

1 **APPENDIX 2**

2 *Governance regimes*

3 Archaeological and ethnographic evidence suggests that an Indigenous Governance era
4 began at least 2000 years ago when formal and informal institutions were used to manage natural
5 resources (Trosper 2002, Trosper 2009), including Pacific herring fisheries (Powell 2012).
6 Exclusive rights to ocean spaces were held by Chiefs and proprietorship was contingent on
7 management that sustained productive resources within the titleholders' territory. Systems of
8 reciprocity defined economic exchange among individuals and groups, incentivizing sustainable
9 use and providing insurance within a titleholder's territory. Chiefs were made accountable to
10 uphold these rules of reciprocity and proprietorship via the potlatch, a system of governance that
11 was widespread along the west coast of Canada (Trosper 2002, Trosper 2009). For the Heiltsuk
12 Nation, these principles are embodied within Gvi'las, the body of traditional knowledge and
13 system of rules, beliefs and practices governing resource use and stewardship within their
14 territory (Powell 2012, Housty et al. 2014, Gauvreau et al. 2017). Throughout, Pacific herring
15 have played a crucial role in Indigenous livelihoods as a trade commodity, important source of
16 food, oil and bait, and as a key component of ceremonial and social traditions (Brown and Brown
17 2009, McKechnie et al. 2014). Although colonization began in the early 1800s, leading to the
18 erosion of Indigenous economies and governance structure, and the introduction of pandemic
19 diseases (Boyd 1999), Indigenous governance structures were significantly crippled with the
20 banning of the potlatch in 1885 (Cole and Chaikin 1990), albeit to vary degrees among coastal
21 First Nations.

22
23 The Colonial Control era was characterized by state-control over fisheries and other
24 aspects of coastal First Nations' society. During this time, Indigenous access to and trade of
25 herring was controlled by externally enforced rules. First Nations were granted the right to fish
26 for food 'but not for sale, barter or traffic' and the reserve system displaced Indigenous fishers
27 from many traditional harvesting areas (Harris 2000, Harris 2008). By excluding Indigenous
28 people from commercial fisheries and limiting their cultural, political and economic practices
29 related to herring (Turner et al. 2008), these rules created a space into which the state could
30 insert its own management authority. Throughout this era and since then, Canada's federal
31 department of fisheries has asserted its authority over all fisheries in Canada under the Fisheries
32 Act (Canada 1985), even though most coastal Indigenous communities in BC have not signed
33 treaties relinquishing ownership or control of their lands and sea. In the late 1800s, new fishing
34 technologies enabled industrial herring fisheries, including a bait and dry-salted fishery, and a
35 large reduction fishery (Jones et al. 2017). Overfishing led to the first coast-wide herring stock
36 collapse in 1967 and the closure of all herring fisheries in BC from 1968 to 1972 (Jones et al.
37 2017). Shortly after, herring fisheries were reopened targeting new international markets for
38 herring eggs.

39
40 The third governance regime, the Environmental Justice era, was triggered by local
41 revolt. It began when the exclusion of First Nations fishers from the commercial spawn-on-kelp
42 fishery motivated two Heiltsuk brothers to be purposefully charged with illegally selling herring
43 eggs without a permit in order to challenge the law (Powell 2012). This event led to a

44 precedent-setting Supreme Court of Canada case in 1996 that established the Heiltsuk Nation's
45 aboriginal right to commercially harvest herring spawn-on kelp (R.v.Gladstone 1996). More than
46 two decades later, negotiations continue over the implementation of these rights. The
47 discrepancy between the court's recognition and affirmation of aboriginal fishing rights to
48 herring and the translation of these rights into herring policy have resulted in coast wide protests
49 by Indigenous groups from 1998 to present (Jones et al. 2017). This current governance era is
50 characterized by continued efforts among the Heiltsuk and neighbouring First Nations to change
51 how the herring fishery system is governed and managed (von der Porten et al. 2016, Jones et al.
52 2017). Despite declines in herring biomass and conservation concerns by several First Nations
53 communities, Canada's federal fisheries department opened the commercial herring fishery in
54 2014 and 2015 amid protests. Local objection on the central coast of BC culminated in the
55 occupation of a federal government office, triggering the 2015 herring fishery crisis.

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