An Institutional Analysis of the Ontario's Endangered Species Act

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Introduction

In a rapidly changing environment, management of natural resources is essential. Currently the world is undergoing a rapid loss of biodiversity through extinctions caused by human activities. Despite the alarming rate of species endangerment and subsequent loss, efforts to reduce species loss have been met with a number of complications. It is evident that any effective environmental management policy for biodiversity is more likely than not to encroach on private, public and commercial interests. This study investigates implementation successes and challenges specifically of Ontario's Endangered Species Act (OESA) within the larger context of Southern Ontario's land use planning policies i.e. Greenbelt Act, Oak Ridges Moraine Plan, Niagara Escarpment Plan and the Biodiversity Strategy. The study explores the roles and capacity of the government and non-government institutions involved in implementing the legislation and identifying gaps through expert interviews. While it was found that together such initiatives have succeeded in raising public profile of endangered species, difficulty in proper implementation remains. Generally arising from a lack of coordination between and within the responsible authorities, lack of meaningful engagement with stakeholders and insufficient institutional capacity. Thus, leading to incongruousness in the process and substance among the mentioned biodiversity conservation and land use planning measures leading to over regulation without the desired result. Lastly, critiquing the single-species approach to conservation taken in the legislation and suggest an alternative approach that is transparent, adaptively managed, and engages stakeholders, also is landscape based.

Background

The following figures (Fig. 1 and 2) illustrate the gaps in the prescribed processes of the Act, potentially leading to inconsistencies in its implementation.

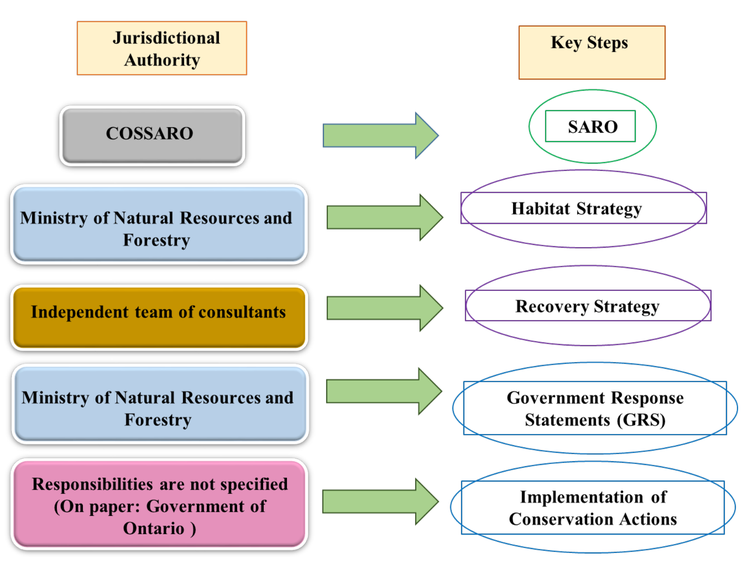

Fig. 1 - Protection and recovery framework of the ESA

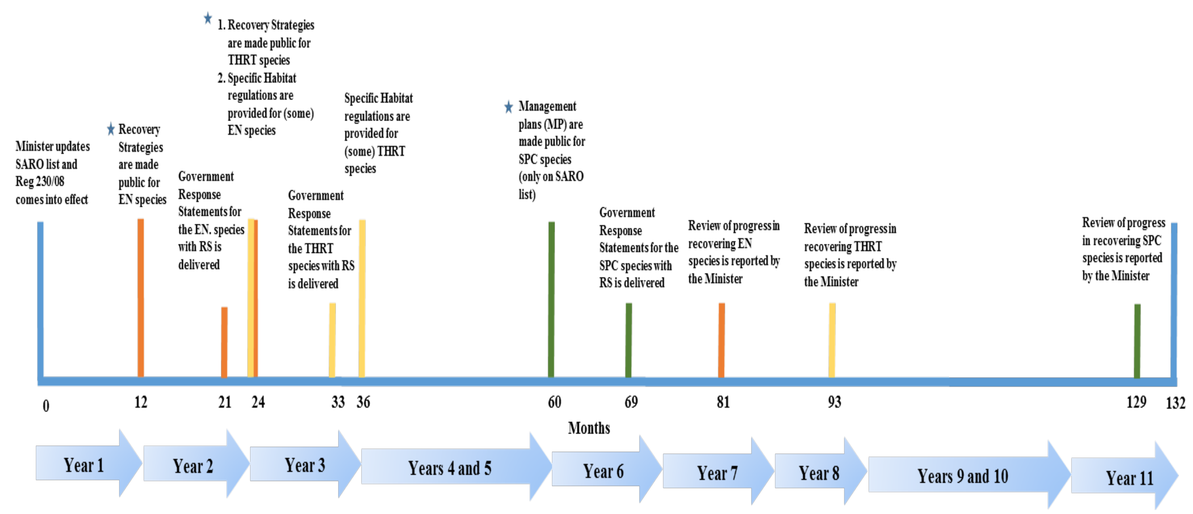

Fig. 2 - Schematic representation of the timeline for each major policy implementation milestone of the ESA

Methods

1. Literature Review
2. Secondary Documents: Online archives
   - Environmental Registry and Ontario Municipal Board Hearings
3. Key Informant Interviews
   - Farmers, Conservation Authorities, Non-profit organizations, Municipal Planners, Developers, First Nations communities.

Results and Discussion

Key findings of this work indicate that the barriers to implementation of the legislation are: a lack of coordination and collaboration within and between responsible ministries as well as other relevant organizations such as municipalities, Conservation Authorities, non profits and the farming community. Furthermore, it was found to be well understood by all stakeholders that MNRF, the lead agency on implementation, lacks institutional capacity to execute the legislation fully.

As a result of the Act's top down, evidence based structure, utilization of a collaborative approach in decision making is often not favoured. Thus, leading to contentions among stakeholders especially farmers. In addition, a species specific approach is generally not well accepted by many policy managers and farmers as the list of species at risk grows with mostly "common" species, leading to difficulties for farmers, thus leading to an erosion of its legitimacy, effectiveness, consequently long term viability.

While, the Act had been considered to be a "gold standard", it is by no means the only way to protect Ontario's endangered species. Within the larger context of land-use planning and other environmental policies it is one amongst the many working to protect biodiversity (Fig. 3). The Planning Act and the Provincial Policy Statement (PPS) have been found to be more effective in protecting species at risk through municipal land use planning. As with most wicked problems, where stakeholders' opinions vary along with choice of instruments, a collaborative approach must be pursued. Similarly, a strategic plan which provides coordination between all available policy instruments and responsible authorities is likely to achieve conservation goals more effectively.

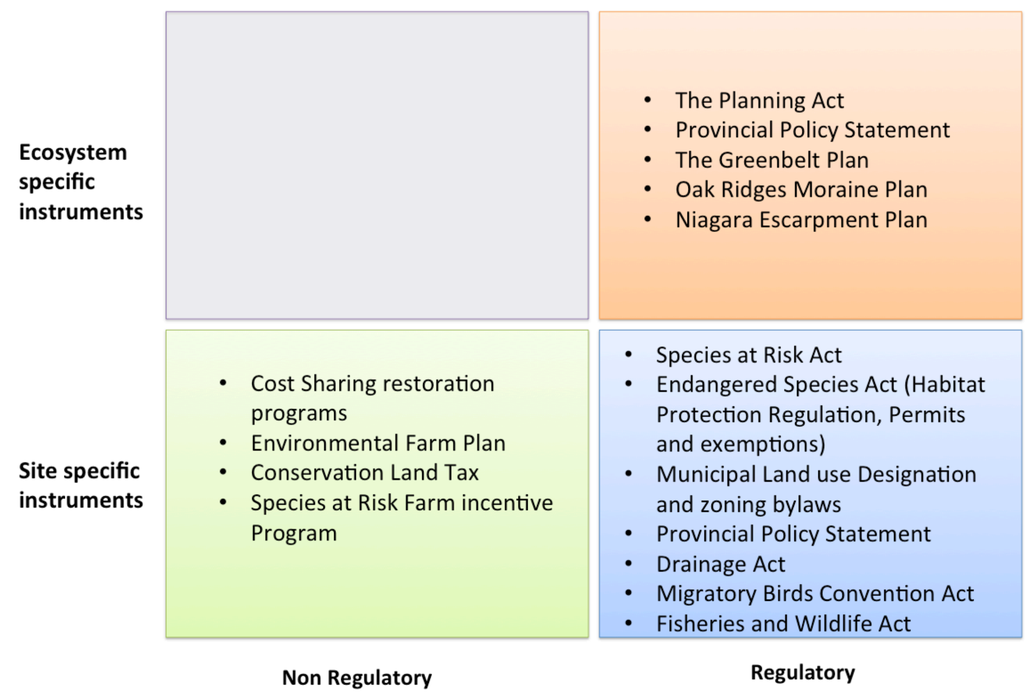

Fig 3. – Identification of available policy instruments used in implementing both site-specific and ecosystem-scale biodiversity conservation practises.

Recommendations and Future directions

The authors recommend the following:

1. A landscape-based approach across the landscape in addition to the species-specific approach to conservation.
2. Investing on providing non-regulatory instruments to foster greater stewardship among stakeholders
3. A more cohesive process which offers to be more collaborative, transparent and adaptively managed to achieve identified biodiversity conservation goals

References

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