of the questionnaire was to establish the scope of (dis)agreement between the actors involved in the cases in order to explore how this might affect collaborative planning. Respondents were asked directly for their opinion on the level of controversy associated with the protected area, as well as their perspectives on issues that were anticipated to be the subject of disagreement (such as the use of no-takes zones in the MPAs).

Questionnaires were case-study specific and distributed to respondents who were directly involved in either the Gwaii Haanas or Race Rocks planning processes. All questionnaires were completed and submitted online through a purpose-built website, and were designed to take 10 – 15 minutes to complete. Respondents could, if they preferred, receive the questionnaire in hard copy, but none did so (a paper copy was mailed to one respondent, but it was not returned). 37 questionnaires were distributed to interview respondents, plus one questionnaire to a Gwaii Haanas Advisory Committee member who did not participate in an interview (38 total; questionnaires were not distributed to 7 interviewees who were not directly involved in the

planning processes for Race Rocks or Gwaii Haanas), of which 31 were returned (Table 4, above). Questionnaire respondents included MPA officials, representatives of other government departments, and stakeholders. However, First Nations respondents were not represented in the questionnaire sample. Study participants (interviewees) either indicated ahead of time that they did not wish to complete a questionnaire, or a questionnaire was forwarded but not returned).

Noted earlier, the questionnaire results were originally intended to be correlated with those of an SNA, in order to investigate what if any impact social network structure had on attitudes, perspectives, and collaborative norms. Consequently, only those who participated in an interview were invited to complete the questionnaire. This was possibly a flaw in the research design, because it meant that the questionnaire could not be distributed more widely. It might also have diminished the response rate, if it were the case that some prospective participants would have been willing to submit a questionnaire, but were not also prepared to participate in an interview. Belatedly (once it was decided that the SNA would not be performed), prospective participants were given the option of submitting the questionnaire only; just one respondent did so, however.

5.5 Data analysis

Unless off-the-record, all interviews were audio recorded (with permission) and transcribed verbatim. In the case of off-the-record interviews (three in total), respondents' comments were not included in the analysis or cited verbatim in the findings chapters, but drawn on for background information and to guide the questions pursued in other interviews and documentary research. Whenever possible, any factual information referenced in off-the-record interviews was confirmed through other sources, and included in the analysis in this way. A total of 51 hours of transcribed interview data was imported into NVivo 10 qualitative research software for organization and analysis (QSR, 2012).

Interview results were first organized in NVivo using a pre-established coding frame based on the research questions (see above) (Bazeley & Richards, 2000). So, for example, the code "events" was assigned to all mentions of collaborative structures or processes; "relationships" to discussions of relationships; and "interests&objectives" to explanations for why respondents participated in collaboration (Schreier, 2014). Within each of these categories additional subcategories were created as interviewees provided specific examples of events, relationships, etc. This initial coding of interview transcripts was conducted relatively quickly and with little

attention to details beyond those relevant for categorization. Once this was completed, coded material was then analyzed more closely for meaning and context, and more detailed codes were created to capture emergent topics and themes such as "personality" (identified by many respondents as a key ingredient of successful collaboration), "expectations" (which shaped respondents' judgments of their collaborative experiences), and "aboriginal rights" (a key contextual issue). While guided by the research questions, I made an effort throughout the coding process to avoid 'forcing' the data to fit my own preconceptions of what the findings would reveal (e.g., evidence that relationships are important / necessary for successful collaboration) and allow the data to speak for itself (Roulston, 2014). Some codes were created in response to topics that had not been targeted or anticipated beforehand, therefore. I realized, for example, that respondents were attaching different meanings to the term "co-management," which called for further exploration. The analysis proceeded iteratively, with basic organization and description giving way to closer interrogation of the coded material, followed by new thematic categories and renewed interrogation of existing codes and original transcripts (Roulston, 2014; Schreier, 2014).

Documents that were obtained for the sole purpose of fact-checking (if, for instance, a respondent referenced an event, policy etc., but said they were unsure about the precise details), it was simply reviewed for that information without being analyzed per se. However, most documents were imported in whole or in part into NVivo, where their content was organized and coded alongside interview data, as described above (Olsen, 2012). Documents obtained through the two access-to-information requests were an exception, because these were not received until all other analysis had been completed (a full two years after the access-to-information request was made, in one case). These documents (almost 1,000 pages in all) were reviewed as thoroughly as possible to verify and substantiate findings and conclusions drawn from other sources, but they were not coded in NVivo. For a full list of the principle documents included in the documentary research, see Appendix G.

Analysis of the questionnaire data was mostly qualitative rather than statistical, due to the small sample size. All questionnaire data was imported into a database and then into Microsoft Excel, where simple statistical analyses were performed to summarize and explore the Likert-scale responses. These summarized results were then drawn on to triangulate with the interview findings on common themes. Respondents could also provide comments at the end of the

questionnaire, which were imported into NVivo and analyzed qualitatively alongside the results of the interviews and documentary research.

6 Limitations and researcher positionality

As with any study employing a case-study approach, this one sacrifices breadth for depth. No two cases can capture the full scope of issues that may be salient in other cases, or be drawn on for general conclusions about the implementation of a collaborative approach. By concentrating on collaboration at the MPA-site level, moreover, some events occurring at different scales will be missed. In order for MPAs to be successfully established and managed, for example, it is not only at the site level that effective collaboration is needed. Jurisdictional disputes, complex and contentious Government-First Nations relationships, cumbersome legislative processes, inadequate funding, and lack of political will have all been cited to explain Canada's lack of progress towards the MPA targets it has committed to (Jessen, 2011; OAG, 2012). These issues demand systemic changes, including better collaboration at senior levels of government, but addressing this topic is beyond the scope of this study. So too is a more comprehensive exploration of marine planning in BC, in which Gwaii Haanas and Race Rocks are just two examples of the consultations, deliberations, negotiations and decision making that is currently taking place in a multitude of forums across the province. The two case studies will offer a snapshot, but not a panoramic view of this broader context.

The study relies heavily on the semi-structured interview method as a source of both factual and subjective data, which has a number of implications and limitations. Interviewees necessarily provide descriptions and interpretations of events that are limited by their own interests, experiences, (mis)perceptions, prejudices etc. The recruitment process was designed to achieve a representative sample from the group of individuals and organizations involved in the Gwaii Haanas and Race Rocks cases, so that a diversity of viewpoints would be obtained. Even collectively, though, interviews do not amount to an objective account of the topics under investigation, and it cannot be assumed that the perspectives of those not included in the study are represented. With this in mind, it matters a great deal who is included in the study, and what information they are willing or able to share. As the interviewer, I too have a role in shaping the data by deciding what questions to ask (an interview guide was used to maintain consistency in the structured questions), and by influencing in unknown/unknowable ways how interviewees

answer those questions. An advantage of the semi-structured interview method, though, is that many questions were asked of multiple interviewees. This enabled the results to be triangulated, ensuring accuracy of factual information and providing multiple (or common) perspectives on specific events. Triangulation was also achieved by drawing on documentary sources to verify the factual information introduced by interviewees.

My own background, experiences, perspectives and interests have motivated, shaped and, inevitably, limited the study as well. In particular, I want to acknowledge two normative positions that I bring to the research. First, having familiarized myself with the literature on collaborative decision making, I am alert to the fact that collaboration is not a panacea for all problems, and that if implemented poorly or inappropriately it will, at best, be a waste of time. However, I am persuaded that, providing it is done well, collaboration is preferable to less inclusive and participatory approaches to decision making. Second, throughout my education I have been immersed in a worldview that the earth's natural systems are endangered by human activities, and I assume this to be true. This is by no means a view that human beings and societies are incompatible with healthy ecosystems, or incapable of sustainable development, but it leads me to the conclusion that effective means are needed to constrain how we use (and use up) natural resources. Though protected areas are not the only such means, I take them to be an important part of the toolbox. In engaging in this research, furthermore, I have reflected on my own experiences with protected areas – ocean kayaking in the Gulf Islands; rock climbing in Yosemite Valley; hiking in the Dolomites; wildlife viewing in Kruger National Park – and recognize that these only reinforce my favorable view of them. For me, protected areas have always – and only – been places to visit, enjoy, and then leave; mostly, they have been places for me to appreciate from a distance. Of course I am not alone in this regard, but protected areas have other meanings, too – for example, as places of work; of spiritual significance; of exclusion – of which I have no direct personal experience.

Sandbrook et al. (2013) distinguish between research *of* conservation, in which a researcher may be neutral on the value or validity of conservation initiatives, and research *for* conservation, in which they are not. Though I did not approach this study with a position on Gwaii Haanas or Race Rocks specifically, and recognize that, like collaboration, MPAs can be implemented well or poorly (e.g., unfairly, inefficiently, ineffectively), I cannot claim to be neutral on the desirability of either collaboration or MPAs, in principle. On the contrary, it is to evaluate,

understand, but ultimately improve collaborative MPA planning and management that I undertook this research. Precisely what impact this had on the study is impossible to say; that it will have had an impact, however, is indisputable. This will have been particularly true with regard to the data collected through the semi-structured interviews, in which my understanding of the issues, and the dynamic between myself and respondents, was informed and influenced by my own (limited) background, perspectives and experiences.

7 Organization of the dissertation

The dissertation is organized into five chapters, including this introduction, three empirical chapters in which the research findings are presented, and a conclusion. Chapter 2 is a descriptive and comparative analysis of the planning processes for Gwaii Haanas and Race Rocks, drawing on first-person accounts and documentary research to explore how collaboration was implemented in these cases, and the challenges that were encountered. Chapter 3 concentrates on the multi-stakeholder advisory bodies put in place in both cases, to investigate the motivations and barriers to participation in collaborative planning. Finally, Chapter 4 explores a topic that frequently emerges on the margins of collaborative resource governance discourse, but which is rarely explored in much depth. This is the central importance of interpersonal relationships to the success of collaboration, and the concomitant need for relationship building to be an integral component of collaborative processes. The concluding chapter – Chapter 5 – synthesizes the key findings and considers what can be learned from the Race Rocks and Gwaii Haanas cases about successfully implementing a collaborative approach. This chapter also suggests some areas for future research. Following the conclusion are References and Appendices.

Chapter 2

Putting collaborative MPA planning into practice: A comparison of two cases on Canada's Pacific Coast

1 Introduction

> *"This is not a do-it-yourself project …I need everyone who cares about our oceans to see themselves as having an important role to play."*
>
> – David Anderson, Minister of Fisheries and Oceans Canada (1998).

Since enacting a new Oceans Act in 1996, Canada has put collaboration at the heart of its approach to oceans management, a key component of which is the development of a national network of marine protected areas (MPAs) where areas of high economic, social and cultural value are set aside for long-term protection (Canada, 2005b; Gardner et al., 2008; IUCN, 2010; Oceans Act, 1996, s. 35.2). In the context of protected area governance – the system of laws, processes and norms by which decisions are made – an emphasis on collaboration reflects a global trend in favour of more inclusive and participatory decision making (Gunton et al., 2010; Jentoft et al., 2007; P. Jones et al., 2013; Kearney et al., 2007). MPAs can provide many benefits, but they incur costs, too, and it is appropriate that those who will be affected by decisions are involved in making them (Ingles, Musch, & Qwist-Hoffmann, 1999). Moreover, the complexity of socio-ecological systems defies the capacity of any organization to make informed management decisions without input from outside actors (Mackelworth, Holcer, & Fortuna, 2008; Pomeroy & Douvere, 2008; Vasconcelos et al., 2011). The reasons for a collaborative approach are both normative and pragmatic, therefore.

The need to engage resource users and other stakeholder groups in protected area planning and management is well established in the literature on protected area governance, which emphasizes the importance of participatory processes to engage stakeholders at all stages of decision making (Borrini-Feyerabend et al., 2013; K. Davis et al., 2014; P. Jones et al., 2011a; Kessler, 2004; Lockwood, Davidson, Curtis, Stratford, & Griffith, 2010; Pomeroy & Douvere, 2008). Although MPA legislation in Canada stipulates little in the way of specific requirements for how stakeholders should be involved, the Government of Canada (GoC) has made it clear that this involvement is integral to the success of its MPA program (Canada, 2005b; DFO, 2009b; Parks Canada, 2008). While public participation is a key element of a collaborative

approach, though, it is not the only one. In addition to stakeholders, federal MPA agencies in Canada must engage with two other key actor groups. The first of these includes a potentially large number of national and sub-national government organizations that, while not directly responsible for MPAs, have associated authorities and mandates for oceans management. There are three federal agencies with MPA mandates in Canada – Fisheries and Oceans Canada (DFO), Parks Canada, and Environment Canada, but overlapping oceans jurisdictions mean that these agencies cannot regulate all of the activities that take place within the boundaries of the MPAs they administer. This is particularly true of inland waters (such as bays and straits) where the water column falls under federal jurisdiction but provinces have ownership of the seabed (including any mineral or petroleum resources beneath it) (Alley & Topelko, 2007; Gardner & Bicego, 2007). To regulate and effectively manage the activities within a protected area, therefore, each branch of government – and all relevant departments within the same branch – need to work together. Even more so than terrestrial protected areas, moreover, MPAs are vulnerable to conditions and activities that occur beyond their boundaries, which makes intra- and intergovernmental cooperation important for this reason as well (P. Jones et al., 2011a). "The bottom line," said the Minister responsible for implementing Canada's Oceans Act, "is that if we truly want to progress as a country we must recognize the critical need to work together, especially among government agencies" (Anderson, 1998).

Secondly, MPA agencies must work closely with the indigenous communities and governments within whose traditional territories MPAs are situated. Canada's Aboriginal people[16] have rights respecting their territories that set them apart from other resource users (CPAWS, 2009; Gardner, 2001; Hurley, 2000; PNCIMA, 2010). Section 35 of Canada's 1982 Constitution Act has been described as an "empty box" (R. Jones, 2006, p. 310) because it "recognizes and affirms" Aboriginal rights but does not define them (Canada, 2012, p. 63). That box is gradually being filled, however. In some cases this has been through 'quasi-criminal' court proceedings, such as those concerning violations of the federal Fisheries Act, whereby Aboriginal people have successfully challenged government infringements on their right to

[16] As the descendants of the original inhabitants of North America, Canada's 1982 Constitution Act recognizes three groups of Aboriginal people – Indians (First Nations), Métis, and Inuit (INAC, 2004). Aboriginal peoples in British Columbia are known as First Nations and will be referred to as such in this dissertation unless a reference to the legal / general term 'Aboriginal' is required.

harvest natural resources.[17] Most First Nations in British Columbia (BC), where the research for this study was conducted, have never ceded their land to the Crown (von der Porten et al., 2016). Some are currently engaged in modern treaty negotiations,[18] but even in the absence of treaties the Supreme Court of Canada (SCC) has made it clear that federal and provincial governments have a special duty to consult and accommodate Aboriginal groups when their interests are at stake (Parks Canada, 2011; PNCIMA, 2010). This has direct implications for MPA proponents across the country, and especially in BC where all MPAs (established and proposed) are situated within the traditional territories of one or more First Nation. According to Canessa and Dearden (2016, p. 341), an MPA designated without the consent of a local First Nations (or nations) would be "functionally meaningless."

To successfully designate and manage MPAs, therefore, lead agencies in Canada need to engage resource users and other stakeholder groups; government partners at the federal and provincial level; and Aboriginal communities and governments. Each of these groups has distinct rights, responsibilities, interests and expectations when it comes to MPAs and their role in planning and managing them. Accordingly, the Canada-BC MPA Network Strategy, which was released jointly by the Governments of Canada and BC in 2014, emphasizes "three important elements": (1) a joint federal-provincial approach, whereby these two levels of government work together in exercising their respective authorities for marine protection; (2) "collaborative decision making" with First Nations; and (3) "meaningful opportunities" for stakeholders to participate in planning and implementation (Canada & British Columbia, 2014, p. 1). The distinction between these three elements, and the multi-faceted approach to collaboration that it implies, will be the organizing themes of this chapter.

Establishing MPAs in Canada has proven to be more challenging and time consuming than expected (Guénette & Alder, 2007). Only twelve MPAs have been established since the Oceans Act came into force, four of which are in BC.[19] Together these sites amount to barely 1% of the country's marine environment, which is well short of the GoC's commitment to have 10% of its

[17] In R. v. Sparrow (1990), for example, the Supreme Court of Canada (SCC) ruled that the Aboriginal right to fish for food, social and ceremonial (FSC) purposes takes priority over the interests of other user groups, and cannot be infringed without an explicit conservation imperative.

[18] For information on the BC Treaty Negotiation Process go to www.bctreaty.ca.

[19] Endeavour Hydrothermal Vents MPA (designated 2003); Sgaan Kinghlas / Bowie Seamount MPA (2008); Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site (2010); and Hecate Strait and Queen Charlotte Sound Glass Sponge Reefs MPAs (2017).

oceans protected within MPAs by 2020 (on current trends the figure will be closer to 2%) (ECC, 2016; Mazereeuw, 2016; Standing Committee on Environment and Sustainable Development, 2016). In addition to inadequate funding and political leadership, which have also been blamed for the lack of progress, difficulties associated with conflicting stakeholder interests; unresolved Aboriginal rights and territorial claims; and 'inconsistent' intergovernmental cooperation have all been cited as complicating factors (Ayers et al., 2012; Canada, 2005b; CPAWS, 2014; Guénette & Alder, 2007; OAG, 2012). These are problems not only in terms of getting MPAs designated, moreover. Once in place, the effectiveness of these protected areas will depend on ongoing collaboration between all parties. There is a pressing need to understand and overcome the challenges that are encountered when attempting to put a collaborative approach into practice, therefore.

Lockwood (2009, p. 754) explains that protected area governance relates to the "structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how stakeholders have their say." The emergence of more collaborative approaches to the management of natural resources reflects a growing consensus that 'good' protected area governance is, among other things, participatory, transparent, accountable, and fair (Borrini-Feyerabend et al., 2013; Canada & British Columbia, 2014; Lockwood et al., 2010). Tracking this trend in an MPA context are a growing number of studies and reports that describe the statutory and policy underpinnings, consultation processes, and decision-making arrangements for collaborative MPA planning and management at sites around the world (see for example Blue Earth Consultants, 2012; Anthony Charles & Wilson, 2009; Day & Dobbs, 2013; De la Cruz Modino & Pascual-Fernández, 2013; Fox et al., 2013; Gaymer et al., 2014; Gleason et al., 2013; Heck & Dearden, 2012; Heylings & Bravo, 2007; Horigue et al., 2012). To date, however, there has been little case study research that describes how collaboration actually unfolded in MPA planning processes, and likewise few studies that draw on the diverse perspectives of stakeholders, indigenous representatives, and MPA practitioners to understand the issues and challenges that are encountered in specific cases. As a contribution to existing scholarship, therefore, this chapter takes an in-depth look at two recent MPA planning processes in BC: the Gwaii Haanas National Marine Conservation Area Reserve, which was successfully designated in 2010; and the Race Rocks Marine Protected Area of Interest, which remains undesignated despite being one of the very first MPAs to be proposed in Canada. Drawing on

interviews and documentary research, the chapter provides a detailed description of the role that government actors, First Nations, and stakeholders played in these planning processes, and it identifies the key issues and challenges that were encountered in each case.

2 Study sites and research approach

2.1 Study sites

Race Rocks and Gwaii Haanas were selected in part for their differences in order provide a broader perspective on how collaborative MPA planning is implemented in BC, and to draw comparisons that will help to understand more fully the issues and challenges encountered. In addition to the fact that one process concluded in a successful designation and the other did not, these differences include the legislation under which the MPA sites are (or will be) designated; the lead agencies responsible for planning and managing them; and the jurisdictional context in each case. Summarized in Table 5, these and other features of the two cases are and briefly outlined below.

Table 5 – Case studies: key features

	Race Rocks	**Gwaii Haanas**
Legislation	Oceans Act (1996)	National Marine Conservation Area (NMCA) Act (2002)
Conservation focus	Protection of important fish and marine mammal habitats, endangered marine species, unique features, and areas of high biological productivity or biodiversity.	Representation of Canada's natural and cultural marine heritage; opportunities for public education and enjoyment.
Lead agency	Fisheries and Oceans Canada (DFO)	Parks Canada
Status	Proposed in 1998	Established in 2010
Size	2.5 km^2	3,500 km^2
Jurisdiction	Canada (water column); BC (land and seabed)	Canada[20]
First Nations	Beecher Bay First Nation, T'Sou-ke Nation, Songhees Nation, Esquimalt Nation	Haida Nation

[20] Jurisdiction of the waters around Gwaii Haanas has not actually been confirmed by a court (PNCIMA, 2010). However, the NMCA Act stipulates that Canada must have "an unencumbered right of ownership" in order to establish an NMCA (NMCA Act, 2002, s. 2a), and BC did not contest this when Gwaii Haanas was established. The province transferred its ownership of the terrestrial portion of Gwaii Haanas to Canada in 1992, to allow for the National Park Reserve to be created (see British Columbia, 1992).

Primary stakeholder interests	Tourism (marine wildlife viewing; scuba diving); recreational boating and diving; recreational fishing; conservation; research and education.	Commercial and recreational fishing; tourism; conservation; research and education.

2.1.1 Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site

Supporting "some of the most abundant, diverse and distinct marine communities found in temperate waters anywhere in the world," Gwaii Haanas comprises the southern third of the Haida Gwaii archipelago (formerly known as the Queen Charlotte Islands), 130km offshore on the province's north coast (Canada, 2010a, p. 1387). In 2010 it became the first site to be designated under Canada's National Marine Conservation Areas Act,[21] a 2002 statute that gives the Parks Canada Agency a mandate to protect representative areas of the country's marine environment "for the benefit, education and enjoyment of the people of Canada and the world" (NMCA Act, 2002, s. 4.1). Gwaii Haanas encompasses two of 29 marine regions that Parks Canada has identified for representation in a national NMCA system (Figure 6) (Parks Canada, 2010).

Ownership of Haida Gwaii is contested by the Government of Canada (GoC) and the Haida First Nations people who have occupied the area for more than 10,000 years (Haida Gwaii means "Islands of the People" in the Haida language) (Canada & CHN, 2010b; Fedje & Mathewes, 2005). In 1993, however, the GoC and Council of the Haida Nation (CHN; the elected government of the Haida) reached an agreement to work together to protect Gwaii Haanas "as one of the world's great natural and cultural treasures" (Canada & CHN, 1993, sec. 1.2). Described as "an agreement before its time" (Gladstone, 2013), the Gwaii Haanas / South Moresby Agreement paved the way for Parks Canada to designate the land portion of Gwaii Haanas as a National Park Reserve,[22] complementing an existing Haida Heritage Site that was put in place by the CHN in 1985 (Canada & CHN, 2010b). Since then, the protected area has

[21] Gwaii Haanas is preceded by two other sites in the NMCA system – the Fathom Five and Saguenay-St. Lawrence National Marine Parks, established in 1987 and 1998, respectively. However, these sites were designated under different legislation, and added to the system retroactively. The second site to be designated under the NMCA Act was Lake Superior was, in June, 2015.

[22] The National Park Reserve was formally designated in 1996 (Canada, 1996). The "reserve" designation, which is attached to both the National Park and NMCA, acknowledges that Gwaii Haanas is subject to a land claim (INAC, 2012b). Once this is settled, the status of the protected area could change (see NMCA Act, 2002, ss. 4.2 and 6.2).

been jointly managed by Parks Canada and the CHN through an Archipelago Management Board (AMB) as the Gwaii Haanas National Park Reserve and Haida Heritage Site.

It was understood at the time of the Gwaii Haanas Agreement that protecting Gwaii Haanas meant protecting the sea as well as the land (Canada & BC, 1988; Canada & CHN, 1993, s. 2.6). Whereas the Haida Heritage Site was a land-and-sea designation from the outset, though, it was another 17 years before federal protection was extended into the marine environment. Creating the NMCA required a number of further steps, including the surrender of exploration rights held by private resource companies (non-renewable resource extraction is not permitted within NMCAs); the passage of the NMCA Act itself, in 2002; negotiations between Parks Canada, the CHN, and Fisheries and Oceans Canada (DFO), which focused on what role the latter would play in the existing co-management partnership; and, not least, consultations with stakeholders. It was, according to Guénette and Alder (2007, p. 58), "a stop-start process", but around 2007 it picked up speed and from that point onwards the designation process was a relatively swift one. The timeframe for this case study is the period of consultation and collaborative planning leading up to the NMCA designation (2008-2010) and immediately afterwards (2010-2012). While previous studies have described and evaluated the cooperative management of Gwaii Haanas as a terrestrial protected area (see Craig, 2002; Hawkes, 1996; Lee, 2012; Thomlinson & Crouch, 2012; Timko & Satterfield, 2008), this is the first to investigate how Parks Canada engaged interest groups in the planning process for the NMCA, and what the expansion of Gwaii Haanas into the marine environment means for ongoing cooperation.

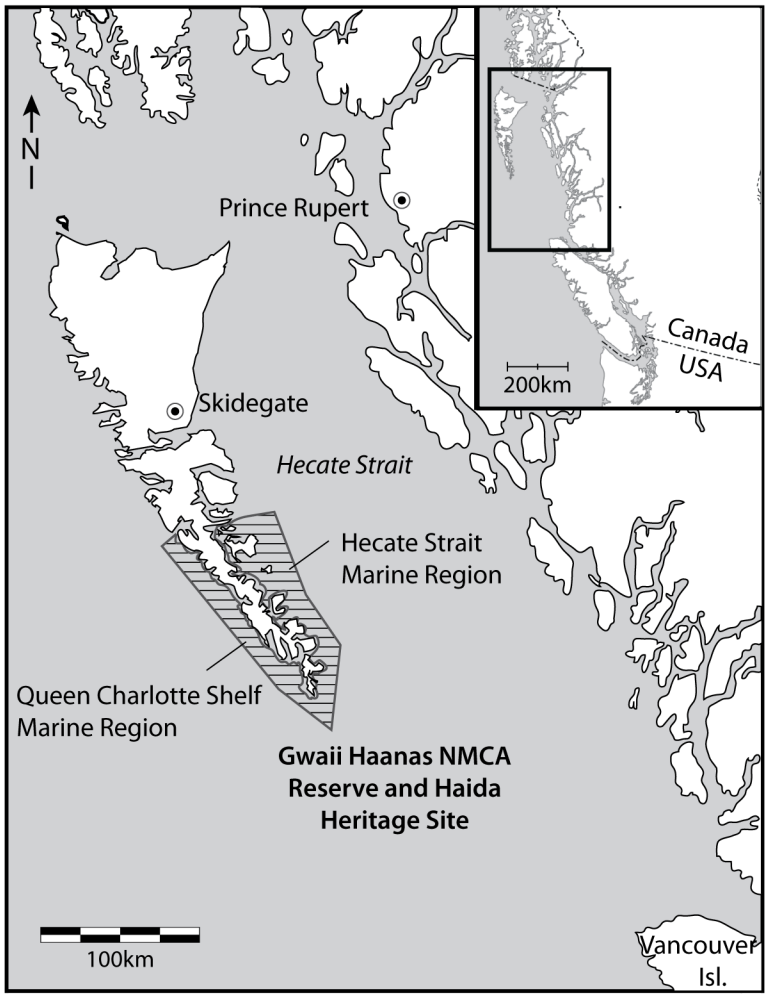

Figure 6 – Gwaii Haanas NMCA Reserve and Haida Heritage Site

2.1.2 Race Rocks Marine Protected Area (proposed)

Located at the southern tip of Vancouver Island (Figure 7), in a zone of strong ocean currents and nutrient-rich upwelling, the nine rocky islets and surrounding waters of Race Rocks have long been recognized for their high biodiversity (British Columbia, 2002; DFO, 2010). This area has cultural significance for local Coast Salish First Nations, who have traditionally used it for food fishing, and today is also a popular site for wildlife viewing, recreation (e.g., kayaking, scuba diving, recreational fishing) and scientific research (Backe et al., 2011; DFO, 2000, 2009d). In 1980 the Government of BC designated Race Rocks as an Ecological Reserve (ER), providing protection to the land and seabed under provincial jurisdiction but not to the water column under federal jurisdiction. Shortly after the Oceans Act came into force in 1998, therefore, BC nominated the site as one of four 'pilot' MPAs in the Pacific region, which would

add a federal component to the existing protected area designation (Canada, 2000; Canada & British Columbia, 1998). Oceans Act MPAs are administered by the department of Fisheries and Oceans Canada (DFO) for the purpose of conserving and protecting (a) commercial and non-commercial fishery resources, (b) endangered or threatened species, (c) unique habitats, (d) marine areas of high biodiversity or biological productivity, or (e) any other marine resource or habitat necessary to fulfill DFO's conservation mandate (Oceans Act, 1996, sec. 35.1).

By 2000 Race Rocks was on track to become Canada's first Oceans Act MPA. Together with BC Parks, which is responsible for the ER, DFO consulted with local stakeholders and produced a designation proposal[23] that had strong stakeholder support. Draft regulations[24] were put forward for public review in October of that year, and the designation was expected in short order. However, DFO did not properly consult with the local First Nations – Beecher Bay First Nation, T'Sou-ke Nation, Songhees Nation, and Esquimalt Nation – who consequently objected to the designation. In response, DFO put the project on hold until their concerns could be addressed. An account of this period, which came to be known as 'Round 1,' is given in Leroy et al. (2003). This chapter is focused primarily on what happened next, including DFO's efforts to establish better relations with the nations and negotiate a co-management agreement for the MPA; consultations with the provincial government and federal Department of National Defense, which operates a naval base adjacent to Race Rocks; and, nearly a decade after the collapse of Round 1, a second round of public consultations.

[23] See DFO (2000).
[24] See Canada (2000).

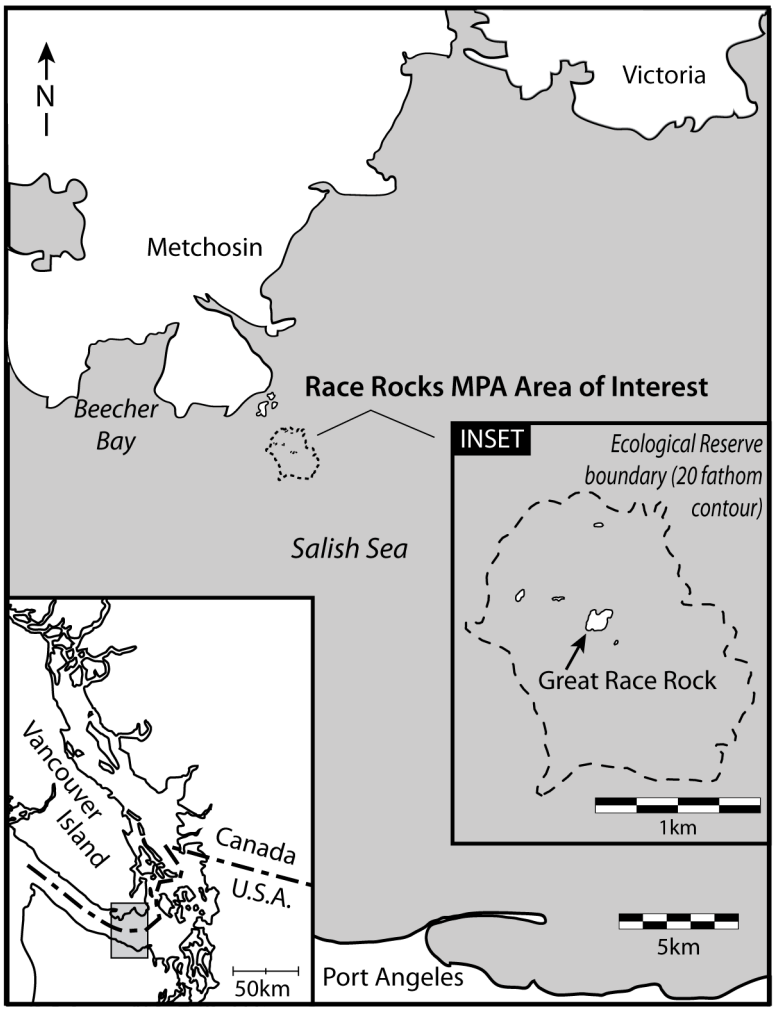

Figure 7 – Race Rocks MPA Area of Interest

2.2 Research approach

A combination of semi-structured interviews and documentary research was used to learn about the cases. Using a purposive and snowball sampling approach to recruit participants, 45 interviews were conducted with MPA officials, representatives from other government departments, First Nations, and stakeholder groups. Participants were initially recruited from the membership lists of two public advisory bodies, which were put in place to facilitate multi-stakeholder deliberation and consensus building in each case (the Race Rocks Public Advisory Board, and the Gwaii Haanas interim Marine Advisory Committee). These bodies were not intended to be the study's only subjects, but were chosen as starting points for the recruitment process because they included representation from all key interest groups. Recommendations for additional participants also came from these first-round participants, and included individuals

who were either involved in one (or both) of the cases outside the public advisory processes, or were knowledgeable about collaborative MPA/ocean planning in general.

The purpose of the interviews was to obtain information about both the objective details of the arrangements put in place to implement collaborative planning, and about how these arrangements were experienced and judged by those involved. Following several introductory questions, respondents were asked to enumerate and describe how they were personally involved in the MPA planning process (including but not limited to their involvement on the multi-stakeholder advisory bodies targeted in the recruitment process). Specifically, how did they engage with others to share information, build relationships, and/or make decisions respecting the MPA? Scripted questions targeted details of the examples given, such as who was involved; the topics of conversation; the manner of deliberation; and the perceived challenges, shortcomings, and outcomes of these collaborative forums. On the basis of responses, scripted and unscripted follow-up questions were then posed to learn more about respondents' experiences and views. No two interviews were identical in all of the questions that were asked, therefore, but conducted in response to the evolving ideas of the researcher and the particular knowledge and interests of the participant. Interviews were approximately one hour in length, on average, and conducted by phone or in-person.

In conjunction with the interviews, a thorough review of documents was undertaken to triangulate on the interview findings with more detailed information about events, processes, and collaborative arrangements. These included meeting records; consultation reports; correspondence; and management agreements. The documentary research was closely linked to the interviews in that it was, in many cases, from the interviews that documents (or documented events) were identified, and with reference to which these documents were reviewed for salient points. Documents were obtained either directly from study participants; online from government and other public websites; or by request from government departments. Two Access-to-Information requests were also made to obtain unreleased records, mostly concerning consultations with local First Nations in the Race Rocks case, and correspondence between MPA officials and stakeholder groups in the Gwaii Haanas case.

The results of interviews and documentary research were imported into NVivo qualitative analysis software (interviews were transcribed verbatim) where they were organized and coded for pre-established and emergent themes and topics. Of relevance to this chapter, these included

the structures and processes through which study participants engaged with others to discuss/plan the proposed protected areas; and the issues and challenges they identified with respect to these processes. This organization and analysis was conducted on an ongoing basis throughout the research phase so that novel information and insights could be integrated into subsequent interviews (Dunn, 2000; QSR, 2012). The results of this analysis are presented here as two standalone case studies of collaborative MPA planning.

3 Findings

There is *"a multiplicity of relationships"* upon which the success of MPAs hangs, said one of the MPA officials interviewed for this study; and all must be diligently attended to (Interview 10).[25] Presented in turn, the findings from the Gwaii Haanas and Race Rocks cases are organized in three parts according to the involvement of (1) federal and provincial government partners; (2) First Nations; and (3) resource users and other stakeholder groups in these MPA planning processes. Organizing the findings in this way highlights a key feature of these processes, which is their multi-track nature. Much of the collaboration undertaken by the lead agencies in these cases occurred with government partners *or* First Nations *or* stakeholders, rather than all three together – a reflection of the distinct roles, rights, interests and expectations of these groups. Occasionally these tracks converged, as when members of all or most interest groups were brought together around the same table on a multi-stakeholder advisory body. One of the criticisms voiced by stakeholders in both cases, though, was that the linkages between tracks were generally weak.

The cases also reveal a substantive difference in the focus of Government-Government and Government-First Nations discussions on the one hand, and Government-Stakeholder consultations on the other. The consultations with stakeholders in Gwaii Haanas and Race Rocks were mostly focused on what the proposed MPAs should look like: their conservation objectives; the rules regarding access and resource use; priority areas for investment (e.g., research; public outreach; enforcement; employment), etc. In contrast, the deliberations between lead agencies, government partners, and First Nations were less about these decisions than about how – and by

[25] Direct quotes are generally referenced by an interview number and, in at least the first instance, a generic label such as "MPA official" or "advisory board member." One or the other of these identifiers is withheld where it is felt that including both would compromise an interviewee's anonymity.

whom – they would be made. Both cases show that it is this, rather than the issues addressed with stakeholders, that present the greatest difficulties for the officials tasked with implementing a collaborative approach to MPA planning.

3.1 Gwaii Haanas

The Gwaii Haanas NMCA was somewhat atypical as an MPA planning process due to the fact that it was building on an existing, terrestrial protected area – the Gwaii Haanas National Park and Haida Heritage Site. With the notable exception of the commercial and recreational fishing sectors, therefore, Parks Canada already had existing relationships and consultation experience with most stakeholder groups at the site. More significantly, it had a co-management arrangement in place with the Council of the Haida Nation (CHN), with whom it had been managing Gwaii Haanas since 1993. The Archipelago Management Board (AMB) is the primary structure for collaborative decision making in Gwaii Haanas, and the fact that Parks Canada and the CHN did not have to build it from scratch before creating the NMCA distinguishes this case from most other MPA planning processes in which co-management is an objective. Extending Gwaii Haanas into the marine environment has also meant changes for the AMB, however, including an expanded membership and mandate. As described in the first two sub-sections below, these changes pose new challenges to what has, to date, been a very successful co-management arrangement. Sub-section 3.1.1 focuses on the intragovernmental partnership between Parks Canada and DFO, which is central to the success of the NMCA. Sub-section 3.1.2 then looks closely at the AMB and the implications of the NMCA designation for this body. Finally, sub-section 3.1.3 moves from intragovernmental and Government-First Nations collaboration to the involvement of resource users and other stakeholders in the management planning process.

3.1.1 Intragovernmental cooperation: Parks Canada and DFO

There is no department that Parks Canada depends on more to understand and support the objectives of Gwaii Haanas – or indeed any NMCA – than DFO. This is because, unlike National Parks (which Parks Canada also administers), fishing and other types of resource harvesting can be permitted within NMCAs, and the authority for managing these activities lies with DFO, not Parks Canada. These two federal departments are expected to speak *"with one voice"* in Gwaii Haanas (Interview 8), and, as discussed in the following section, a DFO representative now sits

alongside Parks Canada and CHN counterparts on the AMB to facilitate consensus-based management decision making. At the time of the study in 2012, however (after the NMCA had been established, but before any significant management decisions had been made) many respondents expressed doubts that DFO was fully committed to a collaborative approach.

According to a Parks Canada official, DFO supported Parks Canada throughout the NMCA designation process, by sharing fisheries data with the Agency, for example, and assisting in consultations with the fishing industry (Interview 3). Respondents also spoke of the cooperation – such as sharing equipment – between the staff from DFO and Parks Canada who work side-by-side in the field in Gwaii Haanas. In 2010 DFO's Minister signed the Interim Management Plan (IMP) for Gwaii Haanas.[26] This was *"a very significant endorsement,"* said another Parks Canada official (Interview 1), because any provisions of an NMCA management plan that relate to fisheries must be approved by DFO.[27] It is only with the department's support, therefore, that the IMP (and future management plans) can be fully implemented. Also in 2010, DFO's Minister signed the Gwaii Haanas Marine Agreement alongside the Minister of the Environment (responsible for Parks Canada) and the President of the CHN. A successor to the original 1993 Gwaii Haanas Agreement, the Marine Agreement reaffirms the parties commitment to consensus-based decision making through the AMB (see Canada & CHN, 2010a, Preamble and s. 5).

DFO has good reasons to help make the NMCA a success. Under the Oceans Act it has the lead role in developing Canada's national MPA network and, as the first protected area to be designated under the NMCA Act, Gwaii Haanas is an important step towards that overall goal (Canada, 2005b; Oceans Act, 1996). Through its involvement on the AMB the department also has an opportunity to practice integrated and collaborative approaches to fisheries management, specifically with First Nations partners (in this case the CHN), which it has identified as a priority (see DFO, 2007a, 2012a, 2015b). *"This [is] a perfect opportunity for us to look at implementing these policies on a smaller spatial scale like Gwaii Haanas, and seeing how they work,"* said a DFO official (Interview 2). Despite appearing to be well aligned with DFO's objectives, however, interview respondents believed that the department has mixed feelings

[26] See Canada and CHN (2010b).

[27] See NMCA Act (2002, s. 9.4). The Gwaii Haanas IMP calls for fishing to be permanently prohibited in 3% of the protected area; it is DFO that puts the regulations in place to make this enforceable.

about the NMCA. A local stakeholder had heard that there had even been *"a bit of a kerfuffle"* between it and Parks Canada in the lead-up to the NMCA designation, because DFO thought it, not Parks Canada, should have taken the lead role in the marine portion of Gwaii Haanas. *"[But] Parks said, 'No no, we want to do this because we've been working towards it. We're ready to go. We're gonna go'"* (Interview 4). Whether or not this is accurate – a Parks Canada official said that, in general, DFO is *"definitely defensive about Parks Canada coming in on their turf"* (Interview 5) – there is no question that the NMCA makes life more complicated for DFO. Part of the difficulty is that DFO's constituents in the commercial fishing industry were not supportive of the NMCA when it was proposed (see 3.1.3 below), and are not comfortable with the prospect of Parks Canada and the CHN getting involved in fisheries management decisions now that the NMCA is in place. *"The mandate [for marine conservation] should be in DFO, it should not be in Parks,"* said an industry representative. *"… It adds a huge extra layer of bureaucracy to the process, and bureaucracy that doesn't understand fisheries"* (Interview 7). On one hand, the authority for fisheries management has not shifted away from DFO with the creation of the NMCA; at the end of the day only the Minister of DFO can decide whether a fishery within the NMCA is opened or closed. On the other hand, all of the management objectives for the NMCA, including those pertaining to fisheries, are now meant to be established by DFO, Parks Canada, and the CHN together through the AMB, hence the "extra layer of bureaucracy" that concerns the fishing industry.

Having managed the fisheries in Gwaii Haanas on its own for decades, DFO must now do so in collaboration with Parks Canada and the CHN, who have different perspectives and priorities on how the area should be managed. At the time of this study, for example, DFO was considering re-opening a sea cucumber fishery in Gwaii Haanas (as it had recently done elsewhere in Haida Gwaii), but neither Parks Canada nor the CHN supported this. *"The whole mandate changes as soon as you cross those lines into [the] protected area,"* said a DFO official. *"The rules change, the focus changes, and the people you're dealing with changes. So there's a whole different mindset that goes along with that"* (Interview 6). A Parks Canada official believed that this would not be an easy adjustment for DFO:

> *"It's hard to adjust to a culture that's been around for several decades, and change that into something else. Now your fisheries management plans have to include all these other things that they never included before. All these other competing values" (Interview 9).*

The issue of organizational 'culture,' and the suggestion that DFO and Parks Canada are different in this respect, was raised by other respondents, too. If comparisons were made, respondents invariably felt that DFO was the less collaborative of the two organizations, associating this with a general conservatism within the organization. *"A lot of it [reluctance to work together] has got to do with in-built conservatism I suppose, and corporate learning"* said a Parks Canada official. *"I had great cooperation from DFO on a personal level … but on a corporate level it's been slow"* (Interview 3). *"It's an enormous bureaucracy that's in this big rut,"* said a local stakeholder. *"There's lots of very good people that work there … [but] they're unable to change as times change, as things change. … It [the department] is just moving by its own inertia"* (Interview 4).

No individual can represent or summarize the views of an entire organization, but the following two comments – the first from a Parks Canada official; the second from a DFO colleague – are illustrative of the gap that seems to exist between these two organizations when it comes to their partnership in Gwaii Haanas:

> *"A key [point] is getting away from this view of mandate superiority, and recognizing it is the federal flag that we work under. Yes, this [Gwaii Haanas] is Parks Canada-lead, administered, formally, on our books, but we work for the Government of Canada … So whether it's a tool that falls in the DFO toolkit … or the Parks Canada toolkit, it doesn't matter, that's just legal stuff. What does matter is that the governments have a constructive relationship, administratively, and that the actions that we're pursuing together adhere to the vision for the place."*

> *"You [Parks Canada] have your mandate, we have ours. We're two different government agencies, and until an executive within DFO comes to me and says that we've given up our rights to our mandate to Parks Canada, then I'm not going to be following Parks Canada's mandate, I'm following DFO's mandate."*

At the time of the study in 2012, respondents were still waiting to see how well Parks Canada and DFO would work together in Gwaii Haanas. One respondent, noting the differences between the two organizations, said that it was to be expected that they would need some time to learn how to do so. It was a promising start when DFO, Parks Canada and the CHN reached agreement on the IMP. However, this document is more of a "road map" for future planning than a detailed

plan in itself, and perhaps not a true test of the prospects for cross-jurisdictional cooperation (GHMAC, 2009b, p. 3). The next task for these organizations is to develop a comprehensive management plan (marine and terrestrial) for Gwaii Haanas. Having got off to a slow start, according to one DFO official (Interview 2), a colleague in the department had every expectation of difficulties to come:

> *"It's one thing to come together to discuss phraseology on an interim plan. It's very different sitting down and talking about herring allocation and exploitation rates that are going to be in a final plan. The level of controversy, or difficulty in the issues, is going to escalate over time" (Interview 8).*

3.1.2 Government-First Nations co-management: The Archipelago Management Board

A product of the 1993 Gwaii Haanas / South Moresby Agreement between Canada and the CHN, the AMB is tasked with the day-to-day management of Gwaii Haanas. Originally a four-person body with two representatives each from Parks Canada (on behalf of the GoC) and the CHN, the board was expanded in 2010 to accommodate a representative from DFO and a third CHN member (to maintain equal representation between the GoC and CHN). The Gwaii Haanas Agreement takes as its starting point an agreement to disagree on who owns Haida Gwaii, which enables the parties to concentrate on their common interest in protecting it (see Canada & CHN, 1993, s. 1.1). It is up to the AMB to put this agreement into practice, and since 1993 it has successfully managed the National Park Reserve and Haida Heritage Site through a model of consensus-based decision making. This success was credited with improving relations between the GoC and CHN despite the fact that their territorial dispute remains unresolved. Expanding the board's mandate into the marine environment introduces new and potentially destabilizing challenges for collaboration, though, not the least of which are a lack of trust between DFO and the CHN, and resistance from DFO's constituents in the fishing industry to the board's role in fisheries management.

Strictly speaking the AMB is not a decision-making body. Tasked with "examin[ing] all initiatives and undertakings relating to the planning, operation and management" of Gwaii Haanas, its members develop consensus-based recommendations that are then approved by senior decision makers in the GoC and CHN (Canada & CHN, 1993, sec. 4.1). If a consensus cannot be reached, board members have the option of putting the issue aside until a later date,

which has been their practice, or of referring it to senior officials in their respective organizations to resolve (see Canada & CHN, 1993, s. 5.1). This model (Figure 8) faced an early legal challenge when a local tour operator argued that it unlawfully infringed on the authority of the Minister responsible for Parks Canada by obligating her to seek consensus with the Haida before making decisions. This argument was dismissed, though, on the grounds that no legal authority is delegated to the AMB, and that consensus-seeking does not amount to a surrendering of one's authority. "The fact that one who must decide a question discusses the issues with another does not mean that the decision maker has surrendered his authority to the other," wrote the judge (*Moresby Explorers Ltd. v. Canada (Attorney General)*, 2001).

The Gwaii Haanas Agreement is a political not a legal document, and both federal Ministers and the President of the CHN (a crucial point) are at liberty to reject the AMB's recommendations. Having said that, board members are given considerable autonomy to speak on behalf of their respective organizations, and according to one member most AMB recommendations are decisions in all but name. Though the term 'co-management' is not used in the Gwaii Haanas Agreements, the AMB is understood by both Parks Canada and the CHN to be an equal partnership (Haida Nation v. Canada, 2015, para. 55; Interview 10), and according to one Parks Canada official it goes further than any other arrangement for First Nations involvement in the Agency's protected area system (marine or terrestrial) (Interview 1).

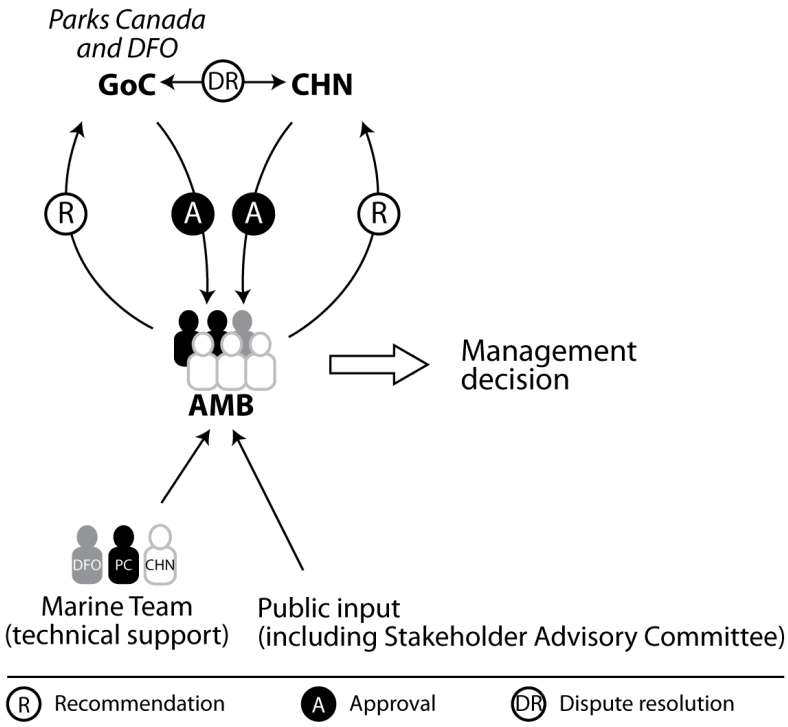

Figure 8 – Management decision making through the Archipelago Management Board

By all accounts the AMB has worked very well. Though members do not see eye-to-eye on all issues, and decisions are sometimes put on hold to *"cool"* for a period, said one AMB member, as of 2012 the members had always been able to reach consensus on the issues before them. *"No issues have come forward that we haven't been able to discuss and reach consensus on,"* said a second member. A consequence of this success is that the relationship between the GoC and CHN has improved appreciably since 1993. "While born out of conflict," wrote the Gwaii Haanas Superintendent, a member of the AMB, "the relationship that exists in Gwaii Haanas today is regarded internationally as an outstanding example of cooperative management" (Gladstone, 2013). The partnership has also strengthened Parks Canada's reputation with public stakeholders in Gwaii Haanas. *"I think it has been very good for Parks Canada,"* said a local resident and former member of the Marine Advisory Committee (see next section). "*It has opened their eyes to doing business a different way, and considering the communities around the park, which they didn't do so much before"* (Interview 4).

The AMB is not without its critics, though. The BC Seafood Alliance (BCSA), an umbrella organization for the commercial fishing industry, was highly critical of what it saw as a political rather than science-based decision to create the NMCA in the first place, and called it "not

acceptable" that fisheries-related decisions be made through the board (BCSA, 2009b, p. 6). Although there appears to be little love lost between the industry and DFO – fishermen "*would laugh at the notion that DFO is concerned with the health of the fishing industry,"* said one industry representative – the industry is even less comfortable with the prospect of Parks Canada and the CHN getting involved in fisheries management. *"It's easier for us to deal with DFO because they understand fisheries and Parks does not"* (Interview 7). A similar concern was expressed by a stakeholder outside the fishing industry, who worried that in the context of the Haida's unresolved claim to Haida Gwaii[28] politics would interfere with good decision making on the AMB:

> *"A lot of the decisions that get made are decisions deciding what would make the Council of the Haida Nation look better to the public, to have a better claim on the land. So I worry that decisions will be made solely based on that, and not on actual research" (Interview 18).*

Finally, another respondent said that they had often heard the board criticized for not being sufficiently open and transparent. *"Even within the Haida community they often don't feel that they understand enough about what is going on and what that board is deciding"* (Interview 12).

The establishment of the NMCA marked the beginning of a new and more complex chapter for the board, and two related changes were expected to challenge its successful track record of consensus building. The first is the fact that commercial and recreational resource harvesting will be allowed within the NMCA, as noted earlier. This is a stipulation of the NMCA Act, which sets out a mandate for sustainable resource management within NMCAs (in addition to strict conservation) that distinguishes it from the National Parks Act (see NMCA Act, 2002, ss. 4.3, 4.4). Prior to the designation of the NMCA, therefore, the AMB had no experience with this sustainable-use mandate, and all of the respondents who spoke to this issue predicted that it was going to make the board's work considerably more difficult:

> *"It's one thing to manage an area that's fully protected and there's no resource harvesting. None of that kind of stuff happens on the land. But in the NMCA resource*

[28] The Haida submitted a comprehensive land claim to Haida Gwaii (including surrounding waters) in 1980, and entered into the BC treaty negotiation process in 1993. They are currently at the Agreement-in-Principle stage (Stage 4) of this process.

harvesting is going to continue. There's going to be commercial fishing, there's going to be sports fishing, all this kind of stuff. … It's going to get harder (Interview 13, Parks Canada).

The second change, which goes hand-in-hand with the first, is the addition of DFO to the collaborative partnership. Unlike the relationship between the CHN and Parks Canada, which has been steadily improving since 1993, the relationship between the CHN and DFO is strained by chronic disagreements over fisheries management. *"DFO certainly has one of the worst reputations*, *particularly with First Nations,"* said a respondent who once worked for the department (Interview 15). While respondents both on and off the AMB felt that the personal and working relationships on the board itself were developing reasonably well, it was an open question at the time of the study how distrust at an organizational level would impact the board. As alluded to in the previous section, many respondents were skeptical that DFO was genuinely committed to applying consensus-based decision making – on which the AMB is premised – to fisheries management. This skepticism was based on what respondents described as an organization unaccustomed to working with others – *"DFO has never really played with anybody else,"* said one stakeholder in Gwaii Haanas (Interview 16) – and that is therefore ill-suited, culturally or structurally, to doing so. As if to confirm this skepticism, in 2014 DFO opened the herring fishery in Gwaii Haanas (and elsewhere on the BC coast) against the advice of both the AMB and senior DFO staff (Haida Nation v. Canada, 2015; R. Jones et al., 2016).

Respondents stressed that, notwithstanding its longevity, the AMB remains a fragile arrangement for collaborative decision making. *"It says right in the [Gwaii Haanas] agreement that either party can walk away with six months' notice,"* pointed out one AMB member.[29] None of those interviewed for this study said that they anticipated this happening, however. Meanwhile, the fallout from DFO's herring decision might, paradoxically, have reinforced the robustness of this co-management arrangement. On one hand, the decision (which was taken again in the 2015 season) triggered for the first time ever the board's dispute resolution mechanism by dividing the DFO representative from his Parks Canada and CHN colleagues (R. Jones et al., 2016). On the other hand, the CHN successfully challenged the herring opening in a

[29] Only 60 days written notice is required to withdraw from the Marine Agreement (Canada & CHN, 1993, s. 8.4, see 2010a, s. 9.4).

federal court, winning an injunction against the decision in 2015. DFO argued that in making his decision the federal judge had misinterpreted the 1993 and 2010 Gwaii Haanas Agreement, which, the department pointed out, do not oblige DFO's Minister to defer to the AMB in its decision making (Haida Laas, 2015; R. Jones et al., 2016). This is true. The judge's reasoning, though, which he framed within the broader context of reconciliation between Canada and the Haida, is that the agreements create a "heightened duty" on Ministers to consult with the Haida before making their decisions (Haida Nation v. Canada, 2015, para. 53). In this case the judge found that the Minister had failed in this duty. This judgement nudges the AMB very close to a legal line in the sand, therefore. It does not contradict the fundamental principle that government Ministers have the ultimate authority to decide on the matters under their jurisdiction; but the legitimacy of those decisions will be diminished, and could even be overturned, if the Minister is not seen to be honouring the GoC's commitments under the Gwaii Haanas agreements.

3.1.3 Stakeholder engagement: multi-stakeholder and sector-specific consultations

In the roughly three years leading up to the NMCA designation Parks Canada lead an extensive program of stakeholder consultations, including open-house-style events in communities across Haida Gwaii; a public 'speaker series'; and other outreach tools (Canada & Haida Nation, 2010). It was beyond of the scope of this study to investigate this program in its entirety; the focus here is on the two most substantive measures taken to involve stakeholders in the planning process: a multi-stakeholder Marine Advisory Committee, and bilateral (sector-specific) consultations, most of which were conducted with the commercial fishing industry. The purpose of both consultation approaches was to share information with stakeholders about the proposed NMCA, build support, and involve stakeholders in the development of an Interim Management Plan (IMP), which is a pre-designation requirement for all NMCAs (NMCA Act, 2002, s. 7.1d). The Gwaii Haanas Marine Advisory Committee (GHMAC) was generally viewed as a positive and genuinely collaborative process, whereas the consultations with the fishing industry were much more difficult and acrimonious due to concerns among industry members about the potential impacts of the protected area on their livelihoods. One issue that both approaches shared in common, though, was that participants questioned what impact they actually had on final decisions.

The GHMAC was formed in 2008 "to engage a cross-section of stakeholders and community interests, expertise and geographic areas in the interim[30] management planning process" (Canada, 2010a, p. 1387). This cross-section covered the local tourism industry; commercial and recreational fishing; education; conservation; and marine science. The role of the eleven members selected to the Committee, all of whom were residents of Haida Gwaii, was to share their diverse expertise and insights with members of the Project Team, and each other. Unlike some advisory bodies, though, GHMAC members were not responsible for representing these interest groups in any formal way, or for speaking for anyone but themselves at committee meetings. *"They wanted people on as themselves,"* explained one Committee member (Interview 4). The Committee met twelve times over a twenty month period to provide input on management priorities; best practices for public consultation; and issues requiring further research (Canada & Haida Nation, 2010).

Interestingly, it was the understanding of officials in Gwaii Haanas that the creation of the interim GHMAC was not strictly necessary, even though the NMCA Act calls for "a management advisory committee to advise the Minister on the formulation, review and implementation of the management plan for the area" (NMCA Act, 2002, s. 11.1). Officials interpreted this stipulation to be in reference to the final management plan, which is developed *after* the NMCA is designated, and not the IMP that is produced beforehand (see NMCA Act, 2002, ss. 7.1d and 9.1). Nevertheless, the Project Team thought that forming the GHMAC was a good idea, and so went ahead with it. According to a Parks Canada official, the Committee was *"really really valuable."* It helped the Project Team direct the management planning process, and gave it *"a heads up"* on what to expect in its consultations with stakeholders outside the GHMAC process (Interview 13). In a report on the overall consultation process, the Project Team wrote that "the perspectives and concerns shared by the Interim Marine Advisory Committee were instrumental in shaping the proposed management actions within the interim management plan" (Canada & Haida Nation, 2010, p. 7).

As a multi-stakeholder forum, the committee also provided opportunities for members with diverse backgrounds to learn from one another:

[30] 'Interim' here and in the 'Interim Management Plan' refers to the pre-designation NMCA planning phase. It distinguishes this period from the post-designation phase, when further and more detailed planning continues to develop a final management plan (due within five years after designation).

> *"You had a high school student arguing with a commercial fisherman about why a particular subject matter was important to one and not the other. [They were] learning from each other and both coming to a place where they could respect each other's perspectives" (Interview 17).*

For this the Project Team could take some credit, a member said, because officials did a good job of creating a *"congenial"* environment in which participants could speak openly about their views (Interview 16). They were also *"honest and straightforward"* about the issues under consideration during the planning process, said another participant, *"and I felt that they were listening to what we had to say, and trying to include it [in the IMP]"* (Interview 18). Echoing an observation noted earlier, this respondent saw the GHMAC as part of a gradually improving trend in the way Parks Canada engaged local communities and businesses in the management of Gwaii Haanas. Whereas staff in the early days of the National Park and Haida Heritage Site *"weren't willing to listen to the people who'd been there for a long time about what might work and what might not work,"* this respondent now saw a more deliberate effort on the Agency's part to improve its 'PR' (public relations). It also helped, said a Parks Canada official, that, in contrast to National Parks, NMCAs allow for – indeed, are meant to encourage – ongoing (but sustainable) resource uses.[31] This leaves *"a lot of wiggle room"* for planners and stakeholders to address local interests and needs. *"[It's] less black and white, and more about compromise"* (Interview 5).

Along with these generally positive assessments, respondents also had several criticisms of the GHMAC, one of which was the minimal involvement of DFO and the CHN. Because these organizations would be directly involved in managing the NMCA, and have views, objectives and expertise that were highly relevant to the planning process, members wanted to see them at the table. DFO and CHN officials were only present at three or four Committee meetings each, however, which diminished the Committee's value from the perspective of those involved (GHMAC, 2008c; Chapter 3, this dissertation). The importance that stakeholders in both Gwaii Haanas and Race Rocks attached to the involvement of non-lead agencies in MPA planning processes was an important finding from this study, and is explored at greater length in the following chapter.

[31] See NMCA Act (2002, s. 4.4).

A second criticism of the GHMAC related to how a key component of the IMP, the NMCA zoning plan, was dealt with. Several respondents, including a Parks Canada official on the Project Team, referred to this as the weakest and most contentious element of the advisory process. It was likewise a major source of controversy in the Project Team's consultations with the commercial fishing industry (see below). Zoning decisions are important because they determine what can and cannot take place in an NMCA. It is important that they are well-informed and transparent, therefore. GHMAC members were critical of the Gwaii Haanas process on both counts. All NMCAs must include at least two zones, including a fully protected or 'no take' zone (NTZ), in which commercial and recreational fishing and harvesting are prohibited; and a sustainable-use zone, in which these and other activities will be permitted as long as they are compatible with conservation objectives (Canada & CHN, 2010b sec. 5; NMCA Act, 2002, sec. 4.4). What proportion of an NMCA should be assigned to each zone is not specified, however. To obtain stakeholder input on this question, therefore, the Project Team produced a map of candidate NTZs for the Committee to review and discuss. Referred to wryly as the Yellow Blob Map (in reference to the coloured areas showing potential NTZs), this was meant to capture areas of high ecological value within the future protected area. But according to one stakeholder it did a poor job of doing so:

> *"We had real problems with the quality of the data that went into doing [the analysis] …. You know, a model is only as good as the data you put into it. … We'd say, 'Look, it's no good. Either fix it , or don't use it'" (Interview 16).*

Despite this feedback, though, the Project Team kept coming back to the Committee without making any noticeable improvements. *"At times it felt like [our] advice was just not being listened to"* (Interview 16). It was frustrating, added another member, that DFO would not share the fisheries data it received from commercial fishing operators, even though the department was using that information itself to inform the selection of the NTZs. *"DFO used the data to design and assess the set of management zones it wanted, but would not let the rest of the members have it to do the same thing"* (Interview 19). It was not established why DFO was not more forthcoming with the GHMAC, but while the criticism seems to align with the department's poor reputation for collaboration it could also be that DFO was restricted by confidentiality rules from

releasing this third-party information.[32] GHMAC records show that "public" fisheries data was shared with stakeholders on the committee (GHMAC, 2008b, p. 3). It appears, though, that the member quoted did not receive a satisfactory explanation for why more data wasn't shared.

Finally, the GHMAC process was criticized for having little discernible impact on the IMP, in contradiction to the statement by officials, noted earlier, that the Committee's input was "instrumental" in shaping the IMP. When presented with a draft of the IMP at the final GHMAC meeting, members felt that it did "not seem to reflect the 1.5 years of effort that the committee had put forth" (GHMAC, 2009b, p. 2).

> *"It just says we intend to establish this marine protected area and it will be managed by the Government of Canada and the Council of the Haida Nation. That's the entire content. ... Most members of the group were somewhat disappointed in it because it didn't include a lot of the things we talked about and made decisions about" (Interview 18).*

The IMP was not necessarily a rejection of stakeholder input; it simply didn't show which recommendations, if any, the government intended to implement. Officials were upfront with GHMAC members about why more of what they had discussed had not been included. In order to garner the political support necessary get through the parliamentary approval process, they explained, the plan needed to be as parsimonious and uncontroversial as possible. They also assured GHMAC members that all of their deliberations had been recorded, and that "the AMB will take what has been heard to develop priorities and incorporate into the full Management Plan" (GHMAC, 2009b, p. 3). At the time, though, stakeholders were unable to judge conclusively whether or not their input had made much difference.

The GHMAC was also heavily criticized from outside the Committee, said a Parks Canada official, because it didn't include representation from non-local interest groups. *"We got slammed for basically not having enough representation from different sectors"* (Interview 17). This respondent believed, though, that this criticism may have been due to a misunderstanding

[32] For more on this issue, see Ecotrust (2008). Access to fisheries data has also been a problem in the Sgaan Kinghlas – Bowie Seamount MPA, west of Gwaii Haanas. DFO and the CHN jointly manage this site, but have been unable to agree to a management plan despite being expected to have done so within 24 months of its designation, in 2008 (Canada, 2008, p. 1044). One of the issues standing in their way, according to a representative of the commercial fishing sector, is DFO's unwillingness or inability (for confidentiality reasons) to share catch data with the CHN.

about the Committee's purpose, which, as noted, was to represent a cross section of views rather than the official or collective positions of stakeholder groups. Outside the GHMAC process, the Project Team also sat down in bilateral forums with national conservation groups;[33] the tourism industry (individual tour operators, as well as the Gwaii Haanas Tour Operators Association); the Sport Fish Advisory Board; the Pacific Coast National Marine Conservation Area Science Network (a group of scientists and researchers from academia, government, and non-governmental organizations); and, above all, the more than 40 sectors of the commercial fishing industry that are active in and around Gwaii Haanas (Canada & Haida Nation, 2010).

In the final 18 months of the Gwaii Haanas consultation process the Project Team conducted more than 70 meetings with members and representatives of the commercial fishing industry. It also hosted a multi-sector fisheries forum with members of the commercial, recreational and First Nations sectors; and meetings were arranged between industry representatives and more senior government officials (not Project Team staff) from DFO and Parks Canada, a measure that does not appear to have been taken with any other stakeholder group (Canada, 2010a; Canada & Haida Nation, 2010). The scope of consultations with the fishing industry was due in part to its size, but also to the fact that the only significant opposition to the NMCA came from this stakeholder group. The meetings with industry members were not easy, consequently. *"They [officials on the Project Team] got really bloodied when they went to some of those meetings. They had meetings where they got yelled at for two hours straight by various fishing association members"* (Interview 16). The industry's concerns with the NMCA proposal, which were laid out in a position paper from the BC Seafood Alliance (BCSA), an umbrella group, included a lack of scientific evidence that the NMCA (and particularly NTZs) was necessary; the government's refusal to commit to compensating fishermen for the loss of jobs and income that closures would cause (or even to consider what the socio-economic impacts of this might be);[34]

[33] The Canadian Parks and Wilderness Society (CPAWS), Living Oceans Society, World Wildlife Fund (WWF), Sierra Club, and David Suzuki Foundation.

[34] The President of the BCSA explained the industry's position on compensation in comments to a hearing of the Standing Committee on Canadian Heritage in 2001. The industry does not expect compensation when fishing is restricted due to an explicit conservation requirement (a common management measure). Compensation *is* called for, though, when an area is closed to all fishing in perpetuity and for reasons other than conservation. In Gwaii Haanas, the President said, "We are talking about the possibility of taking areas of the coast where there are no conservation issues, and closing them off to provide a representative area of Canada for preservation into the future" (Standing Committee on Canadian Heritage, 2001a).

and a lack of parliamentary oversight once the NMCA was in place, meaning that regulations could easily become more onerous over time[35] (BCSA, 2009b, pp. 3–6).

When the Project Team presented fishermen with the same Yellow Blob Map it had used with the GHMAC, it immediately confirmed suspicions that large areas of Gwaii Haanas would soon be off-limits. According to one official, though, this caught the Project Team by surprise. *"We didn't understand that people were just waiting for us to tell them what we were going to shut down"* (Interview 17). Parks Canada had originally considered setting as much as 30% of Gwaii Haanas aside in NTZs (OAG, 2012), which would have amounted to more than 1,000 km^2 and had *"a huge impact on fisheries"* (Interview 70). By the time the IMP was finalized, though, the NTZ figure had been reduced to 3%, a "modest" commitment that is "not expected to have substantive measurable impacts on the fishing sector or other stakeholder groups" (Canada, 2010a, p. 1388). From the perspective of some respondents this outcome was an obvious reflection of the fishing industry's influence in Haida Gwaii. *"We [stakeholders outside the fishing industry] were presented with a fait accompli, and all they [Parks Canada] got was 3%. I was shocked"* (Interview 12). Far from feeling that their concerns had been heard, though, many of those within the industry felt that the NMCA was *"forced down their throats"* (Interview 20). Industry organizations raised their questions and concerns with Ministers at least a year before the IMP was published (see BCSA, 2009a; UHA, 2009), but despite the large number of meetings that subsequently took place, these were never addressed to their satisfaction. Like the members of the GHMAC, the industry was also unimpressed with the IMP, which "provides insufficient detail in just about every respect" (BCSA, 2009b, p. 7).

The BCSA reminded government decision makers that when the proposed NMCA Act was being reviewed in Parliament, in 2001, a senior Parks Canada official[36] said that the fishing industry would be "a key partner" in the establishment of any marine conservation area, and indeed would need to be "a key supporter" in order to proceed with NMCA designations (BCSA,

[35] Parliament only approves the IMP, whereas the extent of NTZs is almost certain to grow in future management plans. In written comments on the IMP, environmental NGOs said that "In our assessment the current area proposed to be in full protection zones (between 3-4% of the NMCA) is grossly inadequate, and should only be considered *a starting point* for management planning … the final management plan should aim for a scientifically robust amount of protection which global best practices and science suggests should be in the order of at least 30%" (WWF Canada, CPAWS, Living Oceans Society, & Sierra Club of BC, 2009, p. 2).

[36] The BCSA attributed the words to the CEO of Parks Canada; actually it was the Director General of National Parks.

2009b, p. 1; Standing Committee on Canadian Heritage, 2001b). In Gwaii Haanas, the BCSA said, this support could not be given until the issues it had raised were addressed. *"Basically the Seafood Association [sic] came to us,"* said a Parks Canada official, *"and said, 'You know, you guys can push as hard as you like to try and get Gwaii Haanas to happen, it's never going to happen. We're shutting you down, and we've got political influence here. We'll stop you dead in your tracks'* (Interview 10). The Parks Canada official quoted by the BCSA was being either imprudent or disingenuous in premising NMCA designations on industry support, however, because the decision to establish a protected area cannot be conditional on the approval of any stakeholder group, no matter how influential. While the support of the fishing industry was obviously desirable, therefore, the Gwaii Haanas Project Team, AMB, and senior decision makers did not consider it a prerequisite for establishing the NMCA:

> *"What we said was, 'Look, we're not asking whether or not you agree with the establishment of Gwaii Haanas as a National Marine Conservation Area. That's happening. … What we're asking for is your input on how to do it and how to make it better. What is it that you expect to see when this thing comes into place? That doesn't sound very democratic, in some ways, to do it that way, [but] there has to be some firmness in order to get this stuff done" (Interview, Parks Canada official)*

In 2010, therefore, with the IMP finalized and the Gwaii Haanas Marine Agreement signed, the NMCA was formally designated with broad stakeholder support, but in the face of opposition from the fishing industry. Since then, ongoing consultation with the industry has been a priority for Parks Canada, in order to *"figure out what went so wrong"* during the planning phase, "*and make sure that doesn't happen in the management phase"* (Interview 5).

3.2 Race Rocks

Unlike Gwaii Haanas, the planning process for Race Rocks has not (yet) concluded in a successful MPA designation. Though still identified as an 'Area of Interest' on the DFO website (DFO, 2016a), it has been dropped from the department's most recent list of sites "under consideration" for MPA establishment (DFO, 2015a). Race Rocks has been the subject of not one but two planning processes, the first of which was suspended in 2001when local First Nations objected to DFO's lack of consultation with them. Several years of on-again, off-again negotiations followed, and eventually, in 2008, DFO and three of the nations produced a draft

(unsigned) co-management agreement. At this point DFO reinitiated consultations with public stakeholders, most of whom have been supportive of the MPA since the beginning. At the time of the study in 2012 these consultations were complete, and officials were hopeful that they would soon go ahead with a new designation proposal. However, their negotiations with the nations were – and remain – inconclusive, explaining why the MPA has still not been established. As in Gwaii Haanas there are also government partners with whom DFO will need to work closely at Race Rocks, including the federal Department of National Defence (DND), which initially had some reservations about the protected area; and BC Parks, which is responsible for the provincial Ecological Reserve (ER) and would, if the MPA is established with First Nations support, participate in co-managing the site. These governmental partnerships are the subject of the first sub-section, below. Sub-section 3.2.2 then details the protracted Government-First Nations negotiations, while sub-section 3.2.3 describes the second round of stakeholder consultations, which were conducted almost exclusively through a multi-stakeholder advisory board. Despite stakeholder support for the protected area (or perhaps because of it), these consultations were marked by considerable frustration on all sides.

3.2.1 Inter- and intra-governmental cooperation: DFO, DND, and BC Parks

Jurisdiction at Race Rocks is shared by the federal government, which has ownership of the water column, and the provincial government, which has ownership of the land and seabed. As such, this has long been seen as an ideal site for cooperative oceans management (Canada, 2000). BC Parks has been closely involved in the MPA initiative since its inception, and despite some early missteps the prospects for an effective federal-provincial partnership here look good. Organizational mandates and objectives are less well-aligned between DFO and the Department of National Defense (DND), on the other hand. DND is the federal department with the most direct interest in an MPA at Race Rocks because it operates a naval base nearby, and as part of the GoC would be expected to support DFO in meeting the objectives of the MPA once it is in place. The department has made it clear, though, that it will not allow such objectives to interfere with its own mandate for national security.

Having already designated the area under its jurisdiction as an Ecological Reserve (ER), BC has always been supportive of an MPA at Race Rocks, which would strengthen the ER with overlapping federal protection (Canada, 2000). In 1998, the two levels of government produced a

joint strategy[37] to coordinate their respective MPA programs in the Pacific region, and shortly thereafter officials from DFO and BC Parks set out to designate the first Oceans Act MPA at Race Rocks. This turned out to be an inauspicious start to the new federal-provincial partnership, however. Before the ink had dried on the joint strategy, a senior official in BC's Parks Division felt compelled to write to his counterpart at DFO to complain that the Province was being sidelined at Race Rocks. DFO had apparently met with stakeholders without informing the province, and seemed unaware of – or uninterested in – the province's own management planning process through the Ecological Reserve Act. *"We were basically railroaded by the federal government,"* said a provincial official (Interview 32). Although DFO and BC Parks were meant to be co-chairing the designation process, from the province's perspective DFO did not taken this arrangement to heart:

> *"They couldn't proceed without us being co-chair [due to the jurisdictional situation], so we were co-chair in figurehead only. ... Any time we raised objections to what they were doing they said, 'Oh we're sorry we won't do it again.' And they did it again" (Interview 32).*

Despite its misgivings, though, the Province remained engaged and supportive of the initiative even after the first designation process ('Round 1') was suspended in 2001. Provincial officials continued to meet regularly with federal counterparts to implement the joint strategy, and in 2004 a new Memorandum of Understanding (MOU)[38] was signed to guide ongoing federal-provincial collaboration on the technical and policy work to move Race Rocks and other MPA projects forward. That year the province also signed on to a draft co-management agreement with DFO and the four local First Nations at Race Rocks, although this was never implemented (see next section). Finally, when DFO reinitiated public consultations, in 2009, the Province, while not interested in co-chairing the process a second time, played a valuable support role.

Provincial officials have now settled into a wait-and-see approach to Race Rocks. Both federal and provincial officials said that, in all likelihood, the Province will join DFO and the First Nations in managing the site as a joint MPA/Ecological Reserve if the MPA designation goes ahead. However, BC's involvement depends on what the First Nations decide. In line with a

[37] See Canada & British Columbia (1998).
[38] See Canada and British Columbia (2004).

2005 commitment to a 'New Relationship' with First Nations[39], BC has made it clear to DFO that it will not sign on to joint management, or even officially endorse the MPA, until the First Nations have done so first. If any of them come out in opposition to another designation proposal, it would be very difficult, politically, for the Province to be involved. *"We support this in principle,"* said a provincial official, *"... [but] federal government, you need to work this out with the First Nations. If you can't do that, then we can't support it"* (Interview 9).

In addition to the Province, DFO has consulted on Race Rocks with a number of federal departments, including Parks Canada, Environment Canada, and Transport Canada. Next to the Province, though, it is the Department of National Defence (DND), which operates a naval base on the mainland adjacent to Race Rocks, that would be most directly affected by an MPA. As a branch of the federal government, DND would be expected to back DFO in meeting the goals of the MPA once it is in place; unlike the Province, though, it does not have complementary conservation objectives there. On the contrary, a socio-economic report prepared for DFO suggested that, "perhaps nowhere else in Canada are the conflicting interests of two federal agencies more apparent than on the two sides of Race Passage" (Murphy & Mirza, 2010, p. 35). This is because the department conducts underwater blasting for military training purposes that can disturb the wildlife at and around Race Rocks, and that could therefore clash with the objectives of an MPA (see Backe et al., 2011, p. 24). Although DND has studied the impacts of these activities and how they can be mitigated[40], it is not prepared to stop the training exercises altogether. It was very important to the department that DFO understood this and did not *"[throw] something in the regulation that made it impossible for them to operate"* (Interview 21).

To address DND's concerns, DFO officials agreed to include an 'exception' in the regulations for Race Rocks, which will exclude DND's activities from what are otherwise general prohibitions against activities that cause damage to marine organisms and their habitat.[41] Some stakeholders at Race Rocks felt that this somewhat defeated the purpose of having an MPA in the first place; from interviews with officials at both DND and DFO, though, it was

[39] See British Columbia (2005).

[40] See Demarchi (2009, 2010a, 2010b); Demarchi and Bentley (2004).

[41] All MPA regulations include a set of general prohibitions against the damage/removal of organisms and habitat, which apply to all activities unless explicitly exempted. For examples see the MPA regulations for Tarium Niryutait (Canada, 2010b, s. 6) and Bowie Seamount (Canada, 2008, s. 3).

quite clear that, without an exception, DND would have moved to block the designation. Good working relationships will be needed between DFO and DND once the MPA is established, furthermore, which one respondent thought had been successfully established as a result of the departments' pre-designation consultations. A DFO official also pointed out that a regulatory exception does not preclude DND from making voluntary changes to its activities, and indeed the department has indicated that it is open to doing so. Other respondents, though, were skeptical that, with an exception-riddled regulatory framework, DFO would have any leverage over DND (or other federal partners) to collaborate with it in meeting MPA objectives. *"The frustration,"* said a stakeholder at Race Rocks, *"is we thought that DFO would actually take the lead in shepherding other government departments. ... [but] they say it's not within their mandate. ... I guess that's just not how it works"* (Interview 20).

3.2.2 Government-First Nations co-management

By far the biggest challenge for DFO in establishing the MPA at Race Rocks has been securing the endorsement of the local First Nations, within whose traditional territory it is situated. Having badly damaged the nations' trust when it first put forward a designation proposal in 2000, the department has been unable to close the gap between what the nations expect, and what it says it can deliver to accommodate their interests. This section will begin with a brief review of this earlier period before turning to the more recent consultations. At the time of this study, three of the four local nations – Beecher Bay First Nation, T'Sou-ke Nation and Songhees Nation – were in consultations with DFO to negotiate the terms and funding arrangement for a Government/First Nations MPA Management Board, and to come to agreement on the regulatory text for the MPA. For DFO, a key objective in these consultations was to obtain the nations' formal (i.e., written) endorsement of the MPA designation; for the nations it was to ensure that the MPA would benefit their communities, and respect and advance their Aboriginal rights. Since 1994 these nations have also been engaged in much more comprehensive treaty negotiations with BC and Canada to resolve a host of matters relating to land ownership and usage.

When DFO's Minister announced the upcoming designation of Race Rocks as Canada's first Oceans Act MPA, in September, 2000, he thought he was doing so with the First Nations'

knowledge and support[42]; it was an embarrassment, an official said frankly, when, immediately following the announcement, the chiefs of T'Sou-ke, Songhees, and Beecher Bay told the Minister (in person and, later, in writing) that they were opposed to it. They did so on the grounds that they had not been properly consulted, and that the MPA threatened to infringe on their Aboriginal rights (RRAB, 2001). From DFO's perspective there was no question of the MPA infringing on the nations' right to harvest resources for food, social and ceremonial (FSC) purposes. *"The clear position that we took at the time was that First Nations* will *fish,"* said a respondent who was with the department at the time. *"Aboriginal fisheries for food, social and societal [sic] purposes, as recognized under the Canadian constitution, would continue without any question whatsoever."* However, this position was contradicted, or at least confused, by the actual MPA proposal, which affirmed the right to FSC harvesting before going on to say that the nations had "volunteered to forego this activity" in support of the MPA (Canada, 2000, p. 3367). In fact, the nations had done no such thing, and this assertion, which came as a surprise even to some DFO staff according to Leroy et al. (2003), caused "a severe amount of mistrust and anger within the First Nations community" (RRPAB, 2009a, p. 4). This anger was compounded by the fact that, unlike most First Nations in BC, the Race Rocks nations signed treaties with the colonial (British) government that guarantee their right to harvest natural resources "as formerly," (AANDC, 2008), which some interpret to include not only FSC but also commercial fishing. However, the GoC has never officially recognized the modern day nations as the beneficiaries of these 19th century Douglas Treaties (AANDC, 2011), which is a major sore point in their relationship and underscores the nations' concern that a federal MPA could infringe on their asserted rights.

According to a DFO official, though, it was not the matter of infringement but the lack of proper consultation that was the nations' primary reason for objecting to the MPA. Only three years previously the Supreme Court of Canada had ruled in the landmark *Delgamuukw* decision that Aboriginal land title had not been extinguished in British Columbia, contrary to the provincial government's claim (BCTC, 2009; *Delgamuukw v. British Columbia*, 1997; Hurley, 2000). An implication of this decision, which T'Sou-ke, Songhees and Beecher Bay cited in their objections to DFO, was the duty it placed on governments to consult with First Nations on

[42] For the Minister's announcement, see Dhaliwal (2000).

decisions concerning their lands, and to potentially accommodate them when their interests would be affected (BCTC, 2009). Although DFO officials did meet with the Chiefs of Beecher Bay, Songhees and T'Sou-ke in 1998/1999 to discuss the proposed MPA, these initial meetings were not treated (by either party) as formal consultation, whereas subsequent efforts by the department to communicate with the nations were reportedly "unsuccessful" (RRAB, 2001, p. 2). In the meantime officials also engaged First Nations members of the Coast Salish Sea Council (CSSC) alongside stakeholders on the first public advisory board, and a member of this group even assured the department that he had met with the local nations, and that they supported the MPA (RRAB, 2000b). If DFO had proceeded on this basis, though, it was a major oversight, said a respondent familiar with this period, because the CSSC did not represent the Chiefs and Council of the nations in any official capacity (as DFO itself was well-aware). *"They [CSSC representatives] don't even speak the same language!… It was the completely wrong group of people, from somewhere else altogether, that had been consulted with"* (Interview 22).

One final issue, said a DFO official by way of an explanation for the inadequate consultation with the First Nations, was that the regional staff responsible for Race Rocks were under pressure to get the project completed as soon as possible. This is because DFO was embroiled in a major fisheries-related confrontation with the Burnt Church First Nation in New Brunswick, on the other side of the country. At the department's headquarters in Ottawa, therefore, senior officials were keen to have a good-news story to turn to, and they looked to the team working on Race Rocks to provide it:

> *"The Department was having a really hard time on the east coast with Burnt Church. And they were really looking for something that would deflect attention from what was going on on the east coast. So we were not [pause …] we weren't ready to go as quickly as we did. … in retrospect, we needed to do more consultations with First Nations" (Interview 23).*

As soon as the Chiefs came forward with their objections DFO recognized that it had made a mistake, and a commitment was made to suspend the MPA designation process until all of the nations' concerns had been addressed. In fact this was a commitment that one official thought, in retrospect, went too far, because it put the process into a *"holding pattern [that] became nearly became impossible to get out of."* Soon thereafter, the nations wrote to DFO to express their

support-in-principle for the MPA, on the basis of which officials sat down with the Chiefs of Beecher Bay, T'Sou-ke and Songhees, as well as a fourth nation, Esquimalt, to discuss next steps (RRAB, 2001). Guiding their discussions was the objective of establishing a cooperative Government/First Nations Management Board (GFNMB), and by 2004 it seemed they were close to a deal with a draft agreement to jointly manage not just the proposed MPA, but also a larger area beyond the MPA boundaries. This agreement (which also included the province, as previously noted) was never implemented, however, and respondents gave different (though not necessarily contradictory) accounts as to why. DFO *"got cold feet … [and] pulled the plug,"* said one respondent (Interview 22); the First Nations pulled out because they *"didn't like the way things were going*," said another (Interview 21).

In 2007 the parties returned to the negotiating table, though this time without the involvement of either Esquimalt (which said it was no longer interested in taking part), or the Province (the nations said they only wanted to deal with DFO at this stage). The principle subjects of the negotiations were (1) the terms of reference for a GFNMB; (2) a contribution (funding) agreement to support the board; and (3) the regulatory text describing the conservation objectives and proposed regulatory measures that would be taken within the MPA (including permissible and prohibited activities). The following year, DFO, T'Sou-ke, Songhees and Beecher Bay produced another draft agreement that again spelled out their shared interest in protecting Race Rocks through a jointly-managed MPA. Described by a DFO official as "a very special arrangement" (RRPAB, 2009a, p. 5), the department was sufficiently optimistic that this agreement would stick that it took it as a green light to re-engage stakeholders the following year – something it had not wanted to do until it was confident the First Nations were on board (Interview 21). Around this time, it also contracted a liaison from the Beecher Bay First Nation to facilitate ongoing consultations with the Chiefs, and to organize community meetings within each of the First Nations communities. With the liaison's assistance, the parties took another important step in 2010 by signing a memorandum of understanding (MoU). This stated their "fundamental interest in the stewardship of the Race Rocks area [and] desire to work together in a cooperative manner based on mutual respect and recognition" (DFO, Beecher Bay First Nation, Songhees Nation, & T'Sou-ke Nation, 2010, p. 1).

In 2011, DFO told stakeholders that the Terms of Reference (ToR) for the GFNMB was "99% complete with only small issues to address" (RRPAB, 2011, p. 3), and in a March, 2013

update reported "considerable progress" and the expectation of "written confirmation" from T'Sou-ke, Songhees and Beecher Bay in the coming months (Matthews, 2013). *"Progress with the First Nations has been very slow relative to many things,"* acknowledged a DFO official. *"That being said, we've made some progress and we're continuing to get signals that [they] support the idea of designation"* (Interview 33). Notwithstanding these signals, though, the nations have yet to provide DFO with the formal letter of support it wants before putting forward a new designation proposal (the stage at which the nations raised their objections in 2000).

A key challenge at Race Rocks, an official explained, is that negotiating with four independent nations *"just makes things much much* much*, exponentially more difficult. To have consensus, you know, they all have different interests, they all have overlapping claims"* (Interview 23).[43] This is no doubt true, and could very well complicate decision making on the GFNMB once it is in place. However, T'Sou-ke, Songhees and Beecher Bay have consistently indicated that they support the MPA in principle (Esquimalt, admittedly, has not); the problem is that none are satisfied with what DFO has proposed to meet their interests and accommodate their rights. The nations see genuine opportunities in an MPA at Race Rocks, including economic development in their communities (particularly youth education and employment) and better public awareness of their history, rights, and roles; but interviews and documentary records show that they have been unimpressed with what DFO has put on the table to make these a reality. DFO offered $25,000 a year to support the activities of the GFNMB, for example, but would only commit to an initial two-year period – much too short-term from the nations' perspective. The nations would also like to see funding guarantees to support specific priorities beyond just the operation of the management board, such as education and training for their members (DFO, 2013c). According to one respondent, it was because DFO would not make any concrete financial commitments that the Chief of Esquimalt walked away from the earlier negotiations.

In correspondence with DFO, the First Nations liaison noted that Race Rocks could set a positive precedent for collaboration, but "one must also bear in mind that the essence of co-

[43] The overlapping claims this official is referring to can be seen in the nations' submissions to the BC Treaty Negotiation process (see Te'mexw, 1994). The nations have stated that they "will discuss the issue of overlaps and claimed shared territories … and will make reasonable efforts to resolve any conflicts" (Beecher Bay et al., 2015, p. 24).

management is not only working together but also building mutual trust towards a mutually achievable goal. … If the DFO are to continue with a long-term, meaningful relationship with the First Nations, resources must be allocated appropriately in order to accommodate the needs of the community."[44] Money is not the only issue, though. Crucially, from the nations' perspective (but problematically from DFO's), the MPA is an opportunity to make substantive progress on a broad set of issues relating to their Constitutional and asserted rights. The nations insisted, for example, that their cooperation with DFO in the management of the MPA be framed in terms of a "government to government" relationship – language that DFO had to carefully parse with its legal team before agreeing to include it in the Terms of Reference (DFO, 2012b). The nations have also pressed for the GFNMB – which would comprise two members from each of the nations and DFO (8 members total) – to be assigned responsibilities that, not unlike the Gwaii Haanas AMB, challenge the legal distinction between advice giving and decision making. *"It is called a management board,"* said a DFO official, *"but in reality the Minister still makes the final decision on things"* (Interview 21). The nations, though, have suggested that the board should be able to encourage and approve First Nations economic opportunities without Ministerial authorization; and that it should be up to the board and Minister together to approve activities proposed by other parties, such as public education, marine tourism, and scientific research.[45] Finally, the nations look to DFO to support them in advancing interests that are not strictly related to the MPA, such as taking a more active part in the management of the provincial Ecological Reserve (a role that is currently filled by the staff and students of Pearson College) (DFO, 2013c).

T'Sou-ke, Beecher Bay and Songhees proposed 26 specific measures that DFO could take to accommodate their interests at Race Rocks and thereby enable them to support the MPA (DFO, 2013c). A significant number of these, though, the department said outright that it could accommodate, either because they fall outside its jurisdiction, beyond its MPA mandate, or foul of the legislative process. In October, 2013 and again in March, 2014, DFO conveyed to T'Sou-ke, Songhees and Beecher Bay that, while the department was "committed to developing an effective and meaningful relationship" with them, it had "reached a point" at which it needed to

[44] This quote taken from documents obtained March, 2016 through the Access to Information and Privacy Act (ATIP).

[45] These suggestions were made as comments on the draft Regulatory Intent Document (RID) for the MPA.

assess the viability of the MPA project (DFO, 2013c, p. 1). DFO officials interviewed for this study implied that, from their perspective, the ball was now in the nations' court ("I believe … we have done pretty much all we can to meet the expressed interests of the Nations," wrote a DFO official in a June, 2012),[46] and some went further by suggesting that the nations were taking the initiative hostage, in effect, by treating the negotiations as an opportunity to advance interests that reached beyond the MPA mandate:

> *"We sometimes get wrapped up in something bigger because they have a different or a bigger goal in mind, and they take different opportunities to exert whatever it is they're trying to exert. So it [the MPA initiative] is not hostage, but it's sometimes challenging in that the issues that these First Nations are dealing with are much larger than the MPA" (Interview, DFO).*

It appears to be the nations' perspective, though, that it is not up to them to adjust their fundamental interests to fit within the narrow framework of the MPA program; rather, it is up to DFO, if it wants their support, to find a way for that program to align with their rights and aspirations. "In the minds of the First Nations," noted a participant at an internal DFO meeting, "they have stewardship and owned the resource in the proposed MPA for thousands of years. It will come down to what the benefits are to the communities in addition to the positive relationships created between DFO and the FN [First Nations]."[47]

The MPA negotiations were almost derailed in 2012 because Beecher Bay and DFO could not finalize the terms of a fisheries management agreement that they were negotiating separately from the MPA process. The Chief and Council of Beecher Bay did not feel that DFO was being honourable in these negotiations, and informed DFO that not only they but also T'Sou-ke and Songhees would withdraw their support for the MPA if a resolution could not be reached.[48] Although this issue was subsequently resolved, it reveals the strained relationships and *"bad vibes"* (Interview 21) upon which these parties were attempting to build a cooperative partnership. Meanwhile, T'Sou-ke, Songhees and Beecher Bay are also engaged with Canada in

[46] This quote taken from internal DFO meeting records, obtained March, 2016 through the Access to Information and Privacy Act (ATIP).

[47] This quote taken from internal DFO meeting records, obtained March, 2016 through the Access to Information and Privacy Act (ATIP).

[48] This information was the subject of correspondence and meeting records obtained March, 2016 through the Access to Information and Privacy Act (ATIP).

negotiations for a modern treaty agreement, which should bring clarity to many of the issues confounding agreement on the MPA, and which, a recent government report found, some First Nations feel should anyway precede the establishment of protected areas in their territories (Standing Committee on Environment and Sustainable Development, 2017).[49] As a stakeholder at Race Rocks suggested, therefore, it seems probable at this point that the parties at Race Rocks have decided to shelve the MPA proposal (again) until a treaty has been finalized.[50]

3.2.3 Stakeholder engagement: the Race Rocks Public Advisory Board

Due to the length of time (approximately eight years) that had passed between the suspension of the first MPA designation process and the creation of a draft Government/First Nations co-management agreement, it was necessary for the department to go back to stakeholders to obtain their input on the project a second time. In September, 2009, therefore, the Race Rocks Public Advisory Board (RRPAB) was (re)convened to "build on the consensus reached during the previous process" (RRPAB, 2009a, p. 4). Although this second round of consultations was not without positive outcomes, however, respondents described the RRPAB as a flawed, frustrating, and at times acrimonious process. The main reason for this was that participants became increasingly skeptical – for good reason, as it turned out – that the advisory process would actually culminate in a final decision on the MPA.

With the exception of the local First Nations who only participated indirectly, the RRPAB brought together all key interest groups at Race Rocks, including local stakeholders and representatives of larger stakeholder groups (e.g., the sport fishing industry, conservation groups), the Provincial government (BC Parks), and the Department of National Defense (DND). Board members were tasked with providing input on stakeholder values; the boundaries of the MPA; conservation objectives; and local activities within and around the protected areas (DFO, 2010; RRPAB, 2009b). The end-goal of the RRPAB, which met six times over an 18 month period, was to produce a set of consensus-based recommendations that would inform the designation process. Unlike their counterparts on the GHMAC, board members were also responsible for communicating with their respective groups and organizations to ensure that they

[49] The nations are negotiating collectively with two others as the Te'mexw Treaty Association. Esquimalt is not involved in this process.

[50] This may not be too far off. In April, 2015 (twenty years after the negotiations began), the nations reached the penultimate 'Agreement-in-principle' (AIP) stage of the treaty-negotiation process

understood and accepted the recommendations being developed; once reached, consensus on the board was considered to be "binding" on all groups (DFO, 2010, s. 6).

Unfortunately, Round 1 had not just damaged the trust of the First Nations at Race Rocks. Many members of the RRPAB had also been part of that original planning process and wanted it on the record that they "felt the spirit of the initial agreement reached by the RRPAB [the first Race Rocks public advisory board] in 2000 had been betrayed as a result of modifications to the designation proposal that occurred once the proposal was sent to Ottawa" (RRPAB, 2009a, p. 2). Documentary research revealed only one such 'modification', but it was a significant one. The final version of DFO's designation proposal recommended that "a joint Federal-Provincial Management Committee be established to ensure that the planning and management of the area is co-ordinated, effective and efficient and that Fisheries and Oceans Canada and BC Parks, as the lead public agencies, are publicly accountable for achieving the area' s goals and objectives" (see DFO, 2000, s. 4.6b). However, an earlier version of the proposal, which the advisory board approved, had called for a *tripartite* management committee with representation from the local First Nations as well as DFO and BC Parks (see RRAB, 2000a, s. 4.6b).[51] This would have been precedent-setting, said a stakeholder on the board, and given *"a lot of credit, recognition and respect to First Nations."* Of course this is also the model that was later pursued by DFO in the more recent negotiations with the nations. At the time, though, it was not accepted.

The general impression from the respondents in this study was that DFO squandered the efforts stakeholders put into the first advisory process and the strong consensus that emerged from it to move ahead with the MPA. In addition to the modification to the governance arrangement just described, the assertion that First Nations had volunteered not to fish in the MPA was an inexplicable own-goal from stakeholders' perspective. It was in a context of low trust, therefore, that the new RRPAB was convened, and several respondents suggested that it was largely for this reason that the board was beset by criticisms from the very outset. These criticisms related to a number of perceived shortcomings in the advisory process, including loose timelines, an inflexible agenda, and inconsistent facilitation. The original timeline for the RRPAB called for three meetings ending in the Spring of 2010, but in the end the board met six times to the Spring of 2011, and even then it was unclear to participants when (or if) the site

[51] Aside from this one difference, the two versions of the Designation Proposal appear to be identical.

would be designated (RRPAB, 2009a). *"It's been this elastic thing that just keeps going on and on and on,"* said one former board member (Interview 14). Another participant found the means by which stakeholders were asked to provide their input to DFO too cumbersome and bureaucratic. It was notable, this respondent added, that it was not divergent opinions about the MPA itself that caused the most controversy on the board, but frustrations with the process. *"I mean the size of the MPA should be controversial I guess. It wasn't. The access by eco-tourism ... none of those things that one might look from the outside and say these have to be hammered out ... [they] weren't hard to do. But the process was very difficult"* (Interview 26). Not unlike the First Nations, stakeholders were also disappointed that some of the issues that were most important to them could not be adequately addressed on the RRPAB because they fell outside the scope of the MPA mandate (also see Chapter 3). Several participants were particularly irked by the fact that DFO would not commit any money up front until the MPA was established – again echoing a criticism of the First Nations. This is a matter of procedure, DFO explained, but for critics it drew into question the department's commitment to the project (RRPAB, 2010a, 2011). Finally, several respondents criticized the lack of consistency in who was facilitating board meetings. Of the six RRPAB meetings, three were led by at least two different DFO officials, and another three were each led by a different professional facilitator (from the same agency). As the dynamic on the board deteriorated, moreover, at least one participant thought DFO had been too slow to call in the assistance of those facilitators.

By most accounts, though, the most fundamental problem with the RRPAB was that the local First Nations were not directly involved and had shown only tenuous support for the project. As a result, stakeholders became increasingly skeptical that the advisory process was relevant to the final outcome. Although the First Nations Liaison, whom DFO had hired to facilitate its consultations with T'Sou-ke, Songhees and Beecher Bay, participated on the RRPAB, his role was primarily to keep the nations informed about the public process, not to keep RRPAB members informed about the Government-First Nations consultations. While contributing insights that one respondent said they appreciated, the Liaison had no authority to speak on behalf of the nations in any official capacity. *"[He] couldn't say anything!,"* complained one respondent (Interview 25). In a small survey of six public board members and one DFO staff member, which was taken by one of the independent facilitators midway through the RRPAB process, four respondents said they had no understanding of the status of First Nations

consultations; two indicated "limited" or "some" understanding; and only one (presumably the DFO respondent) indicated that they had a "good" understanding (Delaney, 2010). Since it was the nations' objections that had brought the designation process to a halt in the first place, stakeholders were understandably concerned:

> *"[There was] that nagging feeling in the background that everything that's done to this point, with all the best of intentions in the world ... within five minutes it can all come apart if First Nations, for one reason or another, say Yah … but no" (Interview 14).*

> *"My fear was that … the advisory group and DFO staff [would] end up with one package, and over here another package has been negotiated, and the two might collide in some awful way that we don't know about. So there was a lot of suspicion growing around that" (Interview 26).*

The level of dissatisfaction on the RRPAB became so acute that midway through the process members took the unusual step of convening their own independent meeting. Jokingly referred to as *"the Anarchists' Meeting"* (Interview 27), it was also described as *"the most effective consensus-building meeting"* (Interview 26), *"very targeted"* (Interview 27) and *"more relaxed"* than the DFO-led deliberations (Interview 28). Whereas members were *"all over the ice"* at the formal RRPAB table – moving between topics, getting frustrated and not accomplishing a lot – this meeting *"allowed us to get more focused... So I think it was probably beneficial for DFO"* (Interview 28). Indeed, it was from this meeting (subsequently referred to as the Recommendations Meeting) that a document of draft recommendations emerged[52], satisfying the primary objective of the RRPAB. That the meeting was attended by most RRPAB members also indicates that it was widely viewed as a worthwhile initiative, and DFO officials said that they appreciated the effort that went into it, though they did not attend the meeting themselves (they were invited) (RRPAB, 2010b). The document that came out of the Recommendations Meeting was portrayed as "drawing a line in the sand," however, because is stated that recommendations were provided on the understanding that several 'procedural requests' (concerning the perceived shortcomings in the designation process) be accepted by DFO – language that the facilitator described as "not consistent with [the] value of consensus-building" (RRPAB, 2010b, p. 4).

[52] See RRPAB (2010d).

The recommendations document also did not represent a complete consensus among RRPAB members. An informal 'show of fingers' at the next board meeting indicated "a reasonably good level of understanding and agreement" (RRPAB, 2010b, p. 4), but a representative of the environmental NGO community (who had been unable to attend the side meeting) said that their organization was not in total agreement, and an interviewee who did attend said that the document somewhat overstated the degree of consensus that had been reached. It is also important to note that respondents were not equally unsatisfied with the RRPAB itself. Some, in fact, were just as disapproving of the board's most vocal critics, some of whom they felt had the wrong expectations of their role on the board, and took their complaints too far. *"We weren't an overseer for DFO, we were there to provide advice,"* said one participant. Others were less diplomatic. *"It was rude to DFO"* (Interview 12). *"The group started spinning into a political forum to try to browbeat [DFO] to try to drive their own personal agenda (whatever the hell that was) at risk of ruining the collaboration and moving it forward"* (Interview 24). *"They were being real shit-disturbers,"* agreed a DFO official. *"... Missing no opportunity to stir the pot. It was not helpful"* (Interview 23).

Despite this acrimony the RRPAB largely achieved what it set out to. Meetings provided DFO with detailed and updated information on stakeholder views, interests and concerns, and a set of recommendations was produced, as called for, even though the manner in which this was accomplished was unusual. By bringing stakeholders together around the same table the board had other benefits, too. *"We recognize we don't see eye-to-eye,"* said a respondent of a fellow participant, *"... but there is a certain level of trust [now]. If something comes up, we'll be able to have some dialogue about it* (Interview 29). For stakeholders who share the Race Rocks area but rarely have opportunities to interact directly, the RRPAB gave them a chance to do so. It facilitated conversations between eco-tourism operators and SCUBA divers, for example, who have a history of conflict on the waters around Race Rocks. Even without the creation of any new regulations, a stakeholder pointed out, these conversations led to operational improvements and *"a safer atmosphere on the water. ...[It] was a good venue for us to say, Ok, what should be happening out there? What should we be doing regardless of whether it gets passed as an MPA or not?"* (Interview 44). Finally, the board was an important learning experience for DFO. The

MPA program is still a relatively young one, said an official, and the department is 'learning-by-doing':[53]

> *"You sometimes stumble when you learn by doing. It's not an easy way to do things. But it's the only way! … We learned a tonne through this experience. We still don't have an MPA, but it wasn't a wasted effort because we've started to get a better handle on how to consult with different groups and what their expectations are and where some of the pitfalls are" (Interview 30).*

The RRPAB held its final meeting in March, 2011 in a somewhat inconclusive ending to the consultation process. Enthusiasm for the MPA was muted, and much of the meeting was spent discussing what the 'value-added' (over and above that provided by the existing Ecological Reserve) would be if it were established – a question that presumably should have been addressed much earlier in the process. All of the participants who were interviewed for this study indicated that they were still in favour of establishing the MPA, but the record from the final meeting shows that some stakeholders were not prepared to endorse the project without more information, such as how, and at what cost, their activities within the new protected area would be assessed and approved. Interviewees also expressed real disappointment with the lack of progress that had been achieved. *"I would be hard pressed to say that we're any further ahead than when we started,"* said one participant (Interview 14). Asked what he had got out of his involvement in the advisory process, another answered, simply, *"frustration"* (Interview 31).

4 Discussion

This chapter set out to describe how lead agencies engaged other government actors, First Nations, and stakeholders in the planning processes for Gwaii Haanas and Race Rocks, and to identify the key issues and challenges that were encountered in each case. Race Rocks and Gwaii Haanas are different in many respects, and this had consequences for the implementation – and ultimate success – of these designation processes. Race Rocks' small size, as well as the fact that commercial fishing does not take place there, meant that DFO needed to consult with relatively few stakeholders on the proposed MPA, and could do so almost exclusively through the multi-

[53] This 'learning-by-doing' approach is referred to in DFO's National Framework for Establishing and Managing Marine Protected Areas (DFO, 2009a).

stakeholder RRPAB. Parks Canada, on the other hand, needed to undertake a much more extensive program of stakeholder consultations, much of which occurred away from the multi-stakeholder GHMAC in bilateral (sector-specific) forums. In other respects, though, the context for collaboration at Race Rocks was more challenging. Unlike Gwaii Haanas, BC has jurisdiction of the seabed at Race Rocks, which required DFO to involve – and obtain the support of – another level of government. That Race Rocks is a proposed Oceans Act MPA, whereas Gwaii Haanas is an NMCA, proved significant because it imposed tighter constraints on the scope of planning discussions. Some stakeholders at Race Rocks were frustrated by what they perceived to be DFO's unwillingness to address issues that were important to them, whereas the planners in Gwaii Haanas were given a lot of "wiggle room" by the NMCA Act to consider local needs and solutions.[54] Most consequentially, DFO was attempting to develop a co-management partnership with three (initially four) First Nations at Race Rocks, whereas Parks Canada has only one First Nations partner in Gwaii Haanas. Not only that, but Parks Canada and the CHN already had a co-management arrangement in place when the NMCA planning process began, and a track record of shared decision making and trust building. DFO, in contrast, had undermined the trust of virtually every one of its partners at Race Rocks due to the mistakes it made in its first attempt to designate the MPA. While Parks Canada could hit the ground running, therefore, DFO began in a hole that proved very difficult to dig itself out of.

The contextual differences between these cases help to explain why one site was successfully designated and the other has not been, but they also illuminate several issues that Gwaii Haanas and Race Rocks shared in common, and from which some general insights about the challenges of putting collaboration in an MPA planning context into practice can be drawn. Three issues will be highlighted here. The first is that government actors, whose involvement and support is needed to designate and successfully manage MPAs, may perceive new protected areas – and, indeed, collaborative decision making – as a threat to their own mandates and authorities. In such cases intergovernmental cooperation will take a backseat to mandate protectionism. Secondly, both the Gwaii Haanas and Race Rocks experiences show that First Nations have an effective veto over the creation of MPAs in their traditional territories, and that they will exercise that veto

[54] Jones (2006) adds that, unlike Oceans Act MPAs, NMCAs can be established as 'reserves' when sites are subject to Aboriginal title claims (see NMCA Act, 2002, ss. 4.1, 6.1, 6.2). By allowing for their status to change once a claim has been settled, this makes NMCAs easier for First Nations to support.

(as the Race Rocks nations have done) if lead agencies do not meet their expectations for genuine collaboration. Importantly, these expectations are informed by a much broader context of interests and aspirations than those concerning MPAs themselves. The third issue, finally, concerns the engagement of resource users and other stakeholders in MPA planning and management. Multi-stakeholder engagement is typically what is meant by 'collaborative' planning or decision making (Ansell & Gash, 2008; N. A. Davis, 2008; Gunton et al., 2010; Lockwood et al., 2010), and multi-stakeholder advisory bodies were an important component of the planning processes for Race Rocks and Gwaii Haanas. They were not, though, the only components, and from the perspective of stakeholders the RRPAB and GHMAC had relatively little influence on planning decisions in comparison to the deliberations taking place in other, less inclusive forums. Study contributors pointed to a number of shortcomings with the RRPAB and the GHMAC, but one that stands out, as it has received little attention in the literature thus far, is that these bodies were not better attended by all of the key government and First Nations actors in these cases.

The problem of mandate protectionism

It is well known that jurisdictional conflict can be an impediment to the establishment and subsequent management of MPAs (Gardner et al., 2008; Guénette & Alder, 2007; Jessen, 2011; P. Jones et al., 2011a; OAG, 2012). Part of the problem, according to many, is a 'turf' mentality on the part of government departments, whereby collaboration is a zero sum game and power needs to be preserved "at all costs" (Kearney et al., 2007, p. 87). While the results of this study confirm that departments can indeed respond defensively to MPA initiatives, they also suggest that this is not simply a knee-jerk reaction against a perceived loss of control. The statutes and policy documents underpinning Canada's MPA program clearly state that existing mandates and authorities will not be affected by the creation of MPAs, by which one might assume that non-lead departments have nothing to fear from these designations (see Canada, 2002, 2005b, p. 10, 2011, p. 13; NMCA Act, 2002, s. 9.4; Oceans Act, 1996, s. 40.1). However, the position taken by DND at Race Rocks is illustrative of how little weight that department gives to such assurances. DND was concerned that the importance of its underwater demolitions would not be fully appreciated by either DFO or local stakeholders, and it wanted a more concrete guarantee that its activities would not be adversely affected by a new MPA. The department insisted on a so-called regulatory exception to exclude its activities (conducted for national security purposes)

from the general prohibition against activities that disturb, damage, or destroy marine organisms or their habitat. As a DFO official stressed, the demand for exceptions does not mean that government partners are unwilling to work with lead agencies to support conservation goals. It does, though, highlight the fact that this support is voluntary. With respect to the immediate task of moving designation processes forward, inserting exceptions into MPA regulations may be the best way to proceed; in the subsequent event that objectives conflict, though, they leave lead agencies with very little leverage over their counterparts in government.

DND will not be directly involved in the day-to-day management of Race Rocks, and its support at the site, though important, is not fundamental to the protected area's success. In Gwaii Haanas, by contrast, the NMCA will not work without DFO's participation. This is true from a strictly regulatory perspective – only DFO can regulate fisheries, including the closures that constitute the NMCA's no-take zones – and it is even more so with respect to the effective functioning of the Archipelago Management Board. As the first site at which Parks Canada and DFO are partners in a formal co-management arrangement (together with the CHN), Gwaii Haanas could be precedent-setting (Sloan, 2014). This arrangement will come undone, though, if the Minister of DFO makes a habit of taking decisions, like the opening of the herring fishery, that conflict with the AMB's recommendations.

DFO is in a difficult position in Gwaii Haanas. As a branch of the GoC and a signatory to the Gwaii Haanas Marine Agreement it is expected to work with Parks Canada and the CHN to make and implement consensus-based management decisions. Having worked for many decades with – "and perhaps for" (Guénette & Alder, 2007, p. 54) – the fishing industry to manage the fisheries in and around Gwaii Haanas, however, the results of this study show that there is some sympathy within the department for the industry's opposition to an AMB role in fisheries management. This opposition is based on concerns that Parks Canada and the CHN do not understand the industry's needs, and that AMB decisions are influenced by the politics of reconciliation, and are therefore liable to disadvantage non-Haida stakeholders.[55] As a Parks

[55] The decision to establish the NMCA itself is a case in point, since non-Haida fishermen are excluded from no-take zones but Haida fishermen are not (all Aboriginal people in Canada have a right to fish for food, social and ceremonial (FSC) purposes) (CPAWS, 2009; DFO, 2008; *R. v. Sparrow*, 1990). "How can you preserve representative areas if some groups (but not others) are still allowed to fish?", asked the BC Seafood Alliance. "This looks like reallocation without compensation on a potentially very large scale, as a well as a direction that decision makers should consider very carefully before taking" (BCSA, 2009b, p. 4).

Canada official acknowledged, it is to be expected that DFO will need some time to transition to a new approach to decision making in Gwaii Haanas. Such a transition *is* required, though, and it is troubling as well as ironic that DFO, having been assigned the lead role in developing Canada's MPA system,[56] is seen as resistant to collaborative decision making. It should be assumed that all government departments will be protective of their mandates and authorities; DFO needs to do more than most, though, to reconcile this protectiveness with the collaborative approach it is meant to be spearheading. Without setting an example in this respect, it can hardly expect ready cooperation from others.

One final observation to make on the issue of intergovernmental cooperation is that, while the overlapping jurisdictions of federal and provincial governments can be a complication when establishing and managing MPAs (Gardner et al., 2008), this was not an issue at either Race Rocks or Gwaii Haanas. In Gwaii Haanas this can be attributed to the fact that BC does not have jurisdiction there. At Race Rocks, though, where jurisdiction is shared, the overlap appears to have posed relatively few problems. On the contrary, and notwithstanding some early missteps when it felt it was being sidelined, BC has been a strong supporter of the MPA and is prepared to co-manage the site as a dual-designated MPA and Ecological Reserve, providing the First Nations are on board. This does not contradict the general criticism – prominent in the literature on oceans management in Canada – that government departments are highly protective of their mandates (Jessen, 2011; Kearney et al., 2007), but it qualifies that criticism by showing that, when objectives are aligned, government departments are not necessarily opposed to joint decision making, and may even welcome others onto their 'turf' (at Race Rocks, a DFO-administered MPA would strengthen the protections that the province has put in place and advance their conservation objectives there).

First Nations expectations of true cooperation

The second common theme that emerges from Gwaii Haanas and Race Rocks is the importance of First Nations support for MPAs. A narrow reading of Canada's laws would suggest that lead agencies do not need the approval of First Nations to establish and manage MPAs. The Supreme Court of Canada has repeatedly affirmed that the Crown has a duty to consult with First Nations on decisions that could affect their interests, as MPAs certainly can

[56] See Canada (2005b), Oceans Act (1996, s. 35.2).

(CPAWS, 2009); however, this does not amount to a requirement to obtain a nation's consent to those decisions (INAC, 2012a). As the BC Treaty Commission puts it, consultation "must be fair and honourable, but at the end of the day, government is entitled to make decisions even in the absence of consensus" (BCTC, 2009). In practice, though, Gwaii Haanas and Race Rocks show that First Nations support for MPA designations and management decisions is essential. Gwaii Haanas would not exist as a protected area were it not for the leadership and support of the Haida. It was the CHN that first designated the site as a Haida Heritage Site in 1985, and Canada would not have followed suit with the National Park and NMCA Reserves had the CHN not been on board. The influence of local First Nations is equally if not more apparent at Race Rocks. DFO would probably reject the notion that T'Sou-ke, Songhees and Beecher Bay have a veto over its MPA decision there, but the department is clearly unwilling to go ahead without their approval, and for good reason. Aside from the legal challenges that might ensue were it to do so, the department would erase any progress that has been made over the past 15 years to improve relations with the nations; it would complicate its relationship with the Province, too, which will not co-manage a joint MPA / Ecological Reserve in the face of First Nations objections; and it would jeopardize other projects where constructive relations between the GoC and First Nations are needed.

In the context of Government-First Nations reconciliation, which seeks to establish relationships "based on mutual trust, respect, and understanding" (BCTC, 2016, p. 1), it would be politically counter-productive even if legally permissible to establish an MPA against the wishes of First Nations. One way of interpreting this situation would be to conclude that, if First Nations want to see MPAs established in their territories (T'Sou-ke, Songhees and Beecher Bay have said that they support the Race Rocks MPA in principle), it is partly up to them to make it happen. Choosing their words carefully, government respondents in this study implied that withholding support for MPAs is sometimes a tactical decision on the part of First Nations, designed to leverage action on other issues that are of importance to them. Respondents pointed by way of example to the conditioning of First Nations support at Race Rocks to the government's recognition of Douglas Treaties signed in the 19th century. Since this and some of the other accommodation requests put forward by T'Sou-ke, Songhees and Beecher Bay sit outside the scope of the MPA program, this has put agreement on establishing and co-managing the MPA out of reach, from DFO's perspective. In Gwaii Haanas, by contrast, the CHN has

agreed to set aside its fundamental disagreement with Canada regarding ownership of Haida Gwaii in order to clear the way for cooperation where their interests coincide. This does not mean that the CHN has conceded its asserted authority in Haida Gwaii to Canada (on the contrary, its role on the AMB is an explicit manifestation of that authority), nor even that its agreement to co-manage Gwaii Haanas is not also a tactical one, as one interviewee suggested it was (having the effect of strengthening the profile and credibility of the CHN as a governing body). Rather, it shows that the CHN is not prepared to wait for a treaty negotiation process that is now in its third decade[57] to affirm its rightful authority, and has treated Gwaii Haanas as an opportunity to put that authority into practice immediately. It will take the Race Rocks nations' setting aside some of their own broader aspirations, it could be argued, in order for a collaborative partnership with DFO to be possible.

There is, though, another way of framing the situation at Race Rocks, which is that putting the onus on First Nations to set aside issues that don't fit neatly inside the MPA box is an abdication of the federal government's responsibility to press ahead with reconciliation on all fronts. The ball is in the government's court, not the nations', in other words. Why could DFO not put more money on the table to meet the nations' expectations for a meaningful and long-term commitment to cooperative management? Why did it respond with 'not my mandate' to issues pertaining to provincial jurisdiction when one of the guiding objectives of the MPA program is to improve intergovernmental cooperation and coordination? (Canada, 2005b). Could it not find some way of acknowledging the nations' Douglas Treaties rights without prejudicing Canada's own position on this issue? The Gwaii Haanas Agreement, which acknowledges without affirming the ownership claims of both Canada and the CHN, could serve as a model here. So too could the AMB, which, unlike the Race Rocks Government/First Nations Management Board (GFNMB) proposed by DFO, is answerable to both the Government of Canada and to the CHN. Though both are technically advisory bodies, the AMB is clearly designed to function as a decision-making body. Members are given the authority to speak on behalf of their respective organizations, and their consensus-based recommendations were described by one member as decisions in all but name. The structure of the Race Rocks GFNMB,

[57] In fact the CHN submitted a comprehensive land claim to Haida Gwaii in 1980, before a modern treaty process existed in BC. It submitted a Statement of Intent (SOI) to negotiate a treaty in 1993, and is currently at Stage 4 of the 6-stage negotiation process (see http://www.bctreaty.net/council-haida-nation).

in contrast, is more akin to a traditional advisory body in which only the government Minister is acknowledged as having decision making authority. This arrangement fails to recognize the rights and authorities of First Nations as resource owners and government actors, and is precisely why cooperative management bodies are criticized for perpetuating an unequal and unjust relationship between First Nations and the Crown (Youdelis, 2016).

DFO has shown by not unilaterally designating the MPA at Race Rocks that it places some value in good relations with Beecher Bay, Songhees, T'Sou-ke and Esquimalt. The Race Rocks case reveals, though, that there is a wide gap between the expansive understanding of "true cooperation" on the part of the First Nations (RRAB, 2001, p. 1), and DFO's much narrower focus on working with the nations to create and manage an Oceans Act MPA, and on doing so without disturbing a status quo in which it retains unfettered decision-making authority.

Credible stakeholder involvement

Finally, we turn to the involvement of local resource users and other stakeholders in the Gwaii Haanas and Race Rocks processes. Stakeholders have neither the jurisdictional authorities of federal and provincial government agencies, nor the Constitutional and asserted rights of First Nations, and their role in MPA planning and management is different, accordingly. Lead agencies engage stakeholders in order to make well-informed decisions, and to build relationships, raise awareness of conservation issues, and strengthen support for MPA initiatives (Canada, 2005b; DFO, 2009b, 2010; Parks Canada, 2008). Contrary to some definitions of collaborative planning, though, the MPA stakeholders in these cases were not directly involved in decision making (Ansell & Gash, 2008), or asked to endorse decisions (Gunton et al., 2010). Nor do they get a seat on the bodies that will oversee the ongoing management of these sites – the AMB, in the case of Gwaii Haanas, and the proposed Government/First Nations Management Board, in the case of Race Rocks. Although it had not been determined at the time of the study precisely how ongoing stakeholder involvement would be facilitated, officials in both cases expected that this would occur through some form of multi-stakeholder advisory body akin to the RRPAB and GHMAC.

It stands to reason that private stakeholders do not have the same influence over MPA-related decisions as government departments with statutory mandates, or of First Nations with Aboriginal rights and territorial claims. It is a fundamental principle of collaborative decision

making, though, that stakeholders should be meaningfully involved, and that they should have confidence that their input will make a difference (Ansell & Gash, 2008; Kessler, 2004; Lockwood et al., 2010). 'Meaningful' (or credible, or genuine) is a largely subjective criteria for evaluating collaboration, and study contributors offered a range of perspectives on the merits and shortcomings of the planning processes for Gwaii Haanas and Race Rocks. At Race Rocks, in particular, advisory board members had different expectations of the MPA initiative and their role in implementing it, which lead to strong criticisms of DFO on the one hand, but also of some stakeholders on the other. With respect to the question of whether or not their input made a difference, however, there was less variation: no stakeholders in either Gwaii Haanas or Race Rocks could say with certainty that it had (and some Race Rocks stakeholders said they were quite sure it had not). Although stakeholders had a number of criticisms about how the consultations they were involved in were conducted (these are examined at greater length in the next chapter) this uncertainty was largely a consequence of the fact that stakeholders did not have opportunities to engage directly with all of the actors with decision-making authority at the MPA sites. For the most part their engagement was only with the lead agencies in these cases. This is an important point because the overlapping jurisdictions and competing authorities that we see in Gwaii Haanas and Race Rocks are characteristic of oceans governance generally (VanderZwaag & Macnab, 2011), and will therefore pose a challenge to the meaningful engagement of stakeholders in many other MPA cases too. "In a collaborative management process," writes Carlsson (2003), "the agency with jurisdiction over the protected area (usually a state agency) develops a partnership with other relevant stakeholders." In a marine context, though, it cannot just be lead agencies that are committed to the partnership, and stakeholders were justified in questioning the credibility of their involvement in the planning of Gwaii Haanas and Race Rocks when the role – and even support – of some key decision makers was still being negotiated. In Gwaii Haanas there was considerable doubt about DFO's commitment to consensus-based decision making on the AMB, as well as concerns about the relationship between DFO and the CHN. This matters to stakeholders, whose influence in the decision making process comes via the advice they give to the AMB. At Race Rocks, RRPAB members knew too little about the negotiations between DFO, Beecher Bay, Songhees and T'Sou-ke to be confident that these would align with their own consultation process, but enough to appreciate that the parties had not come to an agreement on how to designate and co-manage the site. Even

as stakeholders were being invited to participate in the planning processes for these sites, therefore, lead agencies were still engaged (and preoccupied, arguably) with building support and finalizing arrangements for shared decision making. It is understandable that, in this context, some stakeholders felt that their own role was relatively insignificant.

The official who spoke of the "multiplicity of relationships" needed to successfully create MPAs explained that lead agencies engage government partners, First Nations, and stakeholders concurrently, not sequentially. In terms of integrating diverse interests and perspectives into a comprehensive planning process, not to mention the pressing need for greater expedience in the Canadian context, this makes sense. The lesson to draw from Gwaii Haanas and Race Rocks, though, is that it would be preferable if lead agencies could finalize their governance partnerships before approaching stakeholders for input on decisions that they (stakeholders) can and should have a meaningful role in shaping. By engaging stakeholders before governance-related negotiations are complete, the cases show that lead agencies run a significant risk that the credibility of these engagements will suffer.

5 Conclusion

In November, 2015, following the election of a new federal government, the Minister of DFO was instructed in a Mandate Letter from the Prime Minister to "work with the provinces, territories, Indigenous Peoples, and other stakeholders to better co-manage our three oceans", echoing a commitment to collaboration that dates back to the 1996 Oceans Act (Canada, 2015, p. 3). The goal of this chapter was to describe how stakeholders, First Nations and government organizations were engaged in MPA planning at Race Rocks and Gwaii Haanas, in order to gain insight into the extent to which this mandate was achieved in these cases, and the challenges or shortcoming that were encountered. What is notable about both Gwaii Haanas and Race Rocks – cases that are different in many respects – is the amount of time and effort that was spent discussing and building consensus not on the management details for these MPAs (boundaries and zoning; conservation objectives; regulations, etc.), but on collaborative decision making itself. That is, on how – and by whom – decisions would be made once these protected areas were in place. DFO's Mandate Letter speaks of 'co-management', which is commonly understood to mean that governments, indigenous groups, and stakeholders share power and responsibility for decision making (Borrini-Feyerabend, Kothari, & Oviedo, 2004; Carlsson &

Berkes, 2005; Njaya, 2007). As Gardner (2001) points out, though, co-management in this sense does not really exist in Canada's protected areas because government Ministers always retain the authority to make final decisions. With respect to working with First Nations, the preclusion of 'true' co-management – as in equal power sharing – can be a problem. The federal officials interviewed for this study consistently – and sometimes explicitly – avoided referring to the Gwaii Haanas AMB or proposed Race Rocks Government/First Nations Management Board as 'co-management' bodies precisely because it might be misinterpreted by First Nations or others as describing an equal power-sharing arrangement. Technically speaking these bodies have no decision-making authority at all, but are simply another means – not unlike multi-stakeholder advisory bodies – of facilitating consensus building and providing Ministers with advice.[58] However, the Haida in Gwaii Haanas, and Beecher Bay First Nation, Songhees Nation, and T'Sou-ke Nation in Race Rocks are determined that MPAs not only respect but advance their authorities as rights holders and the traditional owners of these areas; they will not accept a nominally collaborative arrangement in which their role is merely an advisory one. Squaring this circle is a crucial challenge for MPA officials; one that has so far proved insurmountable in Race Rocks, but which the Gwaii Haanas example shows can be met by designing a management partnership that functions in practice, if not strictly speaking in law, as an equal one.

It is well understood that jurisdictional disputes, including those involving First Nations, are one of the main reasons Canada has not made more progress with establishing MPAs (OAG, 2012). To this can be added a further, arguably more worrying cost of these ongoing disputes, which is the effect they can have on the role of stakeholders in MPA planning. The Gwaii Haanas and Race Rocks cases both show that when governments and First Nations are preoccupied with asserting and defending their own rights and authorities, and with negotiating the terms of cooperation, stakeholders feel that their interests, ideas and concerns carry relatively little weight. They are, in effect, crowded out of the conversation. To meet the MPA targets they are committed to, therefore, and to do so in a manner that is genuinely inclusive of all interest groups, MPA agencies should try to address these jurisdictional issues early in a planning process. This means more effectively addressing the concerns, securing the support and, when necessary, formalizing the decision-making roles of other government and First Nations actors.

[58] The term co-management does not exist in any of the written agreements underpinning these arrangements either (see Canada & CHN, 1993, 2010a; DFO, 2012b).

Although the research for this study was focused on collaboration at the MPA-site level, it is clear from the results that the role of senior decision makers,

The Gwaii Haanas story is far from over. The NMCA has introduced new challenges for the management partnership there, and triggered new disagreements that have not yet been resolved. As one member of the AMB stressed, relationships remain "fragile," and the continued success of the board cannot be taken for granted. That being said, the Gwaii Haanas model, which is founded on agreements between the GoC and CHN (the 1993 Gwaii Haanas Agreement, and 2010 Gwaii Haanas Marine Agreement) to set aside their jurisdictional dispute and manage the archipelago on a consensus basis, has worked well. An outstanding question, therefore, is whether it can be applied more broadly to other MPA sites. Like any MPA, Gwaii Haanas is in some respects unique. Many of the respondents in this study credited its success to the fact that the Haida are the sole Aboriginal occupants of the area, which is often not the case in BC, and that the CHN has been very effective at asserting and exercising its authority. Credit should also go to Parks Canada, though, which explicitly acknowledges the Haida's claim to Haida Gwaii; recognizes the CHN as an order of government; and treats the management partnership as an equal one. Illustrative of the Agency's approach is an official's reference to the fact that Parks Canada has the lead role in Gwaii Haanas as just "legal stuff"; what is more important, he said, is that the parties share a vision for the place, and work together to realize it. It may be this attitude, more than the particulars of the Gwaii Haanas model per se (mandate of the AMB; number of board members; mechanisms for dispute resolution, etc.), that is most transferable to other MPA cases.

Collaboration does not have to be a zero-sum game in which more power for one party means less power for others; but the Gwaii Haanas and Race Rocks cases show that it can be viewed that way. MPA agencies need to take the lead in approaching it, rather, as "a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible" (Gray, 1989, p. 5).

Chapter 3

Why participate? A case-study assessment of multi-stakeholder marine protected area (MPA) planning

1 Introduction

Marine protected areas (MPAs) are designed to protect marine ecosystems by restricting through "law or other effective means" the activities that are allowed within their boundaries (Kelleher, 1999, p. xi). As conservation tools, MPAs are most effective when they are designed and implemented with the involvement of the groups, organizations and individuals who will be directly affected (Blue Earth Consultants, 2012; A Charles et al., 2016; Kessler, 2004). This requires structures and processes for engaging outside parties in decision making, but also a willingness on the part of stakeholders and other interested parties to participate in these processes. Whereas there is a clear global trend in favour of more inclusive and collaborative approaches to MPA planning and management (Dickinson et al., 2010; García-Charton, Marcos, Salas, & Angél, 2008; Jentoft et al., 2007; P. Jones et al., 2013; Pomeroy & Douvere, 2008), it is also understood that one of the main challenges to making such approaches work in practice is a reluctance on the part of stakeholders to get involved (K. Davis et al., 2014; Hedley & Willison, 2007; Manwaring & Nutter, 2014). With a focus on Canada's Pacific region, the purpose of this chapter is to illuminate the interests, expectations, barriers and disincentives that motivated or, conversely, discouraged participation in one of the most commonly-used instruments for collaborative protected area decision making – the multi-stakeholder advisory body.

Multi-stakeholder advisory bodies are intended to facilitate information sharing and constructive deliberation among a relatively small group of members who represent the government and non-governmental groups or organizations with a direct stake in an MPA. Their ultimate purpose, typically, is to develop consensus-based recommendations for decision makers (Ansell & Gash, 2008; Barry, 2003; Gunton et al., 2010; Hedley & Willison, 2007). In Canada, where the first federal MPA was established in 2003, every MPA designation process has included a multi-stakeholder advisory body of some kind, as have MPA projects in many other parts of the world (Blue Earth Consultants, 2012; K. Davis et al., 2014; Day & Dobbs, 2013; P. Jones et al., 2011b; Sayce et al., 2013). Beyond the designation phase, advisory bodies are also often the principal means of involving stakeholders in the ongoing management of MPAs. While they should not be mistaken for a decentralization or devolution of decision-making *power* if, as

in Canada, government decision makers are not obliged to take the advice they receive, advisory bodies can amount to a degree of shared responsibility, and give participants a more involved and influential role in decision making than more traditional forms of consultation (Borrini-Feyerabend et al., 2013). This role is not cost-free, though. Advisory bodies, which meet repeatedly over an extended period of time, are time consuming and energy intensive for participants and conveners alike (London, 1995). What is more, in order for these bodies to fulfill their function as forums for inclusive consensus building, it is not enough for participants to simply show up; they must also be willing to speak openly and honestly about their views, listen objectively to the views of others, and work in good faith to find solutions to complex and often divisive issues (Arnold et al., 2012; Bouwen & Taillieu, 2004; Campbell, 2006; Clark, 2008; Dalton, 2006; DFO, 2005; Schusler et al., 2003; Wondolleck & Yaffee, 2000). For those who want to communicate their views to decision makers, there are usually less onerous ways of doing so, such as attending a one-off community meeting, or providing comments in writing.

Arnstein (1969, p. 1) once equated participatory decision making to eating spinach: "No one is against it in principle because it is good for you"; that doesn't mean, though, that they like it (White et al., 2005). Although there is a substantial literature on principles and best practices for involving stakeholders in participatory marine resource and protected area planning, and a recognition that motivated and committed participants are needed for participatory processes such as advisory bodies to be successful (Ansell & Gash, 2008; see for example Dalton, 2005; K. Davis et al., 2014; Gunton et al., 2010; Hedley & Willison, 2007; IECR, 2011), the views of stakeholders themselves are often overlooked (Dalton, 2006). And despite the ubiquity of MPA advisory bodies, specifically, few case studies have been undertaken to assess who actually shows up to participate in these forums, and to draw on the views of those involved to better understand the factors that motivate or discourage active participation. To help fill this gap, this chapter presents results from an investigation of the advisory bodies put in place for two MPA planning processes in British Columbia (BC), Canada. The chapter (1) assesses the level of participation in each of the advisory bodies investigated; (2) describes the interests and motivations articulated by those directly involved with respect to why they took part; and (3) considers the key issues that emerged as barriers to participatory planning in a multi-stakeholder context. The results are analyzed for insights into how full and constructive participation in MPA planning processes in BC and elsewhere can be encouraged.

2 Cases and research approach

2.1 Cases

From a broader exploration of the planning processes for the Gwaii Haanas National Marine Conservation Area Reserve (NMCA) and Haida Heritage Site, and the proposed Race Rocks MPA (see Chapter 2), this chapter focuses on the multi-stakeholder advisory bodies that were put in place to designate these two sites: the Gwaii Haanas interim Marine Advisory Committee (GHMAC), and the Race Rocks Public Advisory Board (RRPAB). These two cases were chosen for comparative purposes. While both represent Canada's national system of MPAs and the collaborative approach to planning and management that the government has articulated, they differ in a number of key respects including the lead agency in each case; the legislation under which the sites are (or would be designated); and the jurisdictional context, including the involvement of First Nations. Canada's government has committed to protecting 5% of the country's territorial waters within a federal network of marine protected areas (MPAs) by 2017, and 10% by 2020, from a current level of about 1% (Canada, 2015, 2016). To achieve this goal, three lead agencies – Fisheries and Oceans Canada (DFO), Environment Canada, and Parks Canada – are tasked with engaging stakeholders to build awareness and support for MPAs, and to obtain input on where they should be located; what their objectives should be; and how they should be managed.

In 2010, Gwaii Haanas became the first marine protected area to be designated under Canada's 2002 National Marine Conservation Areas Act. Encompassing the southern third of the Haida Gwaii Archipelago, on the north coast of British Columbia (Figure 1), the NMCA covers 3,500 km^2 of ocean surrounding the Gwaii Haanas National Park Reserve (established in 1996) and Haida Heritage Site (established in 1985). The lead agency is Parks Canada, which cooperatively manages the site with the Council of the Haida Nation (CHN, the elected government of the Haida First Nations people) and Fisheries and Oceans Canada (DFO) through a six-person Archipelago Management Board (AMB). The GHMAC was one of a variety of tools used to engage local stakeholders in the NMCA planning process. It consisted of 11 Haida Gwaii residents, who represented a range of stakeholder interests and expertise, including commercial fishing, tourism, conservation, and research. In addition to these community members, *ex officio* members from Parks Canada, the CHN, DFO, and BC Parks also took part on the Committee (Canada & Haida Nation, 2010). The primary task for the GHMAC was to

assist in the development of an interim management plan (IMP) for the site, and to advise officials on local issues, areas for future research, and best practices for consultation (Canada & Haida Nation, 2010). The Committee met twelve times between March, 2008 and November, 2009.

Race Rocks is a small Oceans Act MPA 'Area of Interest' (not yet designated) at the southern tip of Vancouver Island (Figure 1). The lead agency in this case is DFO. Though covering little more than 2 km^2, these rocky islets and their surrounding waters have long been recognized for their biological richness. In 1980 they were designated by the Government of British Columbia (BC) as a provincial Ecological Reserve (ER), "as a benchmark example of a less disturbed ecosystem" (RRPAB, 2009b, p. 3). Race Rocks has been the subject of not one but two participatory planning processes. The first of these culminated in a draft designation proposal for the site in 2000, but it was subsequently suspended when local First Nations objected to the proposal, having not been properly consulted. Accounts of this earlier period (which came to be known as 'Round 1') are given in Leroy et al. (2003) and Chapter 2 of this dissertation. Almost a decade later, once DFO had reached a tentative agreement with three of the nations – Beecher Bay First Nation, Songhees Nation, and T'Sou-ke Nation – officials reinitiated public consultations with the establishment of the RRPAB. The board consisted of stakeholders from nine interest groups, as well as BC Parks (which is responsible for the ER), Parks Canada, the Department of National Defence, and a First Nations liaison who participated on behalf of Beecher Bay, Songhees, and T'Sou-ke. The purpose of the board was to "provide advice to DFO regarding a Marine Protected Area designation … [including] the issues and activities that may have an impact on the ecological components of the proposed MPA" (DFO, 2010, p. 2). It met six times between September, 2009, and March, 2011.

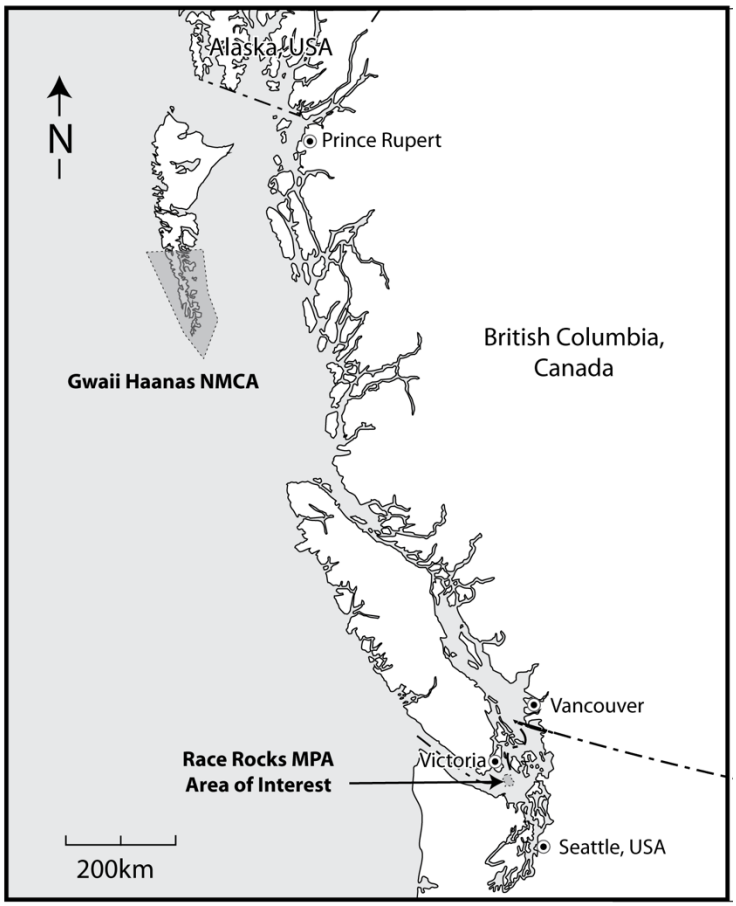

Figure 9 – Study sites

2.2 Research approach

To assess participation in the GHMAC and RRPAB, the study drew on a combination of documentary research, interviews, and a questionnaire. With a small number of exceptions where up-to-date contact information was not available, all primary members of the RRPAB[59] and GHMAC were contacted to request their participation in the study, including resource users and other stakeholder group representatives; officials of non-lead government and First Nations organizations; and the MPA officials from DFO and Parks Canada who led these advisory processes (the RRPAB and GHMAC, respectively). Additional study participants, including government and First Nations officials who were not directly involved in the RRPAB or GHMAC, but were familiar with the proceedings, were also recruited on the basis of

[59] In the case of the RRPAB, stakeholder groups could assign primary and alternate members to the board. Alternates were not contacted unless primary members were unavailable.

recommendations from earlier recruits. In total, 48 individuals contributed to the study by way of an interview, questionnaire, or both (see Chapter 1, Table 4).

Meeting records and other documentary sources were used to obtain objective details about the GHMAC and RRPAB, including who MPA officials invited to participate at the multi-stakeholder table; who agreed to participate; and how often participants actually showed up. Documents were also used to triangulate on the interview findings with further details about events and topics raised by interviewees. The interviews and follow-up questionnaire enabled more in-depth exploration of the attitudes, motivations and perspectives underpinning or, alternatively, undermining participation in multi-stakeholder planning. An objective of both instruments was to learn about how advisory body participants viewed these processes, how they described their perspectives on collaborative MPA planning more generally, and how they perceived the attitudes and behaviour of other participants in these processes.

Interviews were one hour in length, on average, and followed a semi-structured format that allowed for both scripted and unscripted questions. The questionnaire, which contained mostly closed, likert-scale questions ('agree', 'strongly agree', etc.), was submitted by respondents online, shortly after the interview in most cases (two respondents submitted the questionnaire only, without participating in an interview). The questionnaire supplemented the interview findings with ordinal data on specific topics, such as the level of agreement with statements respecting collaborative decision making, and the degree of support for the (proposed) MPAs. Interviews, unless conducted off the record (three in total, all with First Nations representatives) were transcribed and imported into the NVivo qualitative analysis program for organization and thematic coding (Bazeley & Richards, 2000; Olsen, 2012; Schreier, 2014). Questionnaire data were imported into Microsoft Excel, where simple statistical analyses were performed to summarize and explore the Likert-scale responses.

3 Findings

The findings are organized into three sections. Section 3.1 reviews the record of attendance at GHMAC and RRPAB meetings, as a basic measure of participation (Arnold et al., 2012), and provides some subjective assessments of this attendance from participants themselves. Section 3.2 outlines the primary motivations that respondents cited to explain why they got involved on

these advisory bodies; and Section 3.3 highlights five factors that diminished participation and undermined collaboration in these forums.

3.1 Who was at the table?

Most of the stakeholders, interest groups, and organizations that Parks Canada and DFO (the lead agencies) wanted to engage through the GHMAC and the RRPAB agreed to take part in these processes. When it came to actually attending advisory meetings, though, the record shows that some groups or individuals were more involved than others. The attendance record for the GHMAC is reviewed first, followed by the RRPAB.

In 2007, Parks Canada and the CHN put out a call for local Haida Gwaii residents to sit on the GHMAC. They identified nine "areas of expertise" to include on the Committee (Table 6) and, with one exception, each of these areas was accounted for by the selected members (Parks Canada & CHN, 2007, p. 1). The exception was an important one, though. Twelve members were originally selected to the Committee, but only one came from the Haida community (all other members were non-Aboriginal residents of Haida Gwaii), and this individual withdrew before the first meeting (it was not established why). Although other members felt that Haida representation was "crucial," this member was not replaced (GHMAC, 2008d, p. 2). Sadly, a second member also had to withdraw midway through the advisory process due to illness. Ten individuals participated throughout the GHMAC process, therefore. Over the 20-month period that the Committee was active, community members attended approximately eight of eleven meetings each, on average, and at least seven members were present at every meeting, which exceeded the 50% quorum that the Committee agreed was needed to validate consensus-based decisions (GHMAC, 2008a).

Parks Canada's primary government partners in Gwaii Haanas – the CHN, and DFO – were also expected to be represented on the GHMAC, but the attendance of these organizations at Committee meetings was not consistent (Table 6). Both organizations were late to the GHMAC process, and in total participated in only three or four meetings each. This was a matter of concern to other participants. "It is important that ex-officio members including the Haida Rep and DFO Liaison attend Marine Advisory Committee meetings in person," said a member at one meeting. "It's difficult to provide advice on subjects when we don't have the ability to ask questions of the experts" (GHMAC, 2008c, p. 2). For one stakeholder, the absence of DFO, in

particular, was a problem, because the department is responsible for managing fisheries within the protected area (a delegation of authority that is unaltered by the creation of the NMCA). Without a representative from DFO at the table, this respondent did not feel that the Committee could meaningfully address this crucial management issue:

> *"It was many months into the process before there was a DFO rep. … I remember multiple meetings where we'd say, 'Ok, well we've got the Haida person here, and we've got the Parks person here, but we don't have the DFO person here, and if we don't have a DFO person here then we're just, you know, talking to ourselves and it's not going to work in the long run" (Interview 1).*

Table 6 – Interest groups identified for inclusion on the GHMAC.

Community members / 'Areas of expertise'	**Government**
• Haida Gwaii Youth • Tourism • Tour operators • Recreational fishing • Commercial fishing • Education • Conservation • Marine Sciences • Haida Traditional Knowledge *(not represented)*	• Parks Canada (lead agency) • Council of the Haida Nation (CHN) • Fisheries and Oceans Canada (DFO) • BC Ministry of Environment

Sources: Parks Canada (2009) and Parks Canada & CHN (2007, p. 1).

At Race Rocks, nine stakeholder groups were represented on the RRPAB (Table 7). DFO invited groups to assign alternate members in order to maximize participation (three groups did so), but even with the use of alternates only one of the six RRPAB meetings was attended by all nine groups, and some groups missed three meetings or more.[60] Though a quorum was not defined in this case, meeting records show that the absence of representatives from the marine wildlife viewing, recreational fishing, and diving communities was raised as a concern at the board's penultimate meeting (RRPAB, 2010c). DFO assured the RRPAB that it would pursue bilateral consultations with the missing groups instead, but an interviewed official admitted that this proved easier said than done. The representatives of one group simply would not respond to

[60] The fifth meeting was the least-well attended, with only five groups represented. The record of this meeting cites weather as a factor; uncharacteristically, it was below freezing in Victoria that day (RRPAB, 2010c).

the department's requests to meet, and it was only after considerable persistence on the part of DFO officials that they were able to secure a meeting.

As on the GHMAC, however, it was not the interest-group representatives missing from the multi-stakeholder table that was the chief concern for RRPAB participants. Rather, it was the fact that key decision makers at the site were not more involved; not other government departments, in this case, but the local First Nations. By the time the RRPAB was convened, Beecher Bay First Nation, Songhees Nation, and T'Sou-ke Nation had for several years been negotiating an agreement with DFO to co-manage the MPA (see Chapter 2). However, they chose to only take part in the RRPAB indirectly, by way of a Liaison member hired by DFO. While the Liaison was able to provide board members with some information on the nations' perspectives, he had no authority to speak for the Chiefs and Council in any official capacity (RRPAB, 2009b). For one RRPAB member, this arrangement was *"totally ridiculous … He couldn't answer any question without going back to the First Nations, and therefore wouldn't get the question answered until the next meeting"* (Interview 2). Members requested that the Chiefs be invited to attend board meetings themselves, but for reasons that are considered below, none did (Gardner, 2001).

Table 7 – Interest groups identified for inclusion on RRPAB.

Public interest groups	Government
• Lester B. Pearson College • Environmental NGOs • Conservation stewardship* • Education / Outreach • Recreational fishing • Marine wildlife viewing • Recreational diving • Research • Recreational boating	• DFO • First Nations (liaison member) • BC Parks • Department of National Defence • Parks Canada • Transport Canada (did not participate) • Environment Canada (did not participate) • Capital Regional District (did not participate)

* Represented by the Warden of the provincial Ecological Reserve

Sources: DFO (2009c, 2010)

Absent from both the RRPAB and the GHMAC, finally, was Transport Canada (TC), a department that will have a role in meeting the objectives of both protected areas. TC is responsible for regulating and monitoring shipping, aviation, small vessel traffic, and anchoring,

all of which can have impacts on marine ecosystems.[61] In the case of Gwaii Haanas and all NMCA's, Parks Canada must have the approval of TC for any management provisions relating to these activities. It was not established whether or not the department was asked to participate on the GHMAC, but it was included on the original membership list for the RRPAB (DFO, 2009c). Once the board was underway, DFO's Regional Director also wrote to her counterpart at TC, at the behest of RRPAB members, to inform them that issues pertaining to their mandate were being discussed, and to request that a representative be provided (RRPAB, 2009a, 2009b; pers. communication, DFO). Evidently this request was either turned down or ignored, though; speaking off-the-record, a DFO official said they were not aware of any response to it.

In summary, the attendance records for the GHMAC and RRPAB paint a mixed picture with respect to participation in these multi-stakeholder advisory processes. On one hand, almost all of the stakeholder groups in these cases were represented on these bodies. With the possible exception of the Haida community representative in Gwaii Haanas, there were no outright refusals from stakeholders to take part. On the other hand, the extent to which representatives actually showed up to advisory meetings varied considerably. This was arguably more of a problem on the RRPAB, where members were meant to be representing the views and interests of broader constituencies. An important finding from the interviews and documentary research relates to the involvement of (non-lead) government organizations, including First Nations. DFO and the CHN are directly involved in the management of Gwaii Haanas, and so too will the local First Nations at Race Rocks once that MPA is established; that these actors were not more involved in the RRPAB and GHMAC was viewed as one of the principal shortcomings of these processes (also see Chapter 2).

The following two sections explore these findings further by looking at why stakeholders and government actors were willing to take part on the GHMAC and RRPAB, and what issues were raised to help explain why some did not participate more fully.

3.2 Why participate?

The results of the questionnaire (Figure 10), which respondents submitted after the in-person interviews, show that almost all respondents agreed that Race Rocks and Gwaii Haanas should

[61] See NMCA Act (2002, s. 9.4.1).

be managed through a 'collaborative approach.' This is in spite of the fact that many also felt that there had been costs to such an approach in these two cases: a majority of respondents agreed or strongly agreed that timely decisions had been more difficult to make as a consequence of collaboration; and a substantial minority agreed that making the best decisions was made more difficult as a result. Against these costs, though, respondents agreed that the planning processes had afforded them an opportunity to influence the future of the marine area, and helped stakeholders and decision makers address differences constructively. With respect to one of the basic propositions underpinning collaborative decision making, respondents agreed that communicating with other stakeholders, including those they disagreed with, was important; and, encouragingly, a majority of respondents in both cases believed that other stakeholders were likewise willing to listen and consider the views of others.

The questionnaire results offer some insight into respondents' views on collaboration, generally as an approach to MPA planning and management, as well as their judgement, retrospectively, of the RRPAB and GHMAC. The remainder of this section is a synthesis of findings from interviews and documentary research to offer a more detailed explanation as to why participants were willing to get involved in these advisory bodies. Helpfully, the members of the GHMAC were asked at the Committee's first meeting precisely the same question that was put to respondents early in the scripted portion of the interviews: why did they agree to take part? Together with the interview results, their answers (Table 8) show that prospective participants approach multi-stakeholder planning processes as an opportunity to do one or more of four things: (1) advocate for conservation-related measures and investments; (2) speak up for interests that could be negatively impacted by an MPA; (3) contribute to a 'good' process; and (4) connect with others to discuss issues of shared interest, including but not limited to the MPA in question. Each of these motivating interest will be looked at in turn.

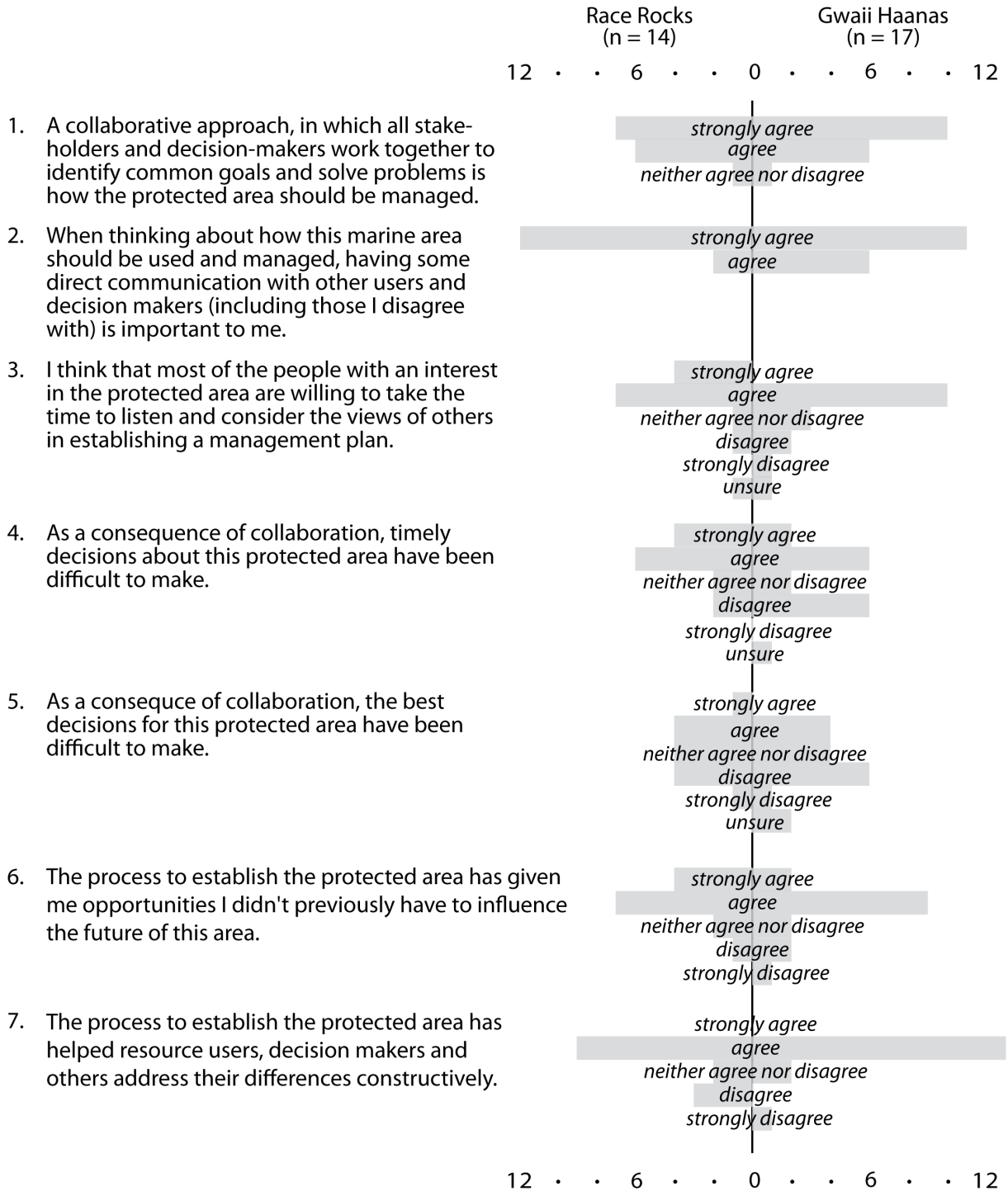

Figure 10 – Questionnaire results: stakeholder views on collaborative approach to MPA planning and management

Table 8 – "Why we said yes to joining this committee" – GHMAC meeting #1

- Being part of the history of the west coast
- Being able to bring information about this initiative to the youth/schools
- Knowing it will impact businesses and wanting to have a say in how
- Having a say personally
- To be part of something that people will say was "done well"
- Ensuring youth have a say in what will impact their futures the most
- Being part of precedent setting experience
- Preserving the Haida Gwaii mystique
- Being part of something that will protect both land and sea
- For the spiritual connection
- Habituated to these kinds of processes
- Haida Gwaii/Gwaii Haanas is home…proud of it and want to stay that way
- Being part of something that will have positive social reaction
- To bring skills to the team to help with the development of technical "mapping" processes (e.g. information design and making invisible lines visible)
- Ensuring sustainable commercial fishing operations will continue
- Wanting to provide meaningful effective input to the process
- Preserving a way of life
- To ensure viable commercial industries
- To champion the idea to create a commercial sports fishing representative category of fishermen
- Uncertainty about management practices to be implemented
- Vested interest in the future
- Financial interest in the future
- Values
- Not just witness the process – be part of it
- To work with a well-meaning group of people

Source: GHMAC meeting summary, 1-March-2008 (GHMAC, 2008a).

3.2.1 Advocating for investments in conservation

Most study participants felt strongly that Gwaii Haanas and Race Rocks need to be protected, and wanted the MPA initiatives to succeed (Figure 11). Of Race Rocks, said a member of the RRPAB, *"those that have been there have this immense affinity for it, and determination that it be protected"* (Interview 6). This sentiment applied to MPA officials, too. A Parks Canada official in Gwaii Haanas said that it was only because she felt the NMCA initiative was so important that she was willing to "give up being a stay at home mom" and get involved (GHMAC, 2009a, p. 3). Stakeholders and MPA officials alike, therefore, care about these areas and have ideas about the types of management approaches and investments they want to see put in place to ensure that they are protected.

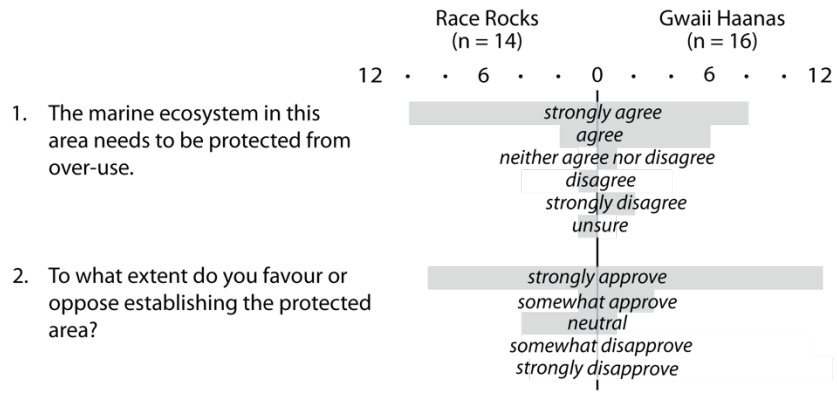

Figure 11 – Questionnaire results: support for marine protection at Race Rocks and Gwaii Haanas

Some respondents pointed to very specific objectives prompting their involvement in the advisory processes. For a member of the GHMAC, the return of sea otters to Haida Gwaii was *"probably the single thing that instigated my wanting to be part of it. ... It's so important that that is returned here; you can see the ecosystem continuing to degrade without their presence"* (Interview 8). A stakeholder in Race Rocks said, candidly, that money was what he and others were hoping for (to invest in research, monitoring, and other conservation-related activities). For stakeholders at both sites, other priorities included more socio-economic research; stricter rules governing activities within the proposed protected areas; and more opportunities for local involvement and public education.

3.2.2 Defending interests

Stakeholders also came to the RRPAB and GHMAC with ideas about the types of changes they *didn't* want to see. For stakeholders who depend for their livelihoods on access to marine areas and resources, MPAs can be perceived more as a threat than an opportunity. For them, participating in collaborative planning was about speaking up for these livelihoods, and even speaking against the protected area designation, if necessary. *"They wanted to be right in the middle of it [the planning process] so they would be able to stop it [MPA designation] if it went whatever way they thought was wrong,"* said an MPA official of one participant (Interview 9). At the very least, taking part enabled participants to be informed about what was being discussed and planned. *"We kind of wanted to have some input into how this happened. And even if our input wasn't going to be useful, or listened to, we wanted to at least see what was going to happen"* (Interview 3). As one GHMAC member put it, "If you're not at the table, you're on the

menu," making the point that, when core interests are at stake, one can't afford *not* to participate (GHMAC, 2009d, p. 7). *"When it comes to MPAs we're talking about people's livelihoods,"* acknowledged an MPA official. *"I understand that. The people I work with understand that. This is not a game"* (Interview 10).

Defending interests was a motivating factor for government participants, too. At Race Rocks, an MPA could present difficulties for the Department of National Defence (DND). DND operates an underwater blasting site that has been a longstanding source of concern and complaints from local stakeholders, due to the impacts from noise on the wildlife within the nearby Ecological Reserve (Murphy & Mirza, 2010). According to a DND official, the department was concerned that, with the creation of a federal MPA, the pressure on it to halt this activity could increase. DND representatives were regular participants on the RRPAB in part, therefore, to explain the importance of the blasting exercises (which are conducted for training purposes). Protecting interests was on the mind of the provincial representative on the RRPAB too, though not its own interests. Rather, being present at board meetings allowed it to stand up for the rights of the local First Nations, if necessary; something that the provincial government as a whole has committed to doing. *"Our role there as the province is to represent First Nations if they want us to,"* said a provincial official (Interview 11). In fact, the Race Rocks nations did not require the province's support in this case, this official added, but board meetings were nevertheless an opportunity to ensure that all participants, including DFO, understood the nations' rights and the province's commitment to upholding them.

3.2.3 Contributing to a 'good' process

Having a hand in the decision-making process is in large part what distinguishes collaborative planning from traditional approaches to consultation, and for some participants was a key motivation for getting involved on the RRPAB or GHMAC. A number of respondents said that, in addition to any specific outcomes they hoped to see from these processes, it was to the process itself that they felt they could make a contribution. For example, a member of the science community had expertise they believed could help stakeholders and regulators make informed decisions; a stakeholder with previous experience in land-use planning wanted to bring what he had learned about what works in these processes (and what doesn't) to the MPA project.

Some participants on the RRPAB and GHMAC – government representatives as well as non-governmental members – had as much experience with collaborative planning, if not more, as the MPA officials leading these processes. *"I'm a meeting junkie I guess!"* joked one stakeholder (Interview 1). This cut both ways for planners. It gave them access to valuable experience and knowledge; but it also meant that they heard from participants about how they should be doing their job. Most of the participants on the RRPAB had also taken part on the first advisory board a decade earlier, and they came to the RRPAB wanting to ensure that the same mistakes were not repeated.[62] *"Let's not go through this whole process and screw up the First Nations thing again,"* said one board member (Interview 6). It doesn't do any good to *"act like a bunch of know-it-alls,"* said another; but, there can be *"a lot of sort of fumbling around [on the part of MPA officials] … or appearing that way to all the rest of us who have been involved in protected area designations for some time"* (Interview 12).

Few stakeholders viewed Race Rocks and Gwaii Haanas as isolated or one-off projects. Along with other signatories to the Convention on Biological Diversity (CBD), the Government of Canada has committed to expanding the area protected within MPAs to 10% of its territorial waters by 2020 (see CBD, 2010), which is nearly a tenfold increase from the current total. Most participants see more MPA planning processes – at which they will need to be participants – on the horizon, therefore.

> *"[Precedent] is on everybody's minds except maybe a very small handful of people. … Sometimes the mistakes that you make – maybe with some of the first marine protected areas, or everybody's first stab at it – well you don't want those mistakes to continue through" (Interview 12).*

Respondents did not give a unified vision of what makes for a 'good' process, of course. For example, a method used by DFO to obtain information on stakeholder interests, values and concerns (the so-called 'Stakeholder Values Input Table') was described as *"very focused"* by one participant (Interview 13), but *"very clumsy and cumbersome"* by another (Interview 6). At Gwaii Haanas, both environmentalists and commercial fishing groups wanted decisions respecting the creation of the NMCA to be science-based, but made opposing claims about what this implied: the need for more research before designating the NMCA, in the case of the fishing

[62] See Chapter 2, s. 3.2.2 for a review of this episode.

industry; the need for substantial no-take zones to exclude extractive activities (including fishing) in the case of conservation groups. In the end, the NMCA was designated without the research commercial fishermen were calling for, or the protections environmentalists expected, thus failing to reflect good science – and setting a poor precedent for future NMCA designations – from both perspectives.

3.2.4 Networking and information sharing

Finally, an advantage of collaborative planning processes over less inclusive approaches to decision making (such as sector-specific consultations) is that they give participants access not just to government decision makers, but to other interest groups as well. The questionnaire results showed that MPA stakeholders want to connect with others, including those they disagree with, to inform their thinking on protected area planning and management (Figure 10, above). Likewise, they want their own views and needs to be understood by fellow stakeholders, as well as decision makers. Though not speaking here about multi-stakeholder processes specifically, a representative of the commercial fishing industry explained why it is beneficial for them to sit down with members of environmental organizations (in this case the Canadian Parks and Wilderness Society) with whom they do not generally see eye-to-eye on MPAs, to discuss these and other marine management issues:

> *"CPAWS has influence with the public, and with the government, so it's certainly useful for us to understand what their interests are and how they're pursuing those interests. … And I'm sure they would say that that's the reason that they're prepared to sit down with us, to get a better sense of our interests and what motivates us, and where there might be room for compromise (Interview 14).*

This respondent emphasized that their organization does not depend on government-led processes to meet with other stakeholder groups – they can and will do so of their own accord. For at least some participants, though, the RRPAB and GHMAC had a valuable networking function. Even when resource users are literally crossing paths on a daily basis, one Race Rocks stakeholder explained, they rarely stop to talk about issues of common interest or concern. The RRPAB provided the space for them to do so. *"There's no opportunity for communication unless we're having [board] meetings,"* said another board member (Interview 2).

Networking can be a motivation for government officials, too. For BC Parks, which is responsible for the provincial Ecological Reserve at Race Rocks, the RRPAB was a ready-made opportunity to touch bases with the user groups that are active there; and while the first order of business for DND officials was to ensure that the department's activities were not jeopardized by an MPA, an official indicated that it was also their goal to improve the department's relations with local stakeholders, by listening to their concerns and demonstrating its support for DFO's conservation objectives.

3.3 Why not participate?

Weighed against the benefits to taking part in a multi-stakeholder planning process are disincentives to doing so. Those contributors to this study who were involved in the GHMAC and RRPAB (see Section 2.2) were, by definition, willing to participate in these processes to at least some degree. As was shown in Section 3.1, however, this did not mean that they were willing or able to attend all meetings – very few did so – or even that they participated with conviction. Respondents highlighted five issues that discouraged them – or, from their perspective, discouraged others – from fully engaging in these processes: (1) the cost, time and effort of taking part; (2) the perceived value of the proposed MPA (i.e., the end-product of the planning process); (3) the credibility of the advisory body to have a real impact on decisions; (4) the perceived legitimacy of the multi-stakeholder forum and/or the participants in it; and (5) distrust in the commitment of other participants to collaborate in good faith. The findings in this section are drawn heavily from respondents' perspectives on the RRPAB, which was the subject of considerably more criticism than the GHMAC.

3.3.1 Cost

A government official on the RRPAB pointed out that, unlike himself, most participants were not paid to attend advisory board meetings (unlike GHMAC members, who received a $100 per diem to attend meetings, RRPAB members were not compensated for their time):

> *"[One participant] brought about the key issue of volunteering. 'We're here volunteering [he said] …. How many years do we do this?' And it's not like he's a super well-off person …You can understand, this guy has spent how much money on gas to drive all the way out there?"*

Even for governments, the financial costs associated with participation can be an issue. One reason DFO was slow to provide a representative to the GHMAC, according to two respondents, was that it did not want to put up the salary for someone to do so. Eventually Parks Canada agreed to pay for this position itself, therefore.[63]

The financial burden is not the only or even most significant cost to participating in an advisory process, though. Unlike bilateral consultations, for which decision makers can go to where stakeholders work or live, at least some participants had to travel to attend the multi-stakeholder meetings. In the case of the RRPAB, most meetings took place at Pearson College, on the mainland adjacent to Race Rocks. This is 45 minutes by car from Victoria, and several hours by car and ferry from Vancouver. *"Not really very convenient,"* said one participant (Interview 15). These are not one-off events, moreover, but held regularly over an extended period of time: six meetings over eighteen months in the case of the RRPAB; twelve meetings over twenty months for the GHMAC. *"I don't know how many hours we put in,"* said a RRPAB member, *"... [but] I bet you it was nothing short of 25-30 hours each. It was hugely onerous, and all-day meetings. Who has time for that?"* (Interview 6).

Respondents also noted that the RRPAB and GHMAC were not the only advisory processes that they and their organizations were engaged in. At the time of this study there were five concurrent oceans planning processes underway in Haida Gwaii alone, led by two different federal departments (DFO and Parks Canada), the provincial government, and the CHN.[64] The federal MPA system itself is made up of three different protected area programs (DFO's Oceans Act MPAs; Parks Canada's NMCAs; and Environment Canada's Marine Wildlife Areas), and each of these call on stakeholder groups, government partners, and First Nations to be involved. Taking part in planning processes can be particularly challenging for First Nations, several respondents noted, which are small governments with a lot on their plates. In Haida Gwaii, said a federal official:

[63] This was not just about paying someone to attend GHMAC meetings; it was the cost of devoting a staff member to work full-time on the NMCA planning process that DFO did not want to cover.

[64] These were (1) the NMCA designation process; (2) post-designation management planning for the Sgaan Kinghlas (Bowie Seamount) MPA; (3) the Pacific North Coast Integrated Management (PNCIMA) process; (4) Haida marine use planning within the Marine Planning Partnership (MaPP) process; and (5) development of BC-Haida conservancies through the provincial land use planning process.

> *"All the different processes are particularly a strain on the Haida representatives. … There's a lot of federal public servants out there, but there's only so many Haida public servants, and they tend to be the same people on all these different boards" (Interview 16).*

Stakeholders, too, are being stretched. "From a stakeholder point of view," note the minutes of one RRPAB meeting, "the current configuration of three separate Federal agencies running three separate processes to pursue different ways of enclosing areas to human use is frightening, cumbersome, limits effective engagement, and creates consultation burnout" (RRPAB, 2009a, p. 3).

3.3.2 Value

For a number of reasons, and notwithstanding their support for the MPA (see above) stakeholders at Race Rocks were underwhelmed by the MPA initiative. For one thing, the site has already been designated as a provincial Ecological Reserve (ER); what further value would a federal MPA add, RRPAB members wondered? (RRPAB, 2010a, 2011). *"I mean, what really will come of it? Maybe they [DFO] will send a boat out there more often for checking on enforcement, but if there's something serious now we can still get them to send a boat if we complain enough about it"* (Interview 2). Most resource users understand that the area is protected, another respondent suggested, even if they may not be aware that this protection is, in fact, quite limited (it covers the land and seabed under provincial jurisdiction, but not the water column under federal jurisdiction). *"I think you'd find people are fairly satisfied that, whatever it has got now … it's accepted that it's protected"* (Interview 19).

The area under consideration for protection at Race Rocks is also very small – just 2.5 km^2 (200 Ha).[65] *"How long do you spend on a small thing like that versus something much bigger and more significant?",* asked one board member. This respondent was making the comparison to Parks Canada's 1,400 km^2 proposed NMCA in the Southern Strait of Georgia, not far from Race Rocks (Interview 15). A Parks Canada official, who had previously worked on MPA projects at DFO, felt the same way. The "real value," he said to members of the GHMAC, "is with large scale protected areas" (GHMAC, 2009a, p. 5).

[65] This is actually slightly bigger than the average for MPAs worldwide (MPA News, 2012).

RRPAB participants were further discouraged by the relatively narrow mandate of Oceans Act MPAs, which limited the issues that could be addressed in the planning discussions:

> *"Oceans Act MPAs are only concerned with conserving fish.[66] They [DFO officials] weren't even interested in talking about birds. But birds are a major part of the ecology of the area, and so the board went, 'DFO, you're coming here and saying that you're only going to protect the fish? You're not going to help us protect the birds? So, after we get through this process, we still have another process to go through to protect the birds?"*

"A whole part of our buy-in" centred on the promotion of public education and outreach at Race Rocks, said a representative of the education community (RRPAB, 2010b, p. 6). Education and outreach are not an explicit objectives of Oceans Act MPAs, however.[67] They could, DFO officials explained, be "a valuable management tool" once an MPA is in place, but they could not be included as an actual objective in the MPA regulations (RRPAB, 2010b, p. 6). This highlights a distinction between Oceans Act MPAs and NMCAs, like Gwaii Haanas, which are created "for the benefit, education and enjoyment of the people of Canada and the world" (NMCA Act, 2002, s. 4.1). In contrast to their counterparts at Race Rocks, this broader mandate gave the planners in Gwaii Haanas *"a lot of wiggle room"* when consulting with stakeholders, said a Parks Canada official. *"There are lots of interesting ways in which we can take it [the NMCA mandate]. It is less black and white, and more about compromise. … It allows for more local solutions* (Interview 26).

Hand-in-hand with mandates, moreover, are the budgets to implement them, which tend to be much smaller for Oceans Act MPAs than NMCAs. *"It's a bit apples and oranges,"* said a DFO official, *"in that the Parks Canada sites are the Cadillacs and ours are more like the K-Car"*

[66] The MPA mandate is a bit broader than this. See Oceans Act (1996, s. 35.1).

[67] There may have been some misunderstanding on the RRPAB about this. In their recommendations to DFO, board members wrote that "it is our view that research, education, public awareness and outreach are all important aspects of a successful MPA strategy. This is in accordance with materials the Government of Canada has published as the declared MPA strategy for the past 10 years" (RRPAB, 2010d, p. 2). DFO officials explained, however, that the Strategy in question – a joint federal-provincial 'discussion paper' (see Canada & British Columbia, 1998) – was, for one thing, never finalized and, for another, included objectives relating to the mandates of various federal and provincial agencies, not just DFO. Educations / outreach could be addressed in a management plan once the MPA was in place, RRPAB members were told, but not in the conservation objectives or regulations that were the subjects of the pre-designation advisory process (RRPAB, 2010b).

(Interview 10). That DFO could not make any specific financial commitments at Race Rocks until after the MPA was in place further diminished the value of the initiative in the eyes of stakeholders (RRPAB, 2009a, 2010a, 2010d). *"It's a very cynical view,"* said one board member, *"but it was more like being able to show the flag and tick one more box than it was to genuinely contribute something to the ecosystem"* (Interview 6).

For one RRPAB member, the result of all of these shortcomings was that he became less and less motivated to put much effort into the planning process:

> *"Near the end I have to admit that a lot of this had lost its luster and you kind of go through the motions a little bit more. ... I find it harder and harder to put a lot of time and energy towards that" (Interview 5).*

3.3.3 Credibility

Not only did RRPAB members question the value of the MPA at Race Rocks; they also questioned whether the advisory process they were involved in would actually make much difference to the final outcome (also see Chapter 2). One respondent suggested that, for many RRPAB members, the perspective was that DFO was simply going through the motions by convening the board. *"I think it became, 'Oh they are just ticking a box. It's done, and the outcome has already been selected and decided"* (Interview 5). It didn't help the credibility of the process, said another respondent, that the DFO officials leading it were not decision makers themselves:

> *"They were there as mediators, really. They're not able to make any decisions as it is normally. ... They just go back and report to somebody, make recommendations. So your confidence in having something actually happen is quite low (Interview 23).*

By far the most damaging issue with respect to the credibility of the RRPAB, though, was the fact that DFO had not secured the support of the local First Nations before bringing stakeholders together. In 2001, the Department told the nations that it would not proceed with the MPA until it had properly consulted with them, and their concerns had been addressed. By the time the RRPAB was convened in 2009, though, negotiations were still ongoing and none of the nations had yet endorsed the project. In this context, board members became increasingly skeptical that their input would be of any consequence:

> *"Everybody knew in the back of their mind that, yes, we can ask for all these things and, yes, this sounds like a great idea, but if First Nations don't want to participate then it's all shut down. So everybody's sitting there thinking, 'Ok, we might as well just come up with a theoretical idea, because none of this is going to go through … So it's like, ok, forget it, let's not bother participating anymore" (Interview 23).*

Two years after the RRPAB had concluded, and with no indication that DFO and the nations were any closer to a deal, another respondent had reached the conclusion that no decisions respecting the MPA would be made until the nations' title claims were resolved through a separate treaty negotiation process.[68] In retrospect, this rendered the RRPAB premature, if not pointless, in his eyes:

> *"We're all pragmatic and realistic enough to realize that nothing's going to happen until the treaty negotiations get done. So, why delude people into thinking that our advice is even needed when the treaty negotiations are really what's going to determine everything? … I'm sure that right now if you tried to recall the board you'd have a lot of reluctance by a lot of members to get involved again" (Interview 2).*

It is notable that in Gwaii Haanas, too, respondents questioned what if any impact the GHMAC had had on the NMCA designation, but they were not nearly so critical of the Committee's overall credibility. When presented with a draft of the Interim Management Plan (IMP) for the NMCA, which they ostensibly helped to produce, members found that very little of their input had been included in this plan (GHMAC, 2009b; Chapter 2). As in Race Rocks, respondents expressed the view that the deliberations of the GHMAC had relatively little bearing on final decisions, in comparison to those that occurred in other forums (which included bilateral consultations with the commercial fishing industry, from which there was strong opposition to the proposed protected area). Nevertheless, former GHMAC members expressed cautious optimism that their input had not been ignored, and would be taken into account once the NMCA was in place. One respondent said they were a "*strong defender"* of the IMP as a step in the right

[68] T'Sou-ke, Songhees and Beecher Bay, represented by the Te'mexw Treaty Association, entered into treaty negotiations with Canada and BC in 1994. In 2015 they reached the penultimate – 'Agreement-in-Principle' –stage of this process, and could therefore sign treaties relatively soon (http://www.bctreaty.net/files/updates.php).

direction (Interview 1). When a successor committee to the GHMAC[69] was established in 2014, moreover, three former GHMAC members volunteered to participate once again; indicating that they, at least, believed they could achieve something by doing so.

3.3.4 Legitimacy

According to a respondent who was familiar with the first attempt to designate an MPA at Race Rocks, between 1999 and 2001, the local First Nations did not accept the legitimacy of the public advisory board that was put in place at that time, because it was convened before DFO had consulted with them, or obtained their consent to move ahead with the project:

> *"They just kept saying 'It's not a legitimate group. We have to make our decision about how we want to do business over it [the MPA], and talk about how we want it to be managed, and when we've done that discussion with DFO* then *we'll talk to third parties about how we want it managed'" (Interview 19).*

The nations met repeatedly with DFO after 2001 to discuss the MPA, and there was no indication from interviewees or documentary sources that the nations rejected the legitimacy of the second RRPAB. This issue sheds light, though, on why the Chiefs of Beecher Bay, Songhees and T'Sou-ke did not to take a direct part on the RRPAB, despite being asked to do so by board members. Like all Aboriginal people in Canada, the nations have Constitutionally-guaranteed rights that distinguish them from stakeholder groups; and associated with these is a duty on the part of federal and provincial governments to consult with them on activities concerning the use of their traditional territories.[70] In this context, Beecher Bay, Songhees and T'Sou-ke expected consultation and collaboration with DFO to be conducted on a government-to-government basis, which would not be satisfied through a multi-stakeholder advisory body. Taking part in multi-stakeholder and government-to-government consultations are not mutually-exclusive, of course (the CHN was involved in both in Gwaii Haanas, even though its representation on the GHMAC was intermittent, and so too were BC Parks and DND at Race Rocks). However, according to a DFO official there is *"a real reluctance"* on the part of First Nations to get involved in advisory

[69] The new Gwaii Haanas Advisory Committee will take part in the development of a final management plan for Gwaii Haanas, which was due at the end of 2015 (see NMCA Act, 2002, s. 9.1 and 11.1; Parks Canada, 2014).

[70] See Canada (2012, s. 35); AANDC (2011); Parks Canada (2011); Haida Nation v. British Columbia (2004).

bodies like the RRPAB, lest their rights and roles be misunderstood, or even undermined, as a result:

> *"Aboriginal groups feel that, if they are part of a public body, their interests are just the same as everyone else's. In reality they aren't, [but] they don't want to be arguing with stakeholders and such, saying, 'Well we think too many boats are going through there', or 'They're impacting this', and have an argument with them, when really their discussion is with government agencies" (Interview 7).*

In response to their requests to the Chiefs of Beecher Bay, Songhees and T'Sou-ke, RRPAB members were told that the Chiefs "had other commitments to attend to" (RRPAB, 2009b, p. 3). That none of the Chiefs attended even one of the six RRPAB meetings suggests, though, that they did not see this as an appropriate venue for their involvement.

The issue of legitimacy also had an impact on the proceedings of the RRPAB; not, as with the First Nations, by preventing stakeholders from taking part altogether, but by influencing how much credit or consideration they gave to the views and positions of their counterparts. DFO did not differentiate between RRPAB members in terms of their status in the group's deliberations, but the board members themselves did. *"I had real concerns about allowing [member] to join that committee because he wasn't representing a proper body,"* said one respondent of a fellow participant. *"I was, like, 'Who are you representing?'"* (Interview 4). The Terms of Reference for the RRPAB implied that all board members represented a larger organization or constituency (see DFO, 2010, s. 5); in reality, however, not all did. Some members, including the one called out by the previous respondent, were asked by DFO to participate because they could contribute expertise to the planning process; but they did not speak on behalf of anyone but themselves. The implicit question posed by this respondent was whether it was correct that both types of member – group / organizational representatives on one hand; individual members on the other – had an equal say in the board's consensus-based deliberations.

For another respondent, the criteria for judging the legitimacy or validity of stakeholder interests and positions was different:

> *"I see different levels of entitlement, frankly, to being engaged in the [Race Rocks] process. … Those that are there all the time, using it all the time, I think deserve a special status. In that regard I'd put the eco-tourism community, the dive community, Pearson*

> *College, and First Nations in a sort of invested user group status, as opposed to interest groups, which is where I'd put more environmental groups. And then there are others, which are simply neighbours, and DND would be the major one there ("not a very good neighbour, by the way)."*

This implied downgrading of DND's status on the board is also seen in the records of the first RRPAB meeting, at which a participant questioned why the department was identified alongside resource users and other interest groups as a 'stakeholder' when it had "no direct interest at Race Rocks … [only] a direct impact" (RRPAB, 2009a, p. 6). On the contrary, responded the department's representative; DND is a "key stakeholder" at Race Rocks, and its interests needed to be considered alongside those of other stakeholder groups (RRPAB, 2009a, p. 6). Race Rocks is *"not meant to be solely a classroom for Pearson College,"* retorted another respondent (Interview 4), articulating a view expressed by several other RRPAB participants that the College, which manages the Ecological Reserve on behalf of the province, was asserting an undue claim to the site. It should also be noted that it is precisely the type of categorization articulated above – in which First Nations are grouped alongside other stakeholders as 'invested users' – that may give the nations cause to stand back from the multi-stakeholder table.

While the questionnaire results indicate that respondents agreed all voices should be heard in an MPA planning process, for some respondents, at least, this did not mean they believed everyone should have the *same* voice. Distinguishing stakeholder groups according to the status or legitimacy of their interests is not unprecedented in the context of multi-stakeholder planning; a point that will be returned to in the discussion section. This was an issue that divided participants on the RRPAB, though, and appears to have influenced their willingness to give all of the views and positions expressed at board meetings equal consideration. This also relates closely to the final issue that will be addressed in this section on disincentives: the matter of trust.

3.3.5 Lack of confidence in a shared commitment to collaborate

A Parks Canada official drew on an experience outside the Race Rocks and Gwaii Haanas cases to explain how participation in collaborative MPA planning can be affected when stakeholders do not trust one another. On a project in the province of Newfoundland and Labrador, he said, environmental groups are widely viewed as *"the enemy"* because of their

opposition to traditional seal hunting. Consequently, local stakeholder groups refused to sit down with these groups at the multi-stakeholder table. *"We set up an advisory board, and some of the stakeholders said, 'If there are environmental groups involved in this process, we're out'"* (Interview 25). Even if animosity or distrust does not prevent stakeholders from participating altogether, though, an MPA official said that it is not unusual for stakeholders to attend multi-stakeholder meetings without fully engaging in a process of deliberation and consensus building:

> *"Not everybody wants to show their cards. ... There's this almost fear, mistrust between stakeholders that, 'Ok, we're all playing nice at this table, but when we go away Bob Joe is going to go knock on the Minister's door and get what he or she wanted anyway.' So they just sit there quiet. ... Often after a meeting we'll get a phone call from X Industry, [or] somebody will be knocking at our Minister's door saying, 'This happened and we're not happy.' But they don't say anything at a meeting (Interview 10).*

In theory, everyone who agreed to participate on the GHMAC and the RRPAB was committed to speaking openly and honestly about their views; to listening attentively and respectfully to counterparts; and to working in good faith to develop mutually-acceptable recommendations for the designation and management of the proposed protected areas. These and other principles were spelled out in the Terms of Reference for the RRPAB, which board members reviewed and approved, and on the GHMAC, where guiding principles were developed by the members themselves at the Committee's first meeting (Table 9). In practice, though, these principles were not always adhered to. According to a former member of the GHMAC, stakeholders and officials worked hard to create the space for open and honest dialogue on the Committee. "*Everybody had to leave something at the door to make that sort of thing happen, [and] they did. So it was a very good group that way"* (Interview 1). The RRPAB, in contrast, was compared by one former member to a *"bad relationship"* in which some participants, far from being open to working together, were seen to be entrenched in their own positions. *"Trust was a huge issue. We had trust initially, and then we lost trust in the system and between the departments, between the groups"* (Interview 4).

The lack of trust on the RRPAB was evident in the number of interviewees who expressed skepticism that everybody on the board was at the table to collaborate in good faith. Already noted was the view that DFO itself was simply 'ticking a box' by convening the RRPAB, rather

than genuinely seeking to involve stakeholders in decision making. The Department of National Defence came in for criticism, too. Far from being willing to mitigate the impacts from its underwater blasting site, it was accused of a *"take it or leave it"* attitude with respect to its activities (Interview 6). Some stakeholders on the board were also blamed for being less-than-collaborative. *"A serious detriment to group collaboration,"* was how one board member was characterized (Interview 4), and the perspective of a DFO official was that a small minority of RRPAB participants were *"trying to create as much havoc as they could to prevent it [the MPA] from going forward*" (Interview 7).

Table 9 – Summary of guiding principles for the RRPAB and GHMAC

RRPAB – Roles and responsibilities (DFO, 2010)

- openly provide information on activities within and surrounding Race Rocks
- actively participate in discussions
- encourage all participants to contribute to discussion equally
- offer respect for different viewpoints and attention when others are speaking
- ask questions for clarification and mutual understanding
- verify assumptions
- deal with differences as issues to be discussed, not positions to be defended
- refrain from distracting others through side conversations; cell phones off
- make a best faith effort to work toward an agreement at the table
- if a participant withholds agreement on an issue(s), that participant is responsible for explaining how their interests are adversely affected and/or how the proposed agreement fails to meet their interests.
- DFO: fairly represent the recommendations developed by the RRPAB and take them into account when considering designation the MPA

GHMAC – Principles (GHMAC, 2008a)

- Honesty and openness
- Time to get to know each other
- Finding common ground
- Objective listening
- Respect
- Timely information flow
- Honouring commitments
- Meaningful follow up on input
- Real input, real decisions
- Optimism / Passion

A point to make about distrust (as it relates, in this context, to perceptions of commitment to collaborate) is that even if it only exists between some groups or individuals, it can act as a

disincentive to participate for others, too. In Gwaii Haanas, said an official with DFO, there is a perception among non-aboriginal fishermen that the CHN is biased against them. *"With the Haida quite often it's excluding everybody else, but them [Haida fishermen] having full access"* (Interview 21). For this official, this made participating in a marine planning process being led by the CHN and Government of BC (taking place concurrently with the NMCA process)[71] a potential problem, because to do so could be interpreted as an endorsement of a process that was not truly collaborative, and thereby compromise his relationships with these non-Haida stakeholders. Another respondent made a similar point with respect to Race Rocks and the historically poor relationship between DFO and the local First Nations there. This respondent wanted to be certain that the First Nations were ok with the RRPAB proceeding, because, if they were not and this respondent went ahead and participated anyway, *"our relationship would be in the toilet, basically"* (Interview 12). Finally, distrust and animosity can simply make multi-stakeholder planning unenjoyable. *"It wasn't much fun being at that table,"* said a respondent of the RRPAB, in explaining why they did not participate more fully in that advisory process (Interview 15).

4 Discussion and recommendations

It would be unrealistic to expect unqualified commitment from all participants at the multi-stakeholder table, or to treat 100% participation as the mark of a successful process. Since the purpose of advisory bodies, though, is not merely for officials to obtain input from stakeholders with diverse perspectives and expertise, but to incorporate that diversity into a constructive process of information sharing, deliberation, and consensus building, officials need participants to show up consistently and, once at the table, to share their views openly, listen to one another, and work together to develop recommendations that reflect the needs and interests of all interested parties. The cases offer some general insights into how MPA officials can encourage this by lowering the costs of participation, responding with more flexibility to stakeholder interests, strengthening ties to decision makers and decision making, clarifying roles, and taking terms of reference (ToRs) seriously. While the following discussion and recommendations will be most relevant to multi-stakeholder MPA planning in BC, the findings closely align with the existing literature on best practices for participatory decision making in a variety of related

[71] This was part of the Marine Plan Partnership (MaPP) process (see http://mappocean.org/).

contexts (Dalton, 2005; K. Davis et al., 2014; Gunton et al., 2010; Hedley & Willison, 2007; IECR, 2011). This literature is drawn on to help inform the following recommendations.

Recommendation 1: Lower the costs of participation

Participatory decision making processes demand a lot from participants (Ansell & Gash, 2008; Irvin & Stansbury, 2004; London, 1995). With travel time included, taking part in a 4-5 hour RRPAB meeting meant effectively giving up an entire working day for some board members, not accounting for time spent reviewing material, preparing for meetings, and conferring with others away from the multi-stakeholder table. Membership on the RRPAB and GHMAC demanded a one-and-a-half to two-year commitment from participants, a level of engagement that is rare according to May (2006, p. 310) who has observed that, while most citizens approve of governments asking for their input on decisions, "it is only a small proportion of the total population who actually want to get seriously involved." A respondent in this study was joking when he said he was a meeting junkie, but his comment makes May's point that the people who take part on advisory bodies are uncommonly motivated to be part of decision-making processes. This motivation has its limits, though. The risk of consultation or collaborative 'fatigue' has been raised by others (DFO, 2004; Gardner et al., 2008; Koontz, 2006; Reed, 2008), and was affirmed by members of the RRPAB, who warned of consultation burnout as a consequence of the multiple MPA and oceans-related planning processes underway in British Columbia today. This is a situation that is likely to persist for some time, moreover, as Canada attempts to increase the amount of its oceans protected in MPAs from a current level of about 1%, to a global target of 10%. Stakeholder groups will want to have a say in the planning of these new MPAs – indeed, the results of this study indicate that many will feel that taking part is essential – but the capacity of some to participate fully is already being stretched.

Although the financial costs of participation did not emerge as a major issue in this study, they were mentioned by several respondents. Compensating members for their time, as Parks Canada did in Gwaii Haanas, or at the very least reimbursing participants for their expenses, is one way to encourage higher levels of participation (Borrini-Feyerabend et al., 2013; Hedley & Willison, 2007). It is also a relatively inexpensive[72] way of conveying to participants that their

[72] At $100/meeting, which is what Parks Canada paid GHMAC members, it would have cost DFO less than $1,000 per meeting, or $5,500 over the 18 months that the RRPAB took place, to compensate members for their involvement.

involvement is valued: records from the GHMAC note that members said they appreciated the compensation they received as a recognition of their time and expertise (GHMAC, 2008a, 2009c). Compensation cannot, though, address the fact that stakeholder groups and organizations, as well as the First Nations and other government organizations that lead agencies would like to see at the multi-stakeholder table, only have so much time and human resources to spare. To address this constraint, therefore, MPA officials should take advantage of the growing ease with which people can now meet virtually rather than physically. While phone calls, video conferencing, or online forums such as 'webinars' cannot replace face-to-face interactions when it comes to good quality communication (K. Davis et al., 2014; Chapter 4, this dissertation), as a supplement to in-person meetings they should be adequate for many planning tasks, and would significantly lower the costs – financial as well as time – of participating (IECR, 2011).

Methods for participating remotely would also offer greater flexibility to participants, who could attend meetings in-person if they preferred, or call in from another location if that were more convenient. Without the need for long (half- or full-day) meetings to justify the effort of bringing everyone together, moreover, planners could convene meetings that were shorter but more frequent, which might also help to encourage sustained engagement. Greater frequency would help to maintain the momentum of planning processes, while shorter meetings could be more focused and task-oriented; some meetings could even be optional for members who didn't have interests at stake or contributions to make to a specific topic. To preserve the function of advisory bodies as forums for deliberation and consensus building – including through the informal interactions they facilitate – participants would still need to regularly sit down together around the same table. A hybrid model, though, in which some involvement can be undertaken through other means, could increase the likelihood that participants would engage in these processes consistently and over the extended periods of time that are required for ongoing MPA planning and management.

Recommendation 2: Respond with more flexibility to stakeholder interests

No matter how convenient or efficient an advisory process is, stakeholders are not going to devote a great deal of time to it if they are not inspired by the end product. Most of the Race Rocks stakeholders who took part in this study supported the creation of an MPA (none was opposed), but as the designation process dragged on they nevertheless began to question whether the protections and investments it would add to the site justified their time and effort at the

planning table. As enthusiasm for the project flagged, DFO failed to respond with a convincing case that they would. To a point, this could have been a matter of misplaced expectations about the mandate of Oceans Act MPAs – which is quite narrow in comparison to NMCAs – and to the budgets available to DFO planners – which are considerably smaller (Cadillacs vs. K-cars is how one DFO planner characterized the difference between these two programs). Perhaps Race Rocks officials needed to do more at the outset to explain this to board members, and thereby avoid disillusionment and disengagement down the road. However, lead agencies may also need to be more flexible and creative about how they exercise mandates and leverage budgets in response to what they hear from stakeholders about the issues that matter most to them. Had Race Rocks officials found a way to commit some money up front to invest in conservation-related research, for example, or of coordinating with Environment Canada to address the protection of migratory seabirds (which does not fall under DFO's MPA mandate), they would have given participants more reason to stay engaged.

There is, to be sure, a balance to strike here. It is not the primary purpose of MPAs to serve the interests of local stakeholders, which participatory decision-making processes are sometimes criticized for doing at the expense of broader societal goals (Coggins, 1998; Conley & Moote, 2003; Gunton et al., 2010; Yaffee & Wondolleck, 2003). At the same time, though, these stakeholders are well-positioned to judge what is needed to improve management and conservation at a site. If a proposed MPA is too circumscribed by mandates and budgets to accommodate their advice, it is worth considering whether it is these, rather than stakeholder expectations, that need to be adjusted.

Recommendation 3: Encourage participation from, and strengthen ties to key decision makers

Perhaps the most damaging issue in terms of stakeholder confidence and engagement in the Race Rocks advisory process, and one that drew criticism in the Gwaii Haanas case too, was uncertainty on the part of stakeholders as to whether their involvement and advice would have much impact on the MPA designation processes. It stands to reason that stakeholders will reject collaborative processes if they do not believe decision makers intend to seriously consider their input (Ansell & Gash, 2008; K. Davis et al., 2014; Koontz, 2006; London, 1995; Wagner & Fernandez-Gimenez, 2008). The results of this study point to one way in which doubts to this effect could arise; namely, when key decision makers do not actually turn up to the multi-stakeholder table.

The significance that stakeholders attached to the involvement of non-lead government and First Nations organizations on the RRPAB and GHMAC is an important finding – one that has received little if any attention in the existing literature – because it relates to the nature of oceans governance and is therefore likely to be relevant to most if not all MPA cases. More so than on land, there are a myriad of government actors (federal, provincial, First Nations, and even municipal) with overlapping oceans-related responsibilities and authorities, and thus a role to play in the success of MPAs (Alley & Topelko, 2007; Canada, 2005b; Doherty & Duggan, 2007; VanderZwaag & Macnab, 2011). It is neither feasible nor necessary that every one of these actors takes part on an MPA advisory body. However, those that will be directly involved in ongoing management decisions once the MPA is in place (i.e., DFO and the CHN in Gwaii Haanas; Beecher Bay, Songhees, and T'Sou-ke at Race Rocks) arguably should be. It will be up to these actors, and not just the lead agencies, to accept or reject the advice that advisory bodies provide, and stakeholders want them at the table, therefore.

Lead agencies cannot compel other government or First Nations organizations to provide representation on an MPA advisory bodies, although in the case of the former it would help if policy documents like the Federal MPA strategy and Canada-BC MPA Network Strategy[73] placed firmer expectations on government departments to participate in public advisory processes, when asked. Either way, though, the lesson from both Race Rocks and Gwaii Haanas is that lead agencies need to push hard to get these actors involved, if they want MPA advisory bodies to have credibility in the eyes of stakeholders. Maybe this means paying them to be there, as Parks Canada did by covering the salary for DFO's representative in the NMCA process. With respect to First Nations, their participation may also depend on first resolving more pressing issues than those being discussed in the multi-stakeholder forum (see below). If it is time that is the issue for any of these actors, arranging for them to participate remotely, as discussed above, might also be an option. It is important to recognize, though, that MPA officials are often relatively junior officials within their organizations, and may therefore struggle to entice government or First Nations counterparts to the table on their own (also see Chapter 4). More senior officials may also have to invest some political capital to make this happen, therefore.

[73] See (2005b), and Canada and British Columbia (2014).

Short of getting government and First Nations partners to sit on a multi-stakeholder advisory body, lead agencies can also enhance the credibility of these bodies (and thus the incentives to participate) by strengthening their connections to the intergovernmental or Government-First Nations forums in which decisions are being made. According to Ansell and Gash (2008), advisory bodies are – in practice and, sometimes, by design – often far removed from actual decision making. It is worth noting that none of the respondents in this study challenged the stipulation that MPA advisory bodies are just that – advisory – and that government Ministers can accept or reject advice at their discretion. What the interview results show, though, is that buy-in for collaborative planning will falter if participants think they are being put at the kids' table while the real decision making occurs elsewhere. A problem for members of the RRPAB was that the First Nations liaison on the board provided only a weak link to the closed-door negotiations taking place between DFO, T'Sou-ke, Songhees and Beecher Bay. This member served mostly to convey information from the board to the nations' Chiefs, but not vice versa.

A number of good suggestions for improving the credibility of advisory bodies emerged from the GHMAC as the designation process for Gwaii Haanas was drawing to a close. In the final two GHMAC meetings, members turned their attention to a new Marine Advisory Committee, to be created once the NMCA was established.[74] To give this committee "validity," it was recommended that a member of the AMB sit on the committee as a full-time member (GHMAC, 2009a, p. 7). Unlike the First Nations liaison on the RRPAB, this official (most likely one of the Parks Canada representatives on the AMB) would be directly involved in management decisions, and in a position to explain these to committee members. As an active member of the new Advisory Committee, they would also understand the deliberations and consensus building that go into the Committee's recommendations, and be in a position to explain these to the other five members of the AMB. It was also stated at the final GHMAC meeting (the record does not say by whom) that members of the new Advisory Committee would have opportunities to attend AMB meetings themselves (GHMAC, 2009b). To what end, precisely, it is not said; presumably most actual decision making on the AMB would still occur behind closed doors. Like the previous recommendation, though, this could enhance the transparency of the overall decision-

[74] The new Advisory Committee met for the first time in early 2015. Unlike the interim GHMAC, this Committee is explicitly called for in the NMCA Act (see NMCA Act, 2002, s. 11.1). Its purpose is to help develop a comprehensive management plan (to replace the pre-designation 'interim' management plan) within five years of the NMCA designation (this deadline came and went for Gwaii Haanas in 2015) (see NMCA Act, 2002, s. 9.1).

making process in Gwaii Haanas, and give stakeholders confidence that their part in it was a meaningful one. Also important in this regard is a stipulation in the Terms of Reference (ToR) for the new Advisory Committee, which states that the AMB will explain its decisions to the Committee, and provide justification for any decisions "that are not in line with advice provided" (Parks Canada, 2014). This is a clear nod to calls for greater transparency and accountability in protected area and marine use planning, and should be widely adopted (Borrini-Feyerabend et al., 2013; Burt et al., 2014; IECR, 2011; P. Jones et al., 2011a).

Recommendation 4: Clarify roles and responsibilities

Legitimacy emerged as an issue at Race Rocks in two ways. First, it influenced the decisions of the Beecher Bay First Nation, Songhees Nation and T'Sou-ke Nation not to take part on the RRPAB, feeling that their status as decision makers (not stakeholders) could be compromised, or at least confused, if they were to do so. Second, it caused some board members to challenge the assumption that the interests and positions of all participants should carry equal weight in the consensus-building process. Both of these issues diminished engagement and collaboration on the RRPAB, and point to the need to of get the roles and responsibilities of all participants in an advisory process right.

Many others have noted the importance of recognizing the unique rights and roles of First Nations and other aboriginal groups when soliciting their involvement in MPA planning (Ayers et al., 2012; Burt et al., 2014; CPAWS, 2009; Gardner et al., 2008; Hedley & Willison, 2007; R. Jones, 2006; R. Jones et al., 2016). As a first principle, it is increasingly understood that First Nations must be engaged by federal and provincial actors on a government-to-government basis (British Columbia, 2005; CPAWS, 2009; Gardner & Bicego, 2007; PNCIMA, 2010), which implies that at least some consultation and decision making will occur in the absence of stakeholders. It is also important to keep in mind that it is not the responsibility of First Nations governments to consult with stakeholders, and the Canadian Parks and Wildlife Society (CPAWS), an ENGO, suggests that stakeholders "need to be mindful of the fact that they are not constituents" of First Nations governments. As this study showed, though, it is very important to stakeholders that First Nations are also present at the multi-stakeholder table. If this is to happen, it is crucial that the nations are given a role – not just in these processes, but in the overall governance arrangement for the MPA – that aligns with their status as an order of government. A recommendation that came out of the first Race Rocks Advisory Board, in 2001, was that the

First Nations should co-chair future planning processes, rather than participating alongside stakeholders (RRAB, 2001). Alternatively, if a nation does not want to take on the role of co-chair, they could participate as an *ex officio* member, as the CHN did on the GHMAC. It was not clarified in this study what role the Chiefs of Beecher Bay, Songhees and T'Sou-ke were invited to play on the RRPAB, so it cannot be said whether or not this had any influence on their decision not to participate. A point to bear in mind when comparing Race Rocks (or indeed any other MPA case) with Gwaii Haanas, though, is that the role of the CHN was well-established by the time the GHMAC was convened. This role was formalized in the 1993 Gwaii Haanas Agreement, and exercised over 15 years of ongoing co-management through the AMB, an arrangement in which it was an equal partner with Parks Canada. Beecher Bay, Songhees and T'Sou-ke, in contrast, had not yet finalized a similar agreement with DFO at Race Rocks by the time the PRRAB was convened, in 2009. The lesson here is that, before expecting First Nations to participate on an advisory body in any capacity – co-chair or *ex officio* – lead agencies need to establish with the nations what they want their broader role in the MPA to be, and, indeed, whether they are prepared to support the protected area designation.

With respect to stakeholder participants, here too it is important to establish clear and mutually acceptable roles. There was some disagreement on the RRPAB as to who had a right to be on the board, and whether some interest groups were entitled to a greater say over conservation objectives and management decisions than others. While these disagreements did not prevent actors from taking part, they reveal a reluctance to treat all of the views and positions expressed at board meetings as equally valid. This is a qualification, if not a contradiction, of the principles of collaboration and consensus building set out in the board's Terms of Reference, and contributed to a low-trust environment that was not conducive to collaboration (DFO, 2010). Although the view that there were different 'levels' of entitlement at Race Rocks was not shared by everyone on the RRPAB, it might be appropriate in some situations to distinguish participants in an advisory process according to their status, or role, in decision making (Pomeroy & Douvere, 2008). A multi-stakeholder advisory body for the Eastport MPAs in Newfoundland and Labrador has three types of participant, for example: voting members; *ex officio* members, who provide advice but have no vote; and interested persons or agencies (also with no vote in) (DFO, 2007b, 2013a). Different cases will call for different arrangements for assigning roles and responsibilities; what matters is that the arrangement is understood and supported by all

participants. Indeed, one of the first tasks for an advisory board could be to come to a consensus on this.

Recommendation 5: Take Terms of Reference seriously

One final problem that arose on the RRPAB is that some members were unconvinced that all of their counterparts – including DFO officials themselves – genuinely wanted to work together, or could be trusted to do so in good faith. This is a problem, because collaboration is a reciprocal act, and motivations to take part will quickly fade if everyone is not on board, or not seen to be on board (Gray, 1989). It is important to recognize that it is possible to participate in a planning process without truly collaborating. This can be done by expressing ones' views but not listening attentively to the views of others; insisting that positions are non-negotiable (precluding the possibility for compromise or novel solutions); and withholding information, obfuscating, or behaving disrespectfully towards others. As Bouwen and Taillieu (2004, p. 138) put it, "participation thrives only in a climate of openness and trust," and if even a small number of participants behave in these ways the prospects for successful collaboration will be diminished. In the Race Rocks case, confidence in the commitment of all parties to a collaborative process appears, if anything, to have decreased over the course of the advisory process, and with it the enthusiasm of members to continue contributing to it.

Strategies for building trust in an MPA planning context are explored at greater length in the next chapter. With respect to a narrower objective – that of preventing distrust from undermining participation and effective deliberation – the findings presented in this chapter highlight a minimum requirement: having established a set of principles and practices to guide deliberations, as was done for both the RRPAB and the GHMAC, officials need to ensure that those principles are taken seriously, and enforced if necessary. The Terms of Reference (ToR) for the RRPAB included such principles as treating differences "as issues to discuss, not positions to defend;" providing information openly; and making "a best faith effort to work toward an agreement" (DFO, 2010, pp. 3–4). The problem was that not everyone on the board was seen to be honoring these. That some members of the RRPAB were, on the contrary, seen to be creating "havoc" on the board, indicates that DFO was unable or unwilling to enforce the ToR and manage the advisory process effectively. Under these circumstances, said one board member, it simply wasn't fun taking part. More to the point, participants cannot be expected to contribute wholeheartedly to a collaborative process if they cannot be confident that other participants are

playing by the same rules of openness, respect, and constructive deliberation (Ansell & Gash, 2008).

In retrospect, it was probably a mistake for DFO officials to try leading the RRPAB itself, rather than employing third-party facilitators from the outset. Only belatedly did the department call on the services of professional facilitators, who led the board's third, fourth and fifth meetings. Independent facilitation is commonly identified as an element of a successful participatory process, although the Gwaii Haanas case shows that it is possible for MPA officials to lead such processes on their own (Borrini-Feyerabend et al., 2007; Gunton et al., 2010; Hedley & Willison, 2007). Possibly a more significant difference between the RRPAB and GHMAC is that only in the latter case were participants involved in crafting the group's guiding principles and practices (see GHMAC, 2008a, pp. 3–4). This was the focus of the Committee's first meeting, which was also the only meeting to be led by a professional facilitator (subsequent meetings were chaired by Parks Canada officials). RRPAB members, in contrast, were simply presented with the ToR and invited to provide feedback (RRPAB, 2009a, 2009b, 2010b). It could be, therefore, that GHMAC members felt more bound by, and invested in the principles they had agreed to, and more confident in the commitment and sincerity of their counterparts. Assigning to participants the responsibility of developing terms of reference is an example of the 'self-design' recommended by Gunton et al. (2010) as a good practice for all participatory marine planning processes. It would also be a valuable exercise, given that advisory processes may last for several years, to review ToRs periodically in order to assess how well they are being implemented, remind participants of their responsibilities, and make changes if called for.

Taking ToRs seriously also means insisting that participants not do 'end runs' around advisory bodies by withholding opinions or information from the public forum, and then taking them to government officials at another time and place. This was not raised by respondents as a problem on the RRPAB or GHMAC, specifically, but it was identified by an MPA official as a common problem. Participation is encouraged "by making it less desirable for key groups to stay away from the table" (Yaffee & Wondolleck, 2003, p. 69). Planners do not want to discourage stakeholders from sharing their views in whatever way they wish, and all outreach to or from stakeholders should be encouraged. With a few exceptions, though (such as for information that must be kept confidential for privacy or commercial reasons) it should be understood that all of the input provided to decision makers – whether at the multi-stakeholder

table or away from it – will be shared with other advisory body members (though not necessarily with the public at large). If not, participants will never be sure that, as they share their own views and information openly, others are doing the same.

5 Conclusion

The objective of this chapter was to investigate the factors that motivated or discouraged participation in multi-stakeholder advisory bodies – an important instrument for stakeholder engagement in not just the Race Rocks and Gwaii Haanas cases, but all MPA planning processes in Canada – and to analyze the results for insights into how full and constructive participation in such processes can be encouraged. Yaffee and Wondolleck (2003) argue that participation in collaboration needs to be understood not simply as an act of volunteerism, but also as a strategy that participants employ to meet their interests. Proponents of multi-stakeholder MPA planning should be encouraged, therefore, that most of the contributors to this study not only agree with the general proposition that MPA decisions are best made collaboratively, but also that they see good reasons to participate on multi-stakeholder advisory bodies, specifically. Members of the RRPAB and GHMAC were willing to contribute time and effort to these processes, because doing so enabled them to advocate for the types of conservation-related changes and investments that they wanted to see at the sites. For some, it was also important to be at the table in order to speak up for the interests and rights of the groups and organizations they represented. Stakeholders want MPA planning processes to be well-informed, fair, and efficient (Hedley & Willison, 2007; IECR, 2011; Jentoft, 2000; Kessler, 2004); unlike more traditional approaches to consultation, being part of an advisory body gives them a hand in shaping these processes, holding decision makers to account, and setting the right precedents for future MPA planning processes. Finally, taking part was an opportunity – for some, a relatively rare one – to network with others and share information on a range of topics not strictly limited to the MPAs in question.

The findings also confirm, though, that full and constructive participation in these processes is not guaranteed. In both cases, a small minority of the individuals, groups or organizations invited to the RRPAB or GHMAC did not participate at all; and, of those who did, few attended all meetings. In the Race Rocks case, some interest groups participated in half or even fewer of that board's meetings. Most notably, local First Nations and other key decision makers were only

minimally involved in both processes, which undermined their credibility from the perspective of other participants and thereby weakened, for some, the motivation to take part. The RRPAB experience confirms, moreover, that it is one thing to show up to a multi-stakeholder planning process, and another to actively participate in collaborative decision making. Some RRPAB members were perceived to be taking part simply to advance or defend their own interests and positions; and some felt that DFO officials themselves were more concerned with ticking a box by convening the board than with including stakeholders in the decision-making process. Even if these perspectives do not accurately reflect the intentions of those concerned, they discourage participants from fully engaging in processes that depend for their effectiveness on mutual trust and respect (Bouwen & Taillieu, 2004).

Multi-stakeholder advisory bodies will always be just one of a variety of tools MPA officials use to involve stakeholders in planning processes (Hedley & Willison, 2007; Kessler, 2004). By bringing all interested parties together around the same table, though, and by doing so over an extended period of time, multi-stakeholder processes deliver benefits that other, less inclusive and less involved approaches cannot. It is a measure of their perceived value that MPA officials in Canada have established advisory bodies as a matter of course when designating MPAs, even though there is no strict requirement for them to do so.[75] Once MPAs are established, moreover, such bodies are often the primary mechanism for ongoing public input to management decisions.[76] It goes without saying, though, that multi-stakeholder collaboration can only work if stakeholders and other interested parties are willing to take part. The results of this study indicate

[75] Of the three statutes under which federal MPAs can be established in Canada, the 1985 Wildlife Act and 1996 Oceans Act state that the responsible Ministers "may" consult with stakeholders through advisory committees or other means (see Canada Wildlife Act, 1985, s. 3d; Oceans Act, 1996, ss. 32i, 33.2). The 2002 NMCA Act is more prescriptive, stating that the Minister "shall" establish an advisory committee to advise the Minister on a management plan for the area (NMCA Act, 2002, s. 11). This stipulation is somewhat ambiguous, however, because an NMCA planning process involves the creation of *two* management plans, one before the NMCA is formally designated, and one within five years after designation. It was the understanding of Parks Canada staff in Gwaii Haanas that it is this latter, 'final' plan to which the Act is referring, and that, strictly speaking, they were not required to establish an advisory committee at the pre-designation stage (see Chapter 2).

[76] Examples of existing multi-stakeholder advisory bodies for MPAs in Canada include the Eastport Advisory Committee, Gilbert Bay Steering Committee, Sgaan Kinghlas / Bowie Seamount Advisory Committee, and Tarium Niryutait Regional Coordinating Committee. In 2015 a new Advisory Committee was established for Gwaii Haanas, the terms of reference (ToR) for which suggest that it, too, will be a permanent body (see Parks Canada, 2014); and the ToR for the pre-designation RRPAB notes that a new board will be established post-designation (DFO, 2010, p. 1).

that most are willing, at least at the outset, but that MPA officials need to work hard to ensure that they remain so.

Chapter 4

Building collaborative relationships for marine protected area planning and management

1 Introduction

> *"All fundamental political problems are problems of relationships; therefore, all fundamental solutions have to involve fundamental changes in relationships"* (London, 1995, p. 12).

The point has been made that resource management is as much about managing human relationships as it is about managing natural resources (Berkes, 2009; Dedual et al., 2013; Pinkerton, 1989; Schusler et al., 2003).(Schusler et al., 2003, p. 312) Effective management depends on groups and individuals with diverse and divergent views, values and interests working together to make sense of complex socio-ecological systems, define problems, and identify and implement solutions to those problems (Armitage et al., 2009; Bodin & Crona, 2009; Folke, Hahn, Olsson, & Norberg, 2005; Sayce et al., 2013; Schusler et al., 2003). The stronger the relationships between those groups and individuals, the more likely it is they will be able to work well together. Experimental and field studies in disciplines ranging from political science and economics, to evolutionary biology and business have shown that people cooperate best when they know and trust one another (Livermore, 2016; Morita & Burns, 2012; Ostrom, 2000; Putnam, 2001; D. J. Wood & Gray, 1991). A finding of social capital theory, which is frequently referenced in the resource management literature, is that trust-based relationships and shared norms of reciprocity give prospective partners the assurances they need to contribute to collective efforts (Andersson, 2004; Crona & Hubacek, 2010; Pretty & Smith, 2004; Rudd et al., 2003).

Canada, along with other signatories to the Convention on Biological Diversity (CBD), has committed to developing a network of marine protected areas (MPAs) that give long-term protection to ecologically significant and representative areas of its oceans (Canada, 2005b). To do so, the lead agencies tasked with implementing this program have articulated a "cooperative and collaborative" approach to MPA planning and management, characterized by effective intergovernmental coordination and stakeholder engagement (Canada, 2005b, p. 3). The agencies have also identified relationship building as a key rationale and objective of this approach (DFO,

2009b; Parks Canada, 2008). As in many other areas of public policy making, collaborative decision making is widely viewed as the best way to plan MPAs (Dickinson et al., 2010; Kessler, 2004; Lockwood, 2010; Pomeroy & Douvere, 2008). One argument in support of a collaborative approach is that it will enhance trust and strengthen relationships among and between stakeholders and government regulators (Bouwen & Taillieu, 2004; Gunton et al., 2010; Reed, 2008; Schusler et al., 2003; Wagner & Fernandez-Gimenez, 2008). This argument is based on the concept of social learning, whereby those involved in iterative and deliberative processes (such as a participatory MPA planning process) "learn about the character and trustworthiness of others and develop new networks and norms of interaction that can enhance their capacity for joint action" (Schusler et al., 2003, p. 312). Social learning is widely used to understand and evaluate environmental management and conservation processes (Kilvington, 2007; White et al., 2005) (Kilvington 2007, White e t al 2005), and contributes to collaboration "by creating new relationships, building upon cooperative relationships, and transforming adversarial ones" (Schusler). This is an important outcome of collaborative MPA planning processes, if it is achieved, because the long-term success of MPAs depends on ongoing support and cooperation, and relationship building in the early stages of an MPA project can lay the groundwork for future collaboration once an MPA is in place (Borrini-Feyerabend et al., 2013; Canada, 2005b; Gardner et al., 2008; Hedley & Willison, 2007; IUCN-WCPA, 2008).

It would be wrong to assume, though, that better relationships are an inevitable outcome of collaborative planning. In fact, relationships can be strained as well as strengthened by collaborative initiatives if they are ill-conceived or poorly implemented (P. Jones et al., 2011a; Singleton, 2009; Wagner & Fernandez-Gimenez, 2008). "The mere fact that a collaborative group exists does not ensure that an increase in social capital will result. Participants must work continually and actively at maintaining and developing trust, reciprocity, and connections" (Wagner & Fernandez-Gimenez, 2008, p. 339). Too often, relationship building is put forward as a rationale for collaborative arrangements or processes with little elaboration as to how it will be achieved or even precisely why it is important. Everyone can agree that good relationships are nice to have, but relationship building is not cost-free. It demands deliberate attention and targeted investments of time, energy, and material resources, all of which are typically in short supply. If relationship building is to be a genuine objective, therefore, and not simply viewed as

an outcome that will follow automatically from a collaborative process, then it should be clearly understood by everyone involved why it is important, and how it can be achieved.

Drawing on two examples of MPA designation processes on Canada's Pacific coast, this chapter explores the role of interpersonal relationships for effective collaboration, and how relationships can be alternately strengthened or weakened through collaborative MPA planning. The chapter aims to make three contributions to the literature on collaborative MPA planning. First, it describes the functional role that strong interpersonal relationships play in the implementation of a collaborative approach – something that is largely absent from a literature in which the value of good relationships is commonly alluded to but rarely elaborated upon or investigated. Second, it draws attention to how MPA officials – those to whom the job of relationship building largely falls – face systemic constraints on their ability to accomplish this task. This elevates the importance of the personal skills and attitude with which MPA officials approach their engagements with outside parties. With this in mind, the chapter's third contribution is to synthesize the experiences and insights of study contributors – MPA officials, government partners, First Nations, and stakeholders – into eight good practices that can help to strengthen relationships in an MPA planning context.

2 Research approach and cases

2.1 Research approach

The chapter draws on a study of two MPA planning processes in British Columbia (BC), Canada: the Gwaii Haanas National Marine Conservation Area Reserve (NMCA), and the proposed Race Rocks MPA. The overarching goal of the study was to understand the extent to which federal MPAs in BC are established collaboratively, and what is required to overcome obstacles to successful collaboration. To address this goal, the study focused on three elements that are understood, based on a review of the literature on resource management and protected area governance, to be of central importance to the success of a collaborative approach, including structures or processes that enable inclusive and meaningful involvement in decision making; motivating interests and shared commitments to collaborative (multi-stakeholder) planning; and strong, trust-based relationships. It is this third element that is the subject of this chapter. The broader study employed three research methods, including a semi-structured interview, documentary research, and a participant questionnaire. The findings presented here are drawn

mostly from the first of these. Between August 2012 and August 2013, 45 interviews were conducted with MPA officials (n=17); representatives of other federal and provincial departments (n = 7); members of First Nations communities or organizations (n=5)[77]; and stakeholders and stakeholder group representatives (n=16). Most of these contributors were either directly or indirectly involved in the pre-designation planning processes for either Gwaii Haanas or Race Rocks (a small number of contributors were familiar with both). Those who were not, were recruited for their knowledge of MPAs and collaborative planning more generally. Following a semi-structured format, most interviews (approximately an hour long, on average) proceeded in two parts. In a first, scripted phase, respondents were asked to describe their involvement in the MPA planning processes, including what role(s) they played; the forums through which they took part in the process (e.g., a stakeholder advisory committee; intergovernmental forums); and their key relationships in the context of the proposed protected area. Interviews then transitioned into a more conversational phase, and it is largely from these less structured conversations that the findings presented here are drawn. Using the NVivo qualitative analysis software program, transcribed interviews were coded for pre-established topics, and then re-investigated and coded a second or third time to explore emergent themes (Schreier, 2014). In what context, for example, did respondents touch on the importance of relationships; what were the key barriers to relationship building; and what did respondents have to offer in the way of recommendations for establishing strong relationships through collaborative planning?

2.2 Cases

Race Rocks and Gwaii Haanas represent two of three federal MPA programs that will collectively make up a national network of MPAs across Canada. Race Rocks is a 2.5 km^2 proposed MPA (not yet designated) on the south coast of the province; if designated it will be administered by Fisheries and Oceans Canada (DFO) under the 1996 Oceans Act. Gwaii Haanas is a 3,500 km^2 National Marine Conservation Area Reserve (NMCA) in Haida Gwaii (formerly the Queen Charlotte Islands) on BC's north coast; it is administered by Parks Canada under the 2002 NMCA Act. To date, DFO has established ten MPAs across the country (three in BC,

[77] Three interviews with First Nations representatives were off-the-record. Information received in these interviews was used to inform subsequent research (documentary and interviews), but was not included directly in the analysis.

including the Hecate Strait and Queen Charlotte Sound Glass Sponge Reefs MPA in 2017), and Parks Canada has established two NMCAs (Gwaii Haanas, and the Lake Superior NMCA, in Ontario).[78] The third in the trio of federal departments with MPA mandates is Environment and Climate Change Canada (ECC). ECC administers Migratory Bird Sanctuaries and National Wildlife Areas, a number of which have significant marine components, as well as dedicated Marine Wildlife Areas (MWAs). The first MWA is expected to be established soon at the Scott Islands, in BC (Canessa & Dearden, 2016).

The Race Rocks area was designated by the provincial government as an Ecological Reserve (ER) in 1980, and was one of the earliest candidate sites for federal protection under the Oceans Act. In 2000, following public consultations, the site was on track to become Canada's first Oceans Act MPA. The project hit a roadblock, however, when the Beecher Bay First Nation, Songhees Nation, and T'Sou-ke Nation, within whose unceded territories the proposed MPA is situated, objected to the designation on the basis that they had not been consulted, and that new regulations could infringe on their Aboriginal rights to fish in the area (Leroy et al., 2003; Chapter 2 this dissertation). Government-to-government consultations between DFO and the nations began shortly thereafter, focused on strengthening relationships and establishing a co-management arrangement for the site. Between 2009 and 2011, a second round of public consultations was also conducted (see Chapters 2 and 3). While stakeholders remain generally supportive of the project, the First Nations have yet to endorse it and its future remains unclear to this day. Contributors to this study included officials from DFO, who were directly involved in or closely familiar with all stages of the planning process (from 1998 up until the time of the research in 2012); stakeholders who participated in at least the most recent consultation process and, in many cases, the earlier process as well; and several members of the local First Nations communities.

In contrast to Race Rocks, Gwaii Haanas was successfully designated in 2010 to become Canada's first protected area under the NMCA Act. To date it remains the only NMCA in the Pacific region, supporting "some of the most abundant, diverse and distinct marine communities found in temperate waters anywhere in the world" (Canada, 2010a, p. 1387). Together with the pre-existing Gwaii Haanas Haida Heritage Site and National Park Reserve, the NMCA is

[78] The agency also administers two other marine sites that were designated under different legislation and added to the NMCA system retroactively.

cooperatively managed by a six-person Archipelago Management Board (AMB) with representation from Parks Canada, DFO, and the Council of the Haida Nation (CHN, the elected government of the Haida First Nation). Formerly known as South Moresby, Gwaii Haanas came to international prominence in the 1970s as the site of protests against old-growth logging and other resource extraction on the islands; a period of conflict between islanders and the provincial and federal governments that lasted nearly 15 years (Borrini-Feyerabend et al., 2013; Lee, 2012; Parks Canada, 2010). As part of the effort to stop the logging, the CHN designated Gwaii Haanas as a protected Haida Heritage Site in 1985. Then, in 1988, the federal and provincial governments followed suit by agreeing that BC would transfer its ownership of the land to the Government of Canada (GoC) in order for it to establish a National Park and National "Marine Park" (Canada & BC, 1988, p. 1). This paved the way for the GoC and CHN to sign the 1993 Gwaii Haanas / South Moresby Agreement (see Canada & CHN, 1993), which laid out the terms for a partnership that, by the time the NMCA was created 17 years later, had become one of the best-known examples of collaborative protected area management in Canada (Cormier, Pelletier, Lemelin, Koster, & Metansinine, 2008; Gladstone, 2013). The designation of the NMCA was preceded by 18 months of intensive public consultations, led by Parks Canada and with the support of officials from DFO and CHN. These included outreach events, bilateral meetings with interest groups (primarily the commercial fishing sector) and a multi-stakeholder Marine Advisory Committee comprised of local (Haida Gwaii) community members. Contributors to this study include the Parks Canada officials who led these consultations; public members of the Advisory Committee; representatives of the commercial fishing sector; and four of six AMB members.

3 Findings

The findings are organized into three sections corresponding with the research contributions outlined above. In the first, the function of interpersonal relationships for effective collaboration is explained, with specific examples; the second considers how MPA officials are constrained in their ability to meet the expectations of – and thus establish good relationships with – stakeholders and other partners; and the third draws on the experiences and insights of study contributors to outline eight good practices for relationship building in this context.

3.1 The function of strong interpersonal relationships for effective collaboration

"Many people approach protected areas from the standpoint of the physical or geographical area. Personally I see it in a completely different context. Unless you've got the necessary relationships established, the protected area itself will never materialize (Interview 1, MPA official).

In order to designate and then effectively manage MPAs, lead agencies need to work cooperatively with three broad groups: (1) other federal and provincial departments with responsibilities for oceans-related activities; (2) First Nations governments within whose traditional territories proposed MPAs are situated; and (3) resource users and other stakeholder groups who will be affected by changes to the rules governing how marine areas can be accessed and used. Investigating the engagement by MPA officials of each of these groups in Gwaii Haanas and Race Rocks revealed evidence of the important functional role interpersonal relationships play in the success of an MPA planning process.

3.1.1 Federal-federal, and federal-provincial cooperation: reaching across the silo wall

MPA officials can neither designate MPAs nor ensure that they successfully meet conservation objectives without the support of other federal and provincial government agencies. Some of this is simply a matter of where resources and expertise lie. For instance, planners turn to Natural Resources Canada (NRCan) to conduct mineral and energy assessments within proposed MPA sites; and to the Department of Justice to assist in drafting MPA regulations. More importantly, though, it relates to how ocean jurisdiction and management responsibilities are assigned. Lead agencies do not have exclusive jurisdiction within MPAs, and cannot unilaterally manage all of the activities that occur within them. In the case of sites such as Race Rocks, which is situated in inland waters, the land, including the seabed, is owned by the province. Even where the GoC has sole jurisdiction, as it may do in Gwaii Haanas,[79] oceans-related responsibilities are delegated to a myriad of federal agencies. According to Canada's 2002 Oceans Strategy, "almost every federal department and agency in Canada is involved in the management of the oceans" (Canada, 2002, p. 6), and with respect to MPAs, specifically, the

[79] Jurisdiction of the waters around Haida Gwaii (including Hecate Strait and Dixon Entrance) has never been confirmed (PNCIMA, 2010). According to a Parks Canada official, however, the presumption when the Gwaii Haanas NMCA was established was that the GoC's jurisdiction there was "unencumbered," as the NMCA Act requires (see NMCA Act, 2002, s. 5.2a).

2005 MPA Strategy identifies seven departments with roles and responsibilities: DFO, Parks Canada, and Environment Canada (the three federal agencies with MPA mandates), plus Transport Canada, NRCan, Indian and Northern Affairs Canada (INAC), and Foreign Affairs (Canada, 2005b, p. 17). All of these departments must be aware and supportive of MPA objectives if they are to be met. *"If another department says, 'Nah, we don't really support this', then you may be at a dead end,"* said an MPA official with Parks Canada (Interview 2).

Although governance structures have been put in place to enable the relevant federal and provincial departments to coordinate their oceans planning and management activities in BC,[80] reaching across the metaphorical silo wall to obtain the support of counterparts in government can be a challenge for MPA officials. Those interviewed for this study stressed again and again that, ultimately, it is not the formal structures that matter most, but their own personal relationships:

> *"Collaboration works through personal contacts with key people. Your own personal network, that's what really actions collaboration" (Interview 3, Parks Canada).*

> *"People don't answer your emails unless they know who you are. So there is a lot of work involved in just getting people to know you so that when your name appears in their inbox they write back. … All of this interagency stuff is just about relationship-building (Interview 4, Parks Canada).*

Not to be overlooked is the support that planners need from colleagues and senior decision makers within their own departments. This was a point that several respondents raised with respect to DFO, in particular. This department's primary focus is fisheries management, not MPAs,[81] and these two mandates do not always sit easily together. One DFO official likened MPA staff to the proverbial fox in the henhouse, because their objectives sometimes complicate if not contradict the department's more established priorities and practices. Advocating on behalf of MPAs within DFO itself is part of the job description for these planners, therefore. Regardless

[80] These include the Pacific Interdepartmental Oceans Committee (PIOC), which is the senior executive-level forum for federal agencies with oceans-related responsibilities in the Pacific region; the Committee on Oceans Management (Pacific RCOM), a senior executive forum for federal-provincial coordination and oversight; the Ocean Coordinating Committee (OCC), the management level forum reporting to the RCOM; and the MPA Implementation Team (MPAIT), the program-level working group of the OCC (2014).

[81] Of the department's approximately 10,000 employees, only about 300 are assigned to the Oceans Management program, within which the MPA system sits (DFO, 2016b).

of which department they are in, though, all MPA officials need to invest considerable time and energy building relationships with government counterparts:

> *"I spend a lot of my time personally making sure that those relationships are strong. ... Greas[ing] the wheels, essentially" (Interview 5, DFO).*

> *"I spend a disproportionate amount of my time focusing on build[ing] greater familiarity and personal relationships with other government departments. ... The relationship-building piece internally – internal to government – is as critical as the relationship-building process externally [i.e., with stakeholders]" (Interview 2, Parks Canada).*

3.1.2 Government-First Nations co-management: consensus-based decision making

Among the relationships that MPA officials need to cultivate in order for MPAs to succeed, none are more important than those with local First Nations. *"In my experience, those [relationships] are critical to moving forward,"* said one official. *"In fact, if you don't have them they can stop you dead in your tracks*" (Interview 1). First Nations have unique rights and self-governing aspirations within their traditional territories, but while some in BC are in the process of negotiating modern treaties to comprehensively address their interests, progress on this front has been very slow.[82] In the meantime, therefore, protected area proponents have turned to cooperative management as a means of accommodating First Nations rights in the absence of final treaties. The Gwaii Haanas Archipelago Management Board (AMB) is the product of agreements between the GoC and CHN that assign management responsibility to these parties jointly, as is a similar arrangement for the Sgaan Kinghlas (Bowie Seamount) MPA, which is located 180km west of Haida Gwaii.[83] Likewise, a Government/First Nations management board with equal representation from DFO and three of the local First Nations at Race Rocks has been mooted for the proposed MPA at that site (see Chapter 2).

Management agreements formalize the role of First Nations as decision makers, but outside the context of treaty or land claims settlements, they do not transfer any actual legal powers to them. Whereas the CHN claims sovereignty in Haida Gwaii, it remains the position of the GoC that it alone has ownership and jurisdiction of the area (see Canada & CHN, 1993, s. 1.1). The

[82] For both the Haida and the Race Rocks First Nations, treaty negotiations have been ongoing for more than 20 years.

[83] See Canada and CHN (1993, 2007, 2010a, 2012).

parties have 'agreed to disagree' on this matter in order to jointly protect the area, but for this arrangement to work they must be able to reach common positions on how Gwaii Haanas should be managed. It falls to the members of the AMB (three each representing the GoC and CHN) to accomplish this, and in order to do so it is essential, said members, that relationships on the board are strong. *"The only way you're going to find those common interests is by spending time with the other individual and getting to know them a little bit, find out where their heart really is. And that just takes time."* When a member says they 'can't' agree to another member's positions or preferences, does that mean they can't, or they won't? Have they and their organizations sincerely considered the possibility that their interests could be met in other ways, or are they simply saying 'No' because it is easier or more strategic to do so? It takes personal familiarity to know the difference:

> *"Getting to know people and getting a personal connection for the subject matter at hand is really important. … Why is it that they hold that perspective? Where does that come from? And how important to them is it?... Understanding the roots of a different perspective on an issue goes a long way to finding some common ground, or a way to resolve an issue" (AMB member).*

> *"At a certain point you either trust someone's opinion or philosophy on things, or you don't. I may start not agreeing [with another member's position], but he has really articulated it and, you know, I trust him, I believe in what he's saying. So, alright, I'm ok with that. I'll go along" (AMB member).*

The AMB has not been conflict-free, and decisions have sometimes been slow to reach, but members have always succeeded in reaching consensus positions eventually, and much of the credit for this was placed on the relationships they have cultivated. Once the NMCA was established in 2010, moreover, relationship-building became more important than ever. The board's mandate now extends from the land into the sea, where it will have to deal for the first time with commercial resource harvesting (something that is not permitted within National Parks and was not, therefore, part of the board's original mandate). All interviewees who spoke to this issue agreed that this was going to make consensus-based decision making much more difficult, because fisheries management, which falls under the jurisdiction of DFO, is a perennial source of disagreement and tension between the department and many First Nations, including the CHN. It

was fortuitous, therefore, that the AMB, which was expanded from four to six members in 2010 to accommodate representation from DFO, did not tackle any contentious issues in its first years, as this gave members time to get to know one another first. *"We need to be building those relationships now, because they're going to get tested in about 18 months from now,"* said one member.

Building relationships with the local First Nations at Race Rocks is also a key priority for DFO. The department would like to have the support of the nations before proceeding with the MPA designation, but relations were badly damaged in 2000 when it attempted to designate the MPA before properly consulting with them (Leroy et al., 2003; Chapter 2, this dissertation). Over the following decade or more, DFO officials met on several occasions with the Chiefs of Beecher Bay, Songhees, and T'Sou-ke (a fourth nation, Esquimalt, was involved in initial consultations but later withdrew); it held information sessions in each of the three First Nations communities; and it hired a consultant from one of the nations to help facilitate the engagement and relationship-building process. Despite some signs of progress, however – draft co-management agreements were produced in 2004 and again in 2008[84]; a memorandum of understanding respecting their shared interest in working together was signed in 2010[85] – a final agreement on moving forward has never been reached.

Race Rocks seems to present a classic chicken-or-egg problem with respect to Government-First Nations cooperation. Creating the MPA and managing it together could, a DFO official believed, be a good way for the department and First Nations to improve a relationship that has been historically poor. *"Once you get that relationship and the day-to-day workings [started], then I think it will lead to improved relations"* (Interview 27). These parties can't reach agreement on the MPA, though, in part because of the distrust between them at an organizational level; something that interpersonal relationship building has not (yet) been able to overcome. This case also speaks, therefore, to the time that may be required to build relationships before co-management is even possible, when starting from a position of low trust. *"There are 137 years of bad feelings here,"* said the DFO official just quoted. *"This is going to take some time"* (Interview 27).

[84] See DFO, T'Sou-ke Nation, Songhees Nation, and Beecher Bay First Nation (2012b).
[85] See DFO, Beecher Bay First Nation, Songhees Nation and T'Sou-ke Nation (2010).

3.1.3 Multi-stakeholder advisory bodies: facilitating open communication and constructive deliberation

The third example of the function of interpersonal relationships for effective collaboration comes from the advisory bodies that were put in place to involve members of the public in the Gwaii Haanas and Race Rocks planning processes. Advisory bodies are established in order for individual stakeholders and/or stakeholder group representatives to come together at one table with government actors to discuss how MPAs should be designed and managed. The Gwaii Haanas interim Marine Advisory Committee (GHMAC) and Race Rocks Public Advisory Board (RRPAB) included recreational and commercial resource users, conservation groups, community members and other stakeholder groups, as well as First Nations, provincial, and federal government representatives (see Chapter 3). In both cases, these bodies were disbanded at the end of the planning processes, but advisory bodies such as these are typically re-established with a permanent management role once the MPA is in place. The relevance of relationships and relationship building in these forums is ongoing, therefore.

Like Government/First Nations co-management boards, the purpose of multi-stakeholder MPA advisory bodies is to share information, facilitate constructive deliberation and, ultimately, develop consensus-based recommendations for decision makers (DFO, 2010, 2012c, 2013a; Parks Canada, 2014). Achieving this requires participants to do more than merely express their positions (or those of the organizations they represent). They must speak openly and honestly about their interests and objectives, and be open to hearing and trying to understand the needs and perspectives of others. *"You have to have people being willing to share openly and put it all out there, and others to listen"* (Interview 6). In the experience of one respondent, good quality communication in a public advisory setting doesn't happen simply by putting people in a room together:

> *"When you sit [advisory board] members around a room and they all come from a [different] interest-base they're going to be conflicting, right? You're going to have somebody who's a crazy environmentalist on one side, and somebody who's a plunderer on the other [laugh]. For the two sides to find some common ground and talk to each other without offending the other one they need to know the person a little bit. And that doesn't happen right away" (Interview 7).*

If participants in a multi-stakeholder advisory process do not have an existing relationship or, worse, there is distrust between them, then the type of open and thoughtful communication that can lead to fuller understandings and novel insights is unlikely to occur. Communication will be less relational, or give-and-take, and more transactional:

> *"If I know people well and I have a good relationship with them, I can have a candid conversation. ... [If] we can have some honest dialogue I will always take that route. [But] if I think they are just gonna take the next opportunity to absolutely fry me, no way" (Interview 8, Federal official).*

In that case, this respondent continued, they will simply stick to script rather than take the risk of sharing information or personal opinions that could be turned against them.

A measure of the importance that stakeholders place in knowing who they are working with can also be seen in the frustration expressed by the following respondent in reaction to changes to the DFO staff leading the RRPAB:

> *"DFO kept changing their guy [spoken with exasperation]. They changed in the course of six months, three different people. I mean, what's that about? That was terrible. So you just go back and start with the new guy? ... You have to understand what the other person is like ... We all have different personalities, so depending on who DFO sends you have to learn how they think, and work to that" (Interview 9).*

Though not speaking about the RRPAB specifically, an official with DFO made the same point. *"Every time there is a change of personnel, there is a period of time where you have to get to know the individual; re-establish relationships"* (Interview 10). One of the strengths of multi-stakeholder advisory processes is that, by bringing stakeholders together repeatedly and regularly, they enable a degree of relationship building that is not possible in other forums. Naturally, this advantage is eliminated if there is no consistency in the individual participants involved.

In addition to ensuring that multi-stakeholder advisory processes can facilitate constructive deliberation, there is another reason for MPA officials to concentrate on building good relationships with and between participants in this context. As with government and First Nations partners, the involvement and support of the public is needed for the long-term success

of MPAs. The importance of local stakeholders buying-in to an MPA project and believing that they have some ownership of it is *"often seriously underestimated,"* said a Parks Canada official (Interview 1). This is partly about ensuring that stakeholders will comply with the new rules that are put in place by an MPA – "*To get compliance … you need people on board with what you're doing"* (Interview 4) – but more than that, supportive stakeholders can be valuable management partners. Tour operators in Gwaii Haanas and Race Rocks educate their clients about the protected areas, for example, and are additional eyes and ears on the water. In 2014 it was a whale watching operator who contacted the Department of National Defence (DND) to let them know that orcas were in the Race Rocks area so that the department knew to suspend activities at its underwater demolition range nearby (McCulloch, 2014). Students and staff at Pearson College, which manages the Race Rocks Ecological Reserve on behalf of the province, regularly monitor activities within the protected area and report infractions. Since multi-stakeholder advisory bodies demand a relatively high level of commitment from participants, who must attend regular meetings over an extended period of time, the people who choose to participate are typically highly engaged, feel a strong connection to the areas being protected, and often have extensive knowledge about management-related issues. Typically, they are also well-connected to other stakeholders within and beyond their interest group. Relationships with these participants should be nurtured, therefore, as they will be assets to draw on for the ongoing management of MPAs.

3.2 Constraints on relationship building

The previous section showed that good interpersonal relationships between MPA officials and the government, First Nations, and public partners they are working with are not just nice to have; they are essential for making collaboration work. MPA officials do not have a free hand when engaging with these outside parties, however. On the contrary, they work in a context of institutional constraints that limit what they can bring to a collaborative partnership. Centralized decision making, narrow mandates, limited jurisdictions, and restrictions on information sharing all conspire against officials attempting to establish the trust and confidence of prospective partners.

3.2.1 Centralized decision making

"They [MPA officials] were there, but couldn't answer the questions," said a member of the RRPAB in what was a common refrain among interviewees (Interview 11). According to many respondents – not least MPA officials themselves – more and more decisions by federal departments including DFO and Parks Canada are being taken at national headquarters, leaving fewer and fewer in the hands of officials working at regional and local levels. *"[DFO is] very definitely more centralized, more controlling, less regional decision-making,"* said a respondent who once worked for the department. *"It's become a very tight organization"* (Interview 12). Respondents added that it is often the most junior staff leading MPA planning processes, meaning that they sometimes lack the experience as well as authority to meet expectations for meaningful collaboration:

> *"It seems that most times, the initial meeting at least, it is information one way. You [stakeholders] telling them [DFO officials] what the issues are, what you expect, what you need and so on, and almost always you get the response, 'I'll get back to you,' which becomes very frustrating. ... They don't want to make a promise they can't keep, so they don't make any" (Interview 12).*

> *"The DFO people that show up to these meetings in the past have never had much influence; they just take the advice that is generated back to their office where it gets filtered through the bureaucratic-political structure" (Interview 25).*

This has consequences for relationships, and not just those with members of the public. With respect to intergovernmental cooperation, too, a provincial official explained:

> *"It seems that everything needs to go back to Ottawa at some point. ... Everyone at the region [federally], the provincial government, First Nations government, agree on a particular direction, and then it goes [pause] somewhere. We don't know. ... It drags on and on and on, and it erodes that relationship. Your trust starts going down" (Interview 13).*

In the experience of a First Nations representative, likewise, engaging in consensus-based decision making is *"more of a cumbersome process"* and "*less personal"* when government partners have to take decisions back to Victoria (the provincial capital) or Ottawa (the national capital) for approval. *"It slows things down, so then more frustration grows"* (Interview 14). At

Race Rocks, the Chiefs of Beecher Bay, Songhees and T'Sou-ke had to wait five and a half months for a response from the department's Regional Director General (RDG) to a single – and seemingly straightforward – question concerning funding for the proposed MPA co-management board. In this case, admittedly, it may have been at the nations' insistence that the response came directly from the RDG, the senior official in the Pacific Region, rather than from the less senior officials they were negotiating with. If so, however, this only reaffirms the problem that, in a highly centralized system, MPA officials may have little credibility in the eyes of those they are working with.

3.2.2 Mandate and jurisdictional constraints

Another recurring source of frustration on the RRPAB was that officials were unable or unwilling to discuss topics that were important to stakeholders. For example, board members wanted research and education to be included in the objectives of the MPA, but Oceans Act MPAs are not created for this purpose;[86] they believed it was critical to discuss the funding requirements for managing the MPA once it was designated, but funding is not part of the pre-designation process, and planners cannot make any commitments in this respect (RRPAB, 2010a, 2010b); and they wanted to address the protection of marine birds, and the mitigation of harmful impacts from the transportation sector and a nearby military base, but DFO's limited jurisdiction both within and beyond the boundaries of the proposed MPA precluded any conclusive treatment of these issues either. *"I find invariably things come up in these [public advisory] processes which we, DFO, don't necessarily have the mandate to deal with. Or the jurisdiction or authority to deal with,"* said an MPA official (Interview 15). This can look different from the perspective of those who have been invited to take part in the planning process, though. *"Not only were they not inclined to give priority to what we wanted to talk about, we actually felt it was deliberately being kicked off the bottom of the agenda"* (Interview 11).

MPA officials have to work within their mandates, but when these are too narrow stakeholders may be left with the sense that their priorities have little standing. This issue also

[86] This is in contrast to NMCAs, which are established for "the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world" (NMCA Act, 2002, sec. 4.1)

arose in Chapter 2, helping to explain why DFO has been unable to reach an agreement with the local First Nations at Race Rocks; and in Chapter 3, where it was shown to undermine the willingness of outside parties to engage wholeheartedly in the MPA planning process. By limiting the scope of issues that MPA officials can address with interested parties, narrow mandates also provide a poor foundation on which to build relationships.

3.2.3 Restrictions on information sharing

Finally, MPA officials can be prevented by confidentiality and communication rules from being as transparent and informative as partners expect in a nominally collaborative forum. A stakeholder in Gwaii Haanas, who described in otherwise positive terms his experiences working with Parks Canada officials, was struck by their reticence when it came to explaining some decisions.

> *"It seems like you're being understood, that they're agreeing with you… [but then] they'll do something and refuse to tell you the reasons why, and I think it's because they're not allowed. … It's very governed how they talk to people" (Interview 16).*

Members of the Gwaii Haanas MAC were frustrated that DFO would not show them the fisheries data it used to inform decisions about the size and location of no-take zones in the future NMCA (Chapter 2). However, officials would not have been able to do so if the data were subject to confidentiality rules, which protect information of financial value to those providing it (in this case, commercial fishing operators).[87] Stakeholders also tend to receive very little information from governments once a public advisory or consultation process is over – a period that three respondents independently referred to as the *"black hole"* or *"black box"* period (Interviews 17, 18, and 19) – but this too may not be because planners themselves don't want to be more forthcoming. Once draft regulations and accompanying documentation have gone before a government Minister for review and approval, they are subject to 'cabinet confidence' and may not be shared with the public. *"This is not something we created. This is the federal government regulatory process,*" said a DFO official (Interview 5). It is one more hurdle to overcome, though, for MPA officials attempting to demonstrate a commitment to collaboration and relationship building. Government websites, added a Race Rocks stakeholder, are of little value.

[87] See Access to Information Act (Access to Information Act, 1985, s. 20) and Ecotrust Canada (2008).

"Webpages just disappear all the time … It's just not a source [of reliable information]. In fact I find it a frustrating source" (Interview 11).[88]

As the following comment shows, MPA officials will not necessarily be personally blamed for the lack of information coming out of their departments, but it is they who will be confronted with the frustration and disillusionment it provokes:

> *"I would encourage Parks [Canada] to put something out much more frequently. But it has to be translated into French, it has to go through their legal department, and on and on and on. This is the sad part of bureaucracy. … [It's] not because the intent of the people on the ground here [in Gwaii Haanas] – the Park planners and others – didn't want it out. It's just because these are the rules under which they have to operate" (Interview 6).*

3.3 The personal in interpersonal, and eight good practices for relationship building

The trust and patience of the public, government and First Nations partners is tested when the MPA officials they sit down with cannot make decisions, commit to action, or even answer their questions in a timely and transparent manner. These constraints, which MPA officials cannot readily change, elevate the importance of one thing they can: their own personal skills and attitude towards collaboration. DFO has hired professional facilitators to train its staff in principles of effective collaboration,[89] and planners from across the country meet regularly by videoconference and in person to swap ideas on working with stakeholders, First Nations, other government actors, and even their own DFO colleagues. Working well with outside parties is a *"key competence,"* said a DFO planner (Interview 5). While collaboration and relationship building are skills that can be learned, though, several respondents said, frankly, that training and mentoring are of little value without the right attitude. "*If you have the attitude, the skill set is easy to acquire*. *If you have the wrong attitude you can take all the training you want and still*

[88] A cursory search of DFO and Parks Canada websites found that some of the information on their MPA/NMCA programs was out of date (including broken links) and short on details.

[89] Around the time of the study DFO's MPA officials had recently participated in a workshop on collaboration. This was developed out of an earlier program – the Integrated Salmon Dialogue Forum – that was designed to foster collaboration among interest groups in the Pacific salmon fishery. An output of this program, "A Practical Guide to Fisheries Governance," is available at http://www.glennsigurdson.com/wp-content/uploads/2011/04/guidebook_FNL.pdf, and has been cited elsewhere in this chapter as Sigurdson, Stuart & Bratty (2011).

suck at it," said a DFO official (Interview 20). *"It's [about] who has got the right complexity of personality and approach and engagement that can build trust,"* said another respondent (Interview 12).

The personal approach that planners take to collaboration matters to government partners, First Nations representatives, and stakeholders alike. In the context of intergovernmental cooperation, *"[be] an advocate for the joint work,"* urged a provincial official. *"[Show] that you're trying to get decisions made at other levels. Pushing along, moving forward, not throwing up too many barriers"* (Interview 13). Some officials will take the constraints noted above as *"an excuse to do nothing new,"* said a Parks Canada official, whereas others see them as challenges to overcome: *"'Ooh, how are we going to get around this?'"* (Interview 4). And when working with First Nations, said another official, *"I'm confident we can meet our legal duty just to consult. The question that remains is … are we getting anywhere in building the relationships that ultimately will allow us to be great?"* (Interview 2). The stakeholders interviewed for this study said that they recognized and appreciated government officials who were genuine, honest, compassionate, and good listeners. *"He wanted to do it right,"* said a respondent of an MPA official in Gwaii Haanas. *"He would listen to the guys, and the people in the smaller coastal communities, with their fears, and he would actually heed a lot of it"* (Interview 6). *"[She] was a big part of the success I would say,"* said a member of the Gwaii Haanas MAC of another official leading that process. *"She was somebody that just came across as really genuine, so I think that took away some people's level of suspicion of the whole process right up front"* (Interview 7). *"Bad collaboration,"* in contrast, *"is where you're bringing a falseness to the collaborative approach"* (Interview 1).

This final section draws on the interview results for insights into how, with the right personal approach, relationships can be strengthened by those working together to plan and manage MPAs. Drawn from respondents' stories of success, lessons learned, compliments, criticisms, and concrete suggestions for making collaboration work well, these are synthesized into eight good practices for relationship building in a context of constraints and shortcomings that will, to a greater or lesser degree, characterize all MPA planning processes.

3.3.1 Acknowledge the past

DFO's MPA program is less than twenty years old, but the department (under various guises) has been managing Canada's fisheries since the middle of the 19th century; and while Gwaii Haanas was the first NMCA to be designated under the 2002 NMCA Act, Parks Canada has been managing National Parks since the creation of Banff, in 1885. In other words, these agencies are well known to marine stakeholders, either by reputation or through first-hand experience, and they have had plenty of time to make mistakes and unpopular decisions as well as successful and well-liked ones. DFO, in particular, is known for making controversial decisions – "we're not a department that is not before the courts on incidents," the department's Assistant Deputy Minister acknowledged (Standing Committee on Fisheries and Oceans, 2016b) – and it has a distinctly poor reputation when it comes to collaboration (see Chapter 2). Although Parks Canada has the advantage of leading a National Parks program that most Canadians support, however (Wright & Matthews, 2014), it has a history of top-down decision making that means it, too, can be mistrusted. In the past, an official with the agency acknowledged, parks were created through the stroke of a pen. *"Expropriated land. Ta-da! National Park"* (Interview 2). As recently as the establishment of Gwaii Haanas (terrestrial) in the 1990s, officials at Parks Canada were uninterested in listening to local people, according to one respondent – *"They just established what they wanted and said, 'Deal with it'"* (Interview 16) – and even today the Agency faces considerable distrust from the commercial fishing industry (see Chapter 2, and section 3.3.2 below).

MPA officials cannot easily separate themselves from the reputations of their departments – an official with DFO described getting *"a very rough ride"* from counterparts the moment he stepped into one collaborative forum (Interview 20) – and even if they are not blamed for events they had nothing to do with, partners will look to see that they understand the past and have considered what it means to the present. If planners appear poorly informed or, worse, reluctant to acknowledge and discuss past mistakes and their implications, partners will worry that these will simply be repeated. When the RRPAB started up in 2009, one participant said, the DFO official in charge of the process was not trusted by some members because he seemed unfamiliar with what had gone on before. At the board's first meeting, members insisted that an account of the previous designation process be revised to more clearly acknowledge the mistakes that were made (RRPAB, 2009a). Before investing in the project a second time, they wanted to know that officials understood and took responsibility for what had gone wrong.

Acknowledging the past is also about affirming legitimate concerns and grievances. This is a point that respondents made specifically in the context of engaging with First Nations, but which could apply to other partners too. *"When you're dealing with First Nations … understand the history, and the fact that there have been so many wrongs over the years, that the only way to develop a relationship is to recognize the past*" (Interview 12). This doesn't mean that partners want to dwell on the past, but the best way to move forward will sometimes be to start by looking back. This will help practitioners gain the confidence of partners, and give all participants in a collaborative forum a better understanding of where their counterparts are coming from.

3.3.2 Don't jump in at the deep end

When the project team for Gwaii Haanas began consulting with the commercial fishing sector on the proposed NMCA, in 2008, officials didn't fully appreciate how much the project was already deeply distrusted, said a Parks Canada official. Many fishermen saw politics rather than conservation as the driving force behind the project, and some even suspected that it was a means for the federal and Haida governments to shut non-aboriginal operators out of the area:

> *"There were many who had a conspiracy theory in their minds that Parks Canada was going to create this park, and it was going to benefit only the Haida, and not the rest of those people in BC that are involved in fishing" (Interview 6).*[90]

Moreover, these stakeholders had little confidence that Parks Canada, the lead agency on the project and a newcomer to oceans planning, adequately understood their industry. *"It takes time to understand how the fishing industry works,"* said an industry representative. *"[Just as] it takes time to understand what's going on in First Nations communities, what's going on in coastal communities. … So building those relationships and sharing information and understanding is really a key piece"* (Interview 21). Rather than taking the time to learn about the views and concerns of fishermen first, however, officials went directly to asking for their input on the details of a future NMCA, including the location of no-take zones where commercial fishing

[90] Underpinning this conspiracy theory was the fact that no-take (fully protected) zones exclude commercial and recreational fishing, but not aboriginal fishing for food, social and ceremonial (FSC) purposes, which is protected under section 35 of the Constitution Act. "This looks like reallocation without compensation on a potentially very large scale," wrote the BC Seafood Alliance, an industry organization, in 2009 (BCSA, 2009b, p. 4).

would be prohibited. This approach exacerbated what were already low levels of trust, and set the stage for consultations that were at times very acrimonious (see Chapter 2).

In contrast to their bilateral consultations with the fishing industry, officials in Gwaii Haanas were able to take things slower with the interim Marine Advisory Committee (GHMAC). This group of 11 community members, with a variety of backgrounds and expertise (including commercial fishing), met regularly over a period of nearly two years. Their first meeting, which was led by a professional facilitator, had only two objectives: allow participants to get to know each other, and identify a set of principles and practices that would help the group work well as a team (GHMAC, 2008a). At the second meeting, members were invited to share their visions for Gwaii Haanas, and were introduced to the objectives of the advisory process (GHMAC, 2008d). It wasn't until the Committee's fourth meeting that members began tackling the specific details that would go into a management plan, including conservation objectives and the no-take zones that were the source of so much unease on the part of the fishing industry (GHMAC, 2008c).

"If you rush a process too much, you don't get anywhere at the start, because it takes, say, three to six meetings minimum for people to get to know each other well enough; to know where they're coming from" (Interview 7). It might seem impractical, or even frivolous to invest in get-to-know-you type activities when time and resources are in short supply; in Gwaii Haanas, MPA officials had hundreds of fishermen and industry representatives to meet with. *"[We] really need to slow down to do collaboration, listen to what others are saying,"* said a Parks Canada official. *[But that's] not always possible, or allowed, because of time pressure"* (Interview 4). The Gwaii Haanas experience shows, though, that diving straight into substantive discussions could be counterproductive, and that dedicating initial engagements to confidence and trust building will pay off when the heavy lifting of consultation and decision making begins. *"If you jump into a relationship with someone with a highly contentious, highly sensitive, highly political issue right off the bat, there's automatic tension"* (Interview 13). At the very least, therefore, the Gwaii Haanas Project Team needed to invest more time at the start introducing the NMCA to fishermen, and familiarizing themselves with their views and concerns.

> *"One of the biggest lessons learned [from Gwaii Haanas] is knowing your audience's needs, wants, perceptions…. It may be that your first interactions are about finding out those things, as opposed to going out and asking an opinion of something (Interview 22, MPA official).*

3.3.3 Make time for informal conversation

It is not only or even primarily in formal settings that members of public advisory bodies, management boards, and other collaborative forums get to know one another. It may not even be at the formal table that the most important information for decision making is exchanged. Multi-stakeholder forums like the RRPAB and GHMAC are useful for enabling actors to hear a wide range of views, but, in the experience of a provincial official, they rarely provide enough time for participants to fully articulate the interests and values that underlie their positions: *"There's your position, and then what are you really interested in? You don't often get to that in those formal table discussions, is what I've observed"* (Interview 23). Many of the conversations that lead to a better understanding among stakeholders and the discovery of common ground and shared objectives occur, instead, on the margins of formal meetings: side conversations before or after meetings, coffee and meal breaks, even carpooling to and from meetings. *"A lot of stuff happens on the breaks. You talk about your things, explore them a bit more, and then potentially get people on-side or understanding each other's viewpoints,"* said a member of the RRPAB (Interview 24). *"It's true, it happens all the time,"* agreed an MPA official. *"It's the safe place for them [stakeholders] to have discussions"* (Interview 5).

Given the value of informal conversations, it makes sense for MPA officials to design collaborative planning processes with this in mind. Creating opportunities for participants to interact informally could imply relatively small investments, or more substantial ones. Catering breaks and lunches, as was done at RRPAB meetings, is an inexpensive way of ensuring that participants stick around to chat. *"Smart,"* said one participant. *"That was a smart thing to do"* (Interview 24). Multi-day events require a greater investment on the part of conveners and participants, but leave them with little choice but to socialize with one another after hours. Doing so with the people he was butting heads at one such event allowed one respondent *"to see their human side. … Barriers were broken down"* (Interview 9).

Above all, informal interactions are easiest when collaboration is undertaken face-to-face. While videoconferencing, phone calls, and even email can be useful for exchanging information, and are cheaper and less time consuming than meeting in person, these are not well suited to relationship building because they make informal conversations difficult. On the Gwaii Haanas AMB, members sometimes need to participate remotely in the board's twice-monthly meetings; but they recognize that this is not ideal. *"The opportunity to have the side discussion and the sort*

of get-to-know-you communication is obviously a lot more effective in a face-to-face setting," said one member. In a videoconference one cannot easily *"sit down and shoot the breeze."* Another member agreed that *"it's just a lot more of a formal way to conduct yourself when you've got somebody on the phone … you generally hang up before you get into the informal stuff."*

3.3.4 Get into the field

One of the best ways for collaborative partners to establish relationships is to get away from the meeting table altogether, and into the field (or onto the water). The people involved in the planning and management of MPAs care about these places and their long term health – a fact that can be forgotten when they are struggling with competing interests and incompatible positions, overlapping jurisdictions, and other contentious issues. It can also be difficult to appreciate what the area means to others, maybe even to oneself, when sitting in a distant room. For this reason, the members of the AMB try to take a trip into Gwaii Haanas together each year. *"It's really important during those times for each of us to reconnect personally with Gwaii Haanas, and for each of us to connect with each other as part of the relationship-building process,"* said one member. "*[That way] we're able to have a deeper respect for the area and a deeper respect for the relationships that we have through the board."* These trips are about *"getting a better feel for who we each are and how we can relate,"* said another member.

Getting on-site allows partners to see for themselves how their counterparts use and value an area, which can be helpful when those uses or objectives conflict. During the first public advisory process for Race Rocks, between 1999 and 2001, the Department of National Defence (DND) invited members of the board to tour its nearby naval base. This is the site of underwater demolition exercises that are a divisive issue between the department and other stakeholders due to the impact of noise on the wildlife at and around Race Rocks (Backe et al., 2011). Though the tour probably did little to shift opposition to the blasting – ten years later it was still a source of disagreement on the RRPAB – a member of the department believed it gave participants a better understanding of why the training exercises were necessary, and cooled the debate surrounding them in subsequent meetings.

Getting out of the office and into the field was also an effective way for officials from Parks Canada and DFO to deal with a *"minor confrontation"* between their respective organizations.

These two federal departments are expected to work cooperatively in Gwaii Haanas, but the practice of DFO's stream assessors to carry firearms in the protected area (in contravention of National Park regulations) put the DFO official responsible for the safety of contractors, and the Parks Canada official responsible for enforcing National Park rules, at odds. In order to *"try to get to know each other better and sort out a way around this conflict,"* said one of the officials involved, the two spent a week together in the areas where the stream assessors do their work. They discussed the firearms issue, but other topics too, and in the process developed a better understanding of each other's roles and perspectives. "*We walked a lot of creeks and we spent a lot of time together,"* said the second official. *"And we had some really good conversations … It was very beneficial for both [of us] in the long term."* The firearms issue itself was still unresolved at the time of the study, but in the meantime these officials had found a way to strengthen an important working relationship.

It isn't always practical to bring people together on site, of course. The AMB may only get into Gwaii Haanas as a group once a year, at most, because doing so is a big investment for everyone involved. For larger groups, such as public advisory bodies, it would be even more difficult; neither the RRPAB nor GHMAC had on-site meetings or visited the protected areas as a group, although the RRPAB held most of its meetings at Pearson College on the mainland not far from Race Rocks.[91] A conclusion from Chapter 2, moreover, is that collaborative planning needs to be made as convenient as possible to encourage full participation. While holding meetings in remote MPAs would certainly contradict this, however, arranging for partners in collaboration to spend at least some time together in the place they are discussing could go a long way to building a sense of shared values and improve their understanding of the many different ways that these areas are used.

3.3.5 Be forthcoming and proactive about sharing information

Transparency, which refers to the visibility of decision-making processes and organizational performance, is a well-established principle of good governance (Lockwood et al., 2010). In addition to promoting effective decision making, monitoring, and accountability, transparency has a relational dimension: it is about reciprocity. Stakeholders and other partners share their

[91] A visit to Gwaii Haanas was mooted on the MAC (GHMAC, 2008c), but there is no record that a trip took place.

knowledge and perspectives in order to help MPA officials make good decisions; planners, in turn, are expected to be upfront and forthcoming with partners about the decision-making process. The findings from this study confirm that one of the clearest signals an MPA official can send that they are genuinely committed to collaboration is to be responsive to partners' questions, and proactive about sharing available information. As noted earlier, though, it is precisely here that MPA officials are constrained by centralized decision making and confidentiality rules. The interview results suggest that, up to a point, the people they are working with will understand this. Planners will very quickly lose their trust, though, if they are suspected of deliberately withholding information or doing less than they can to answer questions. *"Obviously there are some things that have to be confidential*," said a member of the RRPAB. *"That's fine, as long as something happens, and as long as there's a follow-up. Otherwise ... essentially you're using and abusing [people] as far as I'm concerned"* (Interview 25). It was a former DFO official who said that the stipulation that documents under review by a Minister cannot be shared with the public is sometimes just a cover for prevarication. *"That excuse gets used a lot of time when advise is not before the Minister, believe me" (Interview 12).*

A member of the RRPAB was so incensed that DFO officials would not disclose to the board its spending on the MPA designation process (this related primarily to its ongoing consultations with the First Nations) that he filed an Access to Information and Privacy (ATIP) request to obtain the information. Other board members disagreed as to whether or not this was relevant or helpful. One described the subsequent presentation of the ATIP results as "inflammatory," but another argued that "when a group of people working in a public process want financial accountability that's not negative … If we don't know what it costs, we can't be effective" (RRPAB, 2010b, p. 8). The point is that no rule prohibited DFO officials from disclosing the information, and had they done so voluntarily they would have signaled their commitment to a transparent process. Instead, by obliging the member to go through the ATIP procedure, officials gave (or confirmed) the impression that openness was not a priority, and aggravated what was already a low-trust dynamic on the board.

Fairly or not, stakeholders will often assume that governments do not share their interest in transparency; this is a reputational issue that MPA officials will struggle to change, given the constraints they face. They can, though, show that they are personally committed to sharing information as openly as possible.

"You may not always be able to give the full explanation as to why, you know, a decision can't happen on the timelines that you thought it was going to. But you do need to communicate to some extent, what is or is not happening … People, for the most part, will respect that. [But] if you're just silent on it, they go, 'Where'd you go? I thought you said we were important. I thought you said relationships mattered'" (Interview 2, MPA official).

3.3.6 Put honesty before harmony …

Partners in collaboration will sometimes try to steer away from areas of disagreement and tension, and in some circumstances this is sensible (see next). If there is little prospect that tackling a conflict-prone issue will lead to a positive outcome, it may be better not to put relationships at risk by trying. On the other hand, avoiding conflict risks undermining collaboration and harming relationships if it comes at the expense of honesty. *"People don't like conflict. [They] try to avoid it, sometimes to the point that they are less than forthcoming. ... [They are] afraid to be truthful"* (Interview 8). It is the fear of conflict, this respondent believes, that can prevent MPA officials from sharing information, as well as being upfront with stakeholders about what can be achieved, and what can't, through an MPA initiative; a reluctance that can lead to *"false hope"* and dead-end discussions.

Planners are not the only ones guilty of shying away from conflict, though. In the experience of one planner, it is very difficult to reach consensus in multi-stakeholder forums because some participants don't want to become embroiled in acrimonious debates. Rather than expressing views that are likely to be controversial, therefore, they withhold these in the public setting, and then take them to government decision makers at another time. Although planners don't want to discourage stakeholders from using all available channels to connect with decision makers, said this official, *"it just breeds mistrust when people do the end runs"* (Interview 5).

Diverse interests and incompatible objectives, scientific uncertainty, and jurisdictional complexity make conflict and controversy an inevitable part of MPA planning. This does not have to prevent actors from building good relationships, though, and collaboration can be well served when conflicts are tackled head-on. "*A thing I want to mention that's really really fundamental is that conflict is good, conflict isn't bad. ... If you don't have conflict you've got nothing to work with"* (Interview 26). Conflict can be valuable precisely because it surfaces

when people are being honest, this respondent added, and can energize actors with the purpose needed to solve difficult problems. In order for conflict to serve a useful function, though, actors need to be willing, when faced with a choice, to put honesty before harmony. A senior official with DFO was told by a First Nations Chief that he was *"her 'favorite public servant of all time', because I always spoke the truth and I never broke my word. ...*

> *"... I always gave her the reason why I had come to [a] decision: here's the information I was provided; here's the choices I had; and here's the reason I'm making this decision. I know it's not what you wanted, but that's the best I can do."*

Asked what makes collaboration work well in his experience, another respondent said, simply, *"honesty"*:

> *"As cheesy as that sounds, if people are honest about their intentions, and what they want to get done, and why – really explain the background. ... It means that you open up and are not afraid to argue and, you know, get upset once in a while. You're not holding back. ... You gotta kind of lay it out there" (Interview 14).*

3.3.7 … but don't strain relationships if you don't have to

Relationships are better served by accepting conflict – an inevitable and potentially beneficial element of collaboration – than trying to avoid it at the expense of honest and open communication. Sometimes controversy can be avoided, though, or at least deferred, to the advantage of effective collaboration and enduring relationships. When consensus is out of reach for the members of the Gwaii Haanas AMB, they do not immediately refer the issue to more senior decision makers in the GoC and CHN, though that is an option.[92] Instead, the issue is set aside while more information is obtained, or until circumstances change. *"Having the ability to set aside tough issues is a healthy thing, I think, for a board like this*," said one member, who believed that referring matters to senior decision makers would be guaranteed to strain relationships on the board. Likewise, the DFO and Parks Canada colleagues dealing with the firearms issue in Gwaii Haanas (see 3.3.4 above) chose to defer a decision on that issue rather than needlessly jeopardize a relationship and compromise an activity that both organizations value. This issue demands a resolution, but not at the expense of good working relationships

[92] See Canada and CHN (1993, s. 5.3, 2010a, s. 6.1).

between the two organizations. A former DFO official made the same judgment when confronting members of a First Nations community who were fishing in an area closed for conservation purposes. Although arrests were an option, he said, *"what does it solve? … All that does is end you in the Supreme Court eventually. More bad relations."* Instead, the official sat down with the First Nations leaders and talked.

Partners in collaboration should also be sheltered from controversial issues when there is no prospect of them being resolved in a particular forum. Provincial, federal, and First Nations staff who cooperate at a technical level on MPA projects (e.g., mapping, wildlife surveys) can find their working relationships strained by the political issues that divide their organizations, such as jurisdictional overlap and First Nations title claims. Technical staff have no power to address these issues themselves, said a provincial official, and it "*tends to accelerate the relationship process"* if they can be kept well away from the political discussions, and allowed to concentrate on areas where their interests converge (Interview 13).

Sometimes the trade-off between making or enforcing decisions on the one hand, and protecting relationships on the other, will be relatively straightforward. Arresting First Nations fishermen for asserting their rights, or fining DFO's stream assessors for carrying firearms in Gwaii Haanas, are all but guaranteed to harm relationships; the calculation to put relationships first in these cases was probably quite easily made. However, MPA officials face a less straightforward choice whenever they ask stakeholders to take part in an MPA planning process. Even though one of the reasons for taking a collaborative approach to decision making is to strengthen relationships, no collaborative process or partnership can be inoculated altogether from the risks of disappointment and failure. To a point, both MPA officials and their partners need to accept this. *"This may not go your way,"* said a respondent in reference to the RRPAB. *"You may at the end of the day have sat here for two years of this, and you may leave here angrier than you arrived"* (Interview 8). If MPA officials are going to put relationships on the line by implementing a collaborative planning process, though, they should be reasonably confident that participants *aren't* going to end up angrier as a result.

In retrospect, the RRPAB is probably an example of a case in which MPA officials made a mistake by engaging stakeholders when they did, and unnecessarily strained relationships as a result. By all the accounts, the first public advisory process for Race Rocks went well. Interviewees described it as a positive experience, and officials wrote that it "developed new,

trust-based relationships between an array of stakeholders and user groups" (DFO, 2000, p. 13). At the same time, though, the officials noted that the process had "elevated expectations that federal follow-through will be expeditious," and that there was "significant risk to these valuable relationships and stakeholders' reputations should the designation be delayed" (DFO, 2000, p. 14). The designation *was* delayed, of course, and, as forecast, the department's reputation in the eyes of stakeholders was badly damaged as a result. It would have been expected, therefore, that when DFO reconvened the RRPAB to obtain stakeholder input a second time, it would have been with the full backing of the nations. In fact, the department only had an unsigned draft agreement with three of the nations, and no agreement at all with the fourth (see Chapter 2). By bringing stakeholders back together when it did, therefore, DFO was exposing relationships to the same risk in had a decade earlier. Without the benefit of hindsight, officials must have believed that a final agreement with the nations was within reach, and that waiting any longer before reengaging the public would not have been an efficient use of time. Having already once asked stakeholders to contribute to an initiative for which it didn't have the necessary backing, however, and undermining their trust as a result, the department should have been more cautious about doing so a second time.

3.3.8 Be flexible and share control

Collaborative MPA planning does not mean that stakeholders get a final say over decisions. Ultimately, it is up to the responsible Minister to decide whether an MPA should be established, and what the regulations within its boundaries will be. In Gwaii Haanas, where many commercial fishing operators and organizations were opposed to the NMCA designation, these stakeholders were told that the decision to establish the NMCA would – indeed already had been – taken by the GoC and CHN, and that they were being asked for their advice on *how* the protected area should be and managed (Chapter 2). Asked about the apparent contradiction in asking for stakeholder's input to a process for which the principal decision has already been made, a Parks Canada planner agreed that it is *"a fine line to walk"* (Interview 1). According to Sigurdson et al. (2011), walking this line is about including stakeholders in the decision making process, giving them a say in determining such things as the objectives, timelines, roles, responsibilities, and ground rules. It is this, they argue, rather than the power to actually make

decisions, that distinguishes collaboration from traditional consultative approaches, and that promotes a sense of ownership and shared responsibility for outcomes (Sigurdson et al., 2011).

Members of the MAC were explicitly tasked with giving MPA officials advice on how to conduct the consultation process (Parks Canada, 2009). The DFO officials responsible for the RRPAB, in contrast, were criticized for not being more open to stakeholder input in this regard. *"We could never have the agenda* we *wanted,"* said a board member. *"It was always a government agenda that they had to use, part of* their *process"* (Interview 11). Frustration with this process became so acute for some PAB members that they ended up holding their own meeting, outside the DFO-led process (see Chapter 2). Even though the objectives of this meeting were in line with those of the RRPAB, however, and DFO staff were invited to participate, they chose not to. This meeting was also, to be sure, a direct reaction to what the organizers saw as shortcomings in the DFO-led process, but it would have cost officials little to be there, and in doing so they could have demonstrated an openness to stakeholders taking the lead. By staying away, they reinforced the perception, at least for some, that they were unwilling to share control. *"They weren't happy we had the meeting. They wouldn't even pay the costs of having someone take the minutes. They really weren't happy"* (Interview 11).

"*People don't like being told what to do. They like when they feel in control, when they have ownership over the process,"* said an MPA official. "… *If we as a government do our job, then people will feel empowered"* (Interview 4). In defense of the planners who are responsible for implementing collaborative processes, sharing control with stakeholders is complicated by the fact that ideas on what makes for a 'good' process can differ markedly. Whereas some members of the RRPAB were deeply dissatisfied with the advisory process, and pushed for a greater say in how meetings were conducted, others felt that DFO officials were insufficiently forceful in keeping discussions on track, and needed to assert *more* control, not less. As for showing greater flexibility (i.e., being more responsive to partners' preferences or suggestions), this is also easier said than done, given how little autonomy planners are given within a centralized decision making system. One of the DFO officials who led the original advisory process for Race Rocks was praised for his flexibility and dynamism. *"You wouldn't even suspect he was in government!"* (Interview 24). Another respondent acknowledged, though, that this official *"played a little fast and loose with how things were supposed to be done"* (Interview 11). This earned him credit in the eyes of the stakeholders he was working with, but may also have

contributed to elevated expectations for outcomes that, in the end, never materialized. As noted above, therefore, flexibility and a willingness to share control must be accompanied with honesty as to what stakeholders can expect from their involvement in an advisory process.

4 Conclusion

The objective of this chapter was to explore the role of interpersonal relationships for effective collaboration, and to establish how relationships can be either strengthened or weakened through collaborative MPA planning. The Gwaii Haanas and Race Rocks cases highlight three scenarios in which strong interpersonal relationships matter for collaboration to work in an MPA context. First, relationships foster intergovernmental cooperation where formal structures alone cannot. MPA officials depend on counterparts within and beyond their departments to do their jobs, and it is largely through personal networks that they obtain the cooperation and support they need. Second, interpersonal trust is central to the success of Government-First Nations co-management. In Gwaii Haanas, where there is a history of conflict between Canada and the Haida, it falls to the members of the AMB to work together to arrive at consensus positions on managing the site. Strong relationships would be equally important at Race Rocks were DFO and the local First Nations proceed with a co-management partnership there, given the poor relations that have historically existed between these parties at an organizational level. Finally, trust-based relationships strengthen multi-stakeholder advisory bodies like the RRPAB and Gwaii Haanas MAC. The purpose of these bodies is to facilitate information sharing and constructive deliberation, but neither will occur if participants are unwilling to speak openly with one another due to a lack of familiarity and trust.

As others have also argued, therefore (see for example California Ocean Protection Council, 2012; Canada, 2005b; Canada & British Columbia, 2014; Gardner, 2001; Great Barrier Reef Marine Park & Authority, 2014), the results of this study show that good relationships are not merely nice to have, they are fundamentally important to the success of the collaborative approach that MPA proponents in Canada and elsewhere have articulated. It is a problem, therefore, that the officials to whom much of the responsibility for implementing this approach falls are constrained in their ability to establish what most would consider to be genuinely collaborative relationships. Outside parties look to MPA officials to be open and forthcoming with information; responsive to their questions and objectives; and capable of making decisions

(Gunton et al., 2010; Hedley & Willison, 2007). In practice, the Gwaii Haanas and Race Rocks cases show how centralized decision making, narrow program mandates, procedural rules, and jurisdictional complexities limit the extent to which MPA officials can do any of these things.

MPA agencies in Canada have stated that stronger relationships are one of the rationales for taking a collaborative approach to developing and implementing MPAs (DFO, 2009b; Parks Canada, 2008), but they may be taking too much for granted the idea that relationships will simply emerge as a consequence of this approach. Whereas the literature on MPA governance, natural resource management, and social learning shows that effective collaboration can lead to stronger relationships and increased collaboration (P. Jones et al., 2011a; Schusler et al., 2003; Wondolleck & Yaffee, 2000), it is also understood that poorly-implemented collaboration in general, and a lack of decision-making transparency in particular, can lead to a 'downward spiral' in the direction of less trust and cooperation (Jessen et al., 2011; P. Jones et al., 2011a). Drawing on the views and experiences of interviewees, this chapter offers a number of practical suggestions for building relationships in the context of the systemic constraints that were identified. Since MPA officials are in the driver's seat when it comes to designing and implementing collaborative planning processes, it is to them, first and foremost, that these 'good practices,' are directed. It is important to emphasize, though, that planners cannot build collaborative relationships singlehandedly, and it is not only they who need to approach collaboration with the right attitude. Most of the good practices that were outlined – putting honesty before harmony; not straining relationships unnecessarily; being forthcoming with information; taking opportunities to engage informally – can be implemented by all participants in a collaborative process. It takes two to tango, noted Pomeroy and Berkes (1997), and if good relationships are to be established and maintained, it will only be by all partners making it a priority.

It is also important not to overlook the role that senior decision makers have in ensuring that relationships are strengthened rather than weakened through collaborative MPA planning. The findings from this study are consistent with a recurring theme in the Canadian MPA literature, which is that the MPA program has suffered from a lack of political leadership and senior government support (Gardner et al., 2008; Guénette & Alder, 2007; Jessen, 2011; OAG, 2012). It seemed self-evident to an official with the provincial government that, when engaging with provincial and First Nations partners, federal MPA proponents (DFO, Parks Canada,

Environment Canada) need to have officials at the table who can actually make decisions. Otherwise, relationships – even if they do develop in these forums – risk being eroded by delay and inaction. Senior officials can only attend only so many consultation meetings, however. Lead agencies should also take steps to reverse the increasing centralization of government decision making, therefore, including by giving those leading collaborative processes at the local (MPA site) level more freedom to exercise their own judgment. Having the ability to respond promptly and meaningfully to questions, as well as to allocate departmental resources and make some decisions, would put MPA officials in a much stronger position to establish good working relationships with stakeholders, government partners, and First Nations.

The results also suggest that departments need to pay more attention to relationship building as a skill that MPA officials must have to do their jobs well. In the United States, Davis et al. (2014) found that this is not typically reflected in the educational backgrounds of most new planners, which tend rather to emphasize scientific skills over such things as interpersonal communication and leadership. From the perspective of some of the respondents in this study, the same appears to be true in Canada. If so, it is up to lead agencies to fill this gap, first by recognizing and promoting relationship building as a "core competence," and, second, by investing in training and mentorship programs so that planners can develop the skills they need on the job.

One question for which there is no easy answer is how much time lead agencies should dedicate to relationship building before they move ahead and establish an MPA. Ansell and Gash (2008) conclude that, if proponents cannot set aside the time and resources to ensure that trust building can occur through a collaborative process, they would do better not to initiate such a process in the first place. But how much time? Planners in Gwaii Haanas should by their own admission have given more attention to building trust with members of the commercial fishing industry. For those stakeholders who viewed the protected area as a conspiracy to displace them, though, it is questionable whether any amount of consultation would have alleviated their concerns. At the end of the day, the aim of MPA designation processes is to designate MPAs and enhance the protection of marine ecosystems. Many in Canada feel that these processes are taking much too long already (Canessa & Dearden, 2016; CPAWS, 2014; OAG, 2012). Along with other nations, Canada has committed to protect 10% of its oceans within a system of MPAs by 2020, and 5% by 2017, from a current total of about 1% (Canada, 2011, 2016; CBD, 2010).

When only a dramatic acceleration in the pace of designations will enable Canada to meet this target, prioritizing relationship building – which takes time above all (Andersson, 2004; Schusler et al., 2003) – could mean designations that are slower and costlier still.

Lengthy consultation processes can also be counterproductive. DFO itself has noted that "consultation fatigue can become a real barrier to developing effective relationships with clients, stakeholders and the general public" (DFO, 2004, p. 8). The value of collaborative planning processes as venues for relationship building may be diminished, too, if they drag on for so long that the individuals involved change from start to finish. Wagner and Fernandez-Gimenez (2008) note the importance of continuity to interpersonal trust- and relationship building, and interviewees in this study confirmed that relationships are set back when groups or organizations are not represented by the same people from one meeting to the next. An observation that is commonly made about collaborative relationships, moreover, is that they cannot be built or sustained on talk alone (Armitage, Berkes, & Doubleday, 2006; Bouwen & Taillieu, 2004; Edwards & Gibeau, 2013; Menzel, Buchecker, & Schulz, 2013). Partners need opportunities to do concrete work together, and to see tangible outcomes from their collective efforts, whereas persistent inaction will lead to frustration, disengagement, and diminished trust (Ansell & Gash, 2008; Bouwen & Taillieu, 2004).

Gardner et al. (2008) conclude that, on balance, the costs of an overly-long MPA designation process, including negative impacts on relationships, outweigh the potential benefits (such as increased public support). In many cases it might be better, then, to move through the designation phase relatively quickly, keeping in mind that it will be possible to continue engaging and strengthening relationships once an MPA is in place. This is presumably the calculation that was made in Gwaii Haanas, where officials have turned their attention since the NMCA was established to sitting down with the commercial fishing industry in order to understand and address their concerns. The difficulty, though, is getting across the finish line without damaging relationships so severely that the victory is a pyrrhic one. Having so far failed to secure the endorsement of the local First Nations for an MPA at Race Rocks, DFO could not press ahead and designate the protected area without severely harming its relationships with these nations, as well as damaging its wider reputation for collaboration with First Nations (doing so would also foreclose cooperation from the Provincial government, which has said it will not support the MPA if the First Nations are not on board) (Chapter 2). Reconciliation with

Indigenous groups is a "foundational principle" of Canada's approach to reaching its MPA targets (DFO, 2016c). A DFO official felt that this principle could be well served by a Government-First Nations co-management arrangement at Race Rocks, but DFO cannot impose such an arrangement unilaterally. While the drawn-out process to designate the MPA has done no favours to its relationships with any of the actors at Race Rocks, to designate the site in the face of First Nations opposition would be a step in the wrong direction.

Relationship building is an ongoing process, and it would be wrong to view 'good relationships' as a box that can be ticked before putting MPAs in place. What the Gwaii Haanas and Race Rocks cases show, though, is that it would be equally misguided to treat relationship building as a second-tier objective (nice to have, but not strictly necessary) that can be set aside in the interests of speedier designation processes. Underinvesting in relationships at this stage will, at the very least, diminish the value and credibility of a collaborative approach, possibly undermining support and compliance with the MPA once it is in place (N. A. Davis, 2011; Gardner et al., 2008; Kessler, 2004). At worst, pushing ahead without establishing the necessary relationships with key actors will stall if not terminate a designation process altogether. Lead agencies need to take relationship building seriously, therefore, recognizing that stronger relationships are not an inevitable by-product of collaboration, but require deliberate attention to be achieved. A good first step would be to empower MPA officials with the training, support and autonomy they need to collaborate meaningfully with partners.

Chapter 5
Conclusion

1 Research question and objectives

Successfully establishing and managing protected areas in the marine environment requires the involvement and support of many different actors. In British Columbia (BC), they include a potentially large number of government agencies with oceans-related responsibilities; First Nations communities and governments with distinct (and still evolving) rights respecting the areas they have occupied for thousands of years; and, finally, resource users who will be directly affected by new protected area regulations, as well as other interest groups. All of these actors have something to contribute to the design and implementation of effective marine protected areas (MPAs), as well as rights, interests, and possibly concerns that need to be taken into account. Inclusive and participatory decision making is well-established as an effective approach to MPA planning and management (Dickinson et al., 2010; Jentoft et al., 2007; P. Jones et al., 2013; Kearney et al., 2007; Pomeroy & Douvere, 2008), and in Canada the need for all interested parties to be engaged in the development of a national MPA system has been clearly and repeatedly articulated in legislation and policy (Canada, 2005b; Canada & British Columbia, 2014; Canada & CHN, 2010b; NMCA Act, 2002; Oceans Act, 1996). Just as protected areas themselves cannot exist on paper alone, though, it is not the articulation of a collaborative approach that matters most but how that approach actually works in practice.

Collaborative planning and decision making is not easy, and in-depth case-study research can help to improve our understanding of how it can best be applied in specific contexts (P. Jones et al., 2011a). This dissertation set out to make a contribution to existing scholarship on MPA planning, and to help improve how collaboration in BC, Canada, and elsewhere is implemented. By examining the planning processes for the proposed Race Rocks MPA and the Gwaii Haanas National Marine Conservation Area (NMCA) through a combination of semi-structured interviews, a questionnaire, and documentary research, the study was guided by the following overarching goal:

> To understand the extent to which federal MPAs in British Columbia, Canada, are established collaboratively, and what is required to overcome obstacles to successful collaboration.

With this goal in mind, I posed three specific research questions to address through the investigations of the Race Rocks and Gwaii Haanas cases. The questions were (1) in line with the collaborative approach articulated in policy and legislation, how were stakeholders, First Nations and government organizations included in decision making at these sites, and what were the key challenges and shortcomings identified by those involved?; (2) what are the interests and expectations that motivate participation in multi-stakeholder planning; and, conversely, what barriers or disincentives discourage it?; and (3) what is the role of interpersonal relationships for successful collaboration, and how can relationships be strengthened (or, conversely, weakened) through MPA planning? This chapter summarizes the key findings and implications of the study, with recommendations for MPA agencies and practitioners emanating from the findings. It also proposes some areas for future research, based on questions that were unanswered or prompted by the research.

2 Key findings and practical or policy implications

2.1 Meeting First Nations expectations for "true cooperation"

Government-First Nations relations was a defining (if not *the* defining) issue in the Gwaii Haanas and Race Rocks cases. In Chapter 2, I concluded that, though not strictly necessary from the perspective of the law, in practice it is all-but essential for lead agencies to have the support of a First Nation (or nations) to establish an MPA within their territory. First Nations are not simply 'interest groups' in the way that non-indigenous resource users and other MPA stakeholders are. They have unique rights respecting the use of natural resources and, with unceded sovereignty in their traditional territories, are increasingly recognized as an order of government in their own right (CPAWS, 2009; von der Porten et al., 2016; Weitzner & Manseau, 2001). It is only because the Council of the Haida Nation (CHN) was willing to set to one side its territorial dispute with Canada that it was possible to create the federal protected areas in Gwaii Haanas (National Park and NMCA reserves); and it is only because the local First Nations at Race Rocks are *not* prepared to endorse DFO's MPA proposal that that project has not proceeded. This does not, quite, amount to a First Nations veto on MPA designation decisions. In at least one current case – the Southern Strait of Georgia, where Parks Canada seeks to establish an NMCA in the traditional territory of 19 First Nations (Parks Canada, 2012) – the government may decide to proceed in the face of some opposition providing that the majority of the nations

are supportive. Nevertheless, the ability of MPA agencies to build collaborative partnerships with local First Nations is critical, and in Gwaii Haanas and Race Rocks marked the difference between success and failure.

It is important to recognize that all MPA designation processes are conducted in the context of a long and painful history in which protected areas were once created without the involvement let alone support of First Nations (Ayers et al., 2012; CPAWS, 2009; Gladu et al., 2003; Langdon et al., 2010; Murray & King, 2012). This history has created "a legacy of mistrust" that informs how First Nations evaluate all protected area proposals today, and which must be overcome if cooperative management is to have any chance of succeeding (CPAWS, 2009, p. 23). In 2001, following an aborted attempt by DFO to designate an MPA without properly consulting with them, Beecher Bay First Nation, Songhees Nation, and T'Sou-ke Nation said that their support for an MPA at Race Rocks was conditional on "true cooperation" (RRAB, 2001, p. 1). This is an expectation that DFO has manifestly not met. Although study respondents were not willing to go into detail about negotiations that at the time were still ongoing, the results of both case studies help to explain why DFO's MPA proposal has been rejected by the nations; and why Gwaii Haanas, in contrast, has the support of the Haida. The study illuminated several factors that distinguish the cases in terms of how the collaborative partnerships implemented (Gwaii Haanas) or proposed (Race Rocks) by lead agencies align with First Nations expectations for true cooperation. They include the structure of the management boards put in place to facilitate consensus-based decision-making; the recognition by lead agencies of First Nations' broader aspirations as an order of government; and the material support provided for the nations to fulfill their role in co-managing the sites. With respect to all three factors, the Gwaii Haanas model goes further than DFO's Race Rocks proposal.

The basic model for Government-First Nations cooperation in both Gwaii Haanas and Race Rocks is the same: a management board, with equal representation from each party,[93] that is tasked with developing consensus-based recommendations. There is, though, one notable difference between the Gwaii Haanas Archipelago Management Board (AMB) and the proposed Race Rocks Government/First Nations Management Board (GFNMB). In the former case, senior decision makers in both the Government of Canada (GoC) and the CHN must approve

[93] The GoC and CHN have three members each on the AMB; DFO, Beecher Bay, Songhees, and T'Sou-ke would have two members each on the GFNMB.

recommendations produced by the AMB (see Canada & CHN, 1993, s. 5.1, 2010a, s. 5.1). In contrast, the recommendations of a Race Rocks GFNMB would only be forwarded to the Minister of DFO for approval (not to the Chiefs of Beecher Bay, Songhees and T'Sou-ke) (see DFO, 2012b, s. 8) (Figure 12). Technically, the federal ministers in these and all MPA cases in Canada are at liberty to accept or reject advice from a management board. There is no difference between the Gwaii Haanas and Race Rocks models in this respect, and it is worth noting that neither Parks Canada nor DFO refers to these as 'co-management' boards lest it be misunderstood that a government minister is sharing their decision-making power with an outside party. According to Carlsson and Berkes (2005), though, it is less important that co-management arrangements formalize power sharing, per se, than that they function effectively as management partnerships. That the authority of ministers cannot be fettered by a co-management arrangement (so-named, or otherwise) does not have to be a "showstopper," therefore (CPAWS, 2009, p. 51). It does mean, though, that First Nations need to have confidence that their government partners intend to honour the spirit of their agreements and share the decision-making role, notwithstanding their authority to act unilaterally. The explicit requirement that the CHN approve AMB decisions underlines the intention that that board function as a forum for joint decision making (it is not simply an advisory body), whereas this equality is not built into the structure of the proposed GFNMB in the same way. DFO is perhaps reluctant to apply this element of the Gwaii Haanas model to Race Rocks, where consensus-based decision making with three First Nations, rather than just one, would be "exponentially" more difficult (Chapter 2, p. 39). The department needs to recognize, though, that, a management partnership that works in practice (if not strictly speaking in law) as an equal one is not a gold standard for Government/First Nations cooperation; it is an absolute minimum requirement. For a nation to accept even an equal decision-making role, as the Haida have done in Gwaii Haanas, is to make a compromise on their part, since it means sharing *their* unceded decision-making authority with the Crown. It will indeed be a showstopper, therefore, if the government does not unambiguously recognize First Nations as decision makers.

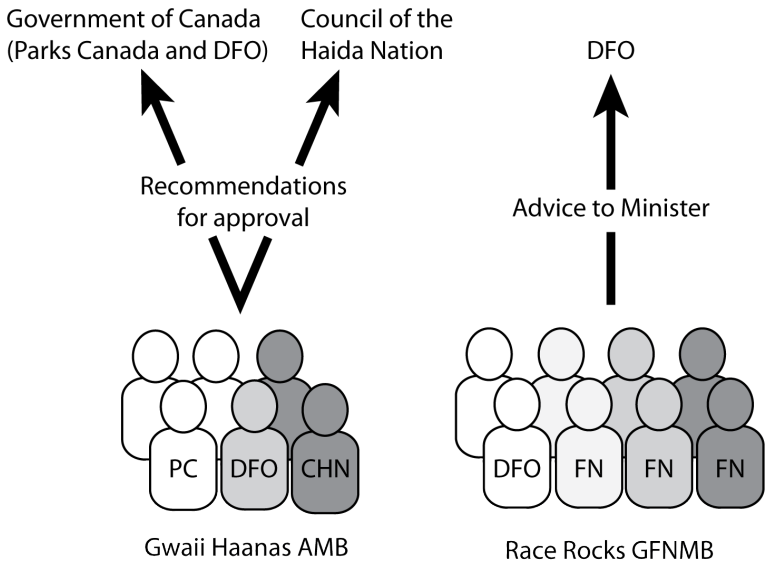

Figure 12 – Two models of Government / First Nations management boards

The clear acknowledgement of the CHN as a decision maker in Gwaii Haanas, and not merely an advice-giver, relates to the larger point that First Nations expect their engagement on all matters with federal and provincial counterparts to be conducted on a 'government-to-government' basis. In Gwaii Haanas and Race Rocks, as elsewhere in BC, the First Nations assert ownership of the lands and waters in which these MPAs are situated. When proposing an MPA in their territory, therefore, it is not enough for MPA agencies to simply assure First Nations that their Aboriginal rights will not be infringed.[94] This relatively low bar does, of course, need to be cleared; it was in part because of concern that their right to fish would be infringed that the Race Rocks nations objected to the original MPA proposal (see Chapter 2). In addition, though, the nations also look to the creation and implementation of MPAs to affirm and raise awareness of their rights and authorities as an order of government, and even to help advance their ownership claims.[95] The 1993 Gwaii Haanas Agreement, which cleared the way for the National Park designation three years later, explicitly acknowledges the Haida's claim to sovereignty over all of Haida Gwaii (including Gwaii Haanas), and both it and the 2010 Marine Agreement recognize the CHN as the governing body of the Haida (see Canada & CHN, 1993, ss. 1.1, 2.7, 2010a, s. 1). As provided under the NMCA Act, moreover, Gwaii Haanas is

[94] MPA policies and agreements state as a matter of course that MPAs won't affect Constitutionally-protected Aboriginal rights or ongoing treaty negotiations.

[95] Some respondents speculated that this was the *main* reason for some First Nations to support or, conversely, withhold support for MPA initiatives.

designated as a National Park and NMCA 'Reserve,' which acknowledges that it is subject to a land claim, and that its status could therefore change (see NMCA Act, 2002, ss. 4.2, 6.1, 6.2). In the case of Race Rocks, a 2010 MOU between DFO and the First Nations includes the disclaimer that the parties' positions with respect to Aboriginal rights, including the contentious issue of 'Douglas Treaty' rights, will not be prejudiced by a cooperative agreement, but it does not spell out what those positions are (see DFO et al., 2010, s. 3). The First Nations are not recognized as governing bodies, and it was only after some arm twisting by Beecher Bay, Songhees and T'Sou-ke that DFO agreed to add to the Terms of Reference for the GFNMB a reference to working "on a government-to-government basis within the framework of the Constitution of Canada" (Chapter 2; DFO, 2012b, s. 1). Taking a step back, it is also notable that the NMCA Act makes reference to Aboriginal organizations and *governments*, whereas the Oceans Act speaks only of the former. None of these details seem particularly significant on their own, but collectively suggest a greater willingness on the part of Parks Canada to respect and support the status of First Nations as an order of government.

Finally, true cooperation for the First Nations at Race Rocks means that DFO is prepared to make long-term investments in the MPA, and to assist them in building their capacity to play a meaningful role as stewards and co-managers of the site. To this end, the nations presented DFO with a number of funding priorities, including for training, education, and equipment, as well as for the ongoing activities of the GFNMB. Money was a perennial sticking point in their negotiations, however. DFO officials would only give a two-year funding guarantee for the GFNMB, for example, and demurred on some of the other funding requests because, it argued, they did not relate to its mandate or jurisdiction, or could not be addressed before the MPA was established (DFO, 2013b). In DFO's defense, some of the First Nations' requests for funding and support, which included enrolling students in courses at nearby Pearson College, and negotiating revenue sharing for renewable energy projects, do indeed fall well outside the scope of the MPA program. As noted earlier, DFO planners are at a distinct disadvantage in comparison to their Parks Canada colleagues, because the Oceans Act does not give them a mandate, as the NMCA Act does, to invest in activities that are not directly related to marine conservation. In Gwaii Haanas, sustaining the continuity of Haida culture and creating new opportunities for Haida marine businesses are explicit objectives of the interim management plan, which aligns with the NMCA Act and is also mandated by the 1993 and 2010 Gwaii Haanas Agreements (Canada &

CHN, 1993, 2010b, 2010a). A similar objective might be beyond either the scope or the budget of a Race Rocks MPA, and in Chapter 2 I argued that the First Nations will need to show some flexibility in their demands if they want to see the MPA go ahead (as they have indicated that they do). That being said, what is the value of a co-management agreement if it doesn't come with the material support the nations need to actually take part in a meaningful way? As with the structure of the proposed management board, and DFO's tepid acknowledgement of the First Nations' status as an order of government, the money it put on the table left the impression that it was not really serious about building a genuinely collaborative partnership, and gave Beecher Bay, Songhees and T'Sou-ke (as well as the Esquimalt Nation, which was originally part of the negotiations) little incentive to endorse the project. If MPA agencies are not willing to push the envelope a bit in terms of how they frame collaboration with First Nations – to get "creative," as a participant in the Race Rocks negotiations urged – this is unlikely to be the last MPA initiative to fail for lack of First Nations support.

Recommendations for MPA agencies and practitioners:

- Structure Government/First Nations management boards to be clear that they are intended to function as joint decision-making (not advisory) bodies;
- Use language in management agreements, Terms of Reference, etc., that clearly affirms First Nations status as an order of government;
- Ensure adequate funding for First Nations to carry out management role;
- Work with other government departments (federal, provincial) to address First Nations interests that fall outside the scope of MPA.

2.2 DFO's reputation problem

Any discussion of MPAs and collaborative decision making in Canada has to address the fact that DFO – the lead agency for the proposed Race Rocks MPA; a key partner in the Gwaii Haanas NMCA; and the federal department with the lead role in developing Canada's MPA system as a whole – has a reputation problem. Far from being seen as a proponent of the collaborative approach that it is meant to be spearheading (Canada, 2005b; Oceans Act, 1996), the department is widely perceived to have, at best, mixed feelings about working with other stakeholders, First Nations, or other government departments. According to the contributors to this study, DFO officials were "scared to death" of committing to a co-management arrangement with the Race Rocks First Nations; they "railroaded" the Provincial government in the initial Race Rocks designation process; pushed stakeholder priorities off the agenda on the Race Rocks

Public Advisory Board (RRPAB); and were dragged "kicking and screaming" into the Gwaii Haanas planning process.

Even critics admitted that some of the complaints leveled at DFO may be unfair. In comparison to their Parks Canada counterparts, who in Gwaii Haanas were generally seen to be taking collaboration more to heart, DFO's MPA officials have a relatively narrow mandate with which to accommodate the various interests, values and expectations of outside parties. In protecting representative areas of Canada's marine areas, the purpose of National Marine Conservation Areas (NMCAs) like Gwaii Haanas is to promote public education, enjoyment, and sustainable development, recognizing "that the marine environment is fundamental to the social, cultural and economic well-being of people living in coastal communities" (NMCA Act, 2002, p. 1). With the exception of sustaining commercial and non-commercial fisheries, MPAs established under the Oceans Act have none of these broader social goals (see Oceans Act, 1996, s. 35.1). Therefore, while DFO officials were criticized for disregarding stakeholder priorities on the RRPAB, some of these priorities fell outside the scope of their mandate. By contrast, Parks Canada officials in Gwaii Haanas had more "wiggle room" to respond to what they were hearing from stakeholders and their Haida partners (Chapter 2, p. 65). Hand-in-hand with mandates, moreover, go the budgets to implement them. Parks Canada has a multi-million-dollar budget to invest in Gwaii Haanas, whereas the money (or lack thereof) that DFO brought to the table in the Race Rocks planning process was taken as a sign by some stakeholders that it was not genuinely committed to investing in the protection of the area; and inadequate funding was identified as a weakness in DFO's engagement with the First Nations as well. As one DFO official put it, Oceans Act MPAs are the "K-cars" to Parks Canadas "Cadillacs."

Mandates and budgets notwithstanding, though, the prevailing view among those interviewed for this study is that the main reason for DFO's poor reputation is that it has not yet made up its mind, at an organizational level, that it actually *wants* to work with others. Several interviewees pointed out that DFO (under different guises) has had sole jurisdiction of Canada's fisheries for well over a century, and that it has long grown accustomed to a traditional, top-down management approach. Koontz (2006, p. 22) notes that "agencies with strong traditions of technocratic expertise may have a culture and bureaucratic structures that resist collaboration," which is an observation that most would agree applies to DFO. With the advent of the 1996 Oceans Act, which puts a strong emphasis on collaboration, some hoped that a cultural shift at

DFO was coming. When the Minister announced the development of a new Oceans Strategy the following year, citing the "critical need to work together," a stakeholder at Race Rocks felt as though the Minister had thrown the doors open to a new era of engagement and cooperation (Anderson, 1998). However, just 3% of DFO's staff and 2% of its budget[96] are allocated to implementing the Oceans Strategy (including MPAs), which raises the question of how seriously DFO takes its mandate under the Oceans Act (DFO, 2016b). It was not even clear to some that the department particularly cared one way or another whether Race Rocks (which at 2.5km^2 is of no consequence to reaching the government's MPA target) is established, which would help to explain why it has not done more to meet the expectations of the First Nations (see above). Meanwhile, the vast majority of the department's efforts remain focused on fisheries management – a mandate that, unlike oceans management and marine conservation, it shares with no one.

Underlining the point that change is not coming easily to the department, one MPA official equated her position at DFO to the fox in the henhouse due to the internal resistance she and her peers sometimes encounter when the objectives they are pursuing are seen to compete or conflict with fisheries management priorities. As long as DFO is seen as reluctant to collaborate even with the officials tasked with implementing its own mandate it cannot expect others to readily offer their support for MPA initiatives and the collaborative arrangements it proposes to plan and manage them. An underlying issue at Race Rocks was that neither stakeholders, nor First Nations, nor even the Provincial government – all of whom are supportive of an MPA in principle – trusted DFO to work with them in good faith. If the department does not address its reputational problem it will continue to encounter distrust and animosity in other MPA cases, to the detriment of effective collaboration and, ultimately, of marine conservation. Working internally to "foster a participatory and cooperative culture" among its staff (Abrams et al., 2003, p. 6), and demonstrating to outside parties that it is serious about collaboration, need to be a priorities for DFO at the most senior levels, therefore. Whether or not such leadership can be expected under a new Liberal government, which came to power in 2015 and has articulated a strong commitment both to meeting the MPA target of 10% by 2020, and to doing so in

[96] In 2005/16, 305 full-time equivalent positions were allocated to the Oceans Management program, through which the Oceans Strategy is implemented. This is from a national staff of about 10,000. The program spent $47 million of the department's $2.1 billion budget (see DFO, 2016b, pp. 27–28).

cooperation with all interested parties, remains to be seen. Given that the previous Conservative government was widely criticized for its disinterest in conservation and sustainable resource management (MacNeil, 2014; Stacey, 2016); sharing information with the public (Lauriault & O'Hara, 2015; Richter, 2015); or First Nations reconciliation (Joffee, 2010; Jung, 2009); there is at least reason to be hopeful that a change in government could result in a more concerted effort throughout the federal bureaucracy, including DFO, to make collaborative approaches work better.

Recommendations for MPA agencies and practitioners:

- All agencies / departments must be sensitive to how they are perceived by outside parties, and approach collaboration accordingly; if reputation is poor, or trust in the department is low (as it invariably will be for DFO), early confidence-building measures will be needed before diving into substantive (and potentially controversial) topics;
- Recognize that collaboration (i.e., "working together") is not merely consultation; in exchange for their input and support, all outside parties – stakeholders, First Nations, government partners – expect something from lead agencies in return: namely, a credible and appropriate (corresponding with rights and authorities) role in shaping decisions.
- DFO needs to work internally to promote within the department as a whole the collaborative management approach set out in the Oceans Act; senior leadership is essential.

2.3 Intergovernmental cooperation: Getting beyond the legal stuff

With the authority and expertise for regulating marine activities widely distributed within and between national and sub-national levels of government, the management and protection of Canada's oceans is a "shared responsibility" (Canada & British Columbia, 2014, p. 1). This has not always meant, though, that government organizations have worked well together to exercise this responsibility. A lack of effective cooperation, even between the federal agencies tasked with establishing Canada's MPA system – DFO, Parks Canada, and Environment Canada – is one of the main reasons progress in developing MPAs has been so slow (Canada, 2005b; Gardner et al., 2008; OAG, 2012; Rutherford et al., 2010). Part of the problem, this study found, is that government departments are highly protective of their individual mandates and may view MPAs as a threat to the status quo. Notwithstanding the fact that statutes and policies clearly state that the creation of MPAs will not affect existing mandates and authorities (see Canada, 2002, 2005b, p. 10, 2011, p. 13; NMCA Act, 2002, s. 9.4; Oceans Act, 1996, s. 40.1), the Department of National Defense (DND) worried that a federal MPA at Race Rocks would put pressure on it, as a branch of the GoC, to cease activities that it conducts for military training

purposes, but which can be disruptive to marine wildlife. At Gwaii Haanas, many believed that DFO viewed the NMCA, and the model of consensus-based decision making on the AMB, as unwelcome complications to its fisheries management mandate.

The results of this study support the criticism that government departments have a 'turf mentality' when it comes to their jurisdictions (Jessen, 2011; Kearney et al., 2007), while also helping to explain why this is the case. Even if it is true that MPAs do not override the existing authorities of other government actors, they change the regulatory landscape and introduce new conservation objectives that other branches of the GoC cannot simply ignore. Government departments cannot be blamed for wanting to ensure that this will not interfere with mandates that they are, after all, statutorily responsible for fulfilling. It is also important to keep in mind that these departments may be answerable to stakeholders who will be adversely affected by new MPA regulations and governance regimes. DFO's principle constituency in Gwaii Haanas, the commercial fishing industry, was loud and clear about its discomfort with the NMCA and the prospect of DFO ceding fisheries management decisions to the AMB. Before committing to support MPAs, therefore, non-lead departments want to be sure that MPA officials and decision makers understand their interests, authorities, and concerns; the onus is on lead agencies to show their counterparts that they do.

MPAs and, more broadly, integrated oceans management will not succeed unless all government actors become less protective of their mandates and more comfortable with some blurring of the lines between their respective jurisdictions. They need to get past the "legal stuff," as a Parks Canada official put it (Chapter 2, p. 57), and concentrate on developing constructive inter-departmental relationships. This matters not just for getting MPAs established more quickly, though that is currently a priority for the federal government. From the perspective of stakeholders in the Gwaii Haanas and Race Rocks cases, the credibility of the collaborative planning processes they were involved in (multi-stakeholder advisory bodies as well as bilateral/sectoral consultations) was diminished when government decision makers were preoccupied with resolving their own jurisdictional disputes (this issue is elaborated further in the next section). Reiterating the point made above with respect to DFO, the need for senior political leadership is an overarching requirement for overcoming the obstacles to successful collaboration at the local (MPA-site) level, including the problem of mandate protectionism. As a DFO official in Gwaii Haanas explained, frankly, his responsibility was to implement the

mandate he had been assigned, so that unless someone at DFO directed him to do otherwise he wasn't going to 'surrender' to Parks Canada's mandate within the protected area (see Chapter 2, p. 57). Similarly at Race Rocks, it is clear that the priority for DND officials in that case was to ensure that the department's own activities would not be affected by an Oceans Act MPA, rather than to assist DFO in fulfilling its mandate. Until the signal from senior leaders is that government officials are expected to make collaboration with other departments a priority, too, it won't be.

Recommendations for MPA agencies and practitioners:

- Establish relationships and lines of communication early in a planning process with counterparts in departments whose support for MPA objectives will be needed, and/or who could be impacted by new MPA mandates and regulations. This is particularly important if these departments (e.g., DND) are not otherwise engaged in MPA planning through existing oceans governance structures.[97]
- Develop site-specific MOUs that clarify the responsibilities of lead and non-lead agencies with respect to intergovernmental cooperation during both the planning and ongoing management phases; include funding commitments, if necessary;
- Try to resolve jurisdictional issues before engaging stakeholders in planning processes.

2.4 Credible multi-stakeholder collaboration in a multi-track process

One of the principle arrangements put in place by DFO and Parks Canada to engage stakeholders in the Race Rocks and Gwaii Haanas planning processes were multi-stakeholder advisory bodies, a common tool for collaborative MPA planning and management (Blue Earth Consultants, 2012; Borrini-Feyerabend et al., 2013; K. Davis et al., 2014; Day & Dobbs, 2013; P. Jones et al., 2011b; Sayce et al., 2013). The Gwaii Haanas Marine Advisory Committee (GHMAC) and the Race Rocks Public Advisory Board (RRPAB) were different in some important respects (most notably, the fact that most RRPAB members spoke on behalf of an organization or constituency, whereas GHMAC members represented only themselves), but both had the same basic function of bringing members of all interest groups together – regularly, and over the duration of the planning process – to share information, deliberate, and come to a consensus on how the protected areas should be designed and implemented.

In the literature on resource management, the inclusive membership and focus on consensus building of advisory bodies like the RRPAB and GHMAC is typically what is meant by

[97] See DFO (2014) for details of oceans governance / coordinating structures in the Pacific Region.

"collaborative" planning (Abrams et al., 2003; Gunton et al., 2010; Hedley & Willison, 2007), and in the introduction (Chapter 1) I suggested that the RRPAB and GHMAC could, depending on how they were implemented, fulfill Ansell and Gash's criteria for a collaborative forum, which are that (1) the forum is initiated by a public institution; (2) participants include non-state actors; (3) participants engage directly in decision making and are not merely 'consulted'; (4) the forum is formally organized and meets collectively; (5) the forum aims to make decisions by consensus; and (6) the focus of collaboration is on public policy or public management (Ansell & Gash, 2008, pp. 2–3). In practice, however, both advisory bodies fell short of the mark. This was not so much because, as their names indicate, no actual decision making authority is delegated to these bodies – the same is technically true of the AMB in Gwaii Haanas, the members of which are nonetheless 'directly engaged' in decision making. Rather, it was because some of the most important deliberations and decisions concerning the proposed protected areas did not occur at the multi-stakeholder table, and some of the key government and First Nations actors at these sites participated only occasionally, or not at all, in the multi-stakeholder advisory processes.

It makes sense that the consultation and deliberation that goes into designating and managing MPAs occurs along multiple tracks, given the diverse rights, roles, interests and capacities of interested parties. Stakeholders do not have the same rights as First Nations with respect to consultation and accommodation, and it would not be appropriate for them to sit in on all of the conversations between Government and First Nations representatives. Likewise, issues that are important to some stakeholder groups may not be of interest to others, in which case targeted consultations will be most suitable. In Gwaii Haanas, therefore, planners employed a variety of outreach tools to engage members of the public, including some 70 sector-specific meetings with members of the commercial fishing industry (due to its smaller size, most stakeholder engagement in Race Rocks was accomplished through the RRPAB). It would be a mistake, though, to lose sight of the value of advisory bodies as forums not simply for lead agencies to receive input from outside parties, but for all parties to hear and learn from each other, build trust, and work constructively together to come to consensus-based positions (Goetz, 2004; Pomeroy & Douvere, 2008; Yaffee & Wondolleck, 2003). A shortcoming of the RRPAB and GHMAC, from the perspective of those involved, was not that these advisory processes were poorly attended by stakeholder representatives – which is known to be a challenge when

implementing collaborative processes (K. Davis et al., 2014; Hedley & Willison, 2007; Manwaring & Nutter, 2014) – but that government and First Nations organizations were not more involved. Beecher Bay First Nation, Songhees Nation, and T'Sou-ke Nation at Race Rocks, and DFO and the CHN at Gwaii Haanas, are not the lead agencies in these cases; but by virtue of their statutory authorities or traditional ownership of the areas they will determine (together with lead agencies, how these MPAs will be implemented. It was important to other members of the RRPAB and GHMAC, therefore, that they were at the multiparty table to hear from stakeholders, answer questions and, perhaps most importantly, show their support for the MPA initiatives. Representatives of the Race Rocks nations did not participate at all on the RRPAB, however (they were kept informed of the proceedings by a liaison hired by DFO); and DFO and the CHN attended only a few GHMAC meetings.

That participation will lead to real influence over decisions is the *sine qua non* of a participatory decision making process, and the absence of key decision makers from the RRPAB and GHMAC, combined with a lack of transparency about the discussions and decisions being taken by these actors and the lead agencies outside the advisory process, diminished these bodies as arrangements for genuinely collaborative planning. This is an important point, because it relates to the fact that lead agencies do not have exclusive jurisdiction within MPAs in the way that they may do on land, and therefore cannot address all of the interests and concerns that stakeholders might have with respect to the protected area (VanderZwaag & Macnab, 2011). Even though non-lead government departments and First Nations are not directly responsible for consulting with stakeholders, therefore, MPA officials need to impress upon them the need to be represented at the multiparty table. In the context of a multi-track planning process, the credibility of the multi-stakeholder forum will also be enhanced if participants are better informed about the deliberations and decisions taking place in other, less inclusive forums (see Chapter 3, Recommendation 3, p.129).

Recommendations for MPA agencies and practitioners:

- Urge all key government and First Nations organizations to participate – at least on an ad hoc basis – in multi-stakeholder forums;
- As above, try to resolve jurisdictional issues and finalize co-management agreements before convening stakeholder advisory bodies so that stakeholders can be confident they are not investing in a dead-end process;

- Learn what 'genuine collaboration' means to stakeholders and discuss how expectations can or, conversely, cannot be met so that they can make an informed decision about whether or not to take part in a planning process;
- Be proactive about information sharing; treat advisory bodies as information hubs, whereby the details of deliberations and decision-making that takes place in other, less inclusive forums is relayed back to the members of these bodies (within limits of privacy and confidentiality).

2.5 The importance of interpersonal relationships

One of this study's main objectives was to explore the role of interpersonal relationships for effective collaboration, and how relationships can be alternately strengthened or weakened through an MPA planning process. Although relationships are commonly identified in the resource management literature as an important asset for collaboration (Wagner & Fernandez-Gimenez, 2008), their specific function in a given planning or management context is rarely elaborated. Presented in Chapter 4, the results of this study confirmed that relationships are, indeed, fundamentally important to the effectiveness of a collaborative approach, and provided some concrete examples as to why. In the absence of personal relationships, people are less willing to share their views, or tackle controversial issues; consensus-building is harder and more time consuming; and requests for involvement and support go unanswered. Because they can't do their jobs without them, MPA officials spend a "disproportionate" amount of time and effort working to establish and maintain the relationships they need within government (Chapter 4, p. 147), and lead agencies state that strengthening relationships is one of the purposes of their consultations with stakeholders, First Nations and other interested parties (see for example Canada & Haida Nation, 2010; DFO, 2009b; DFO et al., 2010; Parks Canada, 2008).

While recognizing that good relationships are needed for MPAs to succeed, though, the evidence from Gwaii Haanas and Race Rocks suggests that lead agencies are not doing enough to ensure that relationship building is, in fact, an outcome of their engagement processes. Such an outcome is by no means guaranteed (P. Jones et al., 2011a; Singleton, 2009; Wagner & Fernandez-Gimenez, 2008), and the results from the two cases in this study are mixed. The Gwaii Haanas AMB has, by all accounts, been an effective forum for relationship building. Trust between members from Parks Canada and the CHN grew appreciably over the board's first 15 years (contributing to an overall improvement in relations between Canada and the Haida), and relationships on the board were said to have developed well since the board's membership was

expanded from four to six with the establishment of the NMCA in 2010. The GHMAC, too, provided a good space for participants to learn from and with one another, and for Parks Canada to strengthen its connections with the stakeholder groups represented on the Committee. On the other hand, relations with the commercial fishing industry, the only stakeholder group that actually voiced serious reservations about the NMCA (based in part on a lack of trust in Parks Canada) did not improve. They may, in fact, have been damaged by the perception that the NMCA had been "forced down their throats" (Chapter 2, p. 69), despite this group as a whole being consulted far more extensively than any other. Somewhat surprisingly, given the overall impression from respondents that the RRPAB was a flawed and acrimonious process, some respondents said that it was nonetheless a good venue for resource users to meet and discuss their shared interests, strengthen lines of communication, and build mutual understanding. With respect to the relationship between participants and DFO, however, officials made little if any progress repairing the reputational damage caused by the department's handling of the first designation process a decade earlier; and while the relationships between DFO and the local First Nations were said to be gradually improving as a result of their ongoing consultations, the highwater mark in this relationship building was a Memorandum of Understanding respecting cooperative relations[98] that expired without any tangible cooperation taking place.

In Chapter 4, I warned that lead agencies should not assume good relationships will materialize by simply sitting down with interest groups, but that relationship building in an MPA process requires deliberate attention and effort, and that relationships can be damaged if a collaborative process is ill-conceived or poorly implemented. Moreover, there are a number of systemic issues that can make even sincere efforts at collaboration and relationship building difficult. Principle among these is the centralization of government decision making, whereby local officials often have little if any authority to make joint decisions with outside parties (including other government partners and First Nations), or even provide them with information in a timely manner. This can be deeply frustrating for those they are working with, and it makes relationships that depend on a degree of openness and reciprocity more difficult to establish. The implication for lead agencies is that, to build genuinely collaborative partnerships, they need to

[98] See DFO et al. (2010).

give their representatives more freedom to exercise their own judgement, rather than insisting that everything go back to regional or even national headquarters for approval.

Another practical issue with respect to relationship building is that personalities matter. Relationship building can be hard, especially when core interests and values are at stake, and some people are simply better at it than others. This is partly about having the skills to make personal connections and build trust. More fundamentally, it is about having the right attitude. If people *want* to build good relationships, said one MPA official, they will be able to acquire the skills they need to do so; if not, they "can take all the training [they] want and still suck at it" (Chapter 4, p. 156). MPA agencies need to think about whom they assign to engage with outside parties, therefore, and the direction, training, and mentorship these officials are provided with.

Recommendations for MPA agencies and practitioners:

- Empower MPA officials working with outside parties at the local (MPA site) level with a greater degree of autonomy and authority to share information, answer questions, and make credible commitments with respect to MPA-related decisions.
- Consider 'soft skills', interpersonal experience, and familiarity with the interests and expectations of MPA stakeholders, First Nations and government actors when recruiting and assigning staff to engage with these outside parties;
- Provide on-the-job training and mentorship to further develop relationship-building skills.

3 Areas for future research

In the introduction to the dissertation I noted that, by concentrating on just two cases, the study would offer a snapshot rather than a panoramic view of the MPA planning context in Canada. In retrospect, I believe it captured more of that context than I had anticipated. For example, the arrangements that were put in place to facilitate collaborative planning (multi-stakeholder advisory bodies; sector-specific consultations; cooperative management boards, etc.) were informed by – and therefore demanded attention to – statutes and policy guidelines that apply to the MPA program as a whole. Moreover, how those arrangements were judged by participants related to issues that reached well beyond the MPA in question, including Aboriginal rights and aspirations; organizational reputations; historical antecedents; and stakeholder interests and values. Understanding the cases meant understanding something of these bigger issues, too. As well, many study contributors, including most government officials, were familiar with – if not directly involved in – other MPA or marine planning initiatives in addition to Gwaii

Haanas and Race Rocks, and drew on these experiences, too, when addressing the interview questions. Therefore, while the results from just two cases cannot be generalized to all current and future MPAs in Canada's federal system, the key findings outlined in the previous section will be salient in many of them. It is also largely with respect to this broader context, though, that the study left questions unanswered, and illuminated areas for future research.

More work needs to be done to clarify the role that senior government decision makers can play in making collaborative MPA planning work well. Senior officials are not directly involved in collaboration at the scale of a specific MPA, but their interventions (or lack thereof) clearly matter, and should be better understood. Two issues, in particular demand further attention. The first concerns the role of senior officials within their own departments, and the second their role building awareness and support from their counterparts in other departments. As highlighted above, an overly centralized decision-making structure undermines the ability of local officials to engage meaningfully with outside parties; it is largely up to senior officials to change this. What can they do to reverse this centralization and delegate more decision-making responsibilities to local officials? At the very least, how can interdepartmental communication be streamlined so that outside parties are not left waiting for decisions to be made, or questions answered? With respect to interdepartmental cooperation, jurisdictional conflicts and mandate protectionism were shown to impact collaboration at the MP site level, but only better collaboration between government organizations at an executive level will ultimately resolve this issue. A research project that applied the same analytical framework as this one, but focused instead on collaboration within departments, from top to bottom, and between governments at an executive level, would help to fill an important gap left by the current study. It might also shed more light on the matter of organizational culture and, perhaps, help DFO, in particular, find solutions to its reputation problem. Is Parks Canada really a more collaborative organization than DFO and, if so, why? Several of the contributors to this study flagged DFO's dual mandate (for fisheries management under the Fisheries Act; and for MPAs and integrated oceans management under the Oceans Act) as a complicating factor. If that is true, what are the implications for the department moving forward?

With respect to the crucial issue of Government-First Nations cooperation, I suggested that lead agencies need to "push the envelope" and "get creative" with the arrangements they put forward to enable this. First Nations expectations for 'true cooperation' were highlighted above,

and the basic elements of a successful co-management arrangement have also been outlined elsewhere (see CPAWS, 2009, pp. 51–52). MPA practitioners would benefit, though, from research that elucidated concrete strategies to meet these expectations within the constraints (statutory, regulatory, financial) that they face. One good example of the type of creative solutions that are needed is the so-called 'parallel text' in the 1993 Gwaii Haanas agreement, which acknowledges – without affirming – the competing claims of the Haida and Canada to sovereignty in Haida Gwaii (see Canada & CHN, 1993, Preamble). Research of this kind would depend, naturally, on input from First Nations communities and government representatives, and would ideally be conducted by or with First Nations researchers. A shortcoming of the current study was that direct input from First Nation's representatives was relatively limited. This was due in part, I believe, to the fact that I did not have connections to the First Nations communities or organizations in Gwaii Haanas and Race Rocks, and might not have been trusted to collect and interpret their views correctly or approriately.

An idea that merits further investigation is that, under the right conditions, First Nations involvement in managing federal MPAs can help to cement their status as an order of government with de facto authority for managing the resources within their territories. This is something that a contributor to this study suggested Gwaii Haanas (marine and terrestrial) has enabled the CHN to do, by raising its public profile as a governing body, and establishing a track record of effective resource management. If other MPA cases can be designed with this objective in mind, it would not only increase the likelihood of First Nations support for MPAs, but provide a valuable tool for reconciliation between the governments of Canada, BC, and the province's First Nations. It should be noted, though, that wrapping MPAs up in the politics of reconciliation will make some non-aboriginal stakeholders uneasy; their voices, too, will need to be heard by those researching this topic.

Finally, a question that the study raised without offering a satisfying answer is how much time and effort should lead agencies devote to relationship building in the pre-designation phase (before an MPA is formally established), and when should they press ahead and designate MPAs even if that means some relationships could be harmed as a result? This question is particularly relevant today, as Canada tries to make up for lost time and rapidly increase the coverage of its MPA network to 10% by 2020 (from a current total of little more than 1%). In order to answer the question, it would be helpful to explore more cases to better understand (1) the impact on

relationships when MPAs are established in the face of opposition; (2) the consequence of damaged relationships for ongoing collaboration; and (3) how opportunities for relationship building differ from the pre-designation planning phase (the timeframe for this study[99]) to the post-designation management phase. It is conceivable that building collaborative relationships becomes easier once an MPA is in place, at which point lead agencies, management partners, and stakeholders can work together on concrete tasks, demonstrate their commitment to working together in good faith, and build confidence that their collective efforts will lead to tangible results (Ansell & Gash, 2008; Bouwen & Taillieu, 2004). Moreover, a pre-designation planning process that drags on with no tangible progress could do more harm than good to relationships, in which case moving through the designation phase relatively quickly would make sense (Gardner et al., 2008). However, if designating an MPA comes at great cost in terms of the time and effort that must subsequently be spent rebuilding trust, and even defending the legitimacy of the protected area, then delay might be the more prudent course. It would be useful, therefore, to explore cases in which post-designation relationship and trust-building has been pursued, and to conduct longitudinal studies that evaluate relationships and relationship building across the phases of one or more MPA projects.

4 Conclusion

So to what extent are federal MPAs in BC established collaboratively? Perhaps unsurprisingly, the answer is 'to some extent.' On one hand, DFO and Parks Canada spent a considerable about of time, and employed a variety of methods, to ensure that all interested parties were engaged in these planning processes. Central to the engagement of stakeholders in both cases (though more so in Race Rocks, where it was possible to bring everyone together around the same table) were multi-stakeholder advisory bodies, which facilitated information sharing and consensus building; improved understanding among lead agencies and participants about the issues and interests at stake; and created new relationships, or strengthened existing ones, between representatives of participating groups. With respect to the crucial issue of Government-First Nations cooperation, expanding Gwaii Haanas into the marine environment

[99] Gwaii Haanas was in a transition phased at the time of the study. The NMCA had been designated two years previously, but little had taken place in the way of management activities. The next step (which is still ongoing, though it should have been completed in 2015) is to develop a comprehensive management plan for the site (see NMCA Act, 2002, s. 9.1).

was the successful continuation of a co-management partnership between Parks Canada and the CHN that has been in place since 1993 (the creation of the NMCA was a joint initiative on the part of these two organizations and DFO), and the AMB is a genuine example of co-management as an equal partnership (notwithstanding the fact that the term 'co-management' itself is officially avoided). Even Race Rocks, which could at best be characterized as a qualified failure (the MPA remains undesignated, but DFO claims to have learned a great deal from the experience and to have made gradual improvements in its relations with the local First Nations) shows that DFO is unwilling to establish MPAs without First Nations support – far from a full-throated endorsement of a collaborative approach, but an important precedent nonetheless.

One the other hand, both cases revealed significant doubts from stakeholders that lead agencies were sincere about including them in the decision making process in a meaningful (i.e., influential) way. DFO was the object of more skepticism in this regard, but the commercial fishing industry in Gwaii Haanas had very little faith that Parks Canada (or, it should be added, the CHN) gave serious consideration to their interests. It is worth emphasizing that the success of Gwaii Haanas lies mostly in the collaborative partnership that has been established between the GoC and the CHN. This is not a case of a government agency sharing its decision-making power and responsibility with stakeholders, as "collaboration" implies (Kearney et al., 2007); rather, it is a narrower example of the government recognizing the rights and authorities of a First Nation – the Haida – as the traditional owner of the area, and a reflection of the important evolution of First Nations in BC from 'stakeholder' group to government actor.[100] For stakeholders, though, it was unclear to those in either Gwaii Haanas or Race Rocks that their involvement in these processes actually made much difference to final outcomes, especially in comparison to the more consequential negotiations that took place between government and First Nations actors behind

[100] An illustration of this important change in the acknowledged status of First Nations can be seen in the development of the joint Canada-BC MPA Network Strategy. This document was released in 2014, but it has its roots in a 1998 Discussion Paper and was also preceded by a 2011 draft version. In both the Discussion Paper and the 2011 draft, First Nations are grouped together with stakeholders in reference to "joint" or "collaborative" decision making (see Canada & British Columbia, 1998, p. 2, 2011, p. 5). By 2014, however, the Strategy had been revised to make an explicit distinction between First Nations (with whom "government agencies will employ a collaborative decision-making process") and stakeholders (with whom "government agencies will provide meaningful opportunities for participation, consultation and information exchange") (Canada & British Columbia, 2014, p. 1).

closed doors. That the MPA officials tasked with working with stakeholders had so little authority or autonomy, only reinforced this view.

Gwaii Haanas and Race Rocks offer little evidence, furthermore, that cooperation within and between branches of government has become an established norm. On the contrary, intergovernmental collaboration takes a back seat to mandate protectionism, and the MPA officials responsible for Race Rocks and Gwaii Haanas had to work hard to ensure that other departments understood and supported (or at least would not block) their protected area initiatives. With respect to Government-First Nations cooperation, finally, one further caveat to the success of Gwaii Haanas should be given, which is that this success is neither complete nor even guaranteed. It depends entirely on the ongoing commitment of all parties to consensus-based decision making, and the partnership could yet come undone if any of the participating organizations (all eyes are on DFO) choose to act unilaterally rather than consensually. Meanwhile, at Race Rocks, despite fifteen years of on-off negotiations, DFO failed to meet First Nations expectations for a cooperative partnership. Not all of the blame for this should be placed on the department; my view is that the First Nations could probably have done more, too, to reach and implement an agreement to establish and co-manage the MPA. That they didn't, though, is largely due to the fact that DFO gave them little reason to believe that it was truly committed to collaboration.

There is still a great deal of work to be done to make MPA planning and management in BC more collaborative, therefore. To this end, and as a contribution to the growing body of work on protected area governance and management, this dissertation has illuminated some of the key challenges and shortcomings of the current approach; offered insights and recommendations for MPA agencies and practitioners to address these problems (senior leadership within all government departments – lead, and non-lead – is an overarching requirement for addressing all of the obstacles found at the local, MPA site level); and suggested elements of a future research agenda. While every case is unique, it is expected that the lessons from the Gwaii Haanas and Race Rocks experiences will be valuable to those involved in designing and implementing MPAs – and attempting to do so collaboratively – beyond BC and Canada as well.

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Appendices

Appendix A – Certificate of Approval, University of Victoria

University of Victoria

Human Research Ethics Board
Office of Research Services
Administrative Services Building
PO Box 1700 STN CSC
Victoria British Columbia V8W 2Y2 Canada
Tel 250-472-4545, Fax 250-721-8960
Email ethics@uvic.ca Web www.research.uvic.ca

Certificate of Approval

PRINCIPAL INVESTIGATOR	**Philip Akins**	**ETHICS PROTOCOL NUMBER**	**12-208**
UVic STATUS:	**Ph.D. Student**	ORIGINAL APPROVAL DATE:	13-Jun-12
UVic DEPARTMENT:	**GEOG**	APPROVED ON:	13-Jun-12
SUPERVISOR:	**Rosaline Canessa**	APPROVAL EXPIRY DATE:	12-Jun-13

PROJECT TITLE: **Actor networks and marine protected areas in British Columbia: Making collaboration work**

RESEARCH TEAM MEMBERS: None

DECLARED PROJECT FUNDING: **None**

CONDITIONS OF APPROVAL

This Certificate of Approval is valid for the above term provided there is no change in the protocol.

Modifications
To make any changes to the approved research procedures in your study, please submit a "Request for Modification" form. You must receive ethics approval before proceeding with your modified protocol.

Renewals
Your ethics approval must be current for the period during which you are recruiting participants or collecting data. To renew your protocol, please submit a "Request for Renewal" form before the expiry date on your certificate. You will be sent an emailed reminder prompting you to renew your protocol about six weeks before your expiry date.

Project Closures
When you have completed all data collection activities and will have no further contact with participants, please notify the Human Research Ethics Board by submitting a "Notice of Project Completion" form.

Certification

This certifies that the UVic Human Research Ethics Board has examined this research protocol and concluded that, in all respects, the proposed research meets the appropriate standards of ethics as outlined by the University of Victoria Research Regulations Involving Human Participants.

Dr. Rachael Scarth
Associate Vice-President, Research

Certificate Issued On: 13-Jun-12

12-208 Akins, Philip

Appendix B – Letter of introduction

Dear [NAME]

My name is Philip Akins. I am a doctoral student at the University of Victoria and I am conducting research on the nature of collaboration and decision-making in marine conservation. Specifically, I am interested in how those participating (directly or indirectly) in federal marine conservation projects in British Columbia (Marine Protected Areas and National Marine Conservation Areas) share information, discuss ideas and make decisions, and what some of the challenges of collaboration are that may have an impact on these projects.

The title of this study is **Actor networks and marine protected areas in British Columbia: Making collaboration work.**

Because of your involvement in [the case study] as [their involvement: planner; stakeholder representative, etc.] your input would be very helpful to this research. I am writing to you today, therefore, to request your participation, which would involve an interview (phone or in-person, requiring approximately 1 hour) and follow-up online questionnaire (requiring approximately 15 minutes). Attached is a 3-page Backgrounder on the project, or you can visit MakingCollaborationWork.ca for more information.

If you are willing to participate I will forward you a consent form that outlines the objectives of the project and the conditions of your participation. The next step would be to set up an interview time and location (for in-person interviews). I will be conducting interviews beginning this month and continuing throughout the Fall (2012).

Please contact me when you have an opportunity to do so (my phone and email are below). Again, both the interview and questionnaire can be completed whenever it is most convenient for you to do so, and the duration of the interview can be modified to accommodate your schedule.

Many thanks for your consideration,

Sincerely,

Philip Akins

[contact info]

Appendix C – Project Backgrounder

British Columbia's marine areas are valued in many different ways, and addressing the diverse interests at stake can be a significant challenge for those involved in the management and stewardship of these areas. Most will agree, however, that maintaining the integrity of marine ecosystems for our own and future generations should be a priority.

With this in mind the Canadian government has laid out a strategy to establish protected areas – Marine Protected Areas (MPAs), National Marine Conservation Areas (NMCAs) and Marine Wildlife Areas (MWAs) – throughout the country's three oceans and Great Lakes. By placing limits on how natural areas can be accessed and used, protected areas can create costs as well as benefits. For this and other reasons they can be controversial. An objective of Canada's marine protected area strategy is to enhance participation and collaboration in order to ensure that protected area management will be a success. Participation and collaboration are challenging principles to put into practice, however. For the actors involved they can imply significant time commitments, financial investments, and even risks, in return for benefits that may be uncertain.

PURPOSE OF THE STUDY

The objective of this doctoral research project is to understand how and why collaboration is practiced within a network of decision-makers, resource users and others involved in federal marine protected area initiatives in British Columbia. By studying collaboration in two cases – Gwaii Haanas NMCA in Haida Gwaii, and the proposed Race Rocks MPA near Victoria – it aims to draw case-specific as well as more general conclusions about the underlying factors that facilitate collaboration – including unofficial or informal examples of collaboration – and what sorts of outcomes we can expect from these examples.

EXAMPLE QUESTIONS

- What does collaboration mean to those involved?
- How are issues discussed among individuals and groups?
- Why do people choose to engage with others? What, conversely, prevents them from doing so?
- Is collaboration strictly a formal activity, or are there important ways in which it occurs outside official channels?
- Is there such a thing as "bad" collaboration, and what can government and other actors do to ensure that the conduct and outcomes of collaboration are positive.

RESEARCH CONTRIBUTION

Putting the principle of collaboration into practice can be complex and costly. Ensuring that the often-considerable investments being made are effective, therefore, and that the outcomes from their collaborative experiences are meeting the expectations of those involved, is essential for the success of Canada's marine protected areas strategy. This project will contribute towards our understanding of how this can be achieved.

Your participation – Summary of interview and questionnaire:

As someone with an interest and/or involvement in one of the two protected area case studies for this project – the Gwaii Haanas NMCA or proposed Race Rocks MPA – your participation would be greatly appreciated. Participation involves an interview and short questionnaire.

INTERVIEW

Interviews will take about one hour and focus on the following key questions:

How have you collaborated with others and what, in your experience, makes collaboration work?

You will be asked to describe how you engage with others to share information and ideas, build or strengthen relationships, and make decisions. How do you inform yourself about the protected area? How do you get your own ideas or knowledge out there to others? How do you communicate your needs, goals and concerns?

And what are your views on collaboration itself? What do you achieve by investing your time and energy in it? What are the best kinds of collaboration? What makes collaboration *not* work?

In the interview you may also be asked to contribute to a social network analysis (SNA). Who have you discussed the protected area most closely with, and whose ideas and knowledge has been most helpful to you as you participate in, or make sense of the protected area? (What does the protected area mean, for example, to people and communities? What will its impacts be on the marine ecosystem?). The purpose of the SNA is twofold. Firstly, it will help me identify the individuals (and thus not exclude from the study) anyone who has played an important part in developing the protected area, whether this is by being directly involved or by adding their voices indirectly. Some of these people may then be invited to participate in the study if they have not already done so (for the purpose of privacy you need not identify by name anyone who you believe might not want to be contacted by the researcher). Secondly, the social network

analysis will play a key part in describing and explaining how important information and ideas about the protected area are spread within the community, or "network", of people who are involved in and affected by it.

As a participant you will receive a full list of questions ahead of the interview, which will be conducted either by phone or in-person at a convenient time and location.

You may verify the ethical approval of this study by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca). Ethics protocol number for this project: 12-208.

University of Victoria Geography

Philip Akins
PhD Candidate and Principal Investigator
[redacted]

Department of Geography
University of Victoria
ph. 250-721-7327
geoginfo@uvic.ca

Appendix D – Consent form

Department of Geography
PO Box 3060 STN CSC
Victoria, British Columbia, V8W 3R4
Canada
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Fax (250) 721-6216

Participant Consent Form

Actor networks and marine protected areas in British Columbia: Making collaboration work

You are invited to participate in a study being conducted by Philip Akins, a graduate student in the Department of Geography at the University of Victoria. As a graduate student, I am required to conduct research as part of the requirements for a doctoral degree in Geography. This study is being conducted under the supervision of Dr. Rosaline Canessa.

The research

The objective of this research project is to understand how collaboration is practiced within a network of decision-makers, resource users and others involved in federal marine protected area initiatives in British Columbia. Collaboration is understood here to include any event – formal or informal, public or private – in which people are engaging directly with one another to share information and ideas, address differences, and/or make decisions relating to one of two marine protected area cases. By studying collaboration in these two cases – Gwaii Haanas National Marine Conservation Area Reserve (NMCAR) in Haida Gwaii, and the proposed Race Rocks Marine Protected Area (MPA) near Victoria – it aims to draw conclusions that are specific to these cases as well as broader lessons about what makes collaboration work in the context of our marine areas.
Research of this type is important because it concerns a key challenge for contemporary natural resource management: coordinating action to accommodate increasingly diverse interests, values, and needs in the face of complex and often rapidly changing ecological conditions. This project will contribute to our understanding of the part collaboration can play in addressing that challenge, and the implications of this for designing and managing successful marine protected areas.

Your participation

You are being asked to participate in this study because of your involvement, interest and/or expertise in one or both of the cases listed above. Your participation will involve:

Personal interview (approximately one hour)

The interview will focus on your involvement with the protected area and the individuals or groups with whom you have been engaged. The location of interviews can be chosen at your convenience, or conducted over the phone.

☐ I agree

Interviews will be **audio-recorded** to facilitate note-taking (leave unchecked if you would prefer that your interview is not recorded, or would like to discuss it first).

☐ I agree

Questionnaire (approximately 15 minutes)
The questionnaire will focus on your perspectives relating to the protected area, and your responses will be included with the information you provide in the interview (it is not an anonymous survey). You will receive the questionnaire shortly after your interview.

☐ I agree

Please check the boxes above to confirm your consent to the interview and questionnaire (double-click the boxes if you are viewing this form in Word).

Voluntary participation

Your participation in this research is completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study you may receive a request for some of your data to be used in a specified way. You have every right to refuse any such request, in which case your data will be destroyed (electronic files will be deleted).

Inconvenience and risk

Participation in this study may cause some inconvenience to you in terms of the time lost for other priority activities. There are no known or anticipated risks to you by participating in this research. Please refer to the section on Anonymity (below) in which some limitations to your anonymity are described. If you perceive any risk of harm to you as a consequence of these limitations, please raise these with the Principal Investigator before submitting this consent form.

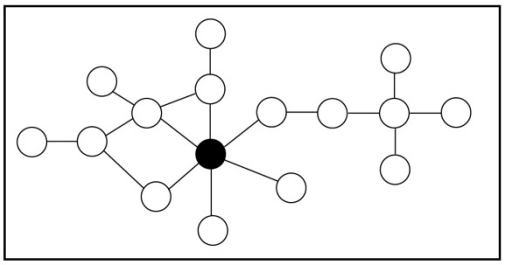
Benefits

This study aims to produce new knowledge that you, your community, and others might benefit from. This may include an improved understanding of the opportunities for, and barriers to collaboration for the purpose of successful marine resource use and conservation. Outputs of the study will include depictions of the state of collaboration in the two case studies, and other data to assist in facilitating effective collaboration in the future.

Anonymity

No information you provide in the interview or questionnaire will be attributed to you, and all results (including graphics) will be disseminated anonymously. However, please note the following necessary limitations to your anonymity:

- The Principal Investigator alone will be able to attribute to you any information you provide.
- In the case of events which the Principal Investigator attends as an observer, these will be public or semi-public settings and anonymity cannot therefore be provided. Any recorded data, however, will be protected according to the confidentiality statement below.
- Due to the familiarity that may exist between you and other research participants, others may be aware that you have participated in this project.
- It is possible that other participants in this project will name you as someone with whom they are connected, whereas you may not name them in return. In order to protect the confidentiality of the participant, this information will be disclosed to the Principal Investigator (but to no one else) without your knowledge. By consenting to participate in this study you are acknowledging and accepting this possibility. In turn, please do not provide the Principal Investigator with the names of individuals whom you believe might consider this a breach of their privacy (for example, because they are not publicly involved in the case study). You will be instructed how to proceed in this case.
- Through graphical representations that will be one of the products of this study it may be possible in certain circumstances to accurately guess where you are "situated" within a social network of actors involved in the case study. This could be guessed – though never confirmed – in spite of all data being displayed anonymously. As in the figure shown, for example, it might be possible for others to guess, based on your connections in the real world, that you are represented by the solid black node. This would reveal how central (or peripheral) you are within that network. Again, it will not be possible for others to confirm your identity or to discern any other information you provide (e.g., interview and questionnaire responses). Note that this limitation to anonymity exists primarily for individuals who are well connected and whose "centrality" within a network is already well known.



Confidentiality

The confidentiality of your information (all responses to interview questions and the questionnaire, in addition to recorded notes from observed events) will be protected in the following ways:

- Identifiable information will only be linked to the information you provide by a random code; at no time will your name and contact information be directly linked to your interview and questionnaire responses.
- All research data will be stored on a password protected, encrypted computer and backed-up to a secure web-based file storage service. Identifiable information will be stored digitally in a separate password-protected location, and/or in paper form in a locked filing cabinet.

- Please be advised that information about you that is gathered for this research study uses a web program located in the U.S. As such, there is a possibility that information about you may be accessed without your knowledge or consent by the U.S. government in compliance with the U.S. Patriot Act.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways:

- Doctoral dissertation
- Presentation of initial findings to project participants (focus groups)
- Published article(s) in academic journals
- Presentations to conference and class presentations
- Project website designed to share results with project participants as well as broader public.

Please note that at any time during the project or after its completion you may request a copy of the research data that you provide, including interview transcripts and questionnaire responses.

Future research

This research is being conducted as part of the requirements for a doctoral degree. In future the Principal Investigator, independently or in collaboration with others, may wish to use the analyzed data for related research projects. **Please indicate your agreement to one of the statements below.**

☐ I agree to the use of my data in future research.
☐ I **do not** agree to the use of my data in future research.
☐ I agree to be contacted in the event my data is requested for future research.

Disposal of Data

Data from this study will be disposed of within 3 years (or 5 years if you agree to use in future research), after journal articles are published. Hardcopies will be shredded and computer files (including audio recordings) will be deleted.

Contacts

Individuals who may be contacted regarding this study include:

Philip Akins	Dr. Rosaline Canessa
PhD Candidate	Supervisor
[redacted]	250-721-7339
	rosaline@uvic.ca

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca). Ethics protocol number for this project: 12-208.

Consent

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researcher, and that you agree to participate in those portions of the research project that you have checked above.

Name of Participant	*Signature*	*Date*

If you are emailing this form to the Principal Investigator ( ), receipt will be accepted in lieu of a signature. Please confirm that you have checked all of the relevant sections above, and provided your name and date here. Thank you.

Appendix E – Interview guide

Preamble

My goal in this interview is to learn about your experiences engaging with others to exchange information and ideas, and perhaps make decisions regarding [Gwaii Haanas or Race Rocks]. I am interested in knowing *how* and also *why* you invest your time and resources engaging with others, and how you judge the various opportunities you have had to do so. The overall objective of the study is to understand the scope and nature of the communication and collaboration with respect to marine conservation initiatives.

Please note that the questions below are worded as if you are currently involved in [Gwaii Haanas or Race Rocks]. If this is no longer the case, please consider the questions as they relate to your past experiences.

Part A: Background

4. How have you been involved in the protected area?
5. Why does the protected area matter to you, and/or what have you hoped to accomplish by investing your time and energy towards its management or establishment?
6. How do you inform yourself about the protected area and the issues associated with it?

Part B: Key contacts

Who have been your key contacts, or what relationships have been the most important for you in the context of the protected area? Please fill in the two lists below (up to a maximum of 5 people in each list; a person may be included in both lists if applicable). Each list relates to different criteria for considering who your "key contacts" are. Include the individual's name, affiliation (if applicable), and approximately how often you meet – daily (D), weekly (W), monthly (M), yearly (Y) or other (please explain).

1. Who do you talk about the protected area with most often? *Include any time within past year.*

Name	Affiliation	How often? (D, W, M,Y, or other - explain)
1		
2		
3		

4		
5		

2. Whose ideas, expertise or perspectives have helped you most in understanding what is important about the protected area? *You need not restrict your response to any time frame.*

Name	Affiliation	How often?
1		
2		
3		
4		
5		

Part C: Interaction experiences

The final section of the interview will focus on how you interact or engage with others in the context of the protected area. How do you exchange information, share ideas or points of view, make decisions, build relationships, or do all of these together?

Of particular interest are those interactions in which difficult or controversial issues are addressed, different points of view are shared, or relationships are established / strengthened between groups and individuals. Please consider informal examples (such as meeting at a social event or running into someone in the community) as well as formal or official ones (such as meetings) that may be relevant.

Use this space, if you wish, to make a note of interaction examples.

The following questions will be used to guide a discussion of the interaction example(s) you provide, and to compare/contrast your experiences. We will go through them one example at a time. All of the questions may not necessarily be asked of every example.

1. How often does (or did) the interaction occur, where, and who are the participants?
2. What are the reasons for, or objectives of, the interaction?
3. How is it structured and what are the dynamics like? (Is there a leader or facilitator, for example? Are there any ground rules – spoken or unspoken – or common expectations in terms of how things should be conducted and how people should act?).
4. What differences of opinion, or difficult / controversial issues are raised? What are the factors that have enabled these issues to be addressed constructively or, conversely, what has made it difficult to do so?
5. What, if anything, do you do to prepare for the interaction?
6. What do you 'bring to the table', so to speak, and what do you personally gain from the interaction?
7. Going into the interaction, what do you expect of yourself, of the other participant(s), and of the interaction itself?
8. How would you judge the overall costs and benefits of the interaction?

Appendix F – Participant questionnaire

Questionnaires were submitted online through a purpose-made website. Respondents were emailed a unique url to access the questionnaire.

Thank you for taking the time to complete this questionnaire; it should take approximately 15 minutes to do so. As outlined in the Participant Consent Form the questionnaire is not anonymous, however your responses and all other information you provide in this study are strictly confidential.

The purpose of this questionnaire is to learn about some of your views relating to the [case study: proposed Race Rocks MPA / Gwaii Haanas NMCA]. All references below to "this area" or "the protected area" refer to this MPA.

Part A: Marine conservation and collaborative management.

Please indicate your level of agreement with the following statements.

1. The marine ecosystem in this area needs to be protected from over-use.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

2. When thinking about how this marine area should be used and managed, having some direct communication with other users and decision makers, including those I disagree with, is important to me.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

3. A collaborative approach, in which stakeholders and decision-makers work together to identify common goals and solve problems, is how the protected area should be managed.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

4. The process to establish this protected area is a good example of how collaboration should work.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

5. As a consequence of collaboration, timely decisions about this protected area have been difficult to make.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

6. As a consequence of collaboration, the best decisions for this protected have been difficult to make.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

7. I think that most of the people with an interest in the protected area are willing to take the time to listen and consider the views of others in establishing a management plan.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

8. I am confident that decisions respecting the protected area will be based on accurate and appropriate information.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

9. I am confident that decisions respecting the protected area will meet my own needs and objectives.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

10. I am confident that decisions respecting the protected area will be fair.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

11. I am informed about resource and environmental issues in this area.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

12. I am informed about the interests, knowledge and perspectives of others with respect to this protected area.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

13. The process to establish the protected area has given me opportunities I didn't previously have to influence the future of this area.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

14. The process to establish the protected area has helped resource users, decision makers and others address their differences constructively.

☐Strongly agree ☐Agree ☐Neither agree nor disagree ☐Disagree ☐Strongly disagree ☐Not sure

15. To what extent do you favour or oppose establishing the protected area?

☐Strongly favour ☐Somewhat favour ☐Neutral ☐Somewhat oppose ☐Strongly oppose

Part B: No-take zones

1. "No-take" zones are areas within a protected area in which fishing and other extractive uses are prohibited. To what extent do you approve or disapprove of designating some portion(s) of this protected area as a no-take zone?

☐Strongly approve ☐Somewhat approve ☐Neutral ☐Somewhat disapprove ☐Strongly disapprove

2. If applicable, to what extent do you approve or disapprove of allowing fishing for subsistence or cultural purposes within no-take zones?

☐Strongly approve ☐Somewhat approve ☐Neutral ☐Somewhat disapprove ☐Strongly disapprove

3. Some international guidelines suggest that 20 to 30% of marine habitats should be strictly protected in no-take zones. Do you think this guideline, applied to this protected area, is:

☐Far too high ☐Too high ☐About right ☐Too low ☐Far too low
☐No-take isn't necessary / appropriate for this area ☐Don't know

Part C: Ecological and social conditions

1. To your knowledge what is the condition of the marine ecosystem within the protected area?

☐Very degraded ☐Somewhat degraded ☐Healthy ☐Very healthy ☐Don't know

2. Ten years from now, do you expect the marine ecosystem to be healthier or less healthy INSIDE the protected area?

☐Healthier ☐About the same ☐Don't know

3. Ten years from now, do you expect the marine ecosystem to be healthier or less healthy in the vicinity of but OUTSIDE the protected area?

☐Healthier ☐About the same ☐Don't know

4. To your knowledge, what is the level of controversy associated with the protected area?

☐Very high ☐High ☐Moderate ☐Low ☐Very low ☐Don't know

5. Ten years from now, do you expect the level of controversy to be higher or lower within or directly associated with the protected area?

☐Higher ☐About the same ☐Lower

6. Ten years from now, do you expect the level of controversy to be higher or lower with respect to the marine area in the vicinity of, but beyond the boundaries of the protected area?

☐Higher ☐About the same ☐Lower

Part D: Interest groups and decision-makers

[Note: this section is case-specific; shown here are the groups in the Race Rocks case; the Gwaii Haanas version of the survey was slightly different]

Many groups and organizations, or "actors", including governments and government agencies, resource owners, and other interest groups, are involved in or provide input to the decisions respecting the protected area and what goes on within it. Actors naturally differ in terms of how much influence they have over decisions and actions. Please indicate how you perceive the influence of the following groups and decision-makers (listed in alphabetical order).

Please answer questions 1 and 2 with respect to each group.

Academic Community

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

BC Parks

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Commercial fishermen

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Department of Fisheries and Oceans (DFO)

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Department of National Defense (DND)

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Environment Canada

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Environmental Non-governmental organizations (ENGOs)

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Local First Nations

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Local Residents

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Pearson College

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Recreational fishermen

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Tourism operators

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Transport Canada

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

If any groups / organizations are missing from this list, or the categories shown are not specific enough, please add them here.

Name: _____

1. How much influence do you believe they have over decisions respecting the protected area?

☐A great deal ☐A lot ☐A moderate amount ☐A little ☐None at all ☐Not sure

2. Do you think they should have more, the same or less influence than they currently do?

☐More ☐The same ☐Less ☐Not sure

Space provided for up to five additional groups / organizations.

Thank you very much. If you have any questions or comments, please leave them here.

Appendix G – Principle documents included in documentary research

(All documents are listed in the References section, above.)

Consultation records and correspondence

- Race Rocks Public Advisory Board (RRPAB) – Record of meetings 1-6 (Sep-2009 – March-2011).
- Gwaii Haanas Interim Marine Advisory Committee (GHMAC) – Record of meetings 1-5, 7-12 (March-2008 – November-2009).
- Gwaii Haanas Information on Consultations (Canada & Haida Nation, 2010).
- 2010 RRPAB draft recommendations and DFO response (RRPAB, 2010d).
- Race Rocks First Nations accommodation requests and DFO response (DFO, 2013b).
- BC Seafood Alliance letter to Ministers of Environment Canada and DFO (BCSA, 2009a).
- BC Seafood Alliance position paper on proposed Gwaii Haanas NMCA (BCSA, 2009b).
- UHA (2009), Letter to Ministers of Environment and DFO re. Gwaii Haanas NMCA (UHA, 2009).
- ENGO comments on draft Gwaii Haanas Interim Management Plan (WWF Canada, CPAWS, Living Oceans Society, & Sierra Club of BC, 2009).

Statutes, policy statements, and departmental guidelines

- Oceans Act (Oceans Act, 1996).
- NMCA Act (NMCA Act, 2002).
- 2002 Ocean Strategy (Canada, 2002).
- 2005 Federal MPA Strategy (Canada, 2005b).
- 2014 Canada-BC MPA Network Strategy (Canada & British Columbia, 2014).
- MPA Practitioner's Guide (DFO, 2009b).
- Parks Canada Guide to Management Planning (Parks Canada, 2008).

Agreements, Memoranda of Understanding (MoU), and Terms of Reference (TOR)

- Gwaii Haanas Agreement (Canada & CHN, 1993)
- Gwaii Haanas Marine Agreement (Canada & CHN, 2010a)
- MoU respecting proposed Sgaan Kinghlas / Bowie Seamount MPA (Canada & CHN, 2007)
- ToR for Sgaan Kinghlas / Bowie Seamount Management Board (Canada & CHN, 2012).
- MoU respecting cooperative relations for the proposed Race Rocks MPA (DFO et al., 2010).
- ToR for Race Rocks Government First Nations Management Board (draft for discussion) (DFO, 2012b).
- ToR for Race Rocks Public Advisory Board (DFO, 2010).
- Gwaii Haanas Advisory Committee (post-designation) Terms of Reference (Parks Canada, 2014).

Management plans and regulatory documents

- 2000 Draft XwaYeN (Race Rocks) Proposal – Version 1 (RRAB, 2000a) and Version 2 (DFO, 2000).[101]
- Gwaii Haanas Interim Management Plan and Zoning Plan (Canada & CHN, 2010b).
- Gwaii Haanas Regulations and Regulatory Impact Analysis Statement (RIAS) (Canada, 2010a).
- 2000 Race Rocks proposed regulations and RIAS (Canada, 2000).
- Race Rocks AOI Regulatory Intent Statement (DRAFT with First Nations comments) (DFO, 2011).

Court cases

- Delgamuukw v. British Columbia (1997).
- Moresby Explorers Ltd. v. Canada (2001).
- Haida Nation v. British Columbia (2004).
- Haida Nation v. Canada (2015).

Speeches

- Minister of DFO, Announcing plans for new Oceans Strategy, University of British Columbia (Anderson, 1998).
- Minister of DFO, Announcing The Designation of Race Rocks as Canada's First Marine Protected Area, Pearson College (Dhaliwal, 2000).

[101] See Chapter 2, s. 3.2.3 for explanation and significance of these two versions.