

CoastalCURA
COMMUNITIES MANAGING COASTS TOGETHER

INNOVATION IN COASTAL ZONE MANAGEMENT
RESEARCH COUNCIL OF CANADA



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

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Integrated Coastal Zone Management

Clam Harvesting Area Two

Map labels: Annapolis Basin, Bay of Fundy, Nova Scotia; Bridgetown, Grandville Ferry, Annapolis Royal, Bear River, Caladonia, Weymouth, Church Point, Meleghan, Freeport, St. Mary's Bay, Bay of Fundy, Nova Scotia. Governing Agency is CMR.

Agencies: Department of Fisheries and Oceans (DFO), Canadian Food Inspection Agency (CFIA), Nova Scotia Department of Fisheries and Aquaculture (NSDFA), Clam Harvesters, Environment Canada (EC), Clam Boat Row 73 (Coastal Fisheries Tuna of Digby, NSFC & NSFC).




Key Theory and Literature

- **On Clam Harvesting Area Two**
(Wiber & Kearney 1996; Wiber & Bull 2003)
- **Clam Management in the West Coast**
(Pinkerton & John 2008; Pinkerton & Silver 2010)
- **Privatization, Co-management, Community Based Management**
(Hardin 1969; Pinkerton 1996; Berkes 2002; Jentoft 2005; Kearney et al 2007)
- **International and Canadian Policies on ICZM**
(1992 Rio Declaration; Oceans Act 1996; Oceans Strategy 2002; Oceans Action Plan 2006)
 - **Participatory Governance**
(Arnstein 1969; Schneider 1999; Bene & Neiland 2006 FAO 2007)
 - **Power from a Governance and ADR Perspective**
(Foucault 1991; Li 2005; 2007) (Moore 1996; Deutsch & Coleman 2000; Pirie 2000)
 - **Conflict and Escalation**
(Coser 1969; Felstiner, Abel & Sarat 1980; Kriesberg 1998; Bartos & Wehr 2002; Maiese 2003)
 - **Alternative Dispute Resolution**
(Boscow & Wheeler 1984; Fisher, Ury & Patton 1991; Dukes 1993; Bush & Folger 1994; Lederack 1995)

Methodology

- Participatory Action Research
- Data Collection = Information Sessions, Focus Groups and Individual Interviews
- Data Analysis = Alternative Dispute Resolution Lens, specifically a transformative perspective
- Grounded Theory Approach to Textual Analysis


Three Circumstances Reducing Access to Clamming Resources

1. **Pollution**

2. **Privatization of Crown Land Beaches**

3. **Conditional Management Plan – Canadian Shellfish Sanitation Program**


Value Conflict

...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



...the clam beaches are owned on behalf of the people and managed by the crown, because the crown has the ability through legislation to lease them for the economic gain of individuals and corporations.

Simon - Nova Scotia Department of Fisheries and Aquaculture

Interest Conflict

...you are born and raised into it and there is a freedom that there is on the beach; it's hard to explain because you are there in the morning, you see how beautiful it can actually be, you can see the best and you can see the worst.

Clam Harvester

I was clamming here since 8 years old, I did nothing but clamming until 3 years ago. It was my main source of income, my brothers, my father and me we all did it as a group. So it wasn't really a job for me, it was a way of life for my whole life. I was a clammer, nothing else.

Clam Harvester

Struggles to Exercise power in Structures and Processes

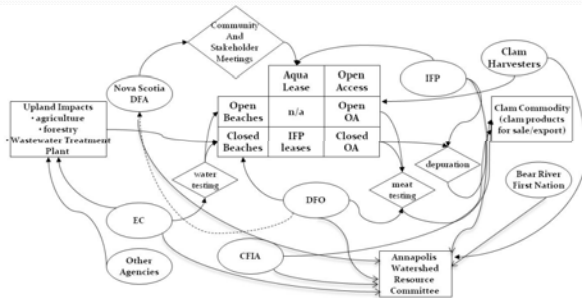
...the worst thing that happened was that they were going to make closed door deals before the leases to start with. If we wouldn't have known about that they would have slipped that right by us...

Clam Harvester

...anytime somebody wants to come and make an investment in depuration, throw one million dollars on the table and say we are in, we want to establish a depuration [plant], then we would issue beaches...

Sterling - Department of Fisheries and Oceans

Structural Conflict



This schematic has been modified from the original version which was published in Wiber, Melanie G., Rudd, Murray, Pinkerton, Evelyn, Bull, Arthur and Charles, Anthony (2010) Coastal management challenges from a community perspective: the problem of 'wealth privatization' in a Canadian fishery. *Marine Policy* 34(3) p. 601.

Impact on Integrated Coastal Zone Management

Conflict
+
Divergent Interpretations of the term and practice of
Integrated Coastal Zone Management
=

The fundamental objectives that ICZM seeks to accomplish – sustainable development of the fisheries and oceans through participatory governance—is being hampered.

Recommendations

In this case an approach to conflict resolution is required that will address issues that relate to community identity and quality of life such as cultural, social and economic livelihoods

Transformative Approach

Joint fact finding, storytelling and constructive controversy

Create trust, responsibility, obligation, loyalty, respect, understanding

Empowerment

=



An engaged community
A responsive governance



The capacity to problem solve and conflict resolution
FINALLY

Create a Best Practices Protocol Handbook for ADR