

Alternative Dispute Resolution (ADR): Can it Advance the Stated Policies of Integrated Coastal Zone Management in Canadian Fisheries and Oceans?

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Coastal Zone Canada – Prince Edward Island– Tuesday July 27th, 2010



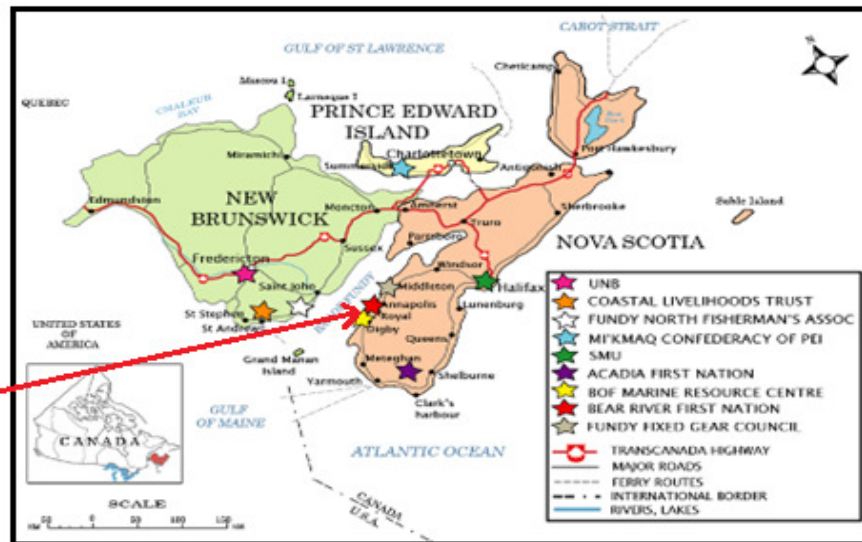
Integrated Coastal Zone Management (ICZM) in a Canadian Context



- ICZM→ A voluntary collaborative process where stakeholders can negotiate public policy based on the multiple criteria of participatory decision making (Bastien-Daigle et al., 2008) such as deep democracy and the balancing of power (Ali, 2003; Jentoft, 2005; FAO, 2007; Kearney et al., 2007; McFadden, 2008)
- Conflicting resource use requires integration (Charles et al., 2010, p.1)

A Case Study in Clam Harvesting Area 2 and Coastal CURA

- This report details one such conflicting situation through a case study on Clam Harvesting Area 2
- A component of collaborative work being conducted by Coastal CURA, A Community-University Research Alliance (www.coastalcura.ca)
- Original research being presented
- 8 Individual Interviews with Governing Agencies and 2 focus groups with 5-6 clam harvesters from Clam Harvesting Area 2 (CHA2)



Funding for this research has been provided by the Social Sciences and Humanities Research Council (Community University Research Grant). I would like to thank them for their support.

Background of the Problem

- Three circumstances reducing access to the clamming resource

1. Pollution



(See Wiber & Bull, 2009)

2. New Canadian Shellfish Sanitation Program (CSSP) Regulations



(For more information on the CSSP visit: www.inspaction.gc.ca)

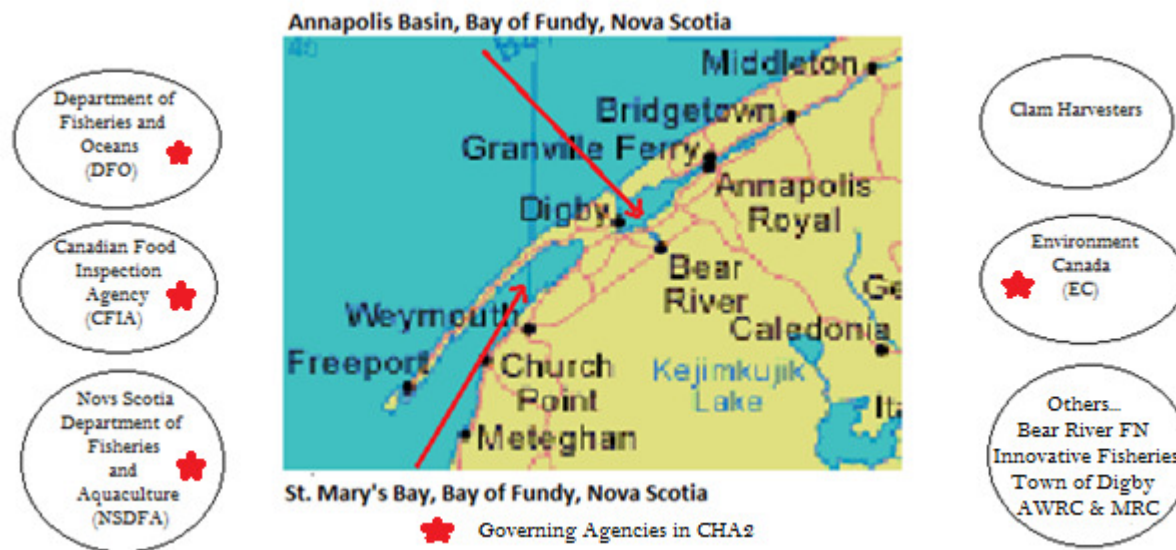
3. The Leasing of Crown Land Beaches



(See Wiber & Bull, 2009)

Problem and Area of Concern

- Macro-structural and micro conflicts between governing agencies and clam harvesters are impeding relations and progress towards managing the resource collectively and sustainably



Clam Harvesting Area 2
Digby and Annapolis Counties, Bay of Fundy, Nova Scotia

Macro-Structural Level Conflicts

Example 1

Interest Based Conflicts

<p>Well because there is issues such as compensation, there is issues as far as classification and those are things that [pause], it's based on the information that is available at that particular time and that's [pause], the compensation is beyond the people that were at the meetings.</p> <p>DFO, April 7, 2010</p>	<p>...they were looking at a bigger picture and scope that was out of what we were discussing because they were talking about jobs, they were talking about money, they were talking about financing and funding and so on, and we were talking about a classification because of a wastewater discharge problem.</p> <p>CFIA, March 4, 2010</p>	<p>They are not being responsible....If you are going to do something and it is supposed to be a health interest, then look after the people that you displace... Give them something that is in their area, that they have an idea of what they are supposed to be doing, [and] feeling like they have a little bit more self worth.</p> <p>Clam Harvester, Feb 24, 2010</p>
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Macro-Structural Conflict

Example 2

Value Conflicts

They thought that they were monopolizing the industry and it's like I've said, anytime somebody wants to come and make an investment in depuration, throw 1 million dollars on the table and say we are in for, [then] we want to establish a depuration we would issue beaches.

DFO (i), Feb 22, 2010

...people will say [or] believe that it is common [property], when it is in reality owned on behalf of the people and it is managed by the crown and the crown has the ability through legislation that is in place to lease it for economic gain of individuals and corporations.

NSDFA, April 2, 2010

....privatizing instead of leasing, it's almost the same bloody thing because it gives them the right to all the fish that is in that area.

Clam Harvester, Feb 24, 2010

Macro-Structural Conflicts

Example 3

Avoidance of Conflict

Because really the ideal is the least amount of intervention by the federal government I would think you know?... When I was talking about a minimal role in intervention, that was conflict between fisher groups.

DFO (ii) Feb 22, 2010

...it's an emotional time so we can expect them to be mad and we need to be trained on how to deal with that. At the worst, walk away. That's what we're told to do if it's going to lead to something worse...

CFIA, March 4, 2010

It hasn't... It hasn't and it won't ever be... The only way they deal with conflict is they let it, they starve us to death. They let it go on until finally eventually after a while finally there isn't enough of us to make a difference.

Exchange between Clam Harvesters, Feb 24, 2010

Micro Level Conflicts

Example 4

Data Conflicts

<p>CHA2 has been given information, we have spoken with a harvester and other representatives of CHA2 and there is no problem with access to information.</p> <p>EC, March 1, 2010</p>	<p>But I also did sense frustration that they maybe weren't able to get water results they were requesting from Environment Canada (EC)...I don't want to be unfair and speak for EC, but I do want to reiterate that that was an overall concern. And we were faced with this: why can't you give us the water samples?</p> <p>CFIA, April 8, 2010</p>	<p>A little bit from the meat counts...All three meetings they promised me...They still haven't given us any water samples, I mean just little bits of meat counts but I mean if there is something in the water that would say even if it is one part per 50 million parts, at least it would give you an idea of where they are coming from.</p> <p>Exchange between Clam Harvesters, Feb 3, 2010</p>
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Micro Level Conflicts

Example 5

Relationship Conflicts

<p>There is also the distrust of DFO you know. They do not trust that we are telling them everything we knew, they do not trust that we are allowing as much harvest as we can...</p> <p>DFO (i), Feb 22, 2010</p>	<p>With... the harvesters around the advisory process, there is a distrust with government, given that we've proceeded with management measures that they weren't in favour of...</p> <p>CFIA, March 4, 2010</p>	<p>There is no trust with government and us anymore. It's gone. I don't trust government. How can you trust them? Because they are going to give it to you with this hand and slap you with this hand...</p> <p>Clam Harvester, Feb 3, 2010</p>
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*** Solutions for these problems are not possible without dealing first with Macro-Structural level conflicts**

HOW DO YOU DEAL WITH CONFLICT?

A Transformative Approach to Conflict Resolution (Dukes, 1993; Bush & Folger, 1994; Ladarack, 1995)

Sustainable Relationships =

Trust, Responsibility, Obligation, loyalty, respect, understanding, recognition,
empowerment and empathy for other's beliefs, values and needs

AND

Inherent in the approach is the discovery of common, overlapping and mutual interests
= therefore identify and resolve micro conflicts (Data & Relationship)



Attend to governance issues = create engaged communities, responsive governance,
capacity for problem solving and conflicts resolution



Advance the stated policies of ICZM in
a Canadian context.

Clam Harvesters In Action!



Photo's by Sarah Bood