GITXAAŁA MARINE USE PLANNING:  
MAKING INDIGENOUS JURISDICTION IN  
CONTEMPORARY ABORIGINAL-STATE RELATIONS  

by  
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Abstract

This thesis examines Gitxaala First Nation’s marine planning activities at the local and regional level as a part of the PNCIMA process. I focus on the process of creating a regional marine plan for the North Coast through an aggregate First Nations organization, the North Coast Skeena First Nations Stewardship Society (NCSFNSS). In this context, I ask how marine planning addresses Gitxaala peoples beliefs, knowledge, and approaches to marine governance, and how this process is related to contemporary aboriginal-state relations in Canada. The PNCIMA planning process involves a multi-level collaborative governance agreement that commits First Nations and the federal government to creating and implementing local marine use plans that outline community goals and strategies for implementing their aboriginal rights and managing their marine resources. Gitxaala marine planning is an effort to institute indigenous jurisdiction in their territory and manage their resources in a culturally and politically significant manner. However, at the regional level, Gitxaala marine planning – and marine planning for all North Coast First Nations more generally – is challenged and limited by state power and control over ocean and fisheries. This power shapes the way in which First Nations can participate in oceans governance and management, the PNCIMA process, and impacts the relationship between local First Nations communities. The result is the imposition and reification of Euro-American political structures and knowledge – such as aggregated political organization and scaled planning processes – on indigenous peoples who have for centuries organized themselves socially and politically in culturally meaningful ways and have fostered and maintained healthy marine ecosystems in their territories.
Preface

The research for this thesis was approved by the University of British Columbia Behavioral Research Ethics Board (BREB). The certificate of approval number is H11-01024. The research was completed in the context of a SSHRC funded research project, *Laxyuup-Gitxaala* (2010-2013), principal investigator Charles R. Menzies, who provided financial support for this research. Further funding for this research was provided by the Association of Canadian Universities for Northern Studies (ACUNS) Northern Resident Grant and the University of British Columbia Faculty of Arts Graduate Entrance Scholarship. The author conducted all research, data collection, and analysis for this thesis. Morgan E. Moffitt is the sole author of this manuscript, no portion of which has been previously published.
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For my cousin, Ann-Marie.
1 Introduction

On a cool and typically damp morning in Prince Rupert, British Columbia, a group of five people gathered in a conference room at the North Coast Skeena First Nations Stewardship Society (NCSFNSS) office. Four rectangular break-down tables were pushed together in the center of the room to make one large meeting table and a dozen or so high-backed black swivel office chairs sat around it and against the walls. In three of these chairs sat marine planning coordinators from the NCSFNSS and the Gitga’at First Nation. I was present as a marine planning intern for Gitxaała Nation. The four of us were settled near the head of the table with our notebooks and binders splayed open in front of us. We listened intently to Bruce Watkinson, standing at the front of the room, as he scribbled furiously on a white-board. He wore jeans, a black Prince Rupert minor league hockey jacket, and a baseball cap with the Montreal Canadians hockey team logo on the front. Bruce, a member of Gitxaała Nation and the Fisheries Manager/Marine Program Coordinator for Gitxaala, was drawing an outline for the North Coast region marine use plan with the help of other community marine planning coordinators. The conversation flowed easily for the most part; when met with approval he enthusiastically circled whatever he had written on the board. When met with disagreement, Bruce leaned back, crossed his arms, and welcomed suggestions and alternatives. Ideas bounced back and forth, laughter broke up awkward silences when tensions arose, and positions at the whiteboard switched as headings and sub-headings were scratched out, priorities were weighed and debated, and we discussed responsibilities over who would write particular sections the plan.

The ultimate question this group was addressing was how to include as much as possible from the community plans in a regional plan for the North Coast. The marine planners around the table desired to demonstrate the distinctiveness of community marine use plans in a process
and socio-political realm that increasingly pushes for blanket policies and regional resource management strategies. The fear shared by all sitting around the table was that the community plans, developed earlier, would be ignored and left unread as federal and provincial bureaucrats, policy makers, and private interests might – as they have come to in recent years – favour a regional plan that is more generalized and ignores the divergent interests of local communities. Marine planning coordinators struggle with this because the community plans, and more importantly the communities that they represent, do not wish to have their marine use plans or their aboriginal rights applied generally; they see the community plans as a specific outline of community marine use, values, and aspirations for rights and title implementation and community development. Most importantly, these communities wish to be recognized as distinct and self-governing Nations – as Gitxaala, Gitga’at or Metlakatla – and not simply as ‘North Coast First Nations’. Certainly, the member nations of NCSFNSS share kinship relations, have similar cultural beliefs and practices, share common concerns with governmental policy, have worked in the same industries, and seen members move to local centres like Prince Rupert or Terrace. However, these communities also have distinct political structures, place-based knowledge, diverse economies, histories, and distinct colonial experiences. The result is that community marine plans are grounded in particular goals and objectives firmly rooted in community experiences, knowledge, and values and correspond with equally unique strategies for achieving self-determination. For the marine use coordinators and planners sitting around the conference table on that blustery day in Prince Rupert, the act of translating community plans

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1 It is common in the planning process to refer to First Nations by their region rather than their community. For example, when someone refers to ‘North Coast First Nations’, they mean all First Nations participating in marine through the North Coast Skeena First Nations Stewardship Society (NCSFNSS). These communities include: Gitga’at, Gitxaala, Haisla, Kitselas, Kitsumkalum, and Metlakatla. There are several communities in the ‘North Coast’ region that are not participating, like Lax Kwa’laams and the Nisga’a communities. Additionally, the Central Coast First Nations and Haida First Nations are participating.
into a regional document is difficult because it stifles the voices of the individual First Nations they represent, voices that they are charged with respecting, representing, and making heard.

This struggle stems from the structure of aboriginal-state relations in Canada and in particular the bureaucratic practices advocated by the state. First Nations on the North Coast interact with the state and the province in institutionalized settings that require them to conform to western ideologies and political structures that contrast with indigenous cultural and political diversity. This has led to an increased bureaucratization at the local level and the establishment of aggregate organizations like the NCSFNSS and similar to those documented by anthropologists in other areas of western Canada (Miller 2000; Nadasdy 2002; Thom 2010). Bureaucratization occurs in processes like land claims, treaty negotiations, and co-management projects as First Nations are required to reorganize their political institutions and create bureaucratic infrastructure as prerequisites to negotiating with the state (Nadasdy 2002:2). This process is linked to state hegemony that forces First Nations to conform to the structures and institutional arrangements of the state in order to be considered legitimate political actors and organizations (Nadasdy 2002), as well as to strategic moves by First Nations attempting to unify and strengthen their voices through collective or aggregate organization (Thom 2010). Dealing with First Nations through aggregate organizations like NCSFNSS is about bureaucratic ease and cost-saving measures. It is not, as often portrayed, about implementing aboriginal rights and title to self-government. Thus, as First Nations communities in British Columbia more and more seek recognition as independent and distinct peoples, they find themselves obliged to conform to state controlled governance arrangements that are rooted in western ideologies and informed by Euro-Canadian philosophies about government and sovereignty, governance arrangements and processes, as well as assumptions about aboriginal peoples.
In 2008, the Coastal First Nations Turning Point Initiative (CFN) and the NCSFNSS signed and adopted a Memorandum of Understanding (MOU) with the federal government in outlining the nature of First Nations participation in the Pacific North Coast Integrated Management Area (PNCIMA) planning process and the role of community marine use planning in this process. The MOU outlines a collaborative governance model and various scales of marine planning (local, regional, and PNCIMA) to be completed as a part of the planning process. While this approach is largely celebrated\(^2\) because it enables First Nations participation in the highest level of the planning process, it is rooted in state dogma that holds that bureaucratic organization and aggregation increase efficiency, saving both time and money in the marine use planning process and playing into western assumptions about proper governance relationships. On the surface this allows state actors to include all interested First Nations in the process through levels of representation. However, this greatly disadvantages First Nations who attempt to create culturally meaningful governance arrangements that respect the individuality of their communities.

Marine use planning and First Nations participation in the PNCIMA process is important because since colonization, First Nations peoples have been unjustly denied their right to manage their territories and resources, to participate in policy and decision making processes, and in many cases have been victims of discriminatory policies that denied them access to and authority over the resources and places that have sustained their peoples since time immemorial. At stake in First Nations participation in the creation of an integrated oceans management plan is the future and health of the ecosystems that they live in and a voice in the decision making process of future development and activity in their territories. The PNCIMA process is a collaborative

\(^2\) From personal communications with DFO, PNCIMA, and NCSFNSS employees, as well as PNCIMA documents prepared by the PNCIMA planning office.
process that will assemble and analyze information to inform marine planning, as well as establish principles, goals, and objectives for ecosystem based management and ocean and marine use.\(^3\) As a part of this process, Gitxaala and other First Nations are developing marine use plans that specifically outline their goals, objectives, and strategies for marine management, including joint management, monitoring, fishing quotas, and intergenerational knowledge transference of traditional ecological knowledge. These are not just plans for the future, they are strategic documents grounded in First Nations rights and title to govern their marine territories.

This thesis asks: How is Gitxaala Nation engaging in local and regional marine use planning? Moreover, does the marine use planning process address community beliefs, values, and aspirations for self-determination? By examining Gitxaala Nation’s participation in regional marine planning as a part of the PNCIMA process, I argue the marine planning process is shaped by colonial power relations that operate through bureaucratic dogma derived from western ideologies about what constitutes knowledge, political organization, and government and that limits the role that aboriginal people can play in government processes. These ideas inform contemporary legislation, policy, and discourse, and ultimately impose bureaucratic and institutional structures on First Nations, limit First Nations rights in fisheries and oceans governance, as well as controlling and structuring the nature of First Nations participation in fisheries and oceans decision making and governance processes. Furthermore, these ideologies extend to, and operate within, the marine planning process itself where community and regional marine planning coordinators, fisheries scientists, bureaucrats, private industry, and First Nations are attempting to engage in the meaningful development and eventual implementation of, large scale integrated oceans management and community marine plans.

\(^3\) All of the information on PNCIMA is available on their webpage: [www.pncima.org](http://www.pncima.org).
The primary methodologies applied in this project were participant observation and semi-structured interviews, as well as review of relevant literature. I lived and worked in Prince Rupert for three months (May 22, 2011 – August, 19th, 2011). Prince Rupert is a small city of just over 12,000 people on the North Coast of British Columbia close to the mouth of the Skeena River. The contemporary village of Gitxaala, Lach Klan, is located on Dolphin Island, 30 miles outside of Prince Rupert. It takes twenty minutes from Prince Rupert by float plane or two hours by boat to travel from the city to the village. The band administration is at Lach Klan. The main office for GEM is in the city of Prince Rupert. Over the three months that I lived in Prince Rupert, I worked for the Gitxaala Environmental Monitoring (GEM) agency as a marine planning intern. In my position I learned how Gitxaala Nation conducted community marine planning, as well as local people’s perspectives on fisheries and resource management and marine use activities in Gitxaala’s traditional territory. I also learned about – and gauged from my experiences and interactions – Gitxaala’s relationships with neighbouring First Nations, the North Coast First Nations Stewardship Society (NCSFNSS), and Fisheries and Oceans Canada (DFO). In addition to the three month period of fieldwork in the summer of 2011, I returned to Prince Rupert for one week in November, 2011, to conduct follow up meetings and interviews.

I participated in North Coast marine planning meetings with GEM representatives and other First Nations marine planners at the NCSFNSS offices. I also met with the Gitxaala Harvesters Committee in Lach Klan. My key responsibility during this period was to produce a document for Gitxaala on the different perspectives, objectives, and strategies that fellow ‘players’ had for the PNCIMA initiative and what they wanted to see come out of the marine planning process. I created this document by conducting interviews with people involved in all levels of the PNCIMA process and, as a result, I encountered and familiarized myself with the
discourse of marine planning and the debates circling among those involved in the process. The bulk of my participant observation occurred during office hours for GEM, in board rooms, waiting rooms, and around conference tables. I will not discuss the content of the interviews conducted with NCSFNSS, DFO, or PNCIMA representatives for this report, as these occurred strictly for the purposes of Gitxaala Nation and not my own research. That being said, the casual conversations that occurred with some of the individuals who conducted these interviews with me are included as general information gathered through participant observation.

Meetings and discussions that took place at the plastic conference table in the NCSFNSS office on 3rd Ave, the shaky wooden tables at Cowpuccino’s, and in the beautiful cedar GEM office were invaluable. I learned about daily life in Prince Rupert, as well as fisheries and oceans policy, in the least expected places. For me, the ‘unexpected’ was the sauna at the Earl Mah pool. I’m extremely grateful to the fishermen, colleagues, and friends that I met there (mostly by chance) and who spent many hours over the course of three months ‘sweatin’ it out’ and discussing all things from marine policy, to basketball, to salmon quota’s.

I recorded and transcribed five semi-structured interviews with individuals in GEM, NCSFNSS, and the Skeena-Queen Charlotte Regional District local government. I conducted two informal interviews with a past marine planner for the NCSFNSS and a marine planner from Gitxaala Nation. These interviews were not recorded at the behest of the participants. I met DFO and NCSFNSS employees for coffee several times. Finally, I attended one marine/fisheries committee meeting in Lach Klan where the community marine plan and marine use was discussed. I also heard about fisheries and oceans regulations and other related matters that impact Gitxaala peoples’ relationships with marine resources, such as catch allocations, patrols, and the potential of oil tanker traffic as a result of the Enbridge Northern Gateway Pipeline.
Inevitably my knowledge of the PNCIMA process, the relationship between the First Nations on the North Coast and the organizations involved in this research is partial and situated within my own field of knowledge (see Haraway 1991). My vantage point on the situation is informed by the access I was granted, my own personal perceptions, and a desire to uncover and understand as much as possible. My position as a graduate anthropology student/researcher and a marine planning intern for Gitxaała also limited me in several unanticipated ways; colleagues from other organizations (like NCSFNSS), as well as other local First Nations, were apprehensive of my research project and often felt uncomfortable or full-out declined to conduct recorded interviews with me. It was pointed out to me several times that I was not ‘objective’ because I was working for Gitxaala and that it was not my place – as an outsider and an anthropologist – to critique the marine planning process. For this reason, I avoided conducting formal and taped interviews with certain people at their request and instead met with people in their offices, at restaurants, or at friends’ homes, for informal discussions where I took notes with their permission. It was difficult for me to access members of Gitxaala Nation and the village of Lach Klan because I was primarily located in Prince Rupert. On the day that I was supposed to conduct an official group meeting with the Gitxaala Harvesters Association it was too stormy for the ferry to travel between the village and Prince Rupert.

It was not uncommon for people to decline my invitation to participate in my research project because they felt uncomfortable with it. This is perhaps one of the greatest limitations I faced when conducting research for this project; it was disheartening, but it was also humbling, constructive, and educational. Robin Anderson (Menzies and Butler 2011:210) reports a similar experience during her research on diabetes in Lach Klan. Engaging with the work of Lassiter (2005) on collaborative anthropology, Anderson (Menzies and Butler 2011:211) explains that
“saying no is an act of decolonization, the very thing collaborative researchers work toward by conducting the research. Knowledge may be power, but no is also power, and it must be respected.” That being said, in certain situations, saying “No” to interviews is also a means of protecting the powerful from uncomfortable questions.

For example, in an effort to ‘study up’ (Nader 1969), I had hoped it would be possible to conduct interviews with employees from Fisheries and Oceans Canada that are involved in various levels of the PNCIMA process. This proved fruitless as any request was met with awkward guffaws, denials of ‘expertise’, and admissions that it was not their place and they would need permission first and foremost from their supervisor, potentially even their supervisor’s superior. This is one of the challenges of working with institutionalized bureaucracies that monitor and limit their employee’s abilities to engage with outsiders and openly discuss governance and management practices. The federal government has recently been criticized in the press for silencing federal DFO fisheries biologists⁴ and was decried for tailing and monitoring federal researchers’ interactions with press and public at an international conference in Montreal.⁵ These developments are disturbing and telling; they suggest the extent to which the current Canadian government will go to silence those voices that may not tow the party line.

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2 Situating Aboriginal-State Relations on the North Coast of British Columbia

First Nations marine use planning is shaped by histories and relationships. It is a product of complementary developments in First Nation’s rights and title recognition and widespread changes to fisheries and oceans management policy in Canada and abroad (see Anderson 2007; Butler 2005). It takes place in a broader context of aboriginal-state relations, colonialism, and ongoing Canadian state formation. Literature on marine planning has focused on stakeholder participation or the process of reconciling economic and ecological values (see Gunton et al. 2010; Gunton and Joseph 2010). This does not address the complexity of First Nations engagement in large scale marine planning processes or the difficulties and successes of marine planning as experienced at the community level. It is helpful then to touch on the historical, cultural, and material conditions that make this process possible and determine the limit and scope of the process, demonstrating the structural and systematic links between marine planning and aboriginal-state relations. In this section I briefly discuss the North Coast through Gitxaala’s experiences, provide an overview of the socio-political and economic conditions that have impacted contemporary aboriginal-state relations in this region, and discuss the recent rights and title developments in British Columbia that motivated land use and marine use planning.

2.1 Gitxaala History and Social Organization

Gitxaala peoples have been categorized by anthropologists and linguists as part of a wider group of S’malgyax peoples (sometimes incorrectly referred to as Tsimshian) due to their

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6 Unfortunately, given the limited length of this thesis it will not be possible to discuss at length (and to the degree they deserve) the significant changes in fisheries and oceans management that have contributed to the creation of the PNCIMA process and the current philosophies informing fisheries and oceans policy. I will focus instead on the history of aboriginal rights and title in the province and the relationship between these developments and fisheries and oceans management in British Columbia.
social, linguistic, and historical similarities with the Gitxsan and Nishga’a (Drucker 1965; Halpin and Seguin 1990:267; Miller 1997). Gitxaala has always maintained that they are a socially and politically individual group of First Nations peoples. Today, Gitxsan and Nisga’a are treated as politically distinct from the coastal and southern S’malgyax speaking peoples. The traditional territory of S’malgyax speaking peoples is Northwest British Columbia along the Nass and Skeena Rivers and along the islands and estuaries from the Nass River down the coast to the north of Kitimat. Many of the First Nations in this area share similar histories, are related through extended kin networks, and have engaged in trade with one another since time immemorial (Miller 1997). That being said, First Nations on the North Coast were politically independent well before the arrival of explorers, fur traders, and eventually settlers in their traditional territories and they continue to be so today (Drucker 1965; Menzies and Butler 2008; Miller 1997). There are seven contemporary First Nations’ villages in the North Coast region identified for the PNCIMA process: Gitga’at, Gitxaala, Lax Kw’alaams, Metlakatla, Kitasoo, Kitselas and Kitsumkalum. Each village is politically independent and has a system of customary leadership, as well as a band council (see Menzies and Butler 2008: 134). In addition, many of the S’malgyax speaking peoples have migrated from villages to live in nearby towns like Prince Rupert or Terrace, as well as large cities like Vancouver. Many maintain strong connections with their home communities, returning for feasts and other events like the all-Native basketball tournament.

Lach Klan, the contemporary village of Gitxaala, is located on Dolphin Island and according to Gitxaala people is the oldest continuously occupied village in the region. There are
1,861 registered members of Gitxaala Nation and 415 of those live in the village Gitxaala. The larger community is dispersed primarily in Prince Rupert although some have relocated to larger cities like Vancouver. Marine planning is done primarily at the village level and thus the majority of participants in this process reside in Lach Klan (known as Kitkatla, BC).

Social and political organization is kin-ordered through exogamous, matrilineal descent groups known as clans or phratries (Garfield 1939; Halpin and Seguin 1990:274). These are further classified by class and rank. There are four principle clan groups in Gitxaala: Ganhada (Raven), Gispudwada (Black Fish/Killer Whale), Lax Gyibuu (Wolf), and Lax Sgyiik (Eagle). Menzies and Butler (2007: 444) point out that while clans “…do not exercise any specific political authority,” affiliation to a clan does “inform who can marry whom and, consequently, determines alliances between members of specific house-groups.” Power is vested in the matrilineal house group (walp) that is the fundamental unit of social organization and acts as “the effective political and economic voice,” of the community (Menzies and Butler 2008:34; see also Halpin and Seguin 1990:274). Customary leadership in Gitxaala is assigned to the hereditary walp leaders, known as Sm’gyigyet (household leaders), as well as Lk’agyet (councillors/leading men) and Sigyidmhana’a (matriarchs) (Menzies and Butler 2008:134). Walps in Gitxaala are ranked in order. The highest ranking Sm’gyigyet acts as head chief of the village (Menzies and Butler 2008:134). Each household owns territory (fishing hunting and gathering areas), songs, crests, and names that are controlled by the Sm’gyigyet (Halpin and Seguin 1990:274). As Menzies (2011:214) states “the house territories, situated around natural ecosystem units such as watersheds, form the backbone of Gitxaala’s collective territory.” This is evident in the continued importance of hereditary title and names (see Roth 2008).

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Hereditary title is passed on from generation to generation through community feasting (Roth 2001:69). Names are “linked to histories, crests, images, rights, responsibilities, and territories,” (Menzies 2011:215). Hereditary names are the primary mechanism through which land and sea tenure and ownership of natural resources are determined (Menzies 2011:215). Despite federal attempts to undermine traditional governance structures and organization through the Indian Act and the creation of the local band council, hereditary leaders maintain significant political clout in Gitxaala. As Menzies and Butler (2008: 134) note “Few decisions can be made or enacted without the support of the established elders and leaders.” Hereditary names also indicate matrilineal territory in near neighbouring villages thus “proclaiming both migratory origins and an unassailable territorial situatedness,” (Roth 2001:72). Hereditary titles and feasting for names are an integral aspect of Tsimshianic personhood, social life, and organization. Hereditary titles and customary systems of government continue to play a vital role in Gitxaala socio-political organization, as well as Gitxaala’s relationship with their neighbours.

Gitxaala peoples first encountered Europeans during the eighteenth century. These episodes are recorded in the adaawx of the people.8 The aboriginal peoples on the North Coast played an active role in the fur trade during the eighteenth and early nineteenth centuries, often exercising a substantial amount of control over the price and material being exchanged with Europeans in the mercantile trade network (Fisher 1991:280-281). The fur trade created new alliances between villages and increased “networks of communication” between inland and coastal peoples, but had little effect on the modes of production and the socio-political organization of the First Nations (Menzies and Butler 2008:135). Menzies and Butler (2008:135) suggest that while historical accounts of this period in British Columbia tend to focus on the fur

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8 Sabaan: The Tsimshians and Europeans Meet is an adaawx told by Dorothy Brown (published with permission of the Ganhada house of Gitxaala) that was put together for children at Lach Klan School in the village.
trade as the “nexus of economic relations between First Nations and Europeans,” the key feature of this period of history was “the transformation from chiefly economies to industrial resource extraction capitalism.” The walp formed the basis of Gitxaala and Tsimshian engagement in capitalist resource extraction industries (ex. Commercial fisheries and logging) during the mid-nineteenth century through Sm’glyigyet’s control over resources and territory and power to mobilize labour (Menzies and Butler 2008:135).

Colonization and the imposition of the Indian Act contributed to the increasing expropriation of First Nations lands and waters. First Nations peoples’ mobility and territories were limited when Indian Reserves were established near traditional villages and fishing stations (Harris 2002; Menzies and Butler 2008: 142-143; Newell 1993:56-57). This was a significant imposition of federal aboriginal policy in Gitxaala territory as it marked the first significant attempt by the state to organize local populations into manageable units for bureaucratic measurement. It effectively imposed Euro-Canadian legal principles on First Nations and extended state control over resources and territories. Thus, as McDonald (1994:157) argues, “The allocation and imposition of reserves along with Canada’s assumption that Tsimshian accept the law of the new regime, indicates the extent which Tsimshian goals had became officially subordinated under Canadian hegemony.”

During this period, fisheries play a crucial role in the legal and political restructuring of contemporary relationships. Harris (2001:214) identifies the Fisheries Act as the most contentious Act between state authorities and First Nations people in BC. This is particularly the case in Gitxaala, where the community has been butting heads with federal authorities over fishing rights – sometimes violently – since the nineteenth century.⁹ Canadian law played a key role in this conflict.

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⁹ McDonald (1994:158) refers to a conflict in 1978 between Kitkatla and cannery gillnetters which led to policing actions by an imperial gunboat following the incursion of Gitxaala fishing areas by cannery fishermen.
role in capturing British Columbia fisheries and oppressing First Nations peoples by creating centralized and bureaucratic management bodies, legal claims to sovereignty over native territories, and the assertion of authority over and control of fisheries (Harris 2001:5). Gitxaała and other Tsimshianic fishermen had a considerable role in the early commodity economy on the North Coast but many were gradually forced out of commercial fisheries by racist state policy that limited their participation in the industry (Menzies and Butler 2008).

2.3 Agreements without Agreements: The Interim

As First Nations in British Columbia interact with state power and engage in processes like treaty negotiations, co-management, and land or marine use planning, they partake in a process of ongoing state formation (Nadasdy 2002:4). These processes are imbued with ideological assumptions about appropriate and effective institutional structures and governance relationships (Nadasdy 2002), as well as “discriminatory assumptions about the nature of aboriginal societies,” (Bell and Asch 1997:38). Assumptions work overtly and covertly to create and support colonial power relations, undermining First Nations efforts for self-determination, and reaffirming state authority and control. Over the past forty years, First Nations in British Columbia have engaged the federal and provincial governments to recognize Aboriginal rights and title through significant activism, litigation, and lobbying. As a result, aboriginal rights were recognized and affirmed in section 35 of the Constitution Act, 1982. Aboriginal rights and title have been further defined by the state through significant legal cases and judicio-political discourse (Bell and Asch 1997: 38).

Aboriginal rights recognition stimulated a restructuring of the relationship(s) between First Nations and the federal and provincial government. For example, *Calder v. British Columbia Attorney General* ([1973] S.C.R. 313) was a landmark decision for aboriginal peoples
in Canada because it recognized and affirmed aboriginal title to land. On behalf of the Nisga’a people, Frank Calder took action against the Attorney-General of British Columbia claiming that the Nisga’a possessed aboriginal title to their territory. The Supreme Court of Canada found that Aboriginal title did exist in areas of Canada that had not yet joined the Dominion at the time of the Royal Proclamation of 1763 and thus Nisga’a title had never been lawfully extinguished or surrendered. Since the Calder decision, the federal and the provincial governments have had to establish new relationships with First Nations in the region. A key tactic of the state has been to settle land claims through the treaty process.

The treaty process in British Columbia has proved difficult and contentious; only a handful of final agreements have been ratified over the last decade and many First Nations – such as Gitxaala – have backed out of the process altogether (Penikett 2006). Gitxaala is currently not involved in treaty negotiations. Initially, Gitxaala participated in the treaty process as a part of the Tsimshian Tribal Council (TTC). In the early 1990s Tsimshian united in a political organization called the Council of the Tsimshian Nation (McDonald 1994:172) which later reorganized into the TTC. The TTC then fell apart in 2004 with the withdrawal of Lax Kwa’laams from negotiations (they have since continued the process independently). Gitxaala soon withdrew as well and has since not entered any treaty negotiations.

In the absence of final agreements, interim agreements between First Nations, British Columbia, and Canada have been signed. These agreements outline aboriginal and government arrangements in economic benefit sharing schemas and collaborative management structures. They are tools used by federal and provincial government to produce certainty and ensure that

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10 Woolford (2005:172) is critical of the B.C. treaty process and argues that rather than acting as a reparative process for colonization and working towards transformative change, federal and provincial government utilize it as a means of attaining economic and political security thereby manipulating the process to privilege the neoliberal and political ideology of the state.
they adequately recognize First Nations interests. ‘Certainty’ in this context is something akin to ‘dotting the i’s and crossing the t’s’. They are a means of insurance against lengthy and costly legal battles and work as a ‘consultation tool’. As it stands now, the province has used interim agreements as a means of fulfilling their legal duty to consult First Nations over proposed development. Through interim measures agreements, First Nations have set up co-management arrangements for land and terrestrial resources and North Coast First Nations participated in a regional scale land use planning process as well as independent community planning. This directly influenced the marine planning process.

Land use planning began in the early 1990s with the North Coast Land and Resource Management Plan process ending in 2004. Further to this, and as a part of Gitxaala’s Forest and Range Agreement (FRA) signed in 2004, Gitxaala embarked on community land use planning and signed a Sustainable Land Use Planning Agreement with the province in 2006. A case study on the implementation of Gitxaala’s FRA it was found that the policy was implemented in accordance to the desire of local bureaucrats rather than the First Nation itself and resulted in provincial personalities and politics determining both the process and the outcomes (Rogers 2007). Several of research participants pointed to the land use planning process as directly motivating communities to start marine planning:

> It started probably about 2003 when all of the First Nation communities on the North Coast were just coming out of the provincial land use planning process and at the time many communities had a desire to do [a] similar marine use planning project.

- Bruce Watkinson

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1. The duty to consult First Nations is a doctrine of law from the Supreme Court of Canada decisions Haida (2004) and Taku (2004) and dictates that governments must consult aboriginal peoples about developments that may impact their communities regardless of whether or not treaties have been signed (Newman 2009).
Gitxaala Environmental Monitoring

Further to this, one Gitxaala Nation member (who wished to remain anonymous) related marine and land use planning to larger governance relations between Gitxaala and provincial and federal governments when discussing the marine planning process with me over coffee. For this man, marine planning was a “part of this whole puzzle.” He recognized the land use planning agreement as an important personal learning process for Gitxaala on the reality of aboriginal-state power-sharing:

“They [Gitxaala Nation] negotiated G to G with the government and there were supposed to be benefits that came to Gitxaala...one thing they didn’t tell Gitxaala was that someone else would be administering those funds.”
- Member of Gitxaala Nation

This participant directly identifies one frustrating aspect of working ‘government to government’ with federal and provincial parties: in processes said to be direct ‘negotiations’ between First Nations and state powers, control ultimately rests outside of the hands of local First Nations. In this case, Gitxaala was expected to receive funding for community projects stemming from land use planning agreements but were then undermined as they were not allowed to determine how and what funds should be used for. The LRMP process is a good example of the aggregation approach currently used by the state and the province to work with First Nations. In aggregation, First Nations are lumped together for bureaucratic ease. Dealing with sovereign First Nations is seen as too time consuming and costly for the state and thus the aggregate approach has been pitched as a means of adequately consulting with First Nations in a group setting. Gitxaala Nation’s recent experiences in working ‘government to government’ then is that they have little control or power over the process and their participation in the process is limited due to structures that fail to deal with the specificities of community social systems, beliefs, and aspirations.
3 PNCIMA, Marine Planning, and Power

As established in the previous section, marine use planning was already being considered by North Coast First Nations as a possibility before the PNCIMA process even began. Because of this, marine use planning operates somewhat independently from the PNCIMA process itself. For example, a key motivation for starting marine planning in local communities was to line up marine use and land use plans to create a comprehensive territorial plan for each First Nation. This will be discussed further in the chapter but the key point to take from this is that the land and marine use plans are strategic documents that link up with broader developments in aboriginal-state relations. This section briefly introduces the PNCIMA process and outlines First Nation’s involvement and marine planning in this process. I begin by introducing the PNCIMA process and First Nations engagement with this process. I go on to introduce Gitxaała’s marine planning process and the significance of the marine plan to the community. Finally, I explore the regional marine planning process and the implications of this aggregate structure in this new political order of aboriginal-state relations in British Columbia.

3.1 First Nations and the PNCIMA Process

In 2002, Coastal First Nations14 (CFN) signed an interim measures agreement with the federal government. The agreement committed both parties to “work towards a government to government relationship for the involvement in marine use planning,” (PNCIMA 2010a:1). Gitxaala is not a member of the CFN but this agreement is important to Gitxaala marine use planning because it provided the basic format for how to work with First Nations communities.

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14 Coastal First Nations is an alliance of coastal First Nations. At the time of the interim measures agreement they were called ‘Turning Point Initiative’ (Bones 2009:1). The organization represents the interests of their member communities in the PNCIMA process just as the North Coast Skeena First Nations Stewardship Society represents the interests of Gitxaala Nation and the other five member nations on the North Coast.
on the coast of BC in marine use planning. In the same year, the federal government released *Canada’s Oceans Strategy* (Fisheries and Oceans Canada 2002) and highlighted integrated management as one of three guiding principles for ocean management (the other two being sustainable development and the precautionary approach). While First Nations on the North Coast did not sign an interim measures agreement to support marine use planning, they did begin discussing marine planning, as well as the PNCIMA process, in 2006. Gitxaala and the NCSFNSS officially began marine use planning as a part of the PNCIMA process in 2008 when they signed a Memorandum of Understanding (MOU) with Fisheries and Oceans Canada (DFO) to adopt a ‘collaborative governance model’ for the PNCIMA planning process on December 11, 2008. The agreement commits all three levels of government – federal, provincial, and First Nation – to the development of integrated management for the PNCIMA large ocean management area, as well as community engagement in marine planning.

The PNCIMA was officially established in 2005 as one of five priority large ocean management area’s (LOMA) selected for implementing integrated management (Fisheries and Oceans Canada 2005). The purpose of the PNCIMA planning process is to collaboratively plan for the creation and implementation of integrated oceans management. In Canada, integrated management is legislated and guided by the *Oceans Act*. The federal government outlined its approach to integrated oceans management in *Canada’s Oceans Strategy* and *Canada’s*

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15 The increasing degradation of oceans ecosystems and the massive declines and collapse of several fisheries stocks due to overfishing (Rogers 1999; Sumaila and Pauly 2011) during the latter half of the twentieth century led to a wide-spread call by scientists, academics, environmentalists, First Nations, and resource managers, for more holistic and effective fisheries and oceans management practices. Integrated management is thus a part of what Dickinson et al. (2010:22) describes as a “shift in priorities, from managing individual marine resources for a single objective, to examining the system as a whole and looking at the cumulative effects of all human activities on the marine environment.” Integrated oceans management is intended to decrease social and political conflicts, as well as create sustainable oceans management, by bringing together ocean and marine user groups in a collaborative governance structure and planning process.

16 Oceans Act (S.C. 1996 c.31)

17 Fisheries and Oceans Canada (2002)
The planning process aims to bring together government (federal, First Nations, and provincial), management bodies, industry, environmentalists, commercial fishermen, and other marine stakeholders to reduce conflicts, coordinate management of marine space and resources and ensure sustainable ocean use in the PNCIMA region (PNCIMA 2010). The PNICMA stretches from the Canadian jurisdictional limit in the North, down to the south eastern end of the Johnson Strait, and extending to the western side of Vancouver Island at the Brooks Peninsula, the PNCIMA occupies an area of 88,000 km² including near shore and offshore areas, as well as diverse marine ocean ecosystems and user groups (PNCIMA 2009:2).

The PNCIMA process planning structure is made up of three key components: the steering committee, planning office, and Integrated Oceans Advisory Committee (IOAC) (see PNCIMA 2010b:4-5). The steering committee is the key governance body; it includes First Nations governance representatives, federal agency representatives (from DFO, Environment Canada, and Transport Canada) and provides strategic oversight and control policy and executive decision making. The planning office works on the administrative level; they coordinate meetings and put together official documentation and to be checked by the steering committee. The IOAC is a multi-stakeholder committee that provides guidance for the plan regarding potential outputs and implementation. It composed of what is called ‘user groups’. User groups sitting at the IOAC include private sector representatives (such as Naikun Wind Corporation, Shell, BC Ferries, etc.), local government, commercial fisheries, recreational fisheries, and so on. One IOAC member representing the Skeena Queen Charlotte Regional District (SQCRD) – a local (non-First Nations) government body on the North Coast – lamented that the IOAC has no “real power”. The SQCRD was extremely upset that local government was included as a

18 Fisheries and Oceans Canada (2005)
stakeholder rather than recognized in the governance structure. The position of local government was articulated to me by Des Nobles, who stated:

In my mind, local government is the first level of government not the federal government because we are most directly connected to the constituents who are directly impacted by the outcomes of all the other levels of government. And, therefore, I think it is incumbent on us to ensure that we have a voice at that table whether the other levels of government wish to acknowledge that at all. And, I’ll be very clear that both or all three – federal, provincial, and First Nations governments – have not given us the respect I would say that we warrant. And I find that odd at times but that’s just the way it is; we’ve been left out of the picture.

– Des Nobles
Skeena-Queen Charlotte Regional District

First Nations marine planning is scaled; it takes place primarily at the local level and is then ‘brought up’ through the regional level where local First Nations participate in regional marine planning by amalgamating the goals and objectives of the community plans into a regional plan. These goals are carried to the executive/governance level by regional representatives. This level is often referred to by marine planners as ‘the PNCIMA level’ meaning that the goals and objectives are as broad and generalized as the PNCIMA area itself. The idea behind this schema is that local First Nations communities, divided into three regions (Central Coast, Haida Gwaii, and the North Coast), will formulate their own plans with marine planners who will subsequently harmonize these plans into a regional plan. Concurrently, First Nations goals and positions in regional plans are taken up to the governance level through regional governance representatives. These representatives sit at tables with governance representatives from federal and provincial agencies and other invented First Nations regions (i.e. the Central Coast and Haida Gwaii). Gitxaala and several other Nations have commented that this model does not adequately address cultural beliefs, economic and investment obligations, and governance issues. Furthermore, First Nations working within this structure are
forced to present themselves in regional plans as possessing shared goals and harmonized governance visions. Certainly this approach is not necessarily completely contrary to the goals of First Nations; however, it does force a type of socio-political organization and ecological management that benefits the goals of the state (and industry) and may be, as is the case with Gitxaala, discordant with the goals and objectives of local people.

3.2 Say’t Goolm Got – Gitxaala social organization and community marine planning

Community marine planning in Gitxaala is rooted in local knowledge of Gitxaala territory and resources, the continued use and maintenance of Gitxaala territory and the beings that Gitxaala people share this place with, and contemporary political aspirations for self-determination. The planning process was developed by community members and the GEM office and involves a wide intersection of the local community. Marine use planning has also supported the establishment and continuing operation of the Gitxaala Harvesters Committee and the Marine Planning Committee who play a key role in drafting the plan and identifying community attitudes towards fishing and oceans issues. Local level marine planning is driven by community aspirations in fisheries and oceans governance and is a highly politicized activity linked to First Nations rights and title issues, self-determination, and knowledge.

The Gitxaala marine use plan is Say’t Goolm Got – meaning ‘being of one heart’.

Menzies and Butler (2007: 442-443) refer to say’t goolm got as the concept that embodies Gitxaala relations to other beings (animals and humans), and argue that it:

…underpins Gitxaala approaches to resources and how they should be used and shared. It is premised upon a community-based conception of resource use in which people and nonhumans share important reciprocal relationships of trust, respect and – when things go wrong – retribution.
The marine use plan is intended to “protect, manage and enhance the resources within Gitxaala territories,” (Say’t Goolm Got 2010). It outlines community goals, objectives, and strategies for social and political marine issues and economic development. These include issues like joint fisheries management, economic development (including creating jobs, projects they would be interested in pursuing, or potential areas of partnership with other First Nations), knowledge and education (including transferring traditional ecological knowledge and introducing community fishery stock assessments), and governance issues (such as implementing Gitxaala oceans jurisdiction and ‘Gitxaala only’ harvesting areas for important traditional foods). At stake in marine use planning is authority and control over community marine use, including commercial activities such as fisheries, community involvement in future industry and economic development, and the conservation of marine resources.

The Gitxaala plan is one of only two plans written independently from NCSFNSS by community marine planners from the Gitxaala Environmental Agency (GEM). This means that rather than NCSFNSS assisting in the research and writing of the plan (as they did in many communities), the Gitxaala plan is being written predominantly by GEM. In fact, when I arrived in Prince Rupert in May, 2011, Gitxaala had not yet shared their draft plan with NCSFNSS. The GEM staff did disclose certain marine plan goals tactically when meeting for the regional planning process but did not share the Gitxaala plan. This point is significant because it demonstrates the unique approach taken by GEM staff. GEM is strategically positioning Gitxaala marine goals in the political environment of fisheries and oceans management and aboriginal-state relations.

The possibility of creating a marine plan for Gitxaala was discussed in a series of consultations between Gitxaala and NCSFNSS in 2006. At the time, Bruce Watkinson (the
current Fisheries Manager and Marine Planning Coordinator for GEM) was the executive
director of NCSFNSS. Gitxaala struck up a committee for the planning process on its own and
held numerous workshops and meetings in Gitxaala and Prince Rupert. The marine planning
committee was made up of a cross-section of people from the community – harvesters,
commercial fishermen, and hereditary leaders. The committee identified priority issues – such as
the rebuilding of key species, the reinforcement of Gitxaala governance and Ayaawx (laws), and
the re-establishment of economic self-reliance. The committee was given examples of what
marine plans might look like and then organized surveys to be done with other members of
Gitxaala Nation:

They were given some templates but they were really told that this plan was their
own and that this was for Gitxaala people in the Gitxaala territory and it kind of
just rolled out from there. A lot of the work early on revolved around different
surveys and things like that to find out what the interests were, what the issues
were and things like that…so yeah, it just kind of took off right from that
community level.
- Bruce Watkinson
  Gitxaala Environmental Monitoring

One of the main goals and tasks identified by the committee was to include Gitxaala
Ayaawx (laws) and Adaawz (history). Ayaawx and Adaawx “describe in precise detail the
relationships of trust, honor, and respect that are appropriate for the well-being and continuance
of the people and, as importantly, define the rights of ownership over land, sea, and resources
within the territory,” (Menzies and Butler 2006:1). Collecting community Ayaawk and Adaawk
has been a part of recent research done for the community, including the collection of traditional
ecological knowledge for the marine use plan by NCSFNSS. Traditional ecological knowledge
in Gitxaala is “embedded in the matrix of its unique local culture, history, and traditions,”
(Menzies and Bulter 2006:9). Traditional ecological knowledge incorporated in the plan
includes traditional harvesting areas, key species, principles of safe harvesting, and management
mechanisms. Traditional ecological knowledge was gathered through interviews with local elders and harvesters and used to assemble a working model of the historical and contemporary ecological systems and marine use activities of Gitxaała. Collecting traditional ecological knowledge was a challenging and integral task:

I remember when it first started at the community level. Caroline came to the community and started to interview individuals on their knowledge and the use of marine resources. It was challenging just getting information – to get them to understand it’s for their own good because there is going to be nothing left if we don’t say anything.
- Gitxaała community member

Gitxaała has historically been very private and conservative with their knowledge – often for good reason. As far back as 1914-1915, the period when William Beynon collected data for Canadian anthropologist Marius Barbeau, it was noted by Beynon that he encountered greater difficulty getting informants in Gitxaała and that Gitxaała peoples required permission from Chief Seks before they agreed to work with Beynon (Anderson 2000: 6).

Knowledge transmission is essential then in creating marine plans. Knowledge is passed on to GEM staff and shared between community members during meetings with the Gitxaała Harvesters Association and the marine planning committee during daily conversations with Gitxaała harvesters about fisheries. The knowledge informing the Gitxaała marine plan is not just ecological, it is also political. It has been generated and shaped in a context of colonial domination that limited aboriginal fishing and harvesting activities and aboriginal agency that opposed these restrictions. Entangled in the current socio-political climate, “the use of Indigenous knowledge is a political act – it is a claim of Aboriginality, an assertion of land and resource rights, and a demand for management power,” (Butler 2006:119). For example, during an interview, one participant was lamenting that the DFO and government talked a lot about
ecosystem based management but never seemed to actually practice it. He considered ecosystem based management akin to Gitxaala fisheries knowledge and management practices:

I remember walking the streams with my uncle at our fish camp as a young boy and he would be telling me what we were doing when we were walking the stream. He said ‘We need to make sure we keep this clean. We need to make sure there is nothing here that can damage this river.’ And we would walk all the way up to the lake. And he said ‘The reason why is we need to make sure that before we fish that we allow enough fish to come up this river so that there will be a return,” And that’s what we did. It came from my uncle. [clears his throat] He was the one who held this name, this traditional name that I hold. It was passed down to me when he passed on. The First Nations they didn’t just talk about things, they did it.
   - Gitxaala Community Member

Here, the participant highlights first the transmission of traditional ecological knowledge from one generation to another (from his Uncle to himself). He thereby identifies one of the ways that Gitxaala children are taught from an early age to manage and support local salmon stocks in order to assure their continual return. This includes supporting fish habitat and taking a holistic approach to managing the ecosystem that supports the salmon fishery. Near the end of the interview excerpt he mentions his traditional name. In Gitxaala, names connect people to their ancestors and the land and waters their ancestors lived on, as well as convey rights to territories and resources (see Roth 2001, 2008). The participant is asserting his authority over traditional territory and resources. He criticizes the failure of others, in this case the DFO, who ‘just talk about things’ and fail to act, and establishes a connection between ecological and political knowledge.

Ultimately, Gitxaala Nation and GEM intend for the marine plan to be used for economic development, fisheries and oceans management, and as a tool and guideline for working with federal and provincial governments in implementing Aboriginal rights and title and establishing Gitxaala jurisdiction. Community marine planning is considered a beneficial process by the
members of the community and GEM office staff. It is community driven and is an avenue for community members to identify past marine use and activities, important areas for fishing, and potential areas for conservation. It has renewed discussion of community adaawx and sovereignty, promoted the sharing of ecological knowledge among community members (which has been a challenge due to a misuse of this knowledge by non-Gitxaala individuals in the past), and has provided a venue for people to come together to envision the future of Gitxaala Nation. Finally, it is creating a place where the community can establish objectives and goals as to what future activities, economic development, and management it would like to see in Gitxaala territory. As Bruce Watkinson states:

I think that – that number one, a marine planning process, developing a strategic plan for our community and our territory – is valuable in itself just for us. It sets up the goals of the community, it helps set goals for the fishery program and other programs, and really kind of brings all these different viewpoints and opinions and positions together into one nice document. So it’s beneficial that way just from a community perspective.

However, while some of the objectives and goals outlined in the marine plan can be implemented by the community itself (such as increasing ecological knowledge transference and involving more females in fishing and harvesting activities), many of them require changes to current federal and provincial government policies that limit community self-determination (such as indigenous jurisdiction).

In their plan, the Gitxaala Nation has articulated the desire to establish a strong joint management relationship with the federal government and their intention to play a key role in the monitoring and enforcement of fisheries laws and policies in their territories. The tiered governance structure for integrated marine use planning in PNCIMA is favoured by the federal government because it saves them the time and the money that would be required if they were to
work government to government with each First Nation. While efficiency is the goal of Canada, it significantly undermines the process as a whole because it places a strain on the direct relationship between the state and Gitxaala. It fails to provide adequate funding and support for the production of community marine plans and will most likely result in the local plans being ignored or favoured for regional plans.

3.3 Regional Marine Planning and Harmonization

There are six First Nations communities involved in regional marine use planning as a part of the PNCIMA process. These are: Gitga’at, Gitxaala, Haisla, Metlakatla, Kitsumkalum, and Kitselas. Gitxaala and fellow member First Nations of NCSFNSS began the process of harmonizing their community marine plans into a North Coast plan in the spring of 2011. Marine planning at the regional level is filtered through several levels of community engagement. The first level of this is the local marine planning coordinators who work with their community committees to identify community goals, objectives, and strategies and to review documents created by NCSFNSS for the marine use plan. Each community does this differently. As Nicole – a marine planner for NCSFNSS – explains, other communities have engaged differently:

…other communities have stewardship societies and that’s kind of what they are trying to organize the marine planning committees through, although that is difficult. And then other communities it’s just the committee and they are just playing an advisory role and working with chief and council to understand what kind of decision making power or authority they have – so in that sense, it varies too. Um, and the representation varies as well. Like I said, some of the committees are much smaller and some are larger and one of our meetings recently there was like 15 people because more people are getting engaged and people from different offices (in communities) are coming in and saying ‘Okay, now that you are in this implementation phase, I’m from economic development so how are we going to integrate the two?’ So that was really cool.
This is important because it bears on the different levels of engagement communities have in regional marine use planning. While the communities are encouraged to identify their own marine use planning goals, objectives, and strategies, the structures of the plans are, for the most part, based on the models and rubrics provided by the NCSFNSS. These came from consultations with Central Coast marine use planners. NCSFNSS marine use planners take the information given to them from the communities and write up marine use plans according to this information. These are then brought back to the communities to review and, if necessary, revise.

The second level is the more general north coast meeting where the board of directors, local First Nations fisheries managers, and community marine planners come together. These meetings are larger and are used more for keeping the broader marine planning community informed rather than a part of the process itself. However, it is important to note that these meetings are also sites of significant socio-political affirmation and contestation. Board members discuss issues relating to ownership, fishing rights, and territory, as well as debate and formulate positions on fisheries and resource management issues. Marine planners from NCSFNSS and GEM employees described this setting in casual conversation as a place where “people tell stories,” instead of a place where “things get done.” As Cruikshank (2005: 20) argues, “people delineate their understandings in stories, or story-like creations, gossip and small talk,” and so it is useful to consider these meetings as an area where member communities of NCSFNSS are exchanging ideas and contesting conflicting meanings of rights, territory, and partnership.

The third and principle level of regional marine use planning is the North Coast planning table. The North Coast planning table meets at NCSFNSS office in Prince Rupert where the regional marine plan is to be produced. The group is made up of local marine planning coordinators and the marine planners from NCSFNSS. According to Nicole at NCSFNSS, “our

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19 Information from conversations with NCSFNSS marine planners and GEM director Bruce Watkinson.
hope is that all the marine planner coordinators then come and sit at that table, that’s kind of where we roll up our sleeves and hash through documents more thoroughly.” Craig, the marine planning coordinator at NCSFNSS, describes the technical table as “the route” that the North Coast has chosen, stating that “technical people are going to be do more work or have been doing more work upfront to try to compare their plans and try to create common objectives and common strategies and then bring those to the table for review and approval.” This process of ‘comparison’ occurs around the table through discussion among the members. The NCSFNSS office puts together, by reviewing plans, a proposed list of ‘goals, objectives, and strategies’ that are then reviewed at the technical table and eventually will be finalized and included in the regional marine plan.

The ‘G.O.S.’ (goals, objectives, and strategies) format for the regional plan was agreed upon by the members of the technical table and their communities. In light of the fact that they must create a regional plan and are extremely skeptical that local plans will be consulted by those ‘higher up the chain’, the G.O.S. approach is considered a strategic compromise. It is a means of creating a regional plan that clearly identifies local positions and potential approaches to implementing local plans while simultaneously fulfilling federal and PNCIMA planning office desires for a regional approach. For example, a goal might be to ‘increase local economic development’. A goal like ‘economic development’ is then further specified into what the North Coast technical table calls ‘objectives’. Objectives are specific aspirations the communities would like to accomplish, for example, some members of Gitxaala Nation are interested in establishing a local salmon hatchery. Finally, the objectives are then followed by a list of strategies that outline plans of action that the communities envision for attaining these goals.

20 From fieldnotes at the Gitxaala Harvesters Association meeting in June, 2011.
The technical table is a place of cooperation, conflict, frustration, and strategy. Here, local marine planners and NCSFNSS marine planners sit down together and barter over words, dispute objectives, and subscribe to positions in order to develop a regional plan. As Nicole states:

I think I see that [the technical table] as a place where we can put more emphasis on the local level and understanding the local level and how we can bring that into the regional level because it’s not easy. It’s not easy to both represent each community as a distinct entity, to also have some form of harmonized goals, objectives, strategies for the North Coast, and then to bring both of those distinct pieces up into PNCIMA. I mean, if you are concerned about things getting washed down it’s just…it’s a relevant concern because I don’t think there is any … magic bullet or clear way as to how you can make sure that what really matters to people gets up to these like kind of higher levels which is where decision making is going to take place so you have to do it effectively.

Here, the formatting of the document has been identified by the members of the technical table as the most significant aspect of the regional planning process. Because they cannot control the fact that they must produce a regional plan, and they know that harmonizing plans will necessarily dilute the specificities of community plans, they focus on word-smithing and on positioning. Sometimes, it comes down to a single sentence. In June, 2011, I watched as Gitxaala and Gitga’at marine planning coordinators picked apart a position on transportation prepared by NCSFNSS for the regional plan. This position was supposed to be presented at the PNCIMA working group meeting on Transportation. The issue was several sentences that mentioned concern over future oil tanker traffic but did not declare a North Coast position on the matter. “It needs to be explicit from the start, we can’t have any openings here; we do not want oil tankers in our territories,” Bruce Watkinson, director of GEM, stated while he drilled his index finger into the position paper to reinforce his opinion. “Gitga’at doesn’t want tanker traffic,” Kyle
Clifton affirmed, “There can be no doubt in our plan [the regional plan] that we will not support any tanker traffic.”

Later during the summer, I sat down with Nicole and asked why she thought the format of the plan was so imperative. “You’ve mentioned formatting documents and I was wondering why you think that’s so important at these technical meetings?” I queried. “How things are formatted?” Nicole laughed, “Because it – it tells you how a documents going to be used!” she paused for a moment and went on to explain that “Format, for one, can lead the necessary people to the necessary documents. So if we don’t want a north coast plan that summarizes everything, the format of it can say ‘Okay, you need to go to the community plan to see this,’ or ‘This community didn’t agree to this and so they have their own distinct ideas about this.’” Evidently, managing the formatting issue is a type of tactical organizing. It occurs in the creation of the regional plan by the NCSFNSS marine planners in partnership with First Nations marine planners.

Regional marine planning poses a challenge to First Nations, like Gitxaala, who desire self-determination from the state. While the regional ‘G.O.S.’ approach (goals, objectives, and strategies) works somewhat because First Nations can often agree on broad ‘goals’, it fails because it undermines the central tenant of local marine planning for First Nations: the goal of self-determination. Self-determination in this sense refers to the right of the communities to govern their territories, manage their resources, participate in commercial fisheries activities and other economic development projects they wish to develop in their communities, and support healthy and prosperous ecosystems as they have done thousands of years. Thus, when I asked Craig Outhet, the NCSFNSS marine planning coordinator, whether he felt it was challenging to generate a ‘North Coast First Nations’ position, he told me that the answer was ‘yes and no’:
No, because North Coast First Nation communities – for the most part – want the same thing; but, what they don’t want, is for their voices to get – their individual voices – to get lost. So my viewpoint is that they want the same thing, but they still want to be able to say it by themselves. And this is the rock and the hard place that I feel that our office is sort of in and that the whole PNCIMA thing is in. [It] is that we can represent those voices and the messages there, the constant messages there, but you know it’s just… the communities want to say it themselves and the process doesn’t lend to that.

Craig has since pointed out that this problem, and an important component lacking from the PNCIMA process, is really that the scale of the process geographically and strategically does not correspond with what has been drafted in community plans (personal communication). The issue of scale is a consequence of marine planning created by state ideologies that hold efficiency as an essential aspect of planning processes and governance in general. The result is watered down policies and projects that could have had the potential to create real positive outcomes and effect change for First Nations but instead alter little and are thereby found to be insufficient by both parties.

When I asked a member of Gitxaala First Nation what he thought about the challenge of harmonization and the process of incorporation of local marine plans into a regional plan he told me the following:

It’s a real challenge, it’s…oh, I don’t know. [He pauses] When you come down to my home community, Gitxaala…I hear – I know – how we have managed to make sure that these resources are sustainable in our territory. And when you try to put it forward in a collective group or ‘one voice thing’, it starts to get diluted and the further up it goes, it’s the same thing.

The ‘rock and a hard place’ that Craig identifies occurs because, in processes like marine use planning, the unequal power relations between aboriginal peoples and the state – particularly the inherent sovereign and legal authority of the state to govern and thus determine fisheries and oceans management – is tacit presupposition. As Nadasdy (2006:130) argues “the practice of
knowledge integration and co-management ends up taking for granted existing Aboriginal-state relations and perpetuating – rather than transforming – unequal power relations.” The effect of these unequal power relations and the principles that support and perpetuate them are the focus of the next section.

3.4 Discussion

The harmonization of the local plans brings into question the real commitment that the DFO and other federal agencies have in implementing on the ground objectives identified in community plans. It also reveals a more significant aspect of aboriginal-state relations: the continuation of colonial power relations between aboriginal peoples and the state and the impact of neoliberal politics on First Nations. Efforts to create meaningful marine use plans for communities are hindered by the principles of ‘efficiency’ and the federal government’s desire for bureaucratic ease. The above exploration of regional marine planning demonstrates that these bureaucratic practices are quite taxing on First Nations organizations and often work against First Nations interests, forcing First Nations into categories created by the state rather than allowing First Nations to articulate their own identities and operate using their own governance practices.

Nadasdy (2003:2) notes “aboriginal-state relations are now premised on the notion that Canada, the provinces/territories, and First Nations should interact with one another on a government-to-government basis.” This basis is fundamentally different from that of the early period of colonial settlement in the region and the establishment of Indian Reserves discussed earlier in this paper and emerged as the result of contemporary political and legal recognition of Aboriginal rights and title in the courts and in the Constitution. The principle effect of this
foundation for aboriginal-state relations is that it has resulted in First Nations people having to restructure their societies as a pre-requisite for sitting down with federal and provincial governments. Thus, First Nations like Gitxaala are “developing their own bureaucratic infrastructures modelled on and linked to those of the government with which they must deal,” (Nadasdy 2002:2).

The practice of bureaucratization is demonstrative of the coloniality of the state. By coloniality, I am referring to what Maldonado-Torres (2007: 243) describes as “long-standing patterns of power that emerged as a result of colonialism, but that define culture, labor, intersubjective relations, and knowledge production well beyond the strict limits of colonial administrations.” Maldonado-Torres (2007:244-247) argues that coloniality is a process of creating “an order of thing,” through the unification of two axes of power that constitute the relations of domination: the concept of race and the capitalist system. These concepts create non-ethics, a “code of behaviour” that gradually naturalize ideas of race and systems of power thereby justifying and rationalizing structures of domination (Maldonado-Torres 2007:248). I employ ideology in the same vein as Marxist scholars in the mid- and late twentieth century. Ideologies are underlying social processes and conditions that produce subjective ideas and discourses to rationalize social systems (see Wolf 1999). Ideologies are ongoing discursive process that produce, mobilize, and regulate political and economic forces through the institutionalization of codes and messages to validate particular types of knowledge and social practices (Wolf 1984; 1999). In the PNCIMA process, ideologies work through webs of relations between federal and state bodies, setting up the structure of the process through sustained and conditioned long-standing political and legal frameworks.
The role of the NCSFNSS in a political sense is indeterminate; the First Nations who work with and utilize the organization do not identify it as a political body but as a technical body through which they can share and access ‘technical people’ to work on processes like PNCIMA (i.e. GIS mappers, biologists, etc.).\(^2\) Yet, the federal government envisions NCSFNSS as an organization that the DFO can access as ‘one stop shopping’ for North Coast positions on issues like AFS agreements and PNCIMA – thoroughly political processes. Scholars observe that the formation of aggregate bodies is a part of the restructuring of aboriginal-state relations in Canada that has resulted in the bureaucratization of First Nations governments (for examples, see Miller 2000; Nadasdy 2003; Thom 2010). Thom (2010:34-35) sees the ‘anathema’ of aggregation in indigenous self-government in Coast Salish territory as the product of two dynamics of power: the assimilative power of the state to determine and transform local political relationships and the dynamics between the closely related Salish communities themselves. Thus, aggregation is not only state power working on First Nations but also First Nations working with and against the state and each other. It is assumed by the DFO and other organizations involved in this process that the six First Nations represented by North Coast Skeena share a common culture and history and that this means they share some type of inherent political unity as Tsimshian people. Thus, their marine plans will be easily reconcilable with one another and fit into the appropriate model for participating in the process and it is natural for them to work together as an aggregate group. This is not the case. Certainly, community marine plans contain similar goals yet these goals are often related to the desire to break free from colonial power relations that supported discriminatory policies and the dispossession of traditional territory. The similarity in these goals may correlate more precisely with shared

\(^2\) This is how it was described to me by my research participants in the field.
experiences of colonialism and exclusion rather than a particular ‘indigenism’ or ‘Tsimshianism’
connection rooted in state assumptions.

To participate in marine planning and similar processes, Gitxaala has had to conform to
the bureaucratic structure set out in the PNCIMA process through the MOU that NCSFNSS,
CFN, and Haida Gwaii signed with the federal government. This requires a particular type of
engagement with government officials and fellow First Nations wherein Gitxaala must agree to
assumptions about the world and, in particular, a type of socio-political organization on the
North Coast, which is antithetical to Gitxaala worldviews. The push for aggregation in
indigenous self-government strategies and the creation of regional service organizations like the
NCSFNSS occurs because of state assumptions regarding effective governance organization,
requirements for bureaucratic practices, and misconceptions about indigeneity in Canada. The
idea of a nested governance structure is embedded within the ideological system of the Canadian
state. The DFO and the PNCIMA process require First Nations using this model because they
believe that it will result in appropriate and generally effective fisheries and oceans management.
The “assimilative dynamic of state power,” (Thom 2010:34) acts as a catalyst that forces First
Nations to merge together for bureaucratic ease and thereby “transforms local, culturally shared
social and political relationships into ones familiar to, and indeed often mirroring, the state
itself.” When asked about aggregate structures in marine use planning, DFO employees and
PNCIMA directorate explained aggregation to me as an appropriate form of organization for this
process because the North Coast First Nations shared common histories and linguistic and
cultural similarities and it provided channels for First Nations participation.

Ethnographic descriptions of the North Coast of British Columbia have divided
aboriginal peoples into various categories and groups on the basis of cultural and linguistic traits
and similarities. The aggregate approach in marine use planning resonates with past approaches of anthropologists and colonizers who have grouped North Coast aboriginal peoples together as ‘Tsimshian’ peoples. Importantly, this created identity (Tsimshian) is linked to historically damaging government processes that based their categorization on cultural traits observable to outsiders and the European ideology that one language meant one people (for example, the ‘Tsimshian’ group was used to funnel aboriginal participation in processes like the early creation of Indian Bands and the treaty commission). These categories fail to address the reality of sociopolitical organization on the North Coast because they do not reflect the identities articulated by the First Nations. Gitxaala Nation does not self-identify as Tsimshian and neither do the other First Nations who are, in this planning process, imagined as ‘North Coast First Nations’. The primary political unit in this case is not the imagined group (the Tsimshian) but the local group, Gitxaala. Allegiances did exist in the past between village groups and they continue to exist today; however, these political allegiances and kinship ties do not overcome or replace the self-identification and organization of Gitxaala as a distinct and unique people.

This may be difficult for government to accept due to cultural and ideological differences. Li (2000) argues that a group’s self-definition as indigenous or tribal is not ‘natural’ or invented, adopted, or imposed; rather, self-definition is a “positioning which draws upon historically sedimented practices, landscapes, and repertoires of meaning, and emerges through particular patterns of engagement and struggle.” Following this, Gitxaala and other member Nations of the NCSFNSS are not ‘inventing’ their distinctiveness as dissimilar First Nations communities nor are they ‘inventing’ their partnership when they work in NCSFNSS. Rather, North Coast First Nations see their partnership through traditional socio-political frameworks while the state sees their partnership as a confirmation of a specific type of indigeneity, one that
supports western institutional frameworks. These communities have historically distinguished themselves and their territories along village, kinship, and clan lines (see discussion in Ch.2). But they are also not inventing their connectedness or unity as related peoples. What occurs is a failure on the part of settlers and the state – through the institutions that support colonial governance strategies – to understand this complexity and to engage indigenous philosophies and social and political structures on their own terms. Thus, current marine planning efforts and treaty negotiations in BC more broadly, serve to extend western philosophies of governance and resource management rather than respect and support indigenous philosophies and relationships with their ecosystems. They do so because they are not created with the purpose of supporting indigenous marine use – despite their claim to be aimed at creating and supporting joint management and First Nations involvement in fisheries and oceans policy. The concluding section examines how, in the eyes of my participants, the PNCIMA process came to fall apart.
4 - Conclusions

As human beings we like to create these little silos and deal with separate little issues as though they are by themselves and it makes it very simple to come to a resolution of some sort. Well, we know that that’s not the case, alright? Yet, we continue to blunder on – in our planning and in our governance structures – as though that is still the case. And we do this knowing fully well that that isn’t how it works. So it’s really disillusional to see how government – on the one side – is pressing you forward saying ‘This needs to happen because we think it’s important.’ And then have them really tell you ‘You know what, we don’t give a shit about this or anything else. Don’t worry about it; it will work itself out.’

- Des Nobles
  Skeena Queen Charlotte Regional District Representative

On a cloudy day in August, I sat at the large conference table in the Gitxaala Environmental Monitoring agency with a First Nations governance representative to discuss the PNCIMA process. I was particularly interested in his perception of community marine planning goals being discussed and taken up through various bureaucratic levels. Gripping his mug of coffee in both hands he expelled the breath of air from his mouth in frustration and grunted. I had just asked him how the conference call meeting with the steering committee went the day before. “Well, basically what I’m saying here,” he sighed, “is [the] DFO is starting to put off some of those plans in this process. They are saying the plans [the working plans] are too ambitious and that they don’t think they could meet all of the requirements that the groups are putting forward. They are talking about trying to scale it, or dilute it …or whatever.” He waved his hand at me, disheartened. We continue to discuss what was said during the conference call. He confesses that the planning office is talking about delays in the working plans that have been developed. “When they say that they mean they want to cut it back. That’s what’s happening,” he declares, setting his cup back down on the table and shaking his head in annoyance. He opens his eyes wider and raises his hands in the air, gesturing in frustration towards the sky.
There had been some ambiguity from the beginning of PNCIMA as to what outputs would emerge from the marine planning process and how the goals and objectives outlined in First Nations marine plans might be implemented. This lack of clarity had increasingly led many of the member First Nations of NCSFNSS – who were in the process of creating their own marine plans – to wonder what would come out of the plans they were creating. Uncertainty is characteristic of aboriginal-state relations in British Columbia. The inability to define, and the constant attempt to create categories that may or may not be the same categories that aboriginal peoples use to define themselves, is a constant challenge for the state. The uncertainty of marine planning extends into the implementation of the plan itself. The problem is, it also extends into where and how the contents of the plans can be implemented. Gitxaala Nation is aware of this and works to strategize but the structure set forth by the government does not support this and the likelihood of the marine plans being implemented in this process is slim to none.

News that the working plan was going to be scaled down was not good. For the governance representative that I was speaking with, however, it was not a surprise; it was merely another frustrating aspect of negotiating aboriginal rights and self-government with federal and provincial governments in a political climate that is often characterized by uncertainty and plagued with half-hearted efforts on the part of federal and provincial government to recognize and implement First Nations ideas of governance and management. “It’s not new – dealing with government – for me,” he says when we discuss his long history of representing his First Nation at meetings with federal and provincial government agencies. “Even if we do develop our plans and we do have input from our community, it’s always a struggle – we’re always told that we’re asking for too much.” A month after this conversation, the federal government officially

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22 See Carole Blackburn’s (2005) discussion of the Nisga’a treaty process and the difficulties faced by First Nations in the process of negotiating aboriginal rights and title issues in British Columbia.
announced that they were withdrawing from the funding agreement for the PNCIMA process. Their reasoning was that the American environmental organizations that were funding the process were actually attempting to usurp Canadian economic interests and the construction of the Northern Gateway Pipeline and they had re-evaluated their work plan to effectively cut out any possibility of developing an effective integrated management plan for the region and making any real changes to fisheries and oceans management on the Pacific Coast.

Not once during my three months of fieldwork were the interests of anyone other than Gitxaala or the member nations of the NCSFNSS ever at the forefront of the marine planning process. In fact, the marine planning process for the North Coast First Nations was interpreted as a strategic effort at the local level for First Nations peoples to finally put their interests on the table. Unfortunately, this was constricted by the process itself. First Nations marine interests are inextricably related to self-determination and governance, something that the state and province refuse to discuss in this process because they have structured the process to deal with ecological, economic, and governance issues as bounded wholes. Further restrictions occur due to the bureaucratic organization demanded in the PNCIMA process meant to speed up the process of development an integrated management plan and also meant to save the time that is required by when you consult sovereign First Nations. In this process, First Nations were imagined and grouped together based on their linguistic and cultural traits – an aspect of coloniality inherent in aboriginal-state relations.

Despite the setbacks caused by the federal government withdrawing from the funding agreement in the PNCIMA process, Gitxaala is continuing to explore ways to implement the goals and projects outlined in their marine plan. They have been working with the province in areas where this is possible and are working towards combining the marine plan with the land
use plan to create the Gitxaala Strategic Territorial Plan. First Nations are articulating a strong and persuasive argument in the courts and in board rooms that they possess a particular relationship with their territories and resources as first peoples. But in the daily engagements they have with federal and provincial bodies, First Nations are often required to organize in aggregate bodies and institutions if they want to participate in co-management processes (see Nadasdy 2005) or, in this case, marine planning. The issue here is not the individuals who work in NCSFNSS, nor is it the individuals who work in the DFO; the conflict emerges due to calls for the bureaucratization of First Nations governments and organizations and a fundamental misunderstanding of the nature of North Coast First Nations relationships with each other both in the present and in the past. Imperialist aspects of co-management are for the most part unintentional and unconscious because the instrument-effects (in this case, the struggles in harmonization and the reason why harmonization is so difficult) are unseen (Nadasdy 2005:228). The problem is that even when they are unintentional, they are not always unknown. There is an uneasiness that is palpable in this process and a part of it is because the government bureaucrats working on the ground and First Nations engaging with them know that the processes are flawed. They often have suggestions for alternative approaches. Unfortunately, the highest level of government makes decisions and changes policies without adequately consulting the people this policy affects and often going against local and aboriginal knowledge.

In conclusion, in this thesis I have discussed how Gitxaala First Nation is engaging in marine use planning as a part of the PNCIMA process and examined how their beliefs, knowledge, and goals are being dealt with in this process. Local level planning has been largely positive and Gitxaala beliefs, knowledge, and goals are being expressed positively and constructively. At the regional level, bureaucratic practices complicate the expression of
aboriginal cultural and the political organization of aboriginal peoples. This leads to the creation of a regional marine use plan that cannot adequately address Gitxaala beliefs, values, and goals. Gitxaala has articulated in their marine use plan that they are an independent and unique First Nation. They desire a one-on-one relationship with the state and they desire self-determination in marine management. They have outlined traditional ecological knowledge, goals for implementing rights and title (including monitoring fisheries in their territories) in their territories, future prospects for fisheries, and conservation needs.

Maintaining the vitality of marine and terrestrial resources on the North Coast is extremely important to all North Coast First Nations. Equally important is establishing indigenous jurisdiction over ocean territory and resources – something that has remained elusive and challenging under the current Canadian regime. For example, Gitxaala First Nation and other member nations of NCSFNSS – such as the Gitga’at – have been extremely vocal about their opposition to the construction of the Northern Gateway Pipeline and the potential of increased oil tanker traffic through the waters in their territories. Aboriginal rights and title to marine territories and resources have received extremely limited recognition and attention in comparison to land claims; however, recent litigation in Australia\(^\text{23}\) may potentially open the door for aboriginal claims to marine territories in Canada. As it stands now, First Nations legal rights to limit oil tanker traffic in their territories is limited by lack of indigenous jurisdiction as navigation and shipping are exclusive areas of federal jurisdiction under Canada’s Inherent Rights Policy. The divvying up of the Canadian coast for profit, conservation, and nationalism is increasingly a part of Canadian nation building. First Nations marine plans cannot be reconciled with the visions of the federal and provincial governments because they demand and require that

\(^{23}\) *Commonwealth v. Yarmirr 2001* found that native title to the territorial sea and sea bed exists; however, native title is subject to common law public rights and does not negate state sovereignty.
the state recognize First Nations jurisdiction over marine space. On top of these governance issues, significant changes must be made to current approaches in fisheries and oceans management in order to accommodate indigenous governance and management, accommodate aboriginal self-government, and to fairly implement aboriginal rights and title. What is needed in order to see implementation of marine plans is a fundamental transformation state and First Nations relationships.

In the PNCIMA process, the key issue is the mandated aggregate structure. Western ideology on governance ascribes bureaucratic structures power over other governance arrangements and processes. The process of lumping together First Nations into imagined regions works against the interests of individual First Nations. The goal of First Nations involvement in the creation of an integrated management plan for the PNCIMA region is not reached because the voices of First Nations are washed out and the goals of First Nations, especially at the fundamental political level, are not heard. Gitxaala Environmental Monitoring agency and the representatives of the other NCSFNSS First Nations recognize the likelihood that the community plans will be distilled in the PNCIMA process. However, they also see the community plans as strong and desire to implement them. The most likely avenue for implementation is not through PNCIMA but through ongoing negotiation with the DFO. There is little evidence that there will be any changes to current governance structures in marine management and planning, but First Nations will continue to push for the recognition of their jurisdiction and sovereignty through a multitude of avenues. In order for real change to occur, there needs to be a significant transformation in the approaches the federal and provincial government take in their relationship with First Nations.
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