**Federal Governance Regimes for
Ocean Ecosystems In Canada:**

**Accountability Within
Collaborative Management Regimes**

by

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Abstract

This thesis develops and verifies a methodology to measure the extent to which the principles of a collaborative and ecosystem approach have been reconciled with the principles of sound accountability, including ministerial responsibility. The thesis reviews three decades of institutional interventions in Canada intended to strengthen oceans governance, then distils the underlying assumptions of a new paradigm for collaborative oceans governance at the scale of a large marine ecosystem. The focus is on the accountability implications of Canada's new oceans governance model, including a new governance regime which is based on trust rather than the traditional regime which is based on blame. An Oceans Governance Accountability Framework is presented and indicators of accountability are designed and employed to measure the extent to which credible reporting, an effective holding to account and Integrated Management of Large Ocean Management Areas have occurred.

These indicators of accountability are applied to the relationships between the Minister of Fisheries and Oceans and Parliament, the Minister and other ministers and the Minister and other users of the ocean. The indicators are applied to a Large Ocean Management Area, the Eastern Scotian Shelf.

The two major conclusions are that the indicators of accountability provide a practical approach for assessing collaborative and ecosystem management programs, and that the Government of Canada has not convincingly

demonstrated that it has reconciled the principles of a collaborative and ecosystem management approach with the principles of sound accountability. The last chapter distills important lessons learned from the Canadian experience for other jurisdictions, such as the need to define accountability before the promulgation of a major environmental policy.

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1.0 Introduction

1.1 Institutional Attempts to Control the Human Exploitation of the Oceans

This thesis is broadly about understanding the Government of Canada's attempts over the last three decades to control the human exploitation of the oceans. This thesis explores the application of human ingenuity, or the ability to learn and adapt through institutional change, to the control or mitigation of the cumulative effects of the human exploitation of the oceans.

This thesis is about oceans governance in Canada. This term is misleading in the sense that it conveys that human beings have an obligation or duty to govern and manage the oceans. The oceans have thrived, changed and evolved over billions of years, most of the time without the presence of human beings. Rather, oceans governance relates to controlling the human domestication and exploitation of the oceans.

It is critical to distinguish between governance, government and management. Governance is derived from the Greek word for steering. It involves a set of rules, values and conventions, and an underlying structure or regime, the objective of which is to achieve some degree of co-ordination, coherence and common purpose between and among human institutions set up for a given purpose. Governance is a process, a flexible regime apart from a formal government structure. Government is the formal machinery to exercise authority over the performance of a political unit. Management involves judicious use of means to

accomplish an end; the collective body of those who manage and direct an enterprise or social activity, such as the regulation of activities that affect the oceans.

A common theme amongst governance, management and government is that they are all means to an end, an approach to dealing with a perceived opportunity or problem. A second common theme, the glue that holds each of the foregoing three constructs together, is the concept of answerability, or accountability. Citizens, voters and corporate shareholders and Canadian society all expect that political or business leaders will be held to account for the consequences of their decisions, actions and behaviour. The problem addressed in this thesis is how to create accountability for the human domestication and exploitation, or “pressure,” on the oceans.

Globally, the oceans are under increasing resource pressure. As uses of the oceans intensify and multiply, there are more conflicts. There are five principal anthropogenic factors causing marine environmental degradation and depletion of coastal resources: population growth, pollution, habitat degradation, multiple resource use and conflict, and over-exploitation of resources (Meltzer, 1998). There are increasing pressures on the fisheries. New technologies such as aquaculture are increasing the rate of exploitation and increase the potential for conflicts (Coffen–Smout, 1996).

It is important to identify both the sources of human pressure on the oceans and the impact of this pressure on ocean ecosystems. Illustrative types of human pressures currently affecting the health of the oceans include:

- **Fisheries.** The past three decades have been characterized by the extinction of one species after another as the exploitation of global fisheries increases to feed expanding populations. Recent work has documented an extinction of marine “mega fauna” at the top of the marine food chain (Pauley, 1998).
- **Coastal development, population pressures.** Coastal areas are increasingly desirable; world population has moved to coastal areas with a corresponding loss of habitat (Meltzer, 1998).
- **Pollution.** There is increasing pollution of harbours and rivers all of which affect the health of fish and other ocean life and results in a decline of Marine Environmental Quality. Ocean dumping can further degrade the marine environment (Pew Oceans Commission, 2003).
- **Agricultural run-off.** Fertilizers increase morbidity for marine life and may result in loss of habitat and declines in Marine Environmental Quality (*Ibid*).
- **Oil and gas exploration and development.** Oil and gas exploration affects marine mammals; development increases the risk of a catastrophic oil spill (Coffen–Smout, 1996).

- **Marine transportation.** Shipping and ferries can damage marine mammals and reduce Marine Environmental Quality through ship pollution (*Ibid*).
- **Undersea cables.** The act of laying cables can affect bathic habitat (*Ibid*).
- **Tourism.** Tourist ships can result in damage to marine mammals and pollution (*Ibid*).
- **Global Environmental Change.** Global warming and other global trends may result in the extinction of species or the loss of sensitive habitats such as reefs (Fisheries and Oceans Science, 2001).

This list is illustrative, not exhaustive. The message of Exhibit 1 is that there are severe pressures on the oceans caused by increasing numbers of human beings seeking to exploit ocean resources. But how have international organizations, governments and communities responded to these human pressures on the oceans?

From the 17th century onward, the oceans were separated into “high seas” and “territorial waters,” a narrow band where coastal states possessed rights similar to the rights they exercised over land and territory. The high seas were a vast area (*res nullius*) in which states enjoyed the freedom to use these waters and the associated natural resources as they saw fit (Hoel, 2000). No individual captain, no ship, no nation was accountable for use of the oceans. This system rested on

Exhibit 1

Illustrative Human Pressure on the Oceans

	Impact of Human Pressure on:				
	Marine Natural Resources		Other Marine Assets		
Sources of Human Pressure	Renewable	Non-renewable	Coastal Habitat	Marine Environmental Quality	Marine Habitat
Fisheries	Extinction of species				Destruction of ocean floor
Aquaculture	Risks to gene pool		Loss of habitat	Effects of waste, antibiotics	
Coastal development, population pressures			Loss of habitat		Loss of habitat
Pollution of harbours	Increase in morbidity			Decline in quality	
“Inland pollution” of rivers, lakes and wetlands				Decline in quality	Loss of habitat
Ocean dumping					
Agricultural run-off	Increase in morbidity		Loss of habitat	Decline in quality	
Oil and gas exploration and development	Damage to marine mammals	Depletion of resource	Risk of oil spill		Loss of habitat
Marine transportation	Damage to marine mammals			Ship pollution	
Undersea cables			Loss of habitat		
Tourism	Damage to marine mammals			Ship pollution	
Global environmental change	Extinction of species		Loss of sensitive habitat—coral reefs		Loss of habitat

Source: Adapted by the author from Meltzer, 1998.

the premise that the resources of the ocean were infinite, or in any case greater than the demands placed on them by human users (*Ibid*).

After World War II, it became increasingly evident that the oceans and their natural resources were in limited supply. The system of rules implying that the high seas belonged to no one came under increasing pressure. In the early postwar period, coastal states initiated a series of unilateral extensions of jurisdiction to reduce the pressure on natural resources by other nations and secure themselves a greater share of the wealth of the oceans (*Ibid*). These unilateral actions provided the impetus for the first and second United Nations (UN) Law of the Sea Conferences, held in 1958 and 1960, which produced four conventions. These conventions began to address the fundamental problem of creating a governance system capable of managing growing uses of ocean resources (*Ibid*).

The 1982 UN Convention on the Law of the Sea provided, for the first time, a universal legal framework for the rational management of marine resources and their conservation for future generations. The Law of the Sea covered territorial seas and contiguous zones, straits used for international navigation, the rights of archipelagic states, the high seas, the regime of islands and the rules relating to enclosed or semi-enclosed seas. Part V of the Convention dealt with the Exclusive Economic Zones (EEZ).

Article 56 defined the rights, jurisdictions and duties of a “coastal state” in the EEZ. The coastal state was granted “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or

non-living of the waters super adjacent to the sea bed and of the seabed and its subsoil.” Article 73 outlined the obligations of coastal states, including the need for an effective enforcement regime.

The establishment of the 200 nautical mile EEZ brought a large portion of the world’s oceans under the jurisdiction of coastal states. As such, it constituted one of the most far reaching institutional changes in international society in the twentieth century. Vast ocean areas which were previously open to all as part of the high seas were put under the sovereignty of coastal states. These ocean areas contain an enormous wealth of natural resources (*Ibid*).

By the late 1980’s, coastal states around the world were becoming increasingly aware of four trends that would intersect and shape policies for oceans governance over the coming decades. First, coastal states now had domain over thousands of square miles of oceans space. Second, there was increased awareness of the risks posed to oceans, migratory schools of fish and ecosystems by the human use of the oceans. Third, there was increasing awareness that the traditional approaches to regulating the exploitation of the oceans and all that was within the oceans were not effective. Fourth, there was increased recognition of the need for a holistic or integrated approach that looked at all sources of marine degradation, all uses of the ocean in a wider context.

Researchers had noted a pattern of “regional resource development pathology” where new policies and development initially succeed in reversing the crisis or enhancing the growth of a targeted resource such as timber or fish (Berkes, 2003). The implementing agencies initially were responsive to

ecological, economic and social forces but evolved to become narrow, rigid and myopic. The institutional interventions became captured by economic dependence and the perceived needs for their own institutional survival. Economic sectors affected by the resources became increasingly dependent on perverse subsidies from government with counter-productive results. The relevant terrestrial or aquatic ecosystems gradually lost resilience and became fragile, vulnerable and more homogeneous as diversity and spatial variability were reduced. Crises and vulnerabilities were more likely and evident and the public began to lose trust in governance (*Ibid*).

Leading researchers, partly in response to the regional resource development pathology, advocated a new institutional context for the governance of shared natural resources (*Ibid*) based on a collaborative and ecosystem approach to governance of the human use of Common Pool Resources (CPR), or shared resources, such as fish or common grazing land (Ostrom, 1990). This new collaborative and ecosystem approach was adopted by some leading Commonwealth countries such as Canada, New Zealand and Australia for the governance of large scale estuarine, coastal and ocean ecosystems (Westcott, 2000).

There was increasing recognition that in addition to collaboration there was a need for an integrated approach to the oceans and everything that lived within the oceans. Land-based sources of marine environmental degradation were identified as serious problems. As well, there was increasing recognition that one use of the oceans, for example, oil and gas exploration and development, might not be

compatible with other uses, such as the fishery. There was a need for an integrated, rather than sectoral approach.

These four trends supported the emergence of a new oceans governance paradigm, the Collaborative/Ecosystem Oceans Governance Model (hereafter referred to as the “Model”). Experimentation with this new collaborative approach to oceans governance posed a governance challenge for coastal states. In the past, when coastal and fisheries issues had largely been managed by either a national government, or a sub-national government, it was much easier to determine who was answerable for the results or outcomes. Because collaboration necessarily involves more co-operation, both within a national government and among and between national and sub-national governments, it became inherently more difficult to define joint and several accountability for these interventions. This was a problem faced by coastal states with either a Westminster model government (as found in Canada) or a Congressional model government (as found in the United States). While the specific accountability conventions may vary in each model, the broad principles do not. For example, the need to ultimately establish responsibility for unwanted results is central to both models.

How Canada dealt with these four international trends provides an interesting example of the governance challenge posed by the new sovereignty of coastal states over the oceans.

Exhibit 2

The *Oceans Act* Legislative Framework for Integrated Management

The *Act* defines Canada's maritime zones as the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. Within the internal marine waters and the territorial sea, all the laws of Canada apply. Within the exclusive economic zone, Canada has sovereign rights for the purposes of exploring and exploiting, and conserving and managing the natural resources, whether living or non-living. This applies to the waters, the seabed and subsoil. In that zone, Canada also has jurisdiction over marine scientific research and the protection and preservation of the marine environment. On the continental shelf, Canada has the right to explore and exploit the non-living resources of the seabed and sub-soil, and to exploit living resources that are sedentary.

Source: Canada's Ocean's Strategy, 2002.

1.2 Canada Faces a Governance Challenge with New Sovereignty

Within this global context, the turning point for Canada, a nation with a vast coastline (244,800 kilometers), came in 1997 with a new *Oceans Act*, (*Oceans Act*, 1997). Canada was one of the first coastal states to promulgate such legislation. The *Act* established Canadian sovereignty over the 24 nautical mile contiguous zone and the 200 nautical mile EEZ. The details of this vast increase in Canadian sovereignty over the oceans are described in Exhibit 2. Canada claimed sovereignty to over 78 million square kilometers of coastal, estuarine and marine environments (Fisheries and Oceans, 2002). Canada's response to this vast opportunity provides an interesting case study.

Canada chose to frame the opportunities and challenges posed by the EEZ as a governance challenge (*Ibid*) and developed a new oceans policy that was founded on two principles: an ecosystem approach and collaboration among the users of the oceans (*Ibid*). The objective of this new governance framework was to weave together a governance institution at a geographic scale large enough to encompass the vast new domain of marine environments now under the stewardship of the Government of Canada.

The *Oceans Act* promulgated in 1997 assumed that the fundamental political and administrative principles upon which the Government of Canada was based (i.e. the principles of accountability, including ministerial responsibility) and an ecosystem approach to governance were compatible and could be achieved through collaboration. Canada's response assumed that the principles of a

collaborative, ecosystem approach could be reconciled with the principles of sound accountability, including ministerial responsibility.

This thesis questions this assumption, asking how to measure the degree of reconciliation of the principles of a collaborative and ecosystem approach with the principles of sound accountability. But what is accountability?

Accountability is a complex and chameleon-like term that is commonplace in the literature of public administration. In its most basic sense, accountability means answerability. Most would agree that accountability involves the process of being called to account to some authority for one's actions. This sense of duty is implicit in the core sense of accountability (Mulgan, 2000). Accountability has a number of features. The external dimension is critical in that the account is given to some other person or body outside the person or body being held accountable, but within the same jurisdiction. Accountability involves meaningful social interaction and exchange between one party who calls for the account, seeking answers and rectification, and the other party who is held accountable, responding and accepting sanctions. Accountability implies rights of authority; those calling for an account are assuming rights of superior authority over those who are accountable, including the right to demand answers and impose sanctions (*Ibid*).

An accountability relationship is a relationship based on the medieval concept of stewardship. This involved two parties, the steward who offered a rendering of accounts and the lord who held the steward to account. In a more modern setting in government, there will be three parties: the public servant, the elected

legislative body and the electorate to whom the elected legislative is accountable (Rubenstein, 1990).

There is a cultural dimension to how different national governments frame the concept of accountability. Each coastal state working to set up a governance regime for the use of the oceans bases this regime on a slightly different interpretation of a universal definition of accountability. There is an integral link between the interpretation of the definition of accountability for any coastal state and the system of government in place. As noted previously, there is a universal need in both a Westminster model and Congressional model democracy to establish blame when things go wrong. What varies between each model are the expectations on top officials, once blame has been established. For example, in a Westminster model government, there is the convention that any minister has a “sacrificial responsibility” to resign if a senior public servant in her or his department has made a grievous error. In the Congressional model, the expectations of Cabinet members are not so explicit. They may not be expected to resign.

1.3 Nature and Scope of the Problem Researched

Within the foregoing context, the objective of this thesis is to develop and verify indicators of the extent to which a coastal state has reconciled the principles of a collaborative and ecosystem approach with the principles of sound accountability, using the Canadian experience with the *Oceans Act* of 1997 as a case study. The scope of research is collaborative governance regimes for large scale estuarine,

coastal and ocean ecosystems. More specifically there are three research questions:

1. What is the current model for performance indicators of accountability for collaborative oceans governance that link institutional interventions with outcomes?
2. What comprises a robust and comprehensive set of performance indicators of accountability for collaborative oceans governance that could be applied to the implementation of *Canada's Oceans Strategy*—at different geographic and political scales (ranging from the scale of a Large Ocean Management Area (LOMA) to the level of collective Cabinet responsibility)?
3. What would the application of indicators of accountability reveal about the extent to which the Minister of Fisheries and Oceans has successfully reconciled the Collaborative/Ecosystem Oceans Governance Model with the accountability practices and conventions of the Government of Canada?

The scope of this research considers the most advanced regional case study of the implementation of the *Oceans Act*. This case study is used because it provides the best example of what can realistically be accomplished over a five-year period. The regional case study used is the Eastern Scotian Shelf Integrated Management (ESSIM) Initiative which began in 1998. This was the first Integrated Management pilot with an offshore focus to be undertaken by the Department of Fisheries and Oceans. The scope of research includes consideration of:

- Credible reporting of performance by the Minister of Fisheries and Oceans, and other responsible ministers, to Parliament; an effective holding to

account of these ministers by Parliament; and, evidence of an ongoing review and adjustment of the implementation of the *Oceans Act*.

- The accountability relationship between the Minister of Fisheries and Oceans and other ministers whose decisions and actions have a significant impact on estuarine and marine environments.
- The accountability relationship between the Minister of Fisheries and Oceans and those external to the Department of Fisheries and Oceans with whom the Department “collaborates” (i.e. oceans users, aboriginal groups, citizens, non-government organizations and the provinces).

1.4 The Research Framework

This thesis researches an area largely unexplored in academic journals. To date, no other researcher has explored the accountability implications implicit in the implementation of the *Oceans Act*. Given this lacuna, or gap, in the published and peer reviewed literature, a five part methodology was developed.

The methodology focuses on process, rather than substantive results such as changes in the human use of the oceans. This is because seven years after the promulgation of the *Oceans Act*, it is too soon to expect substantive results. The goals developed to date by the Government of Canada relate mostly to process.

Step 1: Frame the question. As previously described, Canada faced a governance challenge in terms of integrating a new approach implicit in the

Oceans Act with the machinery of government. Research conducted focused on whether anyone in the Government of Canada had explored the inherent contradiction between a collaborative approach and the prevailing accountability practices and conventions. Interviews were conducted at the Office of the Auditor General of Canada and the Department of Fisheries and Oceans. It soon became obvious that this question had not been seriously addressed.

Research then involved an extensive review of published, peer reviewed literature on collaborative oceans governance initiatives in other Westminster model democracies such as Australia, New Zealand and the United Kingdom. Research involved the review of publications from central agencies and Supreme Audit Institutions. Limited peer reviewed literature was available. There has been very little discussion by the academic community of the accountability implications of new oceans governance arrangements. The research in Step 1 led to the conclusion that relatively little was known about how to reconcile accountability in collaborative oceans governance arrangements with the traditional accountability practices and conventions operating in Westminster model democracies such as Canada. Given this lacuna, work then shifted to developing a relevant conceptual model.

Step 2: Develop a conceptual model. Extensive research work started with identifying the broad principles of accountability discussed in peer reviewed literature and articulated by central agencies of the Government of Canada. These broad principles were applied to the challenges posed by the Collaborative/Ecosystem Oceans Governance Model implicit in the *Fisheries Act*. Appendix 1 of this thesis documents the detailed methodology developed. The model focused

on three key dimensions of the critical accountability relationships between the Minister of Fisheries and Oceans and Parliament, between the Minister of Fisheries and Oceans and other ministers, and between the Minister of Fisheries and Oceans and other users of the oceans.

The next step was to verify the relevance and usefulness of the conceptual model with a focus group of experts. As part of the thesis work, an interactive workshop convened by the Oceans Management Research Network (OMRN) was conducted on November 13 and 14, 2003, at the National Conference in Ottawa. This focus group verified the applicability of the conceptual model. The results of this research were described in the proceedings of the National Conference. The next step was to field test this model, applying it to the actual implementation of the *Oceans Act*.

Step 3: Test the model in Ottawa and one regional office. The conceptual model was then field tested (for relevance and usefulness) in the Maritimes Region of the Department of Fisheries and Oceans. The Maritimes Region is responsible for the ESSIM Initiative which, as noted, is the most advanced case study in Canada. Research work involved interviews with employees of the Department of Fisheries and Oceans directly charged with the co-ordination of *Canada's Oceans Strategy* in the Maritimes Region. This work was conducted between June and September 2003. The objective of this component of the research was to explore the accountability dimension of the relationship between the Minister of Fisheries and Oceans and other oceans users. Interviews were conducted using a standard questionnaire. Research focused on the extent to

which an accountability framework had been developed within the Department of Fisheries and Oceans and communicated to oceans users.

Parallel to this work in the Maritimes Region, work was done in Ottawa to verify the model with regard to the relationship between the Minister of Fisheries and Oceans and Parliament and involved an application of the conceptual model to the most recent Departmental Performance Report tabled with Parliament.

Research involved determining whether this Departmental Performance Report (fall 2003) addressed questions arising from the conceptual model as well as a detailed review of the extent to which Parliament had held the Minister of Fisheries and Oceans to account since the promulgation of the *Oceans Act* in 1997. This research involved the review of all relevant reports produced by the Standing Committees of the Senate and the House of Commons and focused on the extent to which the Department of Fisheries and Oceans had addressed the accountability questions and concerns of Members of Parliament.

In addition, the questions in Question Period, since the promulgation of the *Oceans Act*, were analyzed to determine the extent of parliamentary interest in the oceans. The purpose of this work was to further develop the conceptual model to include considerations of Parliamentary interest and the relationship between Parliamentary interest and an effective holding to account.

Step 4: Conclusions on the robustness of the conceptual model. Based on an analysis of the results of the field test, conclusions were drawn on the validity of the conceptual model developed in Step 2. Conclusions about the relevance and usefulness of the model were reviewed with experts such as members of the

Minister's Advisory Council on Oceans concerned with issues of oceans governance, Canada's Oceans Ambassador, and former senior managers of the Department of Fisheries and Oceans (see Appendix 1-D for details). As well, research included a consideration of relevant work of the National Round Table on the Environment and the Economy. This work was done in October and November 2003.

Step 5: Identify potential applications and the need for further research. The final step involved an examination of potential applications of the now verified conceptual model and an identification of areas for further research.

2.0 The Evolving Institutional Context for the Governance of the Oceans

2.1 Past Attempts Were Fragmented

This chapter reviews early attempts by Canada and the United States to control the human exploitation of coastal and ocean areas, summarizing lessons learned from previous governance interventions.

Canada, Australia, New Zealand, the United States and many other jurisdictions have been experimenting with Integrated Coastal Zone Management (ICZM). ICZM dates back to the mid 1960s. A wide array of terms have been used to describe the governance of human activities in the coastal area including ICZM, Coastal Area Management, Shore Management and Coastal Resources Management. The term ICZM is now preferred by academics (Meltzer, 1998). This thesis briefly summarizes the North American experience with ICZM.

The United States experience with the *Coastal Zone Management Act of 1972* provides researchers with extensive data on attempts to control the human use of coastal and near ocean areas. As summarized in the Pew Oceans Commission Report of 2003, the United States ocean policy is not an ocean policy at all but rather a “hodge-podge” of individual laws that has grown by accretion often in response to a crisis. The Report notes that more than 140 federal laws pertain to the oceans and coasts. Collectively the statutes involve at least six departments of the Federal Government and dozens of federal agencies in the day to day management of the U.S. oceans and coastal resources (Pew Oceans Commission, 2003).

The Pew Oceans Commission looked at 30 years of success and limitations of application of the *Coastal Zone Management Act*. The Commission concluded that authority over marine resources is fragmented geographically as well as politically. For example, the *Submerged Lands Act of 1953* gave most states authority over submerged lands and underlying waters from the shoreline out three miles. Federal territorial sovereignty extends 12 miles offshore. Consistent with statutes in the Law of the Sea, the Federal Government controls ocean resources out at least 200 miles from the coast. The Pew Oceans Commission concludes that the over-lapping federal/state jurisdictions make it difficult to protect marine ecosystems because it divides their management into a near shore and an offshore component with the insufficient means or mandate to harmonize the two (*Ibid*).

The Canadian experience with ICZM has not been dissimilar to the U.S. experience. Canada's experience with ICZM started with a conference held in 1961 (*Resources for Tomorrow Conference*) which called for a more integrated approach to coastal areas. When the Department of Environment was created in 1971, initial work focused on water quality. Early accomplishments included the creation of a 200 mile off-shore fishing zone, the Great Lakes Water Quality Agreement and the signing of a dozen river basin planning agreements (Manning, 1998). These initial accomplishments were not followed by sustained political interest in ICZM.

The turning point for Canada was the National Shore Zone Policy of 1982 which established some basic objectives such as developing an overall federal strategy for shore zone management, co-ordinating leadership issues and promoting an

effective exchange of information within Canada. These dreams of a national coastal zone approach died in 1987 when funding was eliminated and work stopped (*Ibid*).

In the early 1990s, the idea of a national policy of ICZM in Canada re-emerged. In the 1994 *Report of the National Advisory Board on Science and Technology Committee on Oceans and Coast*, the idea of an integrated approach was reborn. This *Report*, and others produced by the Department of Fisheries and Oceans, called for the establishment of a 24 mile contiguous and a 200 nautical mile EEZ, the creation of an ocean science management system in support of national and regional goals, and the building of supportive international conventions and co-operative agreements. This initiative ultimately culminated in the new *Oceans Act* of 1997 (*Ibid*).

Canada's experience throughout the 1960's, 1970's, 1980's and early 1990's with attempts at ICZM had produced limited results (Coffen-Smout, 1996). Canada concluded that past attempts had been too fragmented and piecemeal as well as too focused on a few elements of coastal and marine environments (Manning, 1998). After 25 years, the Department of Fisheries and Oceans had learned some important lessons in coastal zone management (*Ibid*). Major lessons learned included:

- The need to develop a strategic planning process robust enough to put ICZM on the political agenda.

- The need to promote policies and strategies that promote multiple interests, community participation and public involvement in policy development at the earliest stage possible.
- The need to recognize the importance of private sector involvement, the need for accommodation and compromise, and the need to encourage information exchange.
- The need to develop a multi-stakeholder consensus, foster inter- and intra-departmental co-operation, and communicate with the public as new strategies evolve (*Ibid*).

Institutional interventions based on ICZM in Canada and the United States largely relied on a relatively simple accountability model based on the sub-national governments, states or provinces, being responsible for the near shore and the national governments being responsible for the offshore component. This arrangement reflected the prevailing jurisdictional arrangements.

2.2 Why an Ecosystem Approach Necessarily Requires Collaboration

The type of ecosystem that is the focus of this thesis is a Large Marine Ecosystem (LME) which is defined as follows:

“Regions of oceans space encompassing coastal areas from river basins and estuaries on out to the sea-ward boundary of continental shelves and the sea-ward boundary of coastal current systems. They are relatively large regions on the order of 200,000 square

kilometers or larger, characterized by distinct bathymetry, hydrography, productivity and tropically dependent populations (Juda, 1999, 89).”

An ecosystem approach to the governance of an LME is one that recognizes the complexity of ecosystems and the interconnections among component parts (Fisheries and Oceans, 2002). Ecosystem-based governance is the governance and management of human activities so that ecosystems, including their structure, function and composition, are maintained at “appropriate” temporal and spatial scales (*Ibid*). While the Department of Fisheries and Oceans does not define what appropriate temporal and spatial scales mean, in the context of this thesis, “appropriate” means compatible with retaining the resilience, or the enduring health and reproductive capacity, of an LME.

The creation of a governance framework, based on an ecosystem approach for an LME involves:

- Determination of the boundaries of the relevant ecosystem.
- Assessment of the resources in the ecosystem and the development of an understanding of ecological balances.
- Appraisal of the varying human uses of the area of the LME and the relative interplay of each with the marine environment.
- Establishment of goals, objectives and priorities for resources and the marine environment of the LME, taking scientific data and social-economic

considerations into account in a systematic manner as well as considering the risks to sensitive marine habitats.

- Regulations of activities affecting the LME so that human activities conform to agreed upon choices and priorities.
- Shaping of suitable institutional machinery and governance arrangements for policy making and administration of LME uses.
- Oversight, evaluation, monitoring and assessment of activities in an effective manner to allow needed changes in governance/management efforts and objectives (Juda, 1999).

Completion of all of these seven steps necessarily involves many disparate parties working together. No one level of government has jurisdiction over the whole estuarine, coastal and ocean ecosystem; collaboration and some form of co-operation are absolutely essential. But what does collaboration mean?

Collaboration is an approach to planning and decision-making aimed at improving relationships and seeking resolutions that meet the needs and interests of all parties to the greatest possible degree (Fisheries and Oceans Canada, 2002). As illustrated in Exhibit 3, there are at least seven different levels of potential collaboration ranging from mere informing to something approximating partnership or community control (Cambell, 1996). While different jurisdictions implementing a collaborative approach to oceans governance define collaboration differently, the prevailing definition of collaboration tends to be Level Four

Exhibit 3

Levels of Collaboration

Co-management operating within Northern Land Claim Agreements	Level Seven	Partnership, community control	<ul style="list-style-type: none"> Partnership of equals; joint decision-making institutionalized; delegated to community where feasible.
	Level Six	Management boards	<ul style="list-style-type: none"> Community is given the opportunity to participate in developing and implementing management plans.
Collaboration envisaged in <i>Canada's Oceans Strategy</i>	Level Five	Advisory committees	<ul style="list-style-type: none"> Partnership in decision-making starts; joint action on common objectives.
	Level Four	Communication	<ul style="list-style-type: none"> Start of two-way information exchange; local concerns begin to enter management plans.
	Level Three	Co-operation	<ul style="list-style-type: none"> Community starts to have input into management (i.e., use of local knowledge, research assistance).
Collaboration operating within provincial setting	Level Two	Consultation	<ul style="list-style-type: none"> Start of face-to-face contact; community input heard but not necessarily heeded.
	Level One	Informing	<ul style="list-style-type: none"> Community is informed about decisions already made.

Source: Adapted by the author from Campbell, 1996.

(Communication) or Level Five (Advisory Committees). No federal jurisdiction in Canada (Fisheries and Oceans, 2002), Australia or New Zealand, for example, has chosen to contemplate collaboration in terms of a partnership of equals (Westcott, 2000). Levels Six and Seven describe a regime of co-management, not collaboration, as envisioned in *Canada's Oceans Strategy (Ibid)*.

Policy makers deemed that collaboration is required to address problems of fit and scale that had reduced the effectiveness of ICZM in Canada and other jurisdictions. This policy direction reflects the thinking of leading academics such as Oran Young who writes extensively on the issues of scale and fit. Scale refers to the perspective that is used to describe, for example, a natural landscape. There is the micro scale (i.e. close-up), the meso scale (middle range) or the macro scale (i.e. large scale). Fit refers to the relationship between a given ecosystem and the institutional arrangements established to exploit and/or preserve the ecosystem.

In *The Institutional Dimensions of Environmental Change: Fit, Interplay and Scale*, Young (2000) describes the problem of fit as an institutional arrangement that performs perfectly well in dealing with one environmental problem but fails when used in an effort to solve other problems. For example, a regime may be based on the assumption that stocks of fish are renewable resources that are highly resilient and able to rebound quickly following a temporary ban on harvesting. This regime will experience a problem of fit if the stock is driven to a point where recovery is slow or past the point of no return (Young, 2000). This has been called the Tragedy of the Commons.

Problems of scale arise when the size or physical dimensions of the governance unit is not commensurate with the size of the problem. As described earlier, problems of scale had arisen with the ICZM. The provinces and states controlled the near shore and the federal governments controlled the offshore. The control of any given LME was therefore fragmented. There was no governance institution at a scale commensurate with the scale of the whole LME.

An ecosystem approach addresses the problem of fit. An ecosystem approach assumes that the goal for management is one of maintaining the resiliency of an LME, not the maximum sustained yield of fish (Berkes, 1998). The collaborative approach addresses the problem of scale. The scale of the governance/management regime is commensurate with the scale of the whole LME; this is achieved by collaboration of all users of the oceans and all jurisdictions contiguous to the LME (Berkes, 2003).

In 1997, Canada adopted the Collaborative/Ecosystem Oceans Governance Model. The problem is that while this Model has been observed to work at a more limited community scale, it has not been proven to work at a larger regional, or meso level scale, commensurate with LME.

2.3 The Critical Role of Cross-Scale Interactions

Leading thinkers such as Ostrom have stated that local natural resource users can wisely manage commonly held resources. Ostrom's work supports the claim that under many conditions people can work collectively to manage shared resources such as coastal habitat or a fishery in a sustainable manner. Ostrom's

work is filled with examples of successful, enduring initiatives where small communities created institutions for self-organization, exercising self-control in the use of shared resources (Ostrom, 1990).

The examples cited by Ostrom and other researchers relate to local community institutions at a relatively micro or limited scale, compared to the scale required to govern an LME. In her work, Ostrom addresses this limitation and identifies the need for “nested enterprises,” or enterprises operating at different scales with established communication and political/influence linkages between the nested institutions (Ostrom, 1990). Nested institutions are like wooden Russian dolls—institutions that are designed to fit together, one inside the other. Ostrom envisions some appropriation, monitoring, enforcement, conflict resolution and governance activities organized in multiple layers of nested enterprises, starting at a smaller scale and including a regional, and perhaps national, scale (Ostrom, 1990).

The work of Ostrom (1990), Berkes, Colding and Folke (1998) points to the importance of “cross scale interactions” between nested institutions. There are “horizontal cross-scale interactions” among participants at the same level. Horizontal cross-scale interactions include co-ordination and management of the multiple federal agencies involved in, for example, protecting the San Francisco Bay, the Great Lakes or an LME (Hildebrand, 2002). Horizontal cross-scale interactions also involve institutions representing nations with contiguous borders, relative to a given LME. “Vertical cross-scale interactions” refer to interactions between different levels of government. Vertical cross-scale interactions start with municipalities in coastal areas and include regional institutions, provincial

representatives and representatives of the Government of Canada (Berkes, 1998).

Cross-scale interactions based on different levels of government and different geographical jurisdictions are inherently ambiguous from an accountability perspective. While the Collaborative/Ecosystem Oceans Governance Model is based on inclusion, it is inherently weak in assigning clear roles and responsibilities and reaching shared expectations among individuals from vastly different social, economic and cultural backgrounds (Young, 2000). The resulting collaborative governance accountability dilemma can then be articulated as follows, “While a collaborative approach necessarily requires stronger individual and collective accountability, collaboration necessarily makes individual and collective accountabilities harder to define.” A key challenge for any collaborative oceans governance regime will be to create institutions of cross-scale interactions that are both vibrant and accountable.

The collaborative accountability dilemma has implications for building accountability, or answerability, into a governance regime based on both the ecosystem and collaborative approaches.

Assigning accountability for the degradation of the oceans is inherently difficult. The contamination of terrestrial environments often leaves a footprint and there is a clearer link of causality between use, land title and contamination (Rubenstein, 1990). In sharp contrast, it is inherently difficult to establish accountability for marine pollution and degradation. First, the oceans are fluid and open. A ship dumps bilge, there is a momentary trace and the evidence is gone.

Second, there are so many contributory land-based sources of marine pollution it is inherently difficult to pinpoint accountability for point source and non-point source pollution (Pew Oceans Commission, 2003). Third, there is no title to ocean space (Juda, 1998). For these reasons accountability for marine degradation and pollution is extremely difficult to establish, and more importantly, to enforce.

3.0 Governance of the Oceans in Canada

3.1 The Essence of the New Oceans Governance Regime

Under the *Oceans Act*, the Government of Canada developed a new oceans policy based on two principles: an ecosystem approach and collaboration among the users of the ocean. The objective of the new governance framework was to weave together a governance institution at a geographic scale commensurate with the scale of the estuarine, coastal and marine environments to be “managed” for human use. This framework transcended existing political boundaries defined in constitutional arrangements between the Government of Canada and the provinces.

The governance approach in the *Oceans Act* was a radical departure from previous approaches to the governance of estuarine, coastal and marine environments (Coffen-Smout, 1996). The new regime was based on informal, largely regional institutions working within existing constitutional arrangements. The approach had many similarities with emerging theories articulated by leading academics such as Berkes, Folke, Colding, Ostrom, Gunderson and Holling.

Canada’s Oceans Strategy and the accompanying *Policy and Operational Framework for Integrated Management of Estuarine, Coastal and Marine Environments in Canada* provided details on how the *Oceans Act* would be implemented. The *Strategy* and *Framework* described a governance model based on a collaborative approach that includes “institutional arrangements in which governments, user groups and other interests enter into agreements on oceans

management plans with specific responsibilities, powers and obligations” (Fisheries and Oceans Canada, 2002, 11).

The *Strategy* noted that “some management actions will still proceed to meet existing jurisdictional responsibilities. For example, actions necessary for conservation can proceed under the authority of the Minister of Fisheries and Oceans...Participating program and regulatory authorities will remain chiefly responsible for implementation of the regulatory measures, policies and programs required to achieve the collective results” (*Ibid*, 21).

It should be noted that *Canada’s Oceans Strategy* clearly distinguished between collaborative management systems and co-management:

- “Collaboration. An approach to planning and decision-making aimed at improving relationships and seeking resolutions that meet the needs and interests of all parties to the greatest possible degree.
- Co-management. A management approach in which responsibility for resource management is shared between the government and resource user groups (*Ibid*, 36).”

The *Strategy* was quite specific; co-management would generally be limited to areas of settled land claim agreements. “However, decision-making and implementation responsibilities will remain with the existing co-management authorities and respect the conditions of the settled claim” (*Ibid*, 15). Collaboration would be the norm; co-management would be the exception in cases where

formal agreements had been signed, such as in the case of the Arctic Ocean where land claims had been negotiated with the Governments of Nunavut and Inuvialuit (Campbell, 1996). Relative to levels of participation illustrated in Exhibit 3, the *Strategy* appears to have contemplated Level Five—Advisory Committee participation.

Because past oceans management in Canada had been very sectoral, marine policy had suffered from fragmentation, gaps and overlap. Past attempts at oceans governance had primarily been concerned with more traditional ocean uses such as shipping and commercial fisheries (Mitchell, 1998). The new approach to oceans governance implicit in the *Oceans Act* was Integrated Management, an attempt to deal with these past failures.

Even though there was a commitment to the development of Integrated Management Plans for all estuarine, coastal and marine waters of Canada (*Oceans Act*, 1997), the process for implementation of these Integrated Management Plans was not clearly laid out. However, the Minister of Fisheries and Oceans was tasked with co-ordinating with other federal ministers, boards and agencies in the implementation of the Integrated Management Plans. This was necessary because the Minister of the Department of Fisheries and Oceans does not have sole jurisdiction over many of the activities and uses of the oceans covered by the Integrated Management Plans. The Minister may establish or recognize existing advisory or management bodies, and may in consultation, establish Marine Environmental Quality guidelines. The Minister is also responsible for leading and co-ordinating the development and implementation of Marine Protected Areas in Canadian waters (*Oceans Act* 1997, Section 35(2)).

The establishment of Integrated Management Bodies (see Exhibit 4) was expected to create and facilitate an environment conducive to collaboration. These Bodies consist of government representatives from all three levels of government and aboriginal organizations, marine users and non-governmental organizations. The *Policy and Operational Framework* was not definitive about the role of these Integrated Management Bodies; their role and makeup vary according to the circumstances. Some Integrated Management Bodies exist simply to share information and create an action plan for a Large Oceans Management Area (LOMA). These Bodies provide advice to the decision makers and assume some responsibility for the implementation of Integrated Management Plans (Fisheries and Oceans, 2002). The nature of the required vertical cross-scale interactions between each Integrated Management Body, the Minister of Fisheries and Oceans and Parliament was not addressed in the *Strategy* or *Policy and Operational Framework*.

The role of the Department of Fisheries and Oceans in this planning process is multi-dimensional: providing scientific knowledge, integrating technical knowledge with social and traditional knowledge, and facilitating the Integrated Management Process. The *Policy and Operational Framework* identifies six steps in the Integrated Management Planning process: defining and assessing a management area, engaging affected interests, developing an Integrated Management Plan, endorsing the Plan, implementing, monitoring and evaluating.

Canada now has an approach to oceans governance that formally assumes that the principles of a collaborative and ecosystem approach can be reconciled with the principles of sound accountability, including ministerial responsibility. But what

Exhibit 4

Model for an Integrated Management Body

Source: Fisheries and Oceans Canada, 2002.

are these principles? Is there a fundamental problem of fit between the new Collaborative/Ecosystem Oceans Governance Model and these principles?

3.2 Principles of Sound Accountability

The basis of government in Canada is the Canadian Constitution, the practices and conventions that have evolved since Confederation, the administrative and legislative acts and regulations pursuant to the powers of the Constitution and the conventions of the public service. One of the concepts at the foundation of the Canadian system of government is the concept of accountability (Treasury Board of Canada, 1998).

Conventional media interpretation and ordinary discourse often interpret accountability simply as a process of assigning blame and punishing wrong - doing. That is part of the concept of accountability. However, there is a positive aspect of accountability. Modern governance and public administration literature see the potential for accountability to be a positive incentive, an opportunity to demonstrate achievements and stewardship. In this view, accountability is an integral and indispensable part of establishing effective working relationships.

Without accountability there can be no responsible government (*Ibid*).

Accountability is the glue that holds together the fundamental concepts of law, order and good government (*Ibid*). A traditional definition of accountability in public administration literature is:

Accountability is the obligation to answer for a responsibility conferred. (Ibid, 2).

In this definition accountability is interpreted as implying two distinct and often unequal partners: one confers and the other is obliged to answer. A more modern definition used by the Treasury Board Secretariat is:

Accountability is a relationship based on the obligation to demonstrate and take responsibility for performance in light of agreed expectations (Ibid, 2).

This modern definition makes explicit the obligation to answer for what has been accomplished or has not been accomplished that is of significance and value. This captures the essence of modern, non-hierarchical relationships, without diluting the importance of the concept of accountability. The Treasury Board Secretariat believes that this focus on performance covers the benefits accomplished for Canadians, due process and fairness in the delivery of services. The definition notes that the “agreement” referred to is either an explicit or implicit agreement between subordinates and superiors in a hierarchical relationship, or the agreement between partners in a less hierarchical relationship (*Ibid*). This definition is most applicable to the collaborative arrangements delineated in the *Oceans Act*.

Within the context of the Government of Canada, the concept of accountability is closely linked with the concept of ministerial responsibility. Ministers are individually accountable to Parliament for their own actions and all actions of their departments or agencies (*Ibid*).

Responsible government in Canada is based on the individual and collective responsibilities of ministers to Parliament (Privy Council Office, 1993). Individual ministerial responsibility means that a minister is personally answerable to the House of Commons for the exercise of power. Because the House determines the circumstances in which the concept operates, the principle has the flexibility necessary to deal with a wide variety of situations (*Ibid*).

In contrast to the responsibilities of individual ministers, collective ministerial responsibility is a complex arrangement involving the personal responsibility of each minister and of ministers as a group. Relative to the implementation of the *Oceans Act*, the Minister of Fisheries and Oceans is individually accountable for progress in her or his Department. Cabinet has a collective responsibility for implementation of the *Act* by all affected departments.

There are three elements of collective responsibility. First, there is treasury control. The Treasury Board of Canada exercises oversight over departmental expenditures. Second, there is the related convention that the government alone as a single entity may ask the House of Commons to approve ways and means and to vote supply. Voting supply means approving the budget. Third, there are powers of appointment over ministers and other holders of high office that are exercised by the prime minister. These emanate from her or his historic role as the arbiter of treasury control and patronage.

These three key elements define the concept of Cabinet. A Cabinet brings together the individual responsibilities of ministers so that they may be exercised by each minister in a manner that is acceptable to all. Collective responsibility,

unlike individual responsibility, is a convention rather than a legal concept (*Ibid*). Collective responsibility comes into play when a government loses confidence on a vote on ways and means. In this instance of collective responsibility, a vote of non confidence leads to the dissolution of Parliament.

Individual ministerial responsibility is comprised of a group of conventions (Woodhouse, 1999). These conventions can be grouped as follows:

- **Redirectory responsibility.** Redirectory responsibility is the starting point for accountability; the requirement is simply for the minister to “redirect” questions from Members of Parliament, as appropriate.
- **Reporting or “informatory” responsibility.** This convention requires the minister to report to Parliament what has happened in one of the areas of her or his responsibility.
- **Explanatory responsibility.** The third level at which ministerial responsibility operates requires far more from a minister. This convention requires a minister to explain or account for her or his actions or a department’s actions. The extent to which a minister is constitutionally required to present explanations to Parliament is not clear. Politically, it is the minimum explanation the House will accept.
- **Amendatory responsibility.** At a fourth level, a minister is required to provide more than an explanation of what has happened. She or he is required to make amends for her or his shortcomings. At its simplest, an

apology to the House of Commons may suffice, particularly if coupled with the announcement that corrective action has been taken. Corrective action could include the installation of new procedures to prevent a repeat of the incident, the holding of an internal inquiry, or the disciplining of the official or officials responsible.

- **Sacrificial responsibility.** The fifth and highest level of responsibility is sacrificial responsibility. This requires the minister to resign. Ministerial resignations are the most obvious and the most dramatic form of accountability (*Ibid*).

Woodhouse, as with other writers on the subject, provides extensive coverage of the conditions that would lead to the resignation of a minister. Ministerial responsibility is a culture of blame, not trust. Blame is at the foundation of the system. Individual ministers and Cabinet will be held to account for their individual, and collective, implementation of the *Oceans Act*.

In their working definition of ministerial responsibility, the United Kingdom's Public Service Committee stated that ministers owe a fundamental duty to account to Parliament. This has two meanings. First, the executive is obliged to give an account—to provide full information and explain its actions in Parliament to allow proper democratic scrutiny. Second, a minister's duty to account to Parliament means that the executive is liable to be held to account: it must respond to concerns and criticism raised in Parliament about its actions because Members of Parliament are democratically elected representatives of the people. The

Committee noted that its working definition made a distinction between “giving an account” and “being held to account” (Public Service Committee, 1996).

There are rules and they are unforgiving, once deemed to apply to a given minister. Anyone who has observed Question Period in the House of Commons will understand the harsh nature of the grilling to which ministers are subjected. A minister never wants to be embarrassed or caught off guard and this reality casts a chill over everything that a large department does or touches. This chill is hardly conducive to innovation or risk taking on the part of public servants. It is not conducive to an approach which has been called adaptive governance, or governance based on enlightened trial and error, as contemplated in the *Oceans Act*.

3.3 Reconciling Regimes Based on Trust and Blame

Traditional vertical accountability is based on the ability to assign blame. As illustrated in Exhibit 5, the traditional governance model is based on a clear line of accountability between public servants, a minister and Parliament. This is the essence of the accountability relationship that holds together the large, complex departments of the Government of Canada.

Exhibit 5 illustrates the vertical accountability of the Minister of Fisheries and Oceans Canada. Relative to the regulation of coastal, estuarine and marine environments, the Minister is responsible for the effective administration of over 30 acts, regulations and orders (Fisheries and Oceans Canada, 2002). Some of the major acts are listed in Exhibit 5. The Minister is responsible for the

Exhibit 5

Traditional Governance Model: Fish

- **Objectives:**
 - Order/Good Government
 - Co-ordination
 - Performance/Results
 - Consequences
- **Foundation: Blame**

FA: Fisheries Act

CSA: Canada Shipping Act

AWPPA: Arctic Waters Pollution Prevention Act

OGA: Relevant Oil and Gas Acts

Source: Author, 2003.

administration of sections of the *Canada Shipping Act*. The proper regulation of ships will have a direct bearing on the marine environment—the failure of a hull can result in widespread contamination of a pristine marine environment.

The *Fisheries Act* is one of Canada’s strongest pieces of environmental legislation. Section 36(3) states that “no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish....” The *Fisheries Act* grants the Minister of Fisheries and Oceans Canada the powers to establish fishing quotas. Section 7 states that “the Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued leases and licenses for fisheries or fishing, wherever situated or carried on.” These powers of the Minister contrast sharply with the role of the Minister with regard to the *Oceans Act*.

In contrast, the essence of the Collaborative/Ecosystem Oceans Governance Model is described in Exhibit 6, New Governance Model: Oceans. This Model is based on a “sectoral” approach where oceans users such as fishing companies, local communities, the oil and gas sector, the unions, the provinces and the Federal Government are expected to collaborate.

Exhibit 6

New Governance Model: Oceans

- **Objectives:**
 - Integration
 - Ecosystem Approach
 - Collaboration
 - Sustainable Development
 - Precautionary Principle
- **Foundation: Trust**

DFO: Department of Fisheries and Oceans
NRCAN: Natural Resources Canada
EC: Environment Canada
IC: Industry Canada
INAC: Indian and Northern Affairs Canada
OGD: Other Government Departments

Source: Author, 2003.

The new governance model is based on a “substantial ideological shift” in the management of ocean resources, the need for a more holistic approach, and the need to find ways to manage often competing and increasingly diverse oceans resource interests (including environmental, economic and social interests) (Fisheries and Oceans Canada, 2003):

“Canada’s Oceans are governed by a complex web of laws and regulations managed by various Government organizations across several levels of Government. Over the past decades demands for oceans resources have changed dramatically, creating a need for a unified vision and an integrated approach to oceans management—one that effectively considers the impact of individual sector activities on each other, and on the oceans as a whole” (*Ibid*, 4).

Exhibit 6 illustrates this sectoral approach and explores the accountability implications. The new governance model is based on trust, not blame. The model implies that there will be a lead minister and the lead minister will be the Minister of Fisheries and Oceans Canada. However, the *Oceans Act* and the *Strategy* do not explicitly articulate who will be the lead minister. This has profound accountability implications. The model also implies that there will be other ministers who will make decisions on the use of the oceans such as the Ministers of Natural Resources Canada, Industry Canada and Indian and Northern Affairs Canada. The model implies that there will be individual and joint and several accountabilities of the lead minister and the other ministers. The model introduces other problems from an accountability perspective, largely caused by the use of ambiguous terms, such as sustainable development, the precautionary principle and an ecosystem approach.

The concept of sustainable development is an inclusive concept that implies new values, imprecise timeframes and definitional ambiguity. This definitional ambiguity makes it more difficult to reach a shared vision necessary to effectively implement a horizontal approach. This problem is clearly illustrated by another objective of the new governance regime—the use of the precautionary principle.

The precautionary principle is part of the operating philosophy of the Government of Canada. In a “Canadian Perspective on the Precautionary Approach/Principal” the precautionary approach is described as a “distinctive approach within risk management which primarily affects the development of management options and decisions. It is ultimately guided by judgment based on values and priorities. Guidance and assurance are particularly needed when there is a risk of serious or irreversible harm, the scientific uncertainty is significant and a decision must be made.” (Department of Fisheries and Oceans, 2002, 9). Section 30 of the *Oceans Act* stipulates that the foundation of *Canada’s Oceans Strategy* is based on the precautionary approach.

Recent literature on the application of the precautionary principle to LMEs has demonstrated the weakness of the principle. A leading researcher, David Vanderzwaag, noted that the precautionary principle sounds good on paper but has yet to be convincingly implemented for LMEs. In practice, Vanderzwaag argued that its implementation has been largely ineffective due to definitional problems, confusion in terminology, definitional variations and generalities, and a lack of tangible guidelines to use in actually applying the principle. As well, accountability for its implementation and the oversight of implementation have been weak (Vanderzwaag, 2001).

An ecosystem approach is another ambiguous term that is used in the *Oceans Act* but not explicitly defined. It is unclear what a department implementing an ecosystem approach would be expected to do differently from traditional practice in terms of fisheries management, oil and gas exploration and development, and other ocean uses.

There are four critical points to be made here, points that shape all that follows in this thesis. First, there is one accountability model for the fish in the oceans, a second and profoundly different accountability model for the oceans in which the fish live. The nature of this problem of fit is illustrated in Exhibit 7. If there is a collapse in the harvest of a given species of fish, the Minister is deemed to be blamed for the collapse. Yet if the health of the oceans deteriorates dramatically, the Minister may not be deemed accountable because of joint and several liability with other collaborators. As illustrated, the two accountability expectations do not meet.

Second, implicit in the new Collaborative/Ecosystem Oceans Governance Model are new accountabilities for the Minister of Fisheries and Oceans Canada, such as responsibility to achieve sustainable development, establish an ecosystem approach and implement the precautionary principle. These new concepts pose problems from an accountability perspective because there are not shared expectations about intended outcomes, or results.

Third, for a collaborative, sectoral, integrated approach to work, it is critically important to define the accountabilities among and between the lead minister for the ocean and other ministers. Fourth, it is critical to clarify the accountability among and between the various users of the oceans and the lead minister, the Minister of Fisheries and Oceans. What is the role of these “collaborators,” relative to the levels of collaboration illustrated in Exhibit 3? Do they have decision-making power, or are they advisory bodies? What, if any, is their collective accountability? For any decisions reached, who is accountable—the collaborators or the lead minister? Relative to decisions reached on an integrated

Exhibit 7

Nature of the Problem of Fit

Source: Author, 2003.

sectoral approach, are these decisions binding on the other ministers? For example, when the Minister of Natural Resources Canada makes decisions that affect offshore drilling, is that Minister bound by the collaborative decisions made by the collaborators and affirmed by the lead minister?

Further, to merge a collaborative model with the traditional accountability model of the Government of Canada is a difficult and complex task. It is inherently difficult to establish the individual and collective accountability of national governments, sub-national governments and others involved in the collaborative process. Within this context, there is a need for diagnostic indicators of accountability that would help the architects of oceans governance to determine the extent to which accountability has successfully been built into the oceans governance regime. As well, such indicators of accountability would be useful to determine whether five to ten years after the implementation of the governance regime, the intended accountability is in fact in place. The focus of this thesis is to develop such indicators of accountability. These indicators are in essence a diagnostic tool, rather than a goal. These indicators necessarily focus on process because at this point in the implementation of the *Oceans Act*, that is all there is to measure.

Indicators are defined as measures of a given state. In this thesis indicators of accountability are used to mean measures of the extent to which a governance arrangement successfully creates an accountability relationship based on the obligation to demonstrate and take responsibility for performance in light of agreed upon expectations. The information that indicators of accountability convey is the substance of credible reporting and the basis of rational review and adjustment. To be effective in assigning accountability, performance indicators

must track causality back through performance expectations, roles and responsibilities. This becomes critical when collaborative arrangements introduce multiple accountabilities and shared outcomes.

Many indicators have been proposed to record the state of ocean ecosystems (Fisheries and Oceans, 2001). There are substantive measures (indicators) and process measures (indicators). Substantive measures measure changes in the human use of the oceans and the accompanying changes in cumulative environmental effects. Process measures track the number of consultations, the preparation of Integrated Management Plans. The indicators of accountability are process measures.

The condition of an ecosystem is ultimately the final outcome of programming for sustainable development, application of the precautionary approach and the practice of integrated management. As information capable of holding a government to account, ecosystem indicators must be accompanied by indicators that track causality between governance interventions and changes in ecosystem state. To date, no federal jurisdiction adopting the Collaborative/Ecosystem Oceans Governance Model has developed indicators of accountability that link the outcome of governance interventions with substantive measures of social, economic and environmental results or outcomes (*Ibid*).

4.0 Methodology for the Evaluation of Answerable, Collaborative Oceans Governance

Chapter Four addresses the question of how to measure the extent to which it is possible to reconcile the principles of a Collaborative/Ecosystem Oceans Governance Model with the principles of sound accountability. A generalized model is developed, the Oceans Governance Accountability Framework (OGAF). An overview of the research framework is provided and the verification of the research framework with a group of experts is described.

4.1 Oceans Governance Accountability Framework

Before describing the evaluation methodology developed, it is useful to review the background material and to develop an overall conceptual model for an OGAF (Exhibit 8)

The starting point is the Law of the Sea which grants rights and obligations to coastal states for their EEZs. To discharge these obligations, coastal states must work within their existing national model of government. The focus of this thesis is on a Westminster model application.

A national government model is based on predefined constitutional arrangements that define the relative rights and obligations of the national state and the sub-national units of government. A national government model is based on a definition of accountability. As will be illustrated in Chapter Four, to accommodate oceans governance, a modern definition of accountability is needed. Such a

Exhibit 8

Oceans Governance Accountability Framework

Legend

☐ Focus of thesis work

Source: Author, 2004.

modern definition of accountability has to be further modified to adjust for oceans governance arrangements.

Within a national government model there are at least two main components, a legislative component (i.e. a legislative body) and an executive branch. In Canada, the executive branch is the Prime Minister's Office and Cabinet; the legislative body is Parliament.

As illustrated in the shaded boxes to the left of Exhibit 8, the focus of this thesis is on measuring the robustness of the accountability regime for the Collaborative/Ecosystem Oceans Governance Model. The criteria for "robustness" are described in the next section. There are three dimensions of accountability. First, there is the accountability relationship between the lead agency or department and the legislative body. In the Canadian context this is the relationship between the Minister of Fisheries and Oceans and Parliament. The next key relationship is the accountability relationship between the lead agency or department for the oceans and other agencies and departments with a stake in the oceans. The final relationship of interest is the relationship between the lead agency or department and users of the oceans, including sub-national governments. The scale of this relationship will generally be at the regional, or meso level, commensurate with the characteristics of an LME.

Within the context of the OGAF, the research focuses on the definition of accountability for the Government of Canada. A modern definition of accountability forms the basis of the indicators of accountability developed and

tested in the thesis. Westminster model democracies such as Canada have been forced by circumstances to develop a modern definition of accountability.

4.2 Accountability for Collaborative Arrangements

While the traditional model of ministerial accountability demands vertical accountability and the ability to assign blame, the realities of modern government pose a dilemma for central agencies of Westminster model democracies concerned about the erosion of this vertical accountability. The dilemma is “how to respond to the necessity of new collaborative governance arrangements with other levels of government, the private sector and civil society without eroding the principles of ministerial responsibility (Mayne, 2003)?” Governments have entered into what has been called “new governance arrangements” as they faced huge infrastructure costs that had to be shared (*Ibid*).

From the perspective of ministerial responsibility, there are two broad types of new governance arrangements—“delegated arrangements” and “collaborative arrangements”. Delegated arrangements are those where the government sets up separate legal organizations that exercise discretionary authority to redistribute public money, use public assets or deliver public services on the government’s behalf (*Ibid*). For example, the provinces now administer elements of federal environmental legislation. In contrast, collaborative arrangements are those in which the federal government is a partner with other orders of government, non-government organizations and the private sector in delivering programs. The type of institutions contemplated in Canada’s *Oceans Act* most closely resemble a collaborative arrangement.

In Canada, public servants are expected to go through a rigorous due diligence process for prospective collaborators. Public servants are expected to assess the potential capacity of the collaborators, relative to the expectations of their performance. The public servants also have to ensure there is accountability for results (from a bureaucratic perspective), shared values about probity and prudence, adequate departmental control mechanisms, strong audit provisions and high transparency (i.e. participants in collaborative arrangements that receive federal money are expected to render an accounting of the use of these funds) (*Ibid*). An important point to emphasize is that the expectations on the bureaucrats are explicit. These expectations reflect a centralized bureaucratic and political culture that is embarrassment adverse, based on the ability to lay blame.

The work of the Office of the Auditor General of Canada is definitive in terms of the principles of accountability that should be applied to collaborative arrangements. The research described in this thesis started with this foundation. Extensive work was done to adapt these broad principles to fit a governance regime, as contemplated under the *Oceans Act*. As illustrated in Exhibit 9, a minister, such as the Minister of Fisheries and Oceans is accountable for establishing an accountability framework within her or his department, and between the department and those with whom the department chooses to collaborate, as contemplated under the governance arrangements for the *Oceans Act*.

Exhibit 9

The Accountability Process

Source: Auditor General of Canada, December 2002.

As illustrated in Exhibit 9, there needs to be clarity around roles and responsibilities of the department, within the department and between the department and the collaborators; there needs to be clarity around expected performance within the department and between and among the department and the collaborators; there needs to be responsible, timely and transparent reporting between the department and the collaborators, between the collaborators and the department and most importantly between the department and Parliament; and, there must be mechanisms for review and adjustment, both within the department and among and between other departments involved with the implementation of a given policy agenda (*Ibid*).

A minister is responsible for giving a credible reporting of performance so that Parliament, including interested parliamentary committees and committees of the Senate, have information with which to hold a given minister to account, to review his or her performance and to require adjustment if results contemplated in enabling legislation are not being achieved (*Ibid*). But what is meant by “results” and, more importantly, “a chain of results?”

As illustrated in Exhibit 10, there is a chain that starts with activities and ends up with outcomes. The Treasury Board Secretariat and the Auditor General of Canada have developed and promoted this framework within the Government of Canada and it is now the norm. These principles, which were expressively designed for collaborative arrangements, form the basis of the indicators of accountability for the *Oceans Act*.

Exhibit 10

Terms and Concepts of Results and Performance

Source: Auditor General of Canada, December 2000.

4.3 Research Framework

Based on the principles of accountability and the OGAF (see Exhibit 8), detailed research methodologies were developed and verified. Exhibit 11 provides an overview of the research framework. Exhibit 11 is cross-referenced to detailed research tools which are summarized in Appendix 1.

As illustrated on the left hand column of Exhibit 11, the focus of the research was on three dimensions of the critical accountability relationships. The first dimension is between the Minister of Fisheries and Oceans and Parliament. As illustrated in the right hand portion of Exhibit 11, Indicators of Vertical Accountability were developed to test whether the Minister has established a robust accountability framework with clearly defined roles, expectations for performance, reporting requirements and some provision for review and oversight.

Relative to the holding to account portion of the accountability relationship between the Minister of Fisheries and Oceans and Parliament, Indicators of Credible Reporting were developed. Because these Indicators are a critical element of the thesis work, these Indicators are described in the next section of Chapter Four. As well, indicators of Holding to Account were developed.

Relative to the accountability relationship between the Minister of Fisheries and Oceans and other ministers, Indicators of Horizontal Accountability were developed. There is no evidence in the public domain that indicates that a formal accountability framework has been established between the Minister of Fisheries and Oceans and other ministers.

Exhibit 11

Overview of Research Framework

Oceans Governance Accountability Framework (OGAF)	The Accounting Process (Exhibit 10)			
Dimensions of Accountability Relationship:	Accountability Framework		Holding to Account	
	Roles and Expectations	Reporting Requirements and Review	Credible Reporting	Review and Adjustment
Minister of Fisheries and Oceans and Parliament	Indicators of Vertical Accountability (Section 4.4)		Indicators of Credible Reporting (Section 4.6)	Indicators of Holding to Account (Section 4.7)
Minister of Fisheries and Oceans and Other Ministers	Indicators of Horizontal Accountability (Section 4.5)		N/A	N/A
Minister of Fisheries and Oceans and Users of Oceans	Indicators of Integrated Management (Section 4.9)		Indicators of Credible Reporting (Section 4.6)	N/A
Timing of Intended Use of Diagnostic Tests	Design Phase of Governance Institutions		5–10 Years After Promulgation of Enabling Legislation	

Relative to the accountability relationship between the Minister of Fisheries and Oceans and oceans users, Indicators of Integrated Management were developed. Relative to the holding to account element of the accountability relationship, the Indicators of Credible Reporting that were developed to test the accountability of the Minister of Fisheries and Oceans to Parliament were also used to test accountability between the Minister of Fisheries and Oceans and users of the oceans.

4.4 Indicators of Vertical Accountability

To successfully implement the *Oceans Act*, the Department of Fisheries and Oceans has to merge the two accountability regimes, one based on blame and one based on trust. Both regimes have to be in place. Indicators of Vertical Accountability were developed to assess the robustness of the traditional chain of vertical accountability between the Minister, the Deputy Minister (DM), the Associate Deputy Minister (ADM) Oceans, ADM Fisheries Management and the ADM Science. The span and complexity of this vertical chain of accountability is illustrated in Exhibit 12, Indicators of Vertical Accountability.

The Exhibit illustrates two types of accountability, each based on a different reporting relationship. There are “line” and “functional” reporting relationships. A line reporting relationship is a hierarchical relationship between a manager of higher rank and a subordinate of a lower rank. A functional reporting relationship, in contrast, may be between peers. It is not based on power, control or formal authority. Rather it is based on influence. One party is expected to provide leadership, advice and direction to the other party or parties in the relationship.

These parties may or may not choose to follow this direction. Functional reporting relationships are the basis of organizational management initiatives for cross-cutting issues such as financial management.

The objective of vertical accountability is to ensure answerability for expected results, or outcomes, from the perspective of the Minister of Fisheries and Oceans. The Minister has overall accountability for the implementation of the *Oceans Act*. Responsibility for implementation of specific portions of the *Act* can be delegated but ultimate responsibility rests with the Minister. The Minister is also accountable for ensuring the development of a strategy to implement the *Act*. The Minister is accountable for international leadership, understanding and protecting the marine environment and supporting sustainable economic opportunities. The Minister is accountable for credible reporting to Parliament on whether these results have been achieved.

As illustrated in the bottom left hand portion of the Exhibit, the ADM Oceans has functional responsibility to co-ordinate the implementation of the Integrated Management Process that involves a six step process. However, a Regional Director General, who reports directly to the DM, has line authority for co-ordinating, and facilitating the Integrated Management Process for any given LOMA. What this means is that there has to be close co-ordination between the ADM Oceans and the Regional Director General. Roles, responsibilities and expected results must be clearly defined. The Fisheries Management Branch needs to modify their strategy for fish harvesting to ensure the resilience of the LME. The Science Branch needs to provide information on Marine Environmental

Quality to support the Integrated Management Plan. There must be clarity around roles and expected results in both Ottawa and the region.

Exhibit 13, Vertical Accountability for the Implementation of the *Oceans Act*, provides an overview of the detailed methodology developed to test the robustness of the accountability framework in place in Ottawa and the Maritimes Region. The Exhibit is based on the basic principles of an accountability framework and an effective holding to account. As illustrated, the leaders of the implementation are the Minister, the DM, the ADM of Oceans, Fisheries Management and Science Branches and the Regional Director General. Appendix 1-A provides more information on the detailed methodology developed to test vertical accountability.

4.5 Indicators of Horizontal Accountability

In any collaborative governance regime, there must be nested institutions that promote vertical and horizontal cross-scale interactions. Exhibit 14, Nested Institutions, identifies the nested institutions that would support horizontal cooperation between government departments, within the DM community, within the various branches of the Department of Fisheries and Oceans, and between the Regional Director General and other oceans users, including the provinces. Starting at the top, a Ministers Steering Committee on the Oceans, reporting directly to the Prime Minister, would ensure a coherent approach among and between the Department of Fisheries and Oceans and other government Departments. A Privy Council Office Committee on the Oceans would facilitate cooperation between the DM community on oceans matters.

Exhibit 12 Indicators of Vertical Accountability

Exhibit 13

Vertical Accountability for Implementation of the Oceans Act

Framework Branches	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
Minister	<ul style="list-style-type: none"> Ensures framework developed, implemented and used. 	<ul style="list-style-type: none"> Strategy, vision and detailed workplan implemented. 	<ul style="list-style-type: none"> Establishes reporting regime. 	<ul style="list-style-type: none"> Tables state of oceans report in Parliament. 	<ul style="list-style-type: none"> Responds to concerns of Parliament.
Deputy Minister (DM)	<ul style="list-style-type: none"> Ensures all ADMs and Regional Director Generals understand expected roles. 	<ul style="list-style-type: none"> Expected changes in management of oceans occur. 	<ul style="list-style-type: none"> Ensures state of oceans report produced. 	<ul style="list-style-type: none"> Ensures reporting is coherent, complete and accurate. 	<ul style="list-style-type: none"> Ensures ADMs change course, as required.
ADM Oceans	<ul style="list-style-type: none"> Lead ADM for <i>Oceans Act</i>. 	<ul style="list-style-type: none"> Develops, implements strategy. 	<ul style="list-style-type: none"> Consolidates data, prepares state of oceans report. 	<ul style="list-style-type: none"> Accountable for state of oceans report. 	<ul style="list-style-type: none"> Monitors changes in all Branches to conform with <i>Oceans Act</i>.
ADM Fisheries Management	<ul style="list-style-type: none"> Ensures fisheries managed with due regard for an ecosystem approach, the precautionary principle and sustainable development. 	<ul style="list-style-type: none"> Fisheries management with due regard for an ecosystem approach, etc. 	<ul style="list-style-type: none"> Reports on progress following precautionary principle, an ecosystem approach and sustainable development for fisheries management. 	<ul style="list-style-type: none"> Accountable for reliability of data. 	<ul style="list-style-type: none"> Continuous pressure for changes in Branch.
ADM Science	<ul style="list-style-type: none"> Ensures adequate scientific capacity applied to implementation of <i>Oceans Act</i>. 	<ul style="list-style-type: none"> Scientific capacity supports Integrated Management Process. 	<ul style="list-style-type: none"> Reports on progress developing/applying science to Integrated Management Process. 	<ul style="list-style-type: none"> Accountable for reliability of data. 	<ul style="list-style-type: none"> Continuous pressure for changes in Branch.
Regional Director General	<ul style="list-style-type: none"> Effective interface with oceans users for LOMA. 	<ul style="list-style-type: none"> Integrated Management for each LOMA. 	<ul style="list-style-type: none"> Reporting on regional progress implementing Integrated Management Process. 	<ul style="list-style-type: none"> Accountable for reliability of data. 	<ul style="list-style-type: none"> Continuous pressure for changes in region.

Source: Author, 2004.

An Oceans Committee within the Department of Fisheries and Oceans would coordinate the efforts of the key Branches within the Department. At the level of the Regional Office, an Oceans Management Steering Committee would harmonize the work of the Branches under the control of the Regional Director General. These Branches would all contribute to the Integrated Management Process for a given LOMA. A Regional Committee on Government Affairs (RCGA) would be the key mechanism for horizontal accountability and coordination between the Regional Director Generals of the Department of Fisheries and Oceans and other government departments such as Environment Canada and Natural Resources Canada. Appendix 1-B provides more detail on the Indicators of Accountability for cross-scale interactions

4.6 Indicators of Credible Reporting

The Minister of Fisheries and Oceans is accountable for credible reporting on the implementation of the *Oceans Act*. The basis of this reporting is in part based on the Minister's accountability under Section 31 of the *Oceans Act* which states that "the Minister (of Fisheries and Oceans) in collaboration with other Ministers, Boards and Agencies of the Government of Canada, with Provincial and Territorial Governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements shall lead and facilitate the development and implementation of the plans for the Integrated Management of all activities or measures in or affecting estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law" (Fisheries and Oceans Canada, 2002, 35).

Exhibit 14

Nested Institutions

Source: Adapted by author from work of Coffen-Smout, 2001.

In a recent article, Stephan Olsen (2003) takes the theoretical outcomes described in Exhibit 10 and restates them in terms of an oceans governance context. Olsen identifies four orders of outcomes for oceans governance:

- First order outcomes are societal actions that are required when a federal jurisdiction commits to a plan of action designed to modify the course of events in a coastal ecosystem;
- Second order outcomes are changes in the behaviour of institutions and stakeholder groups;
- Third order outcomes are socio-economic and environmental outcomes that physically establish progress toward the ultimate goal of sustainable development; and
- Fourth order outcomes are ultimate goals like sustainable development that at present are simply undefined ideals (Olsen, 2003).

Charles Ehler provides further guidance on indicators to measure governance performance in ICZM. Ehler points out that broad high level goals have to be transformed into measurable time-bound performance indicators. He states that general goals should be “operationalized into quantifiable objectives for a meaning analysis and assessment to be carried out.” (Ehler, 2003, 336) Ehler provides a tangible example of the difference between general goals vs. measurable objectives. An example of a general goal would be to “protect, restore and enhance coastal habitats.” A measurable time-bound objective would be to

“restore 25,000 acres of title and non-title wetlands by 2011 to a specified ecological condition.” Section 4.8 translates these broad principles into more specific Indicators of Credible Reporting. Section 4.9 describe Indicators of Integrated Management which were developed, based on the same broad principles.

4.7 Indicators of Holding to Account

When ministers or DMs are called to testify before parliamentary committees, they are held to account. Tangible evidence of an effective holding to account are the proceedings of the relevant standing committees of the House of Commons and the Senate.

The research focused on measuring the extent to which there had been hearings on oceans governance issues by the relevant standing committees of the House of Commons and the Senate. The scope of the research included hearings since the promulgation of the *Oceans Act* in 1997. The research analyzed the proceedings of these committees, the scope and intent of recommendations and any departmental responses. The work focused on the Standing Committee on Fisheries and Oceans and their *Report on the Oceans Act*. As well, the research included analysis of references to the *Oceans Act* during question period in the House of Commons over the past seven years, comparing the demonstrated interest of Members of Parliament in the oceans with their interest in fisheries issues.

The research considered whether Parliament was putting pressure on the Minister of Fisheries and Oceans to develop a credible reporting regime. A research hypothesis was articulated that Parliament would want information to make the following types of assessments:

- Is the *Oceans Act* achieving the purposes for which it was enacted?
- Is there clear federal leadership for the oceans?
- Are there coherent and consistent decisions on oceans development among and between key departments?
- Is there increased conflict avoidance?
- Is there increased protection of sensitive marine habitats?
- How is the Minister of Fisheries and Oceans managing the inherent contradiction between the Minister's mandate to protect fish habitat and the mandate to promote oceans development?
- Is it possible to reconcile a collaborative, ecosystem approach with the principles of ministerial responsibility? For what can the Minister of Fisheries and Oceans be held to account?
- How much progress has truly been made, almost seven years after the promulgation of the *Oceans Act*? How can the Minister of Fisheries and Oceans demonstrate progress in terms of effective application of the

precautionary principle to decisions on oceans development, such as: oil and gas exploration and development; oceans dumping; sewage pumped into the oceans; preservation of fish habitat; allowable harvest levels; use of oceans space for shipping, ferries and underground cables; and, enforcement of federal environmental statutes (i.e. Section 36 of *Fisheries Act* intended to limit pollution of rivers flowing into the oceans)?

4.8 Verifying the Research Framework

Under the auspices of the OMRN, an expert focus group was held on 13 and 14 November 2003. The majority of participants were from the Department of Fisheries and Oceans with direct experience with oceans governance issues. Membership of the expert focus group included: academic researchers with expertise in oceans issues and representatives from the Department of Fisheries and Oceans in Ottawa, the Central and Arctic, Maritimes and the Newfoundland Regions. The objective of the expert focus group was to verify or confirm the relevance of the conceptual model developed in Chapter Four to the *Oceans Act*.

The focus group looked at how to build accountability into collaborative arrangements for oceans governance and how to create a credible report on progress achieved and information needed for a holding to account.

The focus group confirmed the applicability of a basic accountability framework based on: clarity of roles and responsibilities; expected performance; credible reporting; and review and adjustment. The focus group confirmed that this model could and should be applied to collaborative governance regimes for LOMAs,

such as the Beaufort Sea Integrated Management Planning Initiative or the ESSIM Initiative. The participants explored whether having an Integrated Management Process was the same as producing an Integrated Management Plan. It was concluded that the Process was not sufficient and ultimately a Plan would be required.

After the focus group had confirmed the application of the basic accountability framework based on the Office of the Auditor General model, the group focused on indicators of accountability for the Integrated Management Process. The focus group looked at this challenge from two perspectives: accounting for a LOMA and accounting for the national program. This national perspective would be of interest to Parliament. The question that the focus group posed for itself, relative to Parliament, was “what information would the Standing Committee of Fisheries and Oceans want, ten years after the promulgation of the *Oceans Act*?”

The results of the focus group’s work are illustrated in Exhibit 15. The focus group believed that there are three fundamental principles upon which the *Ocean Act* is based—Integrated Management, the precautionary principal and sustainable development. These principles are to be achieved through collaboration. This collaborative approach represents a fundamental change, relative to the way things had been done in the past at Fisheries and Oceans Canada. The focus group believed Parliament wants information that would allow Members to assess whether this change in ocean’s governance has been a success.

Relative to Integrated Management, Parliament wants to know whether there has been adequate federal leadership resulting in a coherent inter-departmental

Exhibit 15

Information Needed by Parliament

Integrated Management/ Collaboration	Precautionary Principle	Sustainable Development
<ul style="list-style-type: none"> • Have the costs of collaboration been exceeded by the benefits? What are the benefits? • Have there been fewer conflicts over ocean use? • Is there adequate federal leadership that results in a coherent inter-departmental oceans policy and program? • Have the Federal Government and the Provinces worked effectively to manage all sources of marine pollution and degradation including land based activities? • Are federal decisions on fisheries, oil and gas made in an integrated manner? 	<ul style="list-style-type: none"> • Have there been collapses of species and habitats? • How do we know departments have erred on the side of caution in protecting sensitive marine habitat? • How do we know whether the Federal Government has erred on the side of caution on major oceans investment decisions (i.e. fisheries, oil and gas, aquaculture oceans mining and marine transportation)? • Have declines in Marine Environmental Quality been halted or arrested? 	<ul style="list-style-type: none"> • Is there now a consistent, stable and coherent regulatory (and investment) climate across all Canada's ocean spaces? • Have there been any collapses of coastal communities? • Is Canada becoming a world leader in seizing ocean opportunities, creating innovation in marine industries? • Has "intelligent" investment occurred that has respected sensitive marine habitat, and not resulted in further increases in Cumulative Environmental Effects?

Source: Expert Focus Group, Oceans Management Research Network Conference, 2003.

oceans policy and program. The relevant standing committees want to know whether the Government of Canada and the provinces have worked effectively to manage all sources of marine pollution and degradation, including land-based activity. More specifically, the relevant standing committees want to know whether federal decisions on fisheries and oil and gas were made in an integrated manner significantly different from the way decisions were made in the past when the Departments of Fisheries and Oceans and Natural Resources Canada worked in isolation.

Relative to the precautionary principle, Members of Parliament want to know whether the number of collapses of species and habitats has been reduced and whether the Department of Fisheries and Oceans and Natural Resources Canada have erred on the side of caution in protecting sensitive marine habitat. Parliament wants to know whether the Federal Government has erred on the side of caution on major oceans investment decisions, such as those taken for fisheries management, oil and gas exploration and development, aquaculture, oceans mining and marine transportation. Parliament wants to know whether declines in Marine Environmental Quality caused by increasing pressure and stress on coastal areas have been halted.

Relative to sustainable development, Members of Parliament are interested in changes in the investment climate and changes in economic opportunities in Canada's ocean spaces. Are oil and gas companies now more willing to invest? Has the decline in the economic and social well-being of coastal communities been arrested? As well, Members of Parliament want to know whether Canada has become a world leader in seizing ocean opportunities, creating innovation in

marine industries. In summary, Members of Parliament want to know whether the expected benefits of the *Oceans Act* of 1997 have been achieved.

While the focus group agreed that the indicators of accountability illustrated in Exhibit 15 represent desirable goals, the reality was that these goals could not be achieved overnight. The focus group also recognized that many of the issues would be hard to measure. In fact, it will likely take fifteen to twenty years to achieve these goals. The focus group then dealt with the question of “how would we measure progress now, given that reaping the true benefits of the *Oceans Act* will take fifteen to twenty years?” The focus group suggested a set of interim indicators. These are process measures.

Exhibit 16, which was developed at the suggestion of the focus group, integrates most of the conceptual work described in Chapter Four. What the exhibit suggests is that during the early years of the implementation of the *Oceans Act*, it would be reasonable to concentrate on the design of an accountability framework. As illustrated in the shaded portion at the bottom of the exhibit, this accountability framework needs to be developed at three spatial scales—for each LOMA, at the regional scale and at the national scale. During the early years of implementation the focus, as illustrated on the far right of the exhibit, should be on governance structures—creating institutions and making sure that there is a proper fit between these institutions and the tasks at hand.

Exhibit 16

Ocean Governance Accountability Framework: Expected Results, Over Time

Source: Developed by author, 2004.

In the early years the focus should be on first order activity outcomes. There should be collaborative planning, engaging stakeholders, improving knowledge of the marine ecosystem and improving policies for marine pollution. The focus should be on the LOMA. It is envisaged that these activities should be on a LOMA by LOMA basis. However, there should be an overlap between first order/activity outcomes and second order outcomes.

The basis model is based on the pressure, state and response model for performance indicators. There is human pressure on the oceans; there is a measurable change in state, or Marine Environmental Quality; then there is a governance response intended to modify the collective human use of the oceans.

The focus for second order outcomes should be at the regional level. What is envisaged is that over time there should be a shift in approach from sectoral to integrated oceans management.

There should be development and implementation of Integrated Management Plans for LOMAs and for smaller coastal areas. Marine Protected Areas should be established. Marine Environmental Quality guidelines should be established, and a monitoring process should be created and put in place. As illustrated in the Exhibit, the second order outcomes should become evident on a regional basis by the mid-term. The focus of the thesis are on first and second order outcomes.

Between the mid-term and the long-term, third order outcomes at the regional level should be expected. There should be tangible improvements in the state and health of the marine ecosystem. There should be some stabilization and possibly

reductions in the human pressure on the oceans; less conflict among oceans users; some early institutional changes by oceans users such as changes in harvesting technology, oil and drilling or ferry technology; and fair and transparent Planning for ocean and coastal development. As illustrated in the far right of the Exhibit, the focus should be on changes in Marine Environmental Quality.

Fourth order outcomes or end outcomes should be expected in the long-term. Fourth order outcomes should include oceans and coastal development that is compatible with maintaining ecological integrity and healthy oceanic and coastal ecosystems. Fourth order outcomes should include viable communities that are based on harvesting and the human use of the oceans and coastal areas that can be sustained over time. There should be integrated oceans governance that would continually review and adjust governance interventions, based on changes in Marine Environmental Quality, relative to baseline data established during the initial period of creating LOMAs.

The underlying premise of Exhibit 16 is that there is an integral link between the sound design of an accountability framework and the achievement of third and fourth order outcomes. This premise will require further research work, in say, about five years when third order outcomes could reasonably be expected.

The focus group members acknowledged that the Department of Fisheries and Oceans, as of November 2003, had done a reasonable job of setting up some of the required institutions. However, almost seven years after the promulgation of the *Oceans Act*, the Department of Fisheries and Oceans had not achieved all the expected first order outcomes in terms of roles and responsibilities or

performance expectations for any LOMA. In terms of building the infrastructure for credible reporting, review and adjustment, progress was limited to initial efforts to develop some measures of Marine Environmental Quality. Achievement of second order outcomes, as described in Exhibit 16, was far in the distance. There were no objectives or time table for the achievement of third order outcomes.

At the end of the session on indicators of accountability, this group of senior practitioners experienced in oceans governance had confirmed the applicability and relevance (to the *Oceans Act*) of:

- The basic accountability framework articulated for the accountability process and a chain of results, as illustrated in Exhibit 13.
- The critical importance of nested institutions for cross-scale interactions and the need to establish an accountability framework for these institutions.
- The critical importance of establishing an accountability framework applicable to the Minister, DM, ADM Oceans, ADM Fisheries Management and ADM Science as well as the accountabilities for Regional Director Generals.
- An approach to developing indicators of credible reporting.

From a diagnostic perspective, more detailed indicators of accountability would be required for testing the Integrated Management Process for LOMAs.

Exhibit 17

Indicators of Integrated Management

Expected Outcomes	Timeframe	Integrated Management	Precautionary Principle	Sustainable Development
1st Order Outcomes (Activities and Outcomes)				
<ul style="list-style-type: none"> Roles and responsibilities 	5 yrs	<ul style="list-style-type: none"> Collaborative institutions created. Clear terms of reference, shared understanding among engaged oceans users. 	<ul style="list-style-type: none"> Accountable decision-maker charged with developing plan for: <ul style="list-style-type: none"> guidelines; integrated database; due diligence process; and funding. 	<ul style="list-style-type: none"> Shared understanding of responsibility to develop a timetable for action. Development of practical definition of ocean development with due regard for: <ul style="list-style-type: none"> sensitive marine areas; and Cumulative Environmental effects. Ecosystem objectives established.
<ul style="list-style-type: none"> Performance expectations 	5 yrs	<ul style="list-style-type: none"> Timetable, clear responsibility, plan for completion of Integrated Management Plan. 	<ul style="list-style-type: none"> Accountable decision-makers and institutions approve guidelines for due diligence process. 	
<ul style="list-style-type: none"> Credible reporting Review and adjustment 	5 yrs 5 yrs	<ul style="list-style-type: none"> Clear responsibility, plan, timetable, resources to design, implement and operate credible Integrated Management Information System. Explicit accountability for oversight established, guidelines/protocols established for monitoring Cumulative Environmental Effects, Marine Environmental Quality. 		

Exhibit 17

Indicators of Integrated Management

Expected Outcomes	Timeframe	Integrated Management	Precautionary Principle	Sustainable Development
2nd Order Outcomes (Early Intermediate Outcomes)				
<ul style="list-style-type: none"> • Roles and responsibilities • Expected performance 	<p>7 yrs</p> <p>7 yrs</p>	<ul style="list-style-type: none"> • Integrated Management Plan approved. • Explicit articulation of expected changes in behaviour: <ul style="list-style-type: none"> - Department of Fisheries and Oceans (Fisheries Management, Marine Transportation); - National Resources Canada (Oil and Gas Exploration and Development); - Other government departments; - Provincial jurisdictions; and - Ocean users (oil and gas, fishing, transportation industries, etc.). • Strategy, plan and timetable developed to address sources of land-based pollution. 	<ul style="list-style-type: none"> • Due diligence process implemented, used for major decisions on oceans use. • Explicit accountability for oversight of due diligence process. 	<ul style="list-style-type: none"> • Marine Protected Areas created for sensitive areas. • Guidelines for Marine Environmental Quality established, implemented and monitoring process in place. • Economic and social objectives established, approved Marine Environmental Quality targets.

4.9 Indicators of Integrated Management

The focus of the thesis is on the early stages of the implementation of the *Oceans Act*. As previously discussed, at this point in the implementation process, the expected outcomes include first and second order outcomes. Exhibit 17, Indicators of Integrated Management, matches the fundamental principles of accountability (i.e. the need for an accountability framework and an effective holding to account) with the principles of the *Ocean Act*—Integrated Management, the precautionary principle and sustainable development. These are all process measures because it is still too early to expect to see substantive changes in the human use of the oceans, and the resultant changes in cumulative environmental effects.

The text for each box in Exhibit 17 defines the expected outcomes, over time, that could reasonably be expected during the first five to seven years of the implementation of the *Act*. For example, relative to the precautionary principle, the first step is to assign responsibility to develop guidelines that can be used in making resource development decisions for any given LOMA. The existence and approval of such guidelines is a tangible first order activity or outcome. Relative to the precautionary principle, second order outcomes, or early intermediate outcomes, include the use of these approved guidelines in major decisions on oceans use for a given LOMA.

5.0 Application of Indicators of Accountability to the Federal Governance Regime for the Oceans

5.1 Overview of Research Conclusions

The objective of this thesis is to develop and apply measures of the extent to which the principles of a Collaborative/Ecosystem Oceans Government Model are reconciled with the principles of sound accountability. Chapter Five summarizes the results, confirming the relevance of these indicators of accountability to the Canadian case study—the implementation of the *Oceans Act* of 1997.

Exhibit 18, Summary of Research Conducted, provides an overview of the results of the verification exercise. Research is summarized relative to the dimensions of the accountability relationship explored in this research.

Relative to the relationship between the Minister and Parliament (see Section 5.2), the research indicated that the indicators were relevant and useful to the Department of Fisheries and Oceans, external parties interested in the health of Canada's oceans and Members of Parliament (as indicated by the proceedings of the relevant standing committees). Relative to an effective holding to account, the research indicated that the indicators were relevant and useful to the Department of Fisheries and Oceans. When they were applied, they revealed that no state of the oceans report had been published by the Minister of Fisheries and Oceans. The timetable to develop such a state of the oceans report was open-ended. In terms of an effective holding to account by Parliament, the research

Exhibit 18

Summary of Research Conclusions

Oceans Governance Accountability Framework (OGAF)	The Accountability Process	
Dimensions of Accountability Relationship:	Accountability Framework	Holding to Account
Minister of Fisheries and Oceans and Parliament	<ul style="list-style-type: none"> Indicators are relevant and useful. Complexities of developing comprehensive and coherent framework. 	<p>Credible reporting:</p> <ul style="list-style-type: none"> Indicators are relevant and useful. No state of oceans report; no timetable to create one. <p>Review and adjustment:</p> <ul style="list-style-type: none"> Limited questions in Parliament on oceans.
Minister of Fisheries and Oceans and Other Ministers	<ul style="list-style-type: none"> Indicators are relevant and useful. Complexities, constraints to developing mechanisms for horizontal management; limited accountability for horizontal co-operation. 	<p>Credible reporting:</p> <ul style="list-style-type: none"> No process in place; no timetable to develop credible reporting.
Minister of Fisheries and Oceans and Users of Oceans	<ul style="list-style-type: none"> Indicators are relevant and useful. Limited accountability for regional Integrated Management. 	<p>Credible reporting:</p> <ul style="list-style-type: none"> No process in place; no timetable to develop credible reporting.

Source: Author, 2004.

revealed that Parliament had demonstrated limited interest in the oceans compared to their interest in fisheries and fisheries management matters.

Relative to the accountability relationship between the Minister of Fisheries and Oceans and other ministers (see Section 5.3), application of the indicators revealed the complexities of developing an accountability framework. The indicators developed were proven to be relevant in the sense that senior bureaucrats agreed that horizontal committees would promote a sectoral approach to oceans governance. When they were applied, they revealed that there was limited evidence in the public domain of the use of formal mechanisms for horizontal co-operation between the Department of Fisheries and Oceans and other government departments making decisions that affect the health and well being of the oceans. Relative to an effective holding to account, there was limited evidence in the public domain of a process in place and no fixed timetable to develop coherent, government-wide reporting on the state of the oceans.

Relative to the accountability relationship between the Minister of Fisheries and Oceans and other users of the oceans, Section 5.4 summarizes both the verification of the indicators and the results of the application of these indicators to the ESSIM Initiative. The research revealed that the Indicators were useful and relevant in the sense that they would identify issues of concern to external collaborators concerned about a lack of clarity of roles for the ESSIM Initiative. When the indicators were applied, they provided a diagnostic for accountability for regional Integrated Management. Relative to an effective holding to account of the Department of Fisheries and Oceans and the Regional Director General, the

measures were useful and relevant in that they provided a diagnostic measure of the extent of transparent reporting of the process results achieved to date.

5.2 Accountability Relationship between the Minister and Parliament

The research revealed that it is possible to measure the extent to which an internal accountability framework has been established within the Department of Fisheries and Oceans. The application of the methodology described in Appendix 1–A revealed that the methodology would provide a useful diagnostic of clarity of roles, expectations, etc. Fieldwork suggested that an important prerequisite to external co-operation between a department and external stakeholders might be clarity around internal accountabilities within a department. An accountability framework within the Department would clearly address the joint and several accountabilities of the DM and key ADMs, relative to the implementation of the *Oceans Act*. The research revealed the complexities of developing such a comprehensive accountability framework to reconcile the traditional and collaborative accountability regimes.

Relative to an effective holding to account of the Minister by Parliament, the indicators of credible reporting were shown to be relevant and useful to the relevant standing committees in parliament and external users interested in the health of Canada's oceans. A department with overall accountability for legislation such as the *Oceans Act* would need to start planning, early in the implementation phase, to provide credible reporting in a state of the oceans report. No such report has been tabled by the Minister as of early 2004.

Every department is required to prepare a Departmental Performance Report that reports on the achievement of departmental plans and priorities, highlights key constraints and challenges, and provides goals and targets for the coming fiscal year. Ideally, a Departmental Performance Report should provide Parliament with the information it needs to hold a department to account for its numerous statutory responsibilities. The thesis research focused on the Departmental Performance Report of the Department of Fisheries and Oceans for the period ended 31 March 2003.

The Departmental Performance Report was largely silent on progress made by the Department of Fisheries and Oceans in implementing the *Oceans Act* (Treasury Board Canada, 2003).

Under Section 52 of the *Oceans Act*, the Standing Committee on Fisheries and Oceans in the House of Commons is required to undertake a review of the administration of the *Act* within three years of the *Act* coming into force and to submit a report to Parliament within a year after undertaking the review.

In its 2001 "Report on the *Oceans Act*," the Standing Committee on Fisheries and Oceans concluded that the *Oceans Act* was fundamentally sound and did not recommend any major amendments to the *Act*. Nevertheless, the Standing Committee had specific concerns with regard to lack of progress in creating Marine Protected Areas and gaps in Integrated Management (Standing Committee on Fisheries and Oceans, 2001). Major concerns of the Standing Committee were:

- The lack of an annual state of the oceans report to document progress on the implementation of the *Oceans Act*.
- The need for better co-ordination of sectoral activities and the need for an inter-departmental committee to ensure that stewardship and sustainable management of marine areas is done under the authority of the Minister of Fisheries and Oceans.
- The need for clear definitions of terms such as the ecosystem approach, biological productivity or endangered or threatened marine species.
- The need for better integration of oil and gas exploration and development under the Canada Nova Scotia Offshore Petroleum Board with the Integrated Planning under the *Oceans Act*. The Standing Committee was concerned that the Minister of Natural Resources was granting Exploration and Development Licenses without due regard for the new provisions in the *Oceans Act (Ibid)*.

The Canadian Alliance, in a dissenting opinion, articulated its concerns about whether the *Oceans Act* has failed to meet its primary objective of recognizing Fisheries and Oceans as the lead agency for oceans policy (*Ibid*). As well, the dissenting opinion spoke about the Minister of Natural Resources undermining the Department of Fisheries and Oceans' lead in the oceans. The Members of Parliament also noted the conflict of interest that the Minister of Fisheries and Oceans may have with regard to promoting oceans development while preserving fish habitat. The dissenting opinion spoke of the need for "recreating the *Oceans*

Act so as to more effectively establish the Department of Fisheries and Oceans as the lead agency in oceans management” (*Ibid*, 20).

In its November 2003 “Report on Fish Habitat”, the Standing Senate Committee on Fisheries and Oceans expressed concerns about the progress and directions of the implementation of the *Oceans Act*. The Standing Senate Committee noted that the challenge for the government is to take advantage of new economic opportunities while maintaining healthy ocean ecosystems and environments and proceeding in a proactive, rather than a haphazard, approach. The Committee was concerned about problems in developing effective working relationships between federal departments and agencies, between federal agencies and the provinces, and between administrative branches of the Department of Fisheries and Oceans. This was brought to the attention of the Committee by Dr. Jon Lien, Chair of the Minister’s Advisory Council on Oceans. The Senate Standing Committee was also concerned that in 2002 only one percent of the Department of Fisheries and Oceans’ annual budget of \$1.4 billion was said to have gone towards implementation of the *Oceans Act* (Standing Senate Committee on Fisheries and Oceans, 2003).

In summary, there was an initial holding to account of the Minister of Fisheries and Oceans by Parliament, relative to the Minister’s progress in implementing the *Oceans Act*. This initial holding to account, three years after the promulgation of the *Oceans Act*, was mandated by statute. Parliament was concerned that the anticipated collaboration had not yet occurred. Parliament was concerned that it did not have the information needed to assess the progress made by the Minister of Fisheries and Oceans in implementing the *Oceans Act*.

In addition to reviewing formal reports prepared by Standing Committees of the House of Commons in the Senate, the research focused on the expressed interest of Parliamentarians in the implementation of the *Oceans Act* since the Act was promulgated in 1997, as evidenced by questions on the *Oceans Act* during Question Period.

The research involved a review of the database of questions, using the keywords and phrases “Oceans,” the “*Oceans Act*” and “Integrated Management for the Oceans.” The research indicated (see Exhibit 19) that during the seven years since the promulgation of the *Act*, there have been very few questions during Question Period on the oceans or oceans issues. During this seven-year period, there were two oral questions and nineteen references.

Exhibit 19

References to *Oceans Act* in Question Period

	36 th Parliament 1 st Session September 1997 – September 1999	36 th Parliament 2 nd Session October 1999 – October 2000	37 th Parliament 1 st Session January 2001 – September 2002	37 th Parliament 2 nd Session September 2002 – November 2003	Total
<i>Oceans Act</i>					
• Oral questions	1	0	1	0	2
• Specific references	8	5	5	1	19
Fisheries					
• Oral questions	28	32	20	17	77
• Specific references	108	118	120	100	446

Source: Analysis of Database of Questions in Question Period, done by the author, 2003.

Methodology:

- Oral questions/references (Hansard) for *Oceans Act* includes specific references under the category of “Oceans” in the Hansard index.
- Oral questions/references (Hansard) to Fisheries includes any specific references to fisheries, other fisheries related section under “F” section of Hansard index.

In sharp contrast, there were the number of questions dealing with “Fisheries” and “Fisheries Management”. During the same seven-year period there were 77 questions and 446 references dealing with the fisheries.

Based on this research, the conclusion reached was that while there was evidence in Question Period of holding the Minister of Fisheries and Oceans to account for his management of fisheries issues, there was relatively little evidence of efforts to hold him to account for his management of the oceans. As noted in Section 1.1, there are serious issues associated with increasing human pressure that do need to be addressed by Parliament.

5.3 The Minister and Other Ministers

The research explored whether key institutions for cross-scale interaction have been created and are being used to ensure a coherent federal approach to oceans conservation and development. The criteria for evaluation and the organizations reviewed are the Indicators of Horizontal Accountability (see Appendix 1–B).

As of November 2003, senior bureaucrats interviewed acknowledged the potential utility for a Ministers Steering Committee on Oceans. Those interviewed reported such a committee was not in place, nor was there a plan to create one. An “ad hoc” Privy Council Office Committee on Oceans had met in early November 2003. It was not clear whether this Privy Council Office Committee on Oceans would be formalized or whether it would meet on a regular basis. In November 2003 there was no clarity around roles and responsibilities, expected

performance, or terms of reference for such a Committee. However, senior bureaucrats interviewed acknowledged the critical importance of such a Committee in ensuring a coherent and co-ordinated federal approach to implementation of the *Oceans Act*. (As of April 2004, when the thesis was finalized, a Parliamentary Secretary for Oceans had been appointed to coordinate an Oceans Action Plan).

Within the Department of Fisheries and Oceans, there is a DM's Oceans Committee in place that includes the key ADMs from the Department—the ADM Oceans, the ADM Fisheries Management and the ADM Science.

Field work during the summer of 2003 in the Maritimes Region indicated that the Regional Director General has set up an Oceans Management Steering Committee in the Maritimes Region. This Committee is an internal committee including the Branch heads in the Maritimes Region. There were no external members from outside the Department. This Committee is used to ensure some regional co-ordination and coherence relative to implementation of *Canada's Oceans Strategy*.

As of the end of field work in November 2003, no Regional Committee on Government Affairs (RCGA) had been set up in the Maritimes Region to co-ordinate federal and provincial activities with an impact on oceans resource use decisions, nor was there a decision-making institution in place for the ESSIM to ensure a coherent approach among the various federal departments with the mandate to manage oceans resources and between the Government of Canada and provincial governments.

There was limited evidence that the key institutions required to bridge the traditional vertical accountability model (based on blame) with the non-traditional governance model of collaboration (based on trust) had been established. This is seen as a serious deficiency, one which if not rectified could seriously constrain the Government of Canada's ability to ensure effective collaboration within the Government and between the Government and Integrated Management Bodies for LOMAs, such as the Eastern Scotia Shelf area.

5.4 The Minister and Users of the Ocean

The ESSIM Initiative was the first attempt at establishing an Integrated Management Body suggested under Step Three of the six-step Integrated Management Planning Process. The ESSIM Initiative was originally announced in 1998 as the first offshore oceans' management pilot project and was closely linked to the Sable Gully, which was at that time under consideration by the Department of Fisheries and Oceans as a Marine Protected Area (OCMD, 2001). The purpose of the ESSIM Initiative was to create and facilitate a collaborative planning process in order to integrate the management of ocean activities in the Eastern Scotian Shelf area. The process was also aimed to encourage conservation, effective management and responsible use of marine resources, to support the maintenance of natural diversity and productivity, and to foster sustainable economic opportunities (*Ibid*). The ESSIM pilot was the first of its kind in Canadian oceans management. It proceeded without the benefit of any oceans policy guidelines. As a result, the successes and failures of the Initiative have contributed to subsequent policy documents written on Canadian oceans management.

The first step in establishing the ESSIM Initiative was the performance of a marine use audit on the Eastern Scotian Shelf area. This use audit provided the Department of Fisheries and Oceans with a clearer picture of the types of activities taking place in the area and the various types of stakeholders who would need to be incorporated into the integrated management planning process (*Ibid*). The key ocean uses identified in the Eastern Scotian Shelf area included hydrocarbon exploration and development, commercial fisheries, marine transportation, submarine cables, maritime defence operations, marine recreation and tourism and scientific research (*Oceans Act* Coordination Office, 1999). Many of the key issues and challenges with respect to the various marine users in the area were identified and a discussion document examining these was produced by the Department of Fisheries and Oceans (OCMD, 2001).

During the compilation of this marine use audit, research was also carried out on the Eastern Scotian Shelf ecosystem and a workshop was conducted by the Department of Fisheries and Oceans in which ecosystem objectives were proposed for the Eastern Scotian Shelf. The stakeholders identified in this area included various federal and provincial government departments, First Nations, municipal authorities, oceans industry and interest groups, academia and the general public (*Ibid*).

In January of 2001, a federal-provincial government working group was established in order to support the ESSIM Initiative at the government level. This working group consisted of more than twenty federal and provincial government departments with ocean-related legislation or mandates (*Ibid*). It is within this group that the initial discussions around harmonizing and co-ordinating policy,

management and regulations took place (*Ibid*). However, the representatives in this group did not include senior decision-making officials. It consisted primarily of representatives from the operational aspects of government management.

At the start of the ESSIM Initiative, communication was primarily bilateral between individual stakeholders and the Department of Fisheries and Oceans (*Ibid*). The concept of the ESSIM Forum was developed by the Department with the expectation that this Forum would function as a network through which all the stakeholders in the Eastern Scotian Shelf area would be “connected.” These stakeholders would participate in the development of an Integrated Management Plan for the ESSIM area and discussion around the issues and challenges of oceans’ management in the area.

The first meeting of the ESSIM Forum was held in February 2002. The purpose of the ESSIM Forum Workshop was to bring together the various stakeholders in the Eastern Scotian Shelf area in order to establish a network and to solicit comments on two discussion documents, “ESSIM Development of a Collaborative Management and Planning Process” and “ESSIM Issues, Challenges and Opportunities.” During the workshop, participants were broken into small groups and asked to provide feedback on specific elements of the proposed ESSIM Forum, including the objectives and proposed structure for the ESSIM Forum and the development of an Integrated Management Plan for the Eastern Scotian Shelf management area (Coffen-Smout, 2002).

In 2002, the release of *Canada’s Oceans Strategy and Policy and Operational Framework for Integrated Management of Estuarine, Coastal and Marine*

Environments in Canada introduced the concept of a LOMA. This resulted in a shift in the scope of ESSIM, which had primarily been offshore, to now include the coastal and inshore waters of Eastern Nova Scotia (OCMD, 2001). The current boundary for the ESSIM area now reached from the Northwest Atlantic Fisheries Organization line 4W/x that extends out from Halifax between the LeHave and Emerald Basins up to the Laurentian Channel and out to the edge of the continental shelf (*Ibid*).

In January 2003, a copy of the Integrated Management Plan for the Eastern Scotian Shelf was released by the ESSIM Secretariat. The document was produced for the purpose of discussion at the 2nd ESSIM Forum Workshop held in February of the same year. The vision for the ESSIM Initiative outlined in the draft management plan was: “to have an effective, collaborative process that provides integrated and adaptive management plans, strategies and actions for environmental, social, cultural, economical and institutional” (*Ibid*, 17). There were nine guiding principles for the ESSIM Plan which are similar to those found in the *Policy and Operational Framework*. These comprised integrated management, ecosystem-based management, sustainable development, precautionary approach, multiple-use management, conservation, collaboration, adaptive management and stewardship (*Ibid*).

The general management objectives were divided into four categories: environmental, social and cultural, economic and institutional (*Ibid*). These were high level objectives which for the most part only mirrored the statements and objectives outlined in *Canada's Oceans Strategy*. Social and cultural objectives were incorporated into the ESSIM Plan although they were not mentioned in the

policy document. These social and cultural objectives were aimed primarily at maintaining sustainable coastal communities and people. Despite a section devoted to the discussion of “Operationalizing the Ecosystem-based Management Area Framework,” there was little information as to how these laudable objectives were to be translated into operational tasks and activities (*Ibid*).

During the summer of 2003, research focused on accountability from the perspective of the Minister, the DM and the Regional Director General, Maritimes Region. There was a clear line-reporting relationship between the Minister, the Deputy Minister and the Regional Director General. The objective of the research was to determine whether the difficult accountability issues implicit in Exhibit 13 had been addressed in a comprehensive way by Ottawa and by the Maritimes Region. Between June and September 2003 interviews were conducted with key leaders in the Department of Fisheries and Oceans responsible for the ESSIM Initiative. The details of the research work are presented in Appendix 2 and the research results are summarized here.

Summary of findings on ESSIM Initiative (see Appendix 2). As of September 2003, the responsibilities of the various working groups within the proposed ESSIM Forum structure had been identified; however, there continued to be confusion among the participants about roles. Working groups had not been formally established, making it difficult to assess the accountability of these groups. Measurable expectations for the ESSIM Forum and the Integrated Management Process had not been established. The high-level objectives that had been put forward did not provide sufficient direction. Research suggested that this deficiency would make it difficult to determine the progress of the ESSIM

Initiative. There was a significant amount of confusion surrounding the purpose of the Forum and indeed the entire process. To date, no credible reporting structure has been established for the ESSIM Forum. Reporting on progress is non-existent. Assuming that the ESSIM process does establish measurable objectives and a working agenda, the presence of a reporting structure and the regular review and assessment of the information from that structure would undoubtedly be important to the ESSIM Initiative.

An integrated approach to oceans management, one that effectively considers the impact of individual sector activities on one another and on the oceans as a whole had not yet occurred in the area covered by the ESSIM Initiative. In the absence of this transformation, decisions are still made on a piecemeal basis. For example, as this thesis research was concluding in November 2003, it was reported that “fishermen vowed to fight seismic oil exploration,” fearing that the use of deafening sound blasts off the western waters of Cape Breton, in the heart of the ESSIM Initiative, would kill sea life (Brean, 2003). Almost seven years after the promulgation of the *Oceans Act*, the level of conflict around piecemeal sectoral activity appears to continue. The Canada–Nova Scotia Offshore Petroleum Board continues to make decisions on oil exploration, in the absence of an Integrated Management Plan, for the area covered by the ESSIM Initiative.

In interviews with the Oceans Policy Branch in Ottawa in early September, 2003, it became clear that Ottawa had not yet developed a coherent and comprehensive template for accountability for the Integrated Management Process. The Department indicated that an accountability framework would be very useful and timely. However, as of September 2003 there was no framework.

Research in the Maritimes Region indicated that the elements of an accountability framework applicable to the accountability of the Regional Director General had yet to be developed in a comprehensive manner.

5.5 Conclusion on Application of the Methodology

The objective of this thesis is to develop and verify indicators of the extent to which a coastal state has reconciled the principles of a collaborative and ecosystem approach with the principles of sound accountability, using the Canadian experience with the *Oceans Act* as a case study. Thesis work involved the development of a methodology to assess the fit between a new governance regime and the traditional notions of accountability that are the underpinning of the Government of Canada. This methodology was verified to be relevant and useful with an expert focus group, tested for relevance and utility at the regional scale for the ESSIM Initiative and at the national scale. At the national scale, the focus was on the accountability relationship between the Minister of Fisheries and Oceans and Parliament. Application of the indicators of accountability provided a useful diagnostic of the existence of credible and transparent reporting of “process” results achieved to date.

Based on the work conducted between June and November 2003, the thesis research led to four overall conclusions. First, it is possible to develop credible and reliable measures of the extent to which it is possible to reconcile the principles of an ecosystem and a collaborative approach with the principles of sound accountability. These measures were developed and found to be relevant and useful to the Department of Fisheries and Oceans, selected external parties

and relevant standing committees. Second, and more importantly, the application of the methodology for the evaluation of answerable, collaborative oceans governance would lead to a conclusion on the extent the Minister of Fisheries and Oceans had convincingly demonstrated the reconciliation of the principles of collaboration and an ecosystem approach with the principles of sound accountability, including ministerial responsibility.

As of November 2003, application of the indicators provided a diagnostic of the Government's ability to create the chain of nested institutions required for effective cross-scale interactions. The most advanced case study in Integrated Management, the ESSIM Initiative, had begun to engage affected stakeholders. Application of the indicators provided a useful diagnostic of clarity around roles, responsibilities and expectations. The application of the indicators revealed the importance of a horizontal cross-scale institution, the RCGA.

Third, the research conducted illustrated the critical importance of comprehensively addressing, in the design phase, the complex accountability questions implicit in the Collaborative/Ecosystem Ocean Governance Model. This research suggested that coastal states implementing the Model need to develop, communicate and implement an OGAF within the early years of the promulgation of the enabling national oceans policy legislation. This research indicated that failure to do so can constrain progress because there is confusion about roles and expectations.

Fourth, the research conducted revealed less interest in Question Period in the oceans than in oceans use.

6.0 The Governance of the Oceans Plays in the Theatre of Politics

This final, and concluding chapter, summarizes the emerging OGAF and outlines research needed to develop a universal model applicable to other forms of government, for example, the Congressional model of government. It commences with a review of key decisions and their implications.

6.1 Reflections on Key Research Decisions

The first five chapters articulate research questions, describe the methodology used, describe the application of the methodology and state conclusions. As thesis work unfolded, key decisions were made. These decisions influenced the outcome of the research. The purpose of this concluding section is to review the key decisions made and explore the implications of these decisions.

The most fundamental decision made was reflected in the title of the thesis. The thesis could have focused on either the collaborative dimension or the ecosystem management dimension, relative to a reconciliation with the principles of sound accountability.

Had the thesis focused on reconciling the principles of ecosystem management with the principles of sound accountability, the focus would have been on definitional ambiguity. The likely conclusion would have been “How can the minister of Fisheries and Oceans be held to account for implementing a concept which is not generally understood?”

The thesis focused on the reconciliation of the principles of a collaborative approach with the principles of sound accountability. The nub of the problem with accountability stems from the fact that many collaborators are involved. The collaborative approach introduces a potentially irreconcilable dilemma between the involvement of many players and the need to establish clear accountability.

The next key decision was to focus on a Canadian case study. This decision was based on the fact that Canada was the only Commonwealth country to have promulgated enabling legislation such as the *Oceans Act* that explicitly called for a collaborative and ecosystem approach. This necessitated a focus on the accountability principles implicit in a Westminster model democracy. Further research will be required to determine if the OGAF articulated in Exhibit 8 is universal and applicable to any coastal state.

In terms of the broad principles of accountability, as articulated in Section 3.2 of this thesis, many of these principles transcend any given form of government. The broad principles articulated in the shaded portion to the left of Exhibit 8 are intended to apply to a diversity of government models, the Westminster model or the Congressional model.

The potential applicability of the OGAF to a Congressional model application was explored through interviews with researchers from the Pew Oceans Commission. These researchers drafted a section on accountability for oceans governance in *America's Living Oceans, Charting a Course for Sea Change* (Pew Oceans Commissions, 2003). These interviews suggested that in a Congressional model government there has to be clarity around which agency is in the lead;

accountability between and among the lead agency and other agencies; and accountability between and among the lead agency and the users of the ocean. In summary, the research with the Oceans Commission suggested that a sound OGAF might be applicable to a Congressional model as well as a Westminster model. Further research would be required to confirm this hypothesis.

The next key decision was to begin research in 2003, five years after the promulgation of the *Oceans Act*. The implication of this decision was that work on indicators on accountability would necessarily have to focus on the design of the accountability framework, as illustrated in Exhibit 13. Five years after the *Act* was promulgated, there was no data on changes in the health of the oceans that could be attributed to the implementation of the *Oceans Act*. While it would be meaningful to conduct similar research ten years after the promulgation of the *Act*, this thesis work revealed that is also meaningful to conduct a review after five years. Had the methodology been applied ten years after the promulgation of the *Act*, or even fifteen years after, conclusions on the efficacy of the Collaborative/Ecosystem Oceans Governance Model would be more definitive.

In Chapter Two, a decision was made to include some of the history of the ICZM experience in the United States. Had research included the experience of Australia, New Zealand and other coastal states, the conclusions reached might have been different. For example, in the case of Australia, there may be a closer correlation between “geographic space” and “political space” because the majority of urban voters, with the greatest political power, live near the ocean. A review of questions in Question Period might have revealed more political interest in the

oceans in Australia or New Zealand. This interest could be correlated with an effective holding to account.

In Chapter Three, a decision was made to frame the issue to be explored in the thesis as the dilemma of reconciling regimes based on trust with those based on blame. The dilemma could have been described differently. For example, the dilemma could have been framed in terms of reconciling regimes based on hierarchal, vertical command and control structures with those based on “soft” accountability (i.e. peer pressure) and local, community based governance mechanisms. Framing the question this way would have likely led to conclusions similar to those described in Section 5.5.

In Chapter Four, a decision was made to use the work of the Auditor General of Canada on collaborative governance arrangements as a fundamental starting point. This decision shaped the design and construction of all the indicators of accountability described in Chapter Four. Before making this decision, extensive research was conducted with other Supreme Audit Institutions and central agencies in other parliamentary democracies with large coastal areas. The objective of this research was to determine whether other accountability models existed. No other accountability models for collaborative governance arrangements could be identified. Had other models been identified and used in Chapter Four, the indicators of accountability developed could have been different in terms of the detailed interpretations of the definition of accountability used. However, they would not have been applicable for the Government of Canada. At the level of the principles articulated in the OGAF, it is unlikely that research

conclusions would have been radically different. This is because of the universal need to clearly define roles and responsibilities.

Chapter Four describes indicators of holding to account. It is speculative to identify the information needs of Parliament. Different sets of questions could have been articulated. Given that there was virtually no mention of the implementation of the *Oceans Act* in the 2003 Departmental Performance Report, all potential questions were unanswered.

A decision was made to research activity in Question Period about issues pertaining to oceans governance. Other indicators of Parliamentary interest could have been developed, such as press clippings. However, it is hard to imagine any indicators that could have revealed a significantly different level of interest in oceans matters, compared to the sustained interest of Parliamentarians in fisheries and fisheries management issues.

As described in Chapter Five, a decision was made to focus on the ESSIM Initiative, rather than other potential case studies. For example, research could have focused on the Bering Sea or the Arctic Ocean. Research would have then involved a consideration of collaboration between the Government of Canada and the Governments of Nunavut and Inuvialuit. Because of signed land claim agreements this research on the Arctic Ocean would have involved a level of collaboration where there is an essential partnership or community control (Level Seven) as described in Exhibit 3. With signed land claim agreements, constitutional law dictates the substance of accountability relationships. The resulting OGAF would not be universal.

As described in Chapter Four, a decision was made to verify the research framework with the OMRN. This network has both a “practical” and an “academic” bias, rather than a political bias. Most of the participants in the expert focus group were familiar with the basic accountability principles of the Government of Canada. Had the research framework been verified with a research group funded by, say, a petroleum association, participants would have been less familiar with the basic accountability principles applicable to a government department. They might have been more reluctant to verify the proposed model.

At the end of the thesis work, interviews were undertaken with selected experts on oceans governance, as described in Appendix 1-D. One of the research problems encountered was that because the author of this thesis was working for the Office of the Auditor General, some senior civil servants at the Department of Fisheries and Oceans were reluctant to be interviewed because an audit of the *Oceans Act* had just been announced. As a result, most of the interviews with senior management were conducted after these individuals left the Department of Fisheries and Oceans. The selection of these interviewees introduced a bias. Most of those interviewed were disappointed by slow progress in implementing the *Oceans Act* and the lack of political and economic support for the Oceans Directorate at the Department.

The research work could have included interviews with oceans users involved in the ESSIM Initiative, external to the Department of Fisheries and Oceans. Discussions with Departmental staff in the Maritimes Region suggested that these users were confused about the role of the Department, relative to the ESSIM Forum. However, these additional interviews may have substantiated but not

changed the overall conclusion of the thesis. It is axiomatic that lack of clarity within a Department will be mirrored by a lack of clarity outside the Department.

6.2 Lessons Learned: Implications for Other Jurisdictions

The objective of this thesis is to develop diagnostics that can assess the robustness of an OGAF (see Exhibit 8). The Canadian experience with the *Oceans Act* is used as a case study. Based on the first five chapters, four fundamental lessons are identified. These findings are articulated in Exhibit 20, Articulation of Lessons Learned. The emerging hypotheses to be tested in further research is that these lessons will be applicable to other jurisdictions experimenting with the Collaborative/Ecosystem Oceans Governance Model.

The first lesson learned is that there is a need to establish a sound foundation for accountable oceans governance in enabling legislation. Second, there is a need for the lead minister/secretary to ensure strong vertical, or traditional, accountability throughout the lead agency or department. As well, there is the need for the legislative body to hold the lead minister or secretary to account in a sustained manner. Third, there is a need for clarity relative to the relationship between the lead minister/secretary and other ministers/secretaries whose decisions have a significant impact on a coastal state's oceans. Fourth, and perhaps, most importantly, there is the need for clarity about the accountability relationship between the lead minister/secretary and other oceans users, including sub-national governments. Implicit in this is the need to clarify accountability for results, not mere process.

Exhibit 20

Articulation of Lessons Learned

Relevant Thesis Findings	Lessons Learned	Areas of Further Research
<ul style="list-style-type: none">• Chapter Five documents a lack of clarity in key accountability relationships.	<ul style="list-style-type: none">• The need to establish a sound foundation for oceans governance in enabling legislation.	<ul style="list-style-type: none">• How other jurisdictions have framed enabling legislation for oceans governance.
<ul style="list-style-type: none">• Section 5.2 documents the lack of a comprehensive accountability framework.	<ul style="list-style-type: none">• The need for clarity in the accountability relationship between the Lead Minister and other Ministers.	<ul style="list-style-type: none">• Approaches to developing a practical accountability framework.
<ul style="list-style-type: none">• Section 5.3 documents the lack of clarity about the role, powers and authority of a Lead Minister in oceans matters.	<ul style="list-style-type: none">• The need for the Lead Minister to ensure strong vertical (traditional) accountability.	<ul style="list-style-type: none">• How other jurisdictions have ensured policy coherence across government.
<ul style="list-style-type: none">• Section 5.4 documents the lack of clarity of the role of the Lead Minister, relative to other oceans users.	<ul style="list-style-type: none">• The need for clarity about the accountability relationships between the Lead Minister and Oceans Users.	<ul style="list-style-type: none">• The pivotal role of comprehensive state of the oceans reporting (for results, not only process).

A national oceans policy act, or other enabling statute, needs to address the issue of geographic, institutional and political fragmentation. It needs to answer which is the lead agency/department, who are the followers, and what process needs to be in place to ensure a coherent government-wide approach to oceans use. It needs to establish overall accountability within a coastal state for oceans outcomes.

These and other key questions which need to be addressed, based on the Canadian experience, are illustrated in Exhibit 21.

Exhibit 21

Oceans Governance Accountability Framework: Foundation Questions

- Is there a national oceans policy act or an enabling statute that:
 - Addresses issues of geographic, institutional and political fragmentation?
 - Establishes processes to improve co-ordination among and between levels of government, institutions, users of oceans resources and the public?
 - Establishes a mechanism to ensure levels of funding commensurate with the objectives of the policy?
 - Clearly defines the roles and expected results of the lead national agency/department and the other agencies/departments whose decisions on oceans use have a significant impact on coastal, estuarine and ocean ecosystems?
 - Establishes ultimate accountability for ocean outcomes (as well as defining the desired outcomes in terms of process and substantive changes in collective human behaviour and cumulative environmental effects), within the national government of a coastal state?
 - Explicitly defines terms such as ecosystem, biodiversity, sustainable development and the precautionary principle?
- Is there a modern definition of accountability that accommodates collaborative arrangements? Has this definition been specifically modified/adapted to accommodate an oceans governance application?

The relationship between the lead minister/secretary and the national legislative body is critical. It is essential that there be a sound, traditional accountability relationship within the lead department. For all the internal branches, those responsibilities and expected results need to be explicitly articulated. For there to be a robust holding to account, there must be state of the oceans reporting. There needs to be clarity around the contents of such a report — will there merely be reporting on process or reporting on substantive results? The lead minister/secretary needs to build this capacity soon after the promulgation of the national oceans policy act. As well, for there to be an effective holding to account, there needs to be evidence of political interest in the progress made by the lead minister/secretary in implementing the national oceans policy.

The Canadian experience is particularly telling in this regard. What it suggests are the advantages of a Cabinet level co-ordinating committee. A coherent inter-agency/departmental approach to oceans use is ensured by a clearly defined collective and individual mandate for results and clarity around who is leading and who is following. Relative to an effective holding to account of the lead minister/secretary and “follower” ministers and secretaries, there needs to be clarity around the role of each in preparing a government-wide state of the oceans report. There needs to be a mechanism for oversight of the individual and collective accountabilities of the key ministers/secretaries with regard to a coastal states oceans use.

There needs to be clarity with regard to the relationship between the lead minister/secretary and oceans users, including sub-national governments, such as states or provinces. The lesson learned from the Canadian experience is that any regional collaborative/integrated management institutions will need clarity around the relative accountabilities of federal and provincial decision-makers that participate in such Integrated Management institutions.

There needs to be clarity around whether these collaborative institutions will serve as advisory boards or have the power to make decisions. If they are to have decision-making powers, how will the decision-makers become legitimized? There needs to be clarity around the legal status of key outputs from these institutions such as Integrated Management Plans for LMEs under the domain of collaborative/integrated management institutions. Will the decisions on oceans use implicit in such Integrated Management Plans be binding on all players—national governments and sub-national governments? What are the dispute

resolution mechanisms? Who is accountable for oversight? And perhaps most importantly, what type of credible state of the oceans reporting will be developed? Who is accountable for developing this reporting regime? Who will use this state of the oceans report for an effective holding to account of the regional collaborative/integrated management institution?

The overall finding of this thesis, based on the Canadian experience with the *Oceans Act* of 1997, suggests that these fundamental questions need to be addressed *before* the promulgation of any national oceans policy act. To date, the Government of Canada is unable to demonstrate that these fundamental accountability questions have been satisfactorily addressed. The obvious question is why?

6.3 Perhaps Canada is a Land of Lakes and Rivers, Not Oceans

Why is it that Canada, the country with the largest coastline in the world and the largest EEZ in the world is more interested in fisheries issues than in the oceans health? Based on a preliminary analysis of parliamentary interest in the oceans during question period in the House of Commons, this thesis argues that there is an urgent need for further academic research on why public interest in environmental issues and the oceans fails to translate into a political interest in oceans issues.

Interviews with senior advisors and civil servants raised provocative questions about the apparent lack of political interest in the oceans. From a political perspective, are the oceans and everything in them seen as a political liability, not

an asset? Is it because no minister wants to be seen against the backdrop of a burning fishing vessel? Perhaps the oceans are not seen as an asset, a vast environmental, social and economic opportunity. Others interviewed spoke about the correlation of a lack of political interest in the oceans and a lack of funding for the implementation of the *Oceans Act*.

Since the promulgation of the *Oceans Act* in 1997, the Department of Fisheries and Oceans has gone forward to successive Cabinets with Cabinet Submissions for additional funding to cover the costs of implementing the *Oceans Act*. Interviews suggested that such requests have been denied. This potential problem of insufficient funding was addressed by the National Round Table on the Environment and the Economy in its Budget Recommendations for 2003. The Round Table noted that with the largest coastline in the world, Canada is undeniably a marine nation.

The Round Table supported *Canada's Oceans Strategy* but noted that the government, to date, had not allocated new funding to support its *Strategy* (National Round Table on the Environment and the Economy, 2003). The Round Table estimated the cost of promoting an integrated and sustainable approach to oceans management in a manner consistent to the mandate and principles of Canada's *Oceans Act* at \$500 million over five years. In addition, another \$50 million over the five years would be required to build capacity for marine conservation. This money would be required to create a multidisciplinary, integrated national database focused on the marine environment that would form the basis for decision-making about marine conservation in Canada (*Ibid*).

The National Round Table recommended an annual investment of \$110 million per year for the next five years. According to the Standing Senate Committee on Fisheries and Oceans (Standing Senate Committee on Fisheries and Oceans), currently the Department of Fisheries and Oceans is spending an annual budget of approximately \$14 million on the implementation of the *Ocean's Act*. This represents a shortfall of approximately \$96 million a year, for a five-year period.

This analysis of funding highlighted an important concept in accountability. Accountability for a given outcome should be commensurate with an individual's, or an organization's ability to effectively discharge that accountability. Factors that affect the ability to discharge an accountability are power, influence, control and capacity, measured in human, financial and intellectual resources. Will they be provided?

As of April 2004, the Government of Canada had begun to address, to a very limited extent, the shortfall in funding identified by the National Round Table. The Throne Speech identified the Government's intention to develop an Oceans Action Plan. The funding (\$70 million) was provided in the Budget of March 23, 2004. This funding is limited to doing the analysis required to prepare Canada's evidence regarding the limits of the continental shelf under Article 76 of the Law of the Sea (i.e. the first pillar of the Action Plan). The plan is to proceed to Cabinet later this year with the intention of seeking funding for the plan in Budget 2005.

The research work described in this thesis highlights an interesting fact—apparent greater political interest in fisheries issues than the oceans health. This lack of

apparent political interest translates into a weak holding of the Minister of Fisheries and Oceans to account for progress implementing the *Oceans Act*.

What this thesis work suggests is the need for further research on the extent to which the scale of geographic “space” correlates with the scale of political “space” (i.e. political interest in the consequence of decisions on the use of the oceans). This research would try to determine why the country with the largest coastline in the world and the largest EEZ would demonstrate so little apparent political interest in the governance of 78 million square kilometres of estuarine, coastal and ocean ecosystems under its sovereignty.

6.4 The Quest for Oceans Space

After two decades, in December 2003, Canada signed the 1982 UN Convention on the Law of the Sea (Fagan, 2003). Under the rules that the UN set, Canada and other ocean nations around the world will be creating new boundaries for the oceans floor. These nations will divide up an estimated trillions of dollars worth of natural resources under the sea floor (Mandel, 2003). Canada and other countries have a decade to establish their boundary claims. Russia was the first to lay claim, going after a large portion of the Arctic Ocean, oceans space that is also of interest to Canada.

The stakes are quite large for Canada. As previously noted, Canada already has rights to a 12-mile territorial limit and a 200 nautical mile EEZ. However, under the UN Commission on the Limits of the Continental Shelf, countries such as Canada are invited to submit new claims outlining what they believe to be their proper

boundaries. Canada is preparing a claim for three quarters of a million kilometres off the East Coast and for half a million kilometres in the Arctic (*Ibid*). But there is more. Other Canadian claims include a small portion of the Gulf of Maine boundary (again on the East Coast), two claims of areas on the Alaska and Pacific Coasts, a claim on the Beaufort Sea between Alaska and the Yukon, a claim with Greenland/Denmark on the East Coast and a claim with France off the Islands of St. Pierre and Miquelon (*Ibid*). However, the costs are significant.

Mapping the oceans will be costly. It is estimated it will cost Canada \$60 million, most of it in ship time to do a proper job of mapping. This new area is a new frontier. Canada will have to learn how to deal with multiple uses of ocean space—surface space, watershed space and the vast terrain on the oceans floor. Over the next 20 years, Canada, the nation with the largest coastline in the world, will be attempting to increase its domain over vast oceans space, struggling to maintain its legitimate claim on this space.

The question explored in this thesis is whether Canada will meet the challenge of creating an accountable governance regime over this vast ocean space. To date, as evidenced by the work in the previous five chapters of this thesis, Canada has been unable to convincingly demonstrate that it has reconciled a collaborative and ecosystem approach with the principles of sound accountability, including ministerial responsibility.

6.5 Conclusion: An Ingenuity Gap

In conclusion, for the past three decades, legislators in different jurisdictions around the world have tried to develop effective governance regimes to arrest the decline and degradation of the oceans. While results of individual governance institutions have varied, overall, the problems of marine environmental degradation and the extinction of marine species have become more acute.

This thesis postulates that there is a causal link between weak accountability, outcomes of governance interventions and repeated institutional failures to control the human domestication and exploitation of the oceans. This thesis concludes that there is an urgent need for further research on these causal links between weak accountability and the unrestrained human pressure on the oceans.

Today, in 2004, is there real accountability for the use of the oceans? Is the United Nations accountable? Are individual coastal states accountable? Are the sub-national governments accountable? Are major cities accountable? Are individual oceans users accountable?

This thesis concludes that there is an ingenuity gap. The human ingenuity applied to the exploitation of the wealth of the oceans exceeds the ingenuity applied to developing and implementing a regime for accountable oceans governance.

Appendix 1

Indicators of Accountability

Summary of Indicators Used

Dimension of Accountability Relationship	Element of Accountability Process	Relevant Indicators of Accountability
Minister of Fisheries and Oceans and Parliament	• Accountability Framework	• Indicators of Vertical Accountability
	• Holding to Account	• Indicators of Credible Reporting • Indicators of Holding to Account
Minister of Fisheries and Oceans and Other Ministers	• Accountability Framework • Holding to Account (N/A)	• Indicators of Horizontal Accountability (Appendix 1-B)
Minister of Fisheries and Oceans and Users of Ocean	• Accountability Framework	• Indicators of Integrated Management (Appendix 1-C)
	• Holding to Account (N/A)	• Indicators of Credible Reporting

Appendix 1–A

Indicators of Vertical Accountability

Exhibit 12, Indicators of Vertical Accountability, demonstrates the complex chain of events and accountabilities that need to be in place to ensure that the Integrated Management Process results in an Integrated Management Plan. Implementation of such a Plan should translate into results that can be summarized in credible reporting of performance on the implementation of the *Oceans Act*. The audience for such reporting is Parliament. The Exhibit demonstrates some of the many players that need to be working collaboratively to ensure that there is an effective implementation of the *Oceans Act*. The Exhibit is the basis of the Minister of Fisheries and Oceans accountability, relative to the governance regime contemplated in the *Oceans Act*.

The Exhibit illustrates that before the Department of Fisheries and Oceans could effectively collaborate with those external to the Department, a fairly comprehensive accountability framework would need to be set up within the Department to ensure that the requisite resources were made available to implement the *Oceans Act*.

The detailed criteria that follow were developed to test whether in fact the Department of Fisheries and Oceans had developed, implemented and more importantly used an accountability framework necessary to ensure internal collaboration. The detailed methodology is entitled “Department of Fisheries and Oceans: Accountability for Implementation of the *Oceans Act* and Canada’s Oceans Strategy.” This methodology was designed to be applied within the

Department to test the “chain of accountability” between the Minister, DM, ADM Oceans and a Regional Director General.

The application of this methodology formed the basics of the observations in Appendix 2.

Appendix 1-A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
DFO Branches					
Minister	<ul style="list-style-type: none"> Has the question of accountability for the timely and coherent implementation of the <i>Oceans Act</i>, with respect to Sections 31, 32, and 33 of the <i>Oceans Act</i> been thoroughly addressed? Please consider the following: Has the lead role for implementation of <i>Oceans Act</i> been assigned and clearly communicated throughout the Department? Have the other roles and responsibilities of the Branches been established, agreed upon, and communicated? 	<ul style="list-style-type: none"> Has a strategy, vision and workplan for implementation of the <i>Oceans Act</i> with clear expectations, milestones and timetable been developed, agreed upon and clearly communicated to all Branches involved? Have other federal departments, in collaboration with the Minister, developed and agreed to a set of expectations and timetable for the implementation of the <i>Oceans Act</i> in their departments? 	<ul style="list-style-type: none"> Has the Minister tasked a Branch within the Department of Fisheries and Oceans to be accountable for the development, implementation and use of a system to ensure credible reporting on the Department's progress on implementation of the <i>Oceans Act</i>? Is there a process currently in place to ensure credible and reliable performance reporting on the department's progress in implementing the <i>Oceans Act</i>? 	<ul style="list-style-type: none"> Has the Minister developed a process to provide oversight and monitoring of the federal government's progress in the implementation of the <i>Oceans Act</i> and Canada's Oceans Strategy? For what will the Minister hold the DM to account relative to the Department's and the key ADMs' implementation of the <i>Oceans Act</i> and Canada's Oceans Strategy? 	<ul style="list-style-type: none"> Has the Minister established a formal review process for progress reporting (i.e. based on an internal audits or program evaluations) to ensure that problems are identified, addressed and directional changes implemented on a timely basis?

Appendix 1-A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
DFO Branches					
Minister (cont'd)	<ul style="list-style-type: none"> Has a clear timetable for implementation of Oceans Act been developed by the key Branches? How does the Minister ensure that other federal departments understand their roles and responsibilities in the implementation of the Oceans Act? Please consider: <ul style="list-style-type: none"> Has the need to assemble Cabinet level sub-committee for oceans management to ensure the coherent implementation of the Oceans Act by all Federal departments been considered? 		<ul style="list-style-type: none"> How does the reporting strategy incorporate the progress information from other federal departments involved in the implementation of the Oceans Act? What is the timetable for credible reporting of progress on a government-wide basis? 		

Appendix 1-A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?	Expected Performance What are the expected measurable outputs, intermediate outcomes or results? When are they due?	Reporting Requirements Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?	Credible Reporting of Performance Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?	Review and Adjustment Who will ensure that mid course corrections in direction are effectively carried out?
DFO Branches					
Minister (cont'd)	<ul style="list-style-type: none"> Have other methods to ensure the coherent implementation by all federal departments been considered, developed, communicated to key departments and agreed upon in a MOU? 				
DM	<ul style="list-style-type: none"> How will the DM, on behalf of the Minister, ensure that the key sections of the Oceans Act are being implemented in a timely and coherent manner? Has the DM considered the necessity of establishing an interdepartmental committee for oceans management to ensure the coherent implementation of the Oceans Act by all Branches? 	<ul style="list-style-type: none"> How has the DM ensured that a coherent set of expectations (and process and substantive outcomes) and timetable for the implementation of the Oceans Act have been developed, agreed upon and communicated? 	<ul style="list-style-type: none"> How has the DM ensured a credible performance reporting structure is established and utilized in order to assess progress in implementing the Oceans Act? 	<ul style="list-style-type: none"> How will the DM hold ADM Oceans accountable for providing leadership and guidance for the Department in the implementation of the Oceans Act How will the DM hold the ADM Oceans and ADM Fisheries Management accountable for ensuring there is consistency between the implementation of the Oceans Act and the Fisheries Act? 	<ul style="list-style-type: none"> How does the DM ensure that the required changes in direction are implemented in a timely manner? (i.e. adaptive management); Is there an interdepartmental mechanism current in place which could be utilized to ensure directional changes or corrections are effectively carried out in all federal departments?

Appendix 1–A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
DFO Branches					
DM (cont'd)	<ul style="list-style-type: none"> Has the DM ensured there is a champion for the Department implementation of the Oceans Act? 			<ul style="list-style-type: none"> How will the DM hold the ADM Science to account for ensuring the required science capacity has been applied in the implementation of the Oceans Act? 	
ADM Oceans	<ul style="list-style-type: none"> How has the ADM Oceans ensured a coherent and comprehensive oceans strategy is developed, approved and implemented in a timely, cost effective and prudent manner by the Department of Fisheries and Oceans? How has the ADM Oceans ensured that the other ADMs (Fisheries Management and Science) clearly understand and commit to their roles in the successful implementation of the Oceans Act? How? 	<ul style="list-style-type: none"> Has the ADM developed and agreed to a set of expectations and timetable for the implementation of Canada's Oceans Strategy? Have the ADMs of other Departmental Branches and federal departments in collaboration with ADM Oceans established a set of expectations and timetable for implementation of Canada's Oceans Strategy? 	<ul style="list-style-type: none"> How does the ADM Oceans ensure that a comprehensive reporting structure is established and utilized in tracking the implementation of the Oceans Act? How does the ADM Oceans incorporate the performance reporting of other Departmental Branches (i.e. Fisheries Management and Science)? 	<ul style="list-style-type: none"> Has ADM Oceans established a process by which the Oceans Branch will ensure accountability? How will the ADM Oceans support the Deputy Minister in the reviewing Departmental progress on the implementation of the Oceans Act and Canada's Oceans Strategy? 	<ul style="list-style-type: none"> How will the ADM Oceans provide the required Departmental leadership and co-ordination required for mid-course corrections?

Appendix 1–A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework DFO Branches	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
ADM Oceans (cont'd)	<ul style="list-style-type: none"> Has the ADM Oceans developed a short-term, mid-term and long-term implementation work plan which provides a proactive vision, for all regions involved in the implementing <i>Canada Oceans Strategy</i> (COS) for all three oceans? Has the ADM Oceans developed and provided the Regions with a blueprint for translating key principles of the <i>Oceans Act</i> into practice? 				

Appendix 1–A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
DFO Branches					
ADM Fisheries Management	<ul style="list-style-type: none"> Has the ADM Fisheries Management clearly articulated the Branch's role in the implementation of the Oceans Act? 	<ul style="list-style-type: none"> Has the ADM Fisheries Management ensured a practical work plan and strategy are developed to ensure the ecosystem approach, sustainable development, precautionary approach and collaboration are translated into action in a timely and comprehensive manner? 	<ul style="list-style-type: none"> Has the ADM Fisheries Management, under the lead of ADM Oceans, established a credible reporting structure for the progress reconciling the Fisheries Act with the Oceans Act? 		<ul style="list-style-type: none"> How will ADM Fisheries Management provide the required guidance to the Fisheries Management Branches in each of the Regions to ensure any mid-course changes are made?
	<ul style="list-style-type: none"> How has the ADM Fisheries Management ensured that Fisheries Management Branches across DFO are fulfilling their role for the implementation of Canada's Oceans Strategy? 		<ul style="list-style-type: none"> What is the performance reporting structure? 		
	<ul style="list-style-type: none"> Has the ADM Fisheries Management ensured that the implementation of the Fisheries Act is in accordance with the key principles of Oceans Act, an ecosystem approach, sustainable development, the precautionary approach and collaboration? 	<ul style="list-style-type: none"> Has the ADM developed and agreed to a set of expectations and timetable for the implementation of Canada's Oceans Strategy? 			

Appendix 1-A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

<div>Framework</div> <div>DFO Branches</div>	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
ADM Science	<ul style="list-style-type: none"> How has the ADM Science ensured, under the lead of the ADM Oceans, that the science capacity required for the implementation of the <i>Oceans Act</i> is available and applied to the implementation in Ottawa and the regional offices? Please consider: <ul style="list-style-type: none"> How has the ADM Science ensured that the scientific support available to support the Integrated Management Process, including the preparation of Integrated Management plans 	<ul style="list-style-type: none"> Has the ADM Science ensured a practical work plan has been developed with clear expectations and timeframes for ensuring the required science capacity is applied to the implementation of the <i>Oceans Act</i>? <ul style="list-style-type: none"> Has the ADM developed and agreed to a set of expectations and timetable for the implementation of <i>Canada's Oceans Strategy</i>? 	<ul style="list-style-type: none"> Has the ADM Science, under the lead of the ADM Oceans, ensured a credible reporting structure has been established and utilized in the tracking the Branch's support for the implementation of the <i>Oceans Act</i>? <ul style="list-style-type: none"> What is the performance reporting structure? 		<ul style="list-style-type: none"> How will ADM Science provide the required guidance to the Science Branches in each of the Regions to ensure any mid-course changes are made?

Appendix 1--A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

<div>Framework</div> <div>DFO Branches</div>	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
ADM Science (cont'd)	- How the ADM Science ensures the science capacity is available to collaborative forums that established under the Integrated Management Process described in <i>Canada's Oceans Strategy</i> ?				

Appendix 1–A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
DFO Branches Regional Director General (Regional Director General): Maritimes Region	<ul style="list-style-type: none"> Has the Regional Director General established and communicated clearly the roles and responsibilities of the: <ul style="list-style-type: none"> The lead Branch in regional implementation of <i>Canada's Oceans Strategy</i>? The other Branches within the region for the implementation of <i>Canada's Oceans Strategy</i>? 	<ul style="list-style-type: none"> Has the Regional Director General developed a regional strategy with measurable targets, goals and a clear timetable that addresses the implementation of <i>Canada's Oceans Strategy</i> in the region over the next 3-5 years? How does the Regional Director General ensure collaboration with other government departments and engagement of stakeholders occurs throughout the Integrated Management process? 	<ul style="list-style-type: none"> Has the Regional Director General assigned responsibility to develop, implement and communicate the results of a regional reporting system that will track regional progress of the implementation <i>Canada's Oceans Strategy</i>? Has the Regional Director General ensured this reporting structure will address the reporting needs of the: 	<ul style="list-style-type: none"> Has the Regional Director General established who will provide oversight and monitoring of the Regional Departmental performance in <i>Canada's Oceans Strategy</i>? Is the information used in the reporting system collected and made available in a timely manner? 	<ul style="list-style-type: none"> Is the information and feedback collected through the reporting system being received by the appropriate person/people? (i.e. the authorities who make decision/changes and those accountable) Are the results of the reporting system being used to identify the achievement and failures of the process?

Appendix 1-A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

Framework	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
DFO Branches Regional Director General: Maritimes Region (cont'd)	<ul style="list-style-type: none"> - The Region's role in the promoting and facilitating collaborative initiatives with other federal and provincial government departments, at the regional level? How has the Regional Director General ensured that any support or capacity required for the implementation of <i>Canada's Oceans Strategy</i> from other regional branches of DFO is provided in a timely manner? Has the Regional Director General considered the need for: <ul style="list-style-type: none"> - a regional steering committee within the department to facilitate the implementation of <i>Canada's Oceans Strategy</i>? 	<ul style="list-style-type: none"> Have any of the collaborative bodies, established at the Regional Director General level, developed a set of objectives and expectations that have been established, agreed upon and communicated to everyone? 	<ul style="list-style-type: none"> - Maritimes Region? - The Oceans Branch in Ottawa? - The stakeholders in the Integrated Management Process? Is the reporting system currently being used to determine the performance of the Region in the implementation of <i>Canada's Oceans Strategy</i>? 	<ul style="list-style-type: none"> Has the Regional Director General developed a strategy to monitor/incorporate other regional federal departments' performance in implementing <i>Canada's Oceans Strategy</i>? Is the information collected through the reporting system being used to determine the performance on the implementation of <i>Canada's Oceans Strategy</i>? 	<ul style="list-style-type: none"> Are the results of the reporting system being used to make mid-course corrections or changes to the process (i.e. adaptive management)?

Appendix 1–A (cont'd)

Department of Fisheries and Oceans: Accountability for Implementation of the Oceans Act and Canada's Oceans Strategy

<div>Framework</div> <div>DFO Branches</div>	Accountability Framework			Holding to Account	
	Roles and Responsibilities <i>What is the role of the individual in implementation of the Oceans Act and/or Integrated Management?</i>	Expected Performance <i>What are the expected measurable outputs, intermediate outcomes or results? When are they due?</i>	Reporting Requirements <i>Who is accountable for reporting progress implementing Integrated Management? When and how will results be reported and to whom?</i>	Credible Reporting of Performance <i>Who will use this reporting of results to exercise oversight, control and co-ordinate implementation of Integrated Management?</i>	Review and Adjustment <i>Who will ensure that mid course corrections in direction are effectively carried out?</i>
Regional Director General: Maritimes Region (cont'd)	<ul style="list-style-type: none"> - a regional inter-departmental and federal-provincial committee on Canada's Oceans Strategy implementation? - Are there any formal or informal terms of reference for these collaborative initiatives that clearly illustrate the roles, responsibilities and expectations of all the players involved in the process? 				

Appendix 1–B

Indicators of Horizontal Accountability

Exhibit 14, Nested Institutions, describes the key vertical and cross-scale interactions among and between nested institutions that would likely need to occur for the Government of Canada to effectively implement the *Oceans Act*. These interactions would be required to ensure that Canada develops and implements a coherent strategy. Key interactions will need to occur among and between different Federal Departments, within the Department of Fisheries and Oceans and between the Department of Fisheries and Oceans and Integrated Management Bodies, such as the Body set up as part of the ESSIM Initiative. As illustrated, under the box for the Prime Minister, there is a need for a Ministers Steering Committee on the Oceans that involves as a minimum: the Department of Fisheries and Oceans, Environment Canada, Natural Resources Canada and the Department of Indian Affairs and Northern Development. The lead Minister in this Committee should be the Minister of Fisheries and Oceans.

At the DM level there will likely be a need for a Privy Council Office Committee on Oceans. This Committee should be chaired by the DM of Fisheries and Oceans Canada. This Committee should include the Deputy Ministers from the other government departments represented in the Ministers Steering Committee.

Within the Department of Fisheries and Oceans of Canada, there will need to be an Oceans Committee that reports directly to the DM. The key members of this Committee should be the ADM Oceans (Lead), the ADM Fisheries Management and the ADM Science.

Appendix 1–B (cont’d)

The Regional Director General for any region responsible for the implementation of an Integrated Management Plan will need an Oceans Management Steering Committee in the region. This Committee should include members from the regional representatives of the Oceans, Fisheries Management and Science Directorates. As well, in the Region there should be a RCGA or its equivalent. This Committee should include Regional Directors General from Fisheries and Oceans, as well as other government departments. It should include DMs of applicable provincial ministries. This RCGA should be the key bridge between the vertical accountability regime of the Department, and the collaborative accountability regime of an Integrated Management Body.

As indicated in the next exhibit, Indicators of Accountability: Cross-scale Interactions, the focus of the evaluation was on the existence and completeness of the accountability framework, and a robust process to ensure an effective holding to account. The methodology was designed to test whether individual members of these nested institutions were accountable and whether the group as a whole was accountable.

As well, the methodology was designed to test whether there was a timetable and clearly assigned responsibility to develop, implement and use a performance information system. The methodology was designed to test whether timely, comprehensive, reliable and coherent information on results was reported or planned to be reported at multiple scales. The methodology looked at whether this information would be used by a “higher authority” to hold individual members and

Appendix 1–B (cont'd)

the relevant nested institutions to account. The methodology also looked for evidence of mid-course directions having occurred, based on the use of this performance information.

Appendix 1–B (cont'd)

Indicators of Accountability: Cross-scale Interactions

Cross Scale Institution	Accountability Framework		Holding to Account	
	Individual (Member)	Collective (Group)	Credible Reporting	Review and Adjustment
Ministers Steering Committee on Oceans	<ul style="list-style-type: none"> Roles of individual members clearly understood? 	<ul style="list-style-type: none"> Comprehensive membership? Role of Committee clearly defined, well understood? 	<ul style="list-style-type: none"> Responsibility, timetable to develop, implement and use a performance information system in place? Timely, comprehensive, reliable and coherent information on results reported at multiple scales? 	<ul style="list-style-type: none"> Performance information used by a “higher” authority to hold: <ul style="list-style-type: none"> - individual members; and, - (collective) group to account?
Privy Council Office Committee on Oceans	<ul style="list-style-type: none"> Expected performance of individual members clearly set out? 	<ul style="list-style-type: none"> Role of Committee clearly defined? 	<ul style="list-style-type: none"> Timely, comprehensive, reliable and coherent information on results reported at multiple scales? 	<ul style="list-style-type: none"> “Mid-course” corrections occur?
Deputy Minister’s (DM) (DFO) Oceans Committee	<ul style="list-style-type: none"> Reporting requirements of individual members established? 	<ul style="list-style-type: none"> Expected performance of group clearly set out? 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Oceans Management Steering Committee		<ul style="list-style-type: none"> Collective reporting requirements well established? 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Regional Committee on Government Affairs	<ul style="list-style-type: none"> Mechanisms for individual, collective review and adjustment well laid out and followed? 		<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A

Source: Author, 2003.

Appendix 1–C

Indicators of Integrated Management

During the first five years of the implementation of the *Oceans Act*, those accountable for Integrated Management for LOMAs would create institutions, work to define roles and responsibilities for engaged stakeholders and work to develop some idea of performance expectations for the various institutions created. During the first five years, there would be a need for adequate funding, a clear articulation of responsibilities, a game plan and timetable to develop the baseline information required for credible reporting on outcomes. As well, there would be a need to create the required oversight arrangements. Those oversight arrangements would ensure that the various institutions created for collaborative governance would be held to account by those charged with the traditional vertical accountability to implement the *Oceans Act*.

As illustrated in the exhibit entitled Indicators of Integrated Management, second order outcomes would include approved Integrated Management Plans; explicit articulation of expected changes in behaviour in fisheries management, oil and gas exploration and development; the activities of provincial jurisdictions required to deal with land based activities contributing to marine environmental degradation and pollution. The exhibit assumes it would be reasonable to expect that the precautionary principal had been translated into a set of guidelines, that a requisite database had been set up that would allow for individual resource management decisions to be made in a broader ecosystem context, based on integrated information from all the key departments.

Appendix 1–C (cont'd)

There would be a due diligence process set up, a means for oversight for due diligence. Decisions would be made with due regard for erring on the side of caution. After seven years, it would be reasonable to expect that Marine Protected Areas had been created for sensitive areas, social and economic objectives had been approved and that Marine Environmental Quality Guidelines and ecosystem objectives had been established and implemented. A monitoring process should be in place.

These Indicators of Integrated Management were applied to the ESSIM Initiative. The results are described in Appendix 2.

Appendix 1–C (cont'd)

Indicators of Integrated Management

Expected Outcomes	Timeframe	Integrated Management	Precautionary Principle	Sustainable Development
1st Order Outcomes (Activities and Outcomes)				
• Roles and responsibilities	5 yrs	<ul style="list-style-type: none"> • Collaborative institutions created. • Clear terms of reference, shared understanding among engaged oceans users. 	<ul style="list-style-type: none"> • Accountable decision-maker charged with developing plan for: <ul style="list-style-type: none"> - guidelines; - integrated database; - due diligence process; and - funding. 	<ul style="list-style-type: none"> • Shared understanding of responsibility to develop a timetable for action. • Development of practical definition of ocean development with due regard for: <ul style="list-style-type: none"> - sensitive marine areas; and - Cumulative Environmental effects. • Ecosystem objectives established.
• Performance expectations	5 yrs	<ul style="list-style-type: none"> • Timetable, clear responsibility, a plan for completion of Integrated Management Plan. 	<ul style="list-style-type: none"> • Accountable decision-makers and institutions approve guidelines for due diligence process. 	
• Credible reporting	5 yrs	<ul style="list-style-type: none"> • Clear responsibility, plan, timetable, resources to design, implement and operate credible Integrated Management Information System. 		
• Review and adjustment	5 yrs	<ul style="list-style-type: none"> • Explicit accountability for oversight established, guidelines/protocols established for monitoring Cumulative Environmental Effects, Marine Environmental Quality. 		

Appendix 1–C (cont'd)

Indicators of Integrated Management

Expected Outcomes	Timeframe	Integrated Management	Precautionary Principle	Sustainable Development
2nd Order Outcomes (Early Intermediate Outcomes)				
<ul style="list-style-type: none"> • Roles and responsibilities • Expected performance 	7 yrs	<ul style="list-style-type: none"> • Integrated Management Plan approved. • Explicit articulation of expected changes in behaviour: <ul style="list-style-type: none"> - Department of Fisheries and Oceans (Fisheries Management, Marine Transportation); - National Resources Canada (Oil and Gas Exploration and Development); - Other government departments; - Provincial jurisdictions; and - Ocean users (oil and gas, fishing, transportation industries, etc.). • Strategy, game plan and timetable developed to address sources of land-based pollution. 	<ul style="list-style-type: none"> • Due diligence process implemented, expected to be used in major decisions on oceans use. • Explicit accountability for oversight of due diligence process. 	<ul style="list-style-type: none"> • Marine Protected Areas created for sensitive areas. • Guidelines for Marine Environmental Quality established, implemented and monitoring process in place. • Economic and social objectives established, approved Marine Environmental Quality targets.

Appendix 1–C (cont'd)

Indicators of Integrated Management

Expected Outcomes	Timeframe	Integrated Management	Precautionary Principle	Sustainable Development
3rd Order Outcomes (Mature Intermediate Outcomes)				
<ul style="list-style-type: none"> Credible reporting 	10 yrs	<ul style="list-style-type: none"> Adherence to Integrated Management Process and Plan leads to measurable reduction in human pressure, use/exploitation of oceans by: <ul style="list-style-type: none"> fisheries; oil and gas exploration and development; marine transportation; and other users. Measurable reduction in conflicts. 	<ul style="list-style-type: none"> Reduction/stabilization in Cumulative Environment Effects. Stabilization/reductions in oceans use causes measurable improvements in Marine Environmental Quality. Exercise of due diligence, caution in major ocean use decisions ensures that: <ul style="list-style-type: none"> sensitive marine areas preserved; and thresholds of Cumulative Environment Effects not exceeded. 	<ul style="list-style-type: none"> Economic and social objectives for sustainable livelihoods achieved. Measurable improvement in ocean investment opportunities.
<ul style="list-style-type: none"> Credible reporting 	10-15 yrs	<ul style="list-style-type: none"> Timely, comprehensive, credible, reliable reporting of 3rd order outcomes. 		
<ul style="list-style-type: none"> Review and adjustment 	10-15 yrs	<ul style="list-style-type: none"> Review of progress, results, effective oversight leads to learning, changes in approach. 		

Source: Expert Focus Group, Oceans Management Research Network, November 2003.

Appendix 1–D

Interviews Conducted

The attached exhibit summarizes the key interviews conducted, cross-referencing these interviews to the relevant sections of the thesis.

Appendix 1–D (cont'd)

Summary of Interviews Conducted

Time Position Chapter Reference	Former Deputy Minister	Chair, Ministers Advisory Council on Oceans	Former Director Oceans Policy Branch (Ottawa)	Departmental Regional Staff Responsible ESSIM (Halifax)	Staff, Arctic, Labrador, Newfoundland	Departmental Staff, Corporate, (Ottawa)	Canada's Oceans Ambassador
Chapter Four							
4.2	X	X					X
4.3	X	X	X				
4.4							
4.5	X	X	X				
4.6					X	X	
Chapter Five							
5.1	X	X	X	X	X	X	X
5.2							
5.3	X	X					
5.4			X	X			
5.5	X	X					X
Chapter Six							
6.1	X	X					X
6.2/6.3	X	X					X
Appendix 2							
ESSIM			X	X			

Appendix 2

ESSIM Initiative: Mapping Complex Accountability Relationships (cont'd)

In June 2003, Ms. Tara Martin, a graduate student in the Master in Marine Management Program at Dalhousie University, and the author commenced a joint research project to explore the extent to which the sound principles of accountability were compatible with the collaborative arrangements undertaken under the *Oceans Act*. The researchers believed that one of the unresolved issues was the ability to build accountability into collaborative arrangements between government departments, community interest groups and other oceans users.

The stated research objective was to explore the complexities of developing an accountability regime between members of Integrated Management Body for the ESSIM Initiative and the Department of Fisheries and Oceans. The researchers explored issues of horizontal accountability between members of the ESSIM Initiative, vertical accountability between the Regional Director General, the DM and the Minister of Fisheries and Oceans.

The initial field work in Halifax was conducted by Martin during the period between June and July 2003. Rubenstein completed the fieldwork in Ottawa between September and November 2003. Rubenstein and Martin worked via e-mail and over the phone to develop the research instruments which are described in Appendix 1–A. The researchers both reviewed key documents, discussed conclusions and reached a shared perception of the extent to which an accountability framework had been put in place.

Appendix 2 (cont'd)

A project report was prepared by Martin and Rubenstein. Appendix 2 is based on this project report.

Lack of clear roles and responsibilities. The *proposed* structure for the ESSIM Forum consisted of a large multi-stakeholder group called the Oceans Management and Planning Group (OMPG), a sub-group of federal and provincial operational representatives called the Plan Implementation Working Group (PIWG), a group of federal and provincial senior level government officials called the RCGA and the ESSIM Secretariat (OCMD, 2001). The OMPG, consisting of representatives of all stakeholders with an interest in the ESSIM area, was intended to communicate, exchange information and provide advice on the integrated oceans management process. The PIWG was expected to participate in the larger group, but provide a government implementation perspective on the issues and challenges being discussed in the larger arena. It was suggested that the RCGA exist outside the OMPG, providing a mechanism for collaboration and co-ordination between government departments and executive-level decision-making.

The ESSIM Secretariat was intended to be responsible for the facilitation of the process and the provision of information to stakeholders (*Ibid*). Martin concluded that this proposed structure differed from the Integrated Management Body Model depicted in the *Policy and Operational Framework* and provided a much more accurate picture in terms of stakeholder involvement. The original conception of the Integrated Management Body portrayed a body of representatives with equal

Appendix 2 (cont'd)

authority and involvement. The model articulated by the Secretariat recognized there would be members with different levels of authority.

Martin found that the proposed responsibilities for the groups within the ESSIM Forum were outlined very clearly in the “Development of a Collaborative Management and Planning Process”. However, she concluded there could be some conflict between the specific responsibilities of a group and its more general role. This was especially true of the large multi-stakeholder group, the OMPG; which had as its purpose to: “serve in an informing and advisory capacity for the development, implementation and operation of the Eastern Scotian Shelf Oceans Management Plan (*Ibid*, 20). Many of the proposed responsibilities for the OMPG supported this general purpose but then there was the stipulation that the group must: “strive for collaboration and consensus-based decision making while representing varied sectoral interests and considering the range of opinion (*Ibid*, 21). Martin questioned whether with this stipulation will ever be possible. How can a stakeholder group consisting of over a hundred people, and representing a variety of interests, come to a decision or solution through consensus? It is doubtful whether even one decision could be reached through consensus in this arena let alone expect that this type of consensus will occur on a regular basis between stakeholders who have conflicting interests and agendas.

This also suggested to Martin that the entire process could be held up if just one stakeholder group does not agree with the decision reached by the group. This presented an opportunity for specific stakeholder groups to “hijack” the process and hold out for their own interest to be satisfied.

Appendix 2 (cont'd)

The researchers questioned why this consensus-based decision-making would be required in a group that is supposed to serve an informative and advisory role in the integrated management planning process. There was no real reason for this large stakeholder group to strive for consensus on oceans management issues; in fact the opportunity provided by this group was that it provided a forum in which government officials could gain insight into the various sectoral perspectives which needed consideration in the development and implementation of policies and programs.

The OMPG was assigned the responsibility for establishing a vision and management objectives for the ESSIM process and identifying ocean management issues. Martin, in her research, questioned why this responsibility rested with the OMPG; Martin observed that the development and implementation of a vision and objectives should rest with the government departments involved in management of the area. Rubenstein reached the same conclusion. It was the legislation and policy of the various oceans-related government departments that must be implemented, not the interest and agendas of the various stakeholders. Rubenstein noted the critical importance of maintaining the vertical chain of accountability. The vision and objectives for the ESSIM Initiative that were included in the ESSIM Plan were essentially taken from the *Oceans Act* and subsequent policy statements (*Ibid*). There was actually very little that the stakeholders in the ESSIM Forum could add to that particular part of the Management Plan.

Appendix 2 (cont'd)

The OMPG was also tasked with providing representation from the various stakeholder interests in the Eastern Scotian Shelf management area and “maintain[ing] productive and accountable relationships with its sectoral constituencies. (*Ibid*, 20)” Martin noted that this presented a problem which had serious repercussions for accountability. Many of the individuals representing specific stakeholder groups at the ESSIM Forum Workshop were not elected representatives with a responsibility to ensure that they were presenting the views or comments of the larger stakeholder body, rather they were individuals who had been asked or appointed to attend on behalf of the group. There had also been ‘representatives’ in attendance who have stated that they: “preferred to be recognized as individuals as opposed to speaking on behalf of their sector (Coffen-Smout 2001).” Martin believed that stakeholder representatives within the ESSIM Forum were not selected and held accountable by a process of representation, it would be difficult to ensure accountability of the participants or the process.

Rubenstein’s interest focused on the issues of “legitimacy” this raised. Is it possible for representatives to arrive at decisions or solutions to management issues through consensus and remain accountable to their specific stakeholder groups? To date, the ESSIM Secretariat had been focussing on bringing as many stakeholders into the process as possible. However, Martin and Rubenstein believed these problems with representation would not only hinder the ESSIM process, but also diminish the accountability of the Forum.

Appendix 2 (cont'd)

Overall, the researchers concluded that five years after ESSIM Initiative was started, roles and responsibilities are not well defined. The institutions for horizontal and vertical cross-scale interaction were not yet in place.

Lack of clear performance expectations. There were at least two different sets of objectives to be considered in discussing the performance expectations of the ESSIM Forum. Martin found that the expectations for the individual groups of the ESSIM Forum—OMPG, PIWG and RCGA—had not yet been established since the groups themselves had also not formally been established. General objectives for both the ESSIM Initiative as a whole and the ESSIM Plan had been established and largely resemble those found in the policy document, *Canada's Ocean Strategy*. However, both Martin and Rubenstein concluded that these “objectives” were not measurable, tangible objectives upon which performance expectations could be established. For example, one of the ESSIM Initiative objectives read: “to foster opportunities for economic diversification and a sustainable wealth generation for coastal communities and stakeholders” (OCMD, 2001). Another of the ESSIM Plan objectives was to “ensure that management policies, plans and measures recognize and contribute to the sustainability and well-being of communities and people connected to the ocean.” (OCMD, 2001) These statements were not tangible objectives from which the Department of Fisheries and Oceans could develop measurable performance objectives.

Martin noted in her research that the issue was reflected in some of the comments of the participants in the 2nd ESSIM Forum Workshop. There was also some

Appendix 2 (cont'd)

confusion over some of the terms used in the objectives. For example, the term “sustainability” created a lot of discussion around what exactly was meant by the term and in the end many of the participants asked for clarification (*Ibid*, 8, 9). Participants stated: “The group talked about the definitions of sustainability, as there are some highly loaded terms that need to be more clearly defined to avoid confusion between sectors that define the terms differently (*Ibid*, 7). There was also confusion around some of the environmental objectives: “many of the properties that had a goal to maintain were not within our control at all, such as temperature, salinity, and currents. So having the words maintain certain aspects of the ecosystem was rather arrogant and not possible.” (*Ibid*, 8)

Institutional objectives were included in the general management objectives for the ESSIM Plan. This may be due, in part, to the layout of objectives in *Canada's Ocean Strategy*. Although oceans governance (Fisheries and Oceans Canada, 2002) is not formally listed as an objective, it is discussed in the same section as the three objectives. Institutional objectives for oceans governance were not viewed by Martin as performance expectations or ultimate outcomes of oceans management in Canada; they were tools required to achieve the oceans management objectives.

The institutional objectives referenced in both the *Strategy* and the ESSIM Plan were institutional changes required in order to achieve the ultimate outcomes or objectives of oceans management; these changes were referred to as “immediate or intermediate outcomes that are expected to lead to a desired result but are not ends in themselves” (Mayne, 2003). This is not to diminish the importance of

Appendix 2 (cont'd)

these institutional changes, but to point out that they were not actually objectives. The ESSIM Forum participants pointed out: "The group saw the institutional objectives as being very critical to facilitate the other three objectives, but the group was unsure if institutional objectives were a tool or should be put with the three pillars of sustainability (Coffen-Smout, 2003)". Another group of participants stated: "The institutional objective was viewed as a means of achieving the other three objectives rather than being an objective of its own. (*Ibid*, 11)"

Martin observed that the participants struggled with translating the objectives of the ESSIM Plan prompted the suggestion to establish a working group to perform a case study on a specific area within the ESSIM LOMA and work through the operationalizing or 'unpacking' of the objectives into specific goals and activities for the various stakeholders in the area. A Working Group was established for the Sable-Banquereau and Northeast Slope Ocean Management Areas for the purpose of a case study. However, Martin noted that the difficulty with constructing the objectives in an operational sense dominated the first meeting of this working group; and a set of expectations and agenda for the working group could not be established. Martin and Rubenstein concluded that this represented one of the major problems that stakeholders and government officials responsible for facilitating this Integrated Management Process were struggling at the time of the research. All that ocean managers in Canada had to work with were vague, perhaps even unreachable, objectives. Government officials and stakeholders had no idea how to begin translating these broad objectives into specific goals and tasks for government or other stakeholders.

Appendix 2 (cont'd)

The problem the ESSIM Forum faced was threefold: how could it proceed, how could it measure progress, and how could it keep participants interested and involved in a process that appeared to be going nowhere? This had become a very real problem for many participants. One of the regular comments during the 2nd ESSIM Forum Workshop was that the Forum had better start working in practice soon or stakeholder interest was going to dissipate.

In the 2nd ESSIM Forum (2003), Martin noted that confusion was expressed about the “weight” of specific objectives. The participants recognized that some of the objectives would at times, if not always, be in direct conflict with each other. This was particularly true with respect to the ecosystem objectives; “It seemed implicit that the ecosystem and ecological objectives had a higher ranking than the other objectives, but the group was unsure.” (*Ibid*, 9) There were situations identified in which what was sustainable from the perspective of an ecosystem might not be socially or economically sustainable for a coastal community or ocean industry. The question put forward a number of times by the ESSIM participants was which of the four objectives would be given the most weight or importance and in which situations: “How is an acceptable balance of the objectives to be determined since there is such diversity, and who decides?” (*Ibid*, 8, 9) (emphasis added). Martin and Rubenstein believed that the accountability question here was how can the ESSIM process remain accountable for all the objectives in the ESSIM Plan in situations of conflict?

Credible reporting, review and assessment. Martin found in her research that there was very little information provided and even less discussion generated on

Appendix 2 (cont'd)

the issue of reporting on performance within the ESSIM Forum. A formal reporting structure in which the progress towards achieving expectations and objectives would be recorded and reported to the larger Forum structure had yet to be addressed, let alone established. Martin speculated that this was due in part to the fact that no real performance expectations existed reporting on yet to be established expectations was not possible. The researchers noted the fact that provisions had not been made for reporting on expectations. One of the responsibilities of the ESSIM Secretariat was to provide information to the Forum. It was not clear whether this was to include performance information or whether the Secretariat would provide for the incorporation of industry and reporting by other interest groups. The responsibilities of the RCGA and PIWG included reporting or communicating with the Forum. Again Martin noted that it was not clear what kinds of information these groups would be reporting. The fact that these groups had yet to be established also makes it difficult to envision how performance reporting would be accomplished.

Martin believed that it is possible that the RCGA, in its oversight role and with the assistance of the PIWG, might function as the entity through which performance monitoring and assessment would be conducted. However, it was difficult for Martin to determine who should play the oversight role. The OMPG group might not have any decision-making authority.

Martin concluded that the establishment of a reporting structure for the ESSIM Forum would be extremely difficult. Martin reached this conclusion, based on the number and variety of stakeholders involved: federal and provincial government

Appendix 2 (cont'd)

departments, First Nations, municipalities, interest groups, non-governmental organizations and community groups. There would be problems of confidentiality, problems with interpreting information from other stakeholder groups, and problems with integrating the information so as to “present the big picture”.

However, one of the principles of Integrated Management is flexibility (Fisheries and Oceans Canada, 2002) and one of the principles of the ESSIM process is adaptive management (OCMD, 2003). Given these principles, a credible reporting structure was not only required but would be vital to the success of the ESSIM process.

Appendix 3

List of Acronyms

ADM	Associate Deputy Minister
CPR	Common Pool Resources
DM	Deputy Minister
EEZ	Exclusive Economic Zones
ESSIM	Eastern Scotian Shelf Integrated Management
ICZM	Integrated Coastal Zone Management
LME	Large Marine Ecosystem
LOMA	Large Ocean Management Area
OCMD	Oceans and Coastal Management Division
OGAF	Oceans Governance Accountability Framework
OMPG	Oceans Management and Planning Group
OMRN	Oceans Management Research Network
PIWG	Plan Implementation Working Group
RCGA	Regional Committee on Government Affairs
UN	United Nations

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