APPENDIX 2

Governance regimes

Archaeological and ethnographic evidence suggests that an Indigenous Governance era began at least 2000 years ago when formal and informal institutions were used to manage natural resources (Trosper 2002, Trosper 2009), including Pacific herring fisheries (Powell 2012). Exclusive rights to ocean spaces were held by Chiefs and proprietorship was contingent on management that sustained productive resources within the titleholders’ territory. Systems of reciprocity defined economic exchange among individuals and groups, incentivizing sustainable use and providing insurance within a titleholder’s territory. Chiefs were made accountable to uphold these rules of reciprocity and proprietorship via the potlatch, a system of governance that was widespread along the west coast of Canada (Trosper 2002, Trosper 2009). For the Heiltsuk Nation, these principles are embodied within Gvi’las, the body of traditional knowledge and system of rules, beliefs and practices governing resource use and stewardship within their territory (Powell 2012, Housty et al. 2014, Gauvreau et al. 2017). Throughout, Pacific herring have played a crucial role in Indigenous livelihoods as a trade commodity, important source of food, oil and bait, and as a key component of ceremonial and social traditions (Brown and Brown 2009, McKechnie et al. 2014). Although colonization began in the early 1800s, leading to the erosion of Indigenous economies and governance structure, and the introduction of pandemic diseases (Boyd 1999), Indigenous governance structures were significantly crippled with the banning of the potlatch in 1885 (Cole and Chaikin 1990), albeit to vary degrees among coastal First Nations.

The Colonial Control era was characterized by state-control over fisheries and other aspects of coastal First Nations’ society. During this time, Indigenous access to and trade of herring was controlled by externally enforced rules. First Nations were granted the right to fish for food ‘but not for sale, barter or traffic’ and the reserve system displaced Indigenous fishers from many traditional harvesting areas (Harris 2000, Harris 2008). By excluding Indigenous people from commercial fisheries and limiting their cultural, political and economic practices related to herring (Turner et al. 2008), these rules created a space into which the state could insert its own management authority. Throughout this era and since then, Canada’s federal department of fisheries has asserted its authority over all fisheries in Canada under the Fisheries Act (Canada 1985), even though most coastal Indigenous communities in BC have not signed treaties relinquishing ownership or control of their lands and sea. In the late 1800s, new fishing technologies enabled industrial herring fisheries, including a bait and dry-salted fishery, and a large reduction fishery (Jones et al. 2017). Overfishing led to the first coast-wide herring stock collapse in 1967 and the closure of all herring fisheries in BC from 1968 to 1972 (Jones et al. 2017). Shortly after, herring fisheries were reopened targeting new international markets for herring eggs.

The third governance regime, the Environmental Justice era, was triggered by local revolt. It began when the exclusion of First Nations fishers from the commercial spawn-on-kelp fishery motivated two Heiltsuk brothers to be purposefully charged with illegally selling herring eggs without a permit in order to challenge the law (Powell 2012). This event lead to a
precedent-setting Supreme Court of Canada case in 1996 that established the Heiltsuk Nation’s aboriginal right to commercially harvest herring spawn-on kelp (R.v.Gladstone 1996). More than two decades later, negotiations continue over the implementation of these rights. The discrepancy between the court’s recognition and affirmation of aboriginal fishing rights to herring and the translation of these rights into herring policy have resulted in coast wide protests by Indigenous groups from 1998 to present (Jones et al. 2017). This current governance era is characterized by continued efforts among the Heiltsuk and neighbouring First Nations to change how the herring fishery system is governed and managed (von der Porten et al. 2016, Jones et al. 2017). Despite declines in herring biomass and conservation concerns by several First Nations communities, Canada’s federal fisheries department opened the commercial herring fishery in 2014 and 2015 amid protests. Local objection on the central coast of BC culminated in the occupation of a federal government office, triggering the 2015 herring fishery crisis.

**LITERATURE CITED**


