



## From fishing to farming: Shellfish aquaculture expansion and the complexities of ocean space on Canada's west coast



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Ocean spaces are social and political, and just as with terrestrial governance, oceans governance is prone to ambiguity, contradiction, and contestation. The validity and dynamics of these claims will be demonstrated through a study of discourse and structured agreements employed to involve coastal First Nations in the expansion of the shellfish aquaculture sector in British Columbia. Analysis focuses on the West Coast of Vancouver Island, a region identified as having good biophysical potential for shellfish aquaculture and much of which is territorial home of the Nuu-chah-nulth First Nations. Through community interviews and document and discourse analysis, the article highlights that: seafood, including shellfish, is intimately connected with Nuu-chah-nulth identity; many Nuu-chah-nulth have long-engaged in subsistence and commercial harvests of wild-growing shellfish; and, there are important prospective differences between longer-standing shellfish harvests and shellfish aquaculture. Findings and discussion offer perspective on the sorts of choices that First Nations might encounter in the pursuit of shellfish aquaculture, as well as raise bigger questions about whether or how Nations might tradeoff territorial authority and collective harvest opportunities against leasing state-sanctioned private marine tenures.

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### Introduction

Classifying and regulating space is central to the governance of resource-based capitalist economies (Braun, 2002; Hayter, Barnes, & Bradshaw, 2003). While the social ambiguities, contradictions, and contestations of terrestrial extractive (e.g., mining and forestry) and productive (e.g., agriculture) spaces are well-studied (e.g., Braun, 2002; Cuba, Bebbington, Rogan, & Millones, 2014; Murton, 2007), oceans governance has received comparatively less attention (Mather, 2013; Steinberg, 2013). Building on scholarship that traces the colonial appropriation and regulation of ocean space and marine resources in British Columbia (BC), Canada, this article examines contemporary discourse and structured agreements employed to facilitate coastal First Nations' participation in the expansion of the Province's shellfish aquaculture sector. While these interventions overtly recognize the longstanding Indigenous use and management of shellfish resources, I will argue that they nonetheless limit, or at least take a limited view of, First Nations' sovereignty in what remains contested ocean space.

Following resource geographers like Bakker and Bridge (2008), Mather (2013) argues that, more than techno-managerial science,

profitable resource extraction and production are achievements won through "calculation and measurement" that "define resources in particular ways and defend them against other claims" (403). The power-laden, and often inequitable, processes and politics of regulating spaces and economies (Bakker & Bridge, 2008; Hayter, 2003; LeBillon, 2008) are thus a valuable analytical starting point for researching oceans governance and new marine activities, including shellfish aquaculture expansion efforts in BC. Indeed, during the early 1990s, the West Coast of Vancouver Island (WCVI) was identified as having good potential to support shellfish aquaculture. Spurred by biophysical assessment and classification studies on the WCVI and elsewhere, and a subsequent report that projected the wholesale value of the BC shellfish aquaculture sector could grow from \$12 to \$100 million in ten years (Coopers and Lybrand Consulting, 1997), the Provincial Government launched the 'Shellfish Development Initiative' (SDI) in 1998. As is common in capitalist resource extraction and production (Hayter, 2003; LeBillon, 2008), the SDI explicitly tied economic growth to the appropriation and regulation of more (ocean) space. Specifically, a central goal was to double the area of ocean space under private tenure for farming shellfish (at the time, mostly Manila clams and Pacific oysters); attention was particularly focused on encouraging expansion outside of the Strait of Georgia, the longstanding core of the sector (Silver, 2013).

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Between the late 1990s and early 2000s, the Provincial government offered at least 20 First Nations funding and priority access to marine tenure leases through treaty negotiation-related Memoranda of Understanding (Doyle, 2002). Moreover, and in contrast to other land and resource-based sectors in BC specifically (e.g., forestry as in Braun, 2002; Hayter, 2003; agriculture as in Murton, 2007), shellfish aquaculture advocates openly recognized First Nations' longstanding use, cultivation, and management of shellfish resources, promoting these as reasons why reserve-based communities should start shellfish aquaculture businesses (Silver, 2013). First Nations have indeed harvested, managed, and cultivated intertidal shellfish in ocean spaces since well before European arrival (Groesbeck, Rowell, Lepofsky, & Salomon, 2014; Silver, 2014). As will be traced, they have also been active in a decades-old Federally-regulated commercial fishery for wild-growing clams. Details regarding the clam fishery on the WCVI and the experiences of one Nuu-chah-nulth nation, the Kyuquot–Checlesheht First Nation (KCFN), with shellfish aquaculture will show important prospective differences between gathering wild-growing shellfish and farming crops of particular shellfish species. It is through this work that the article provides perspective on the sorts of choices that First Nations may encounter in the pursuit of shellfish aquaculture and raises larger questions about whether or how they might trade-off territorial authority and collective harvest opportunities against leasing state-sanctioned private marine tenures.

### Contested ocean space on Canada's west coast

British Columbia's economy is deeply tied to the regulation and allocation of private rights to terrestrial and, increasingly, marine resources and property (Blomley, 2014; Braun, 2002; Hayter, 2003). This state of affairs is directly connected to the continued rejection of First Nations' collective territorial rights (Blomley, 2014; Hayter, 2003). Outside of 14 'Douglas Treaties' (signed 1850–54) that allocated small plots of land on Southern Vancouver Island to a handful of First Nations, early colonizers did not seek treaties with First Nations inhabitants. Instead, state relocation of First Nations to small land-based reserves and the allocation of productive agricultural plots to settlers ensued; these acts were legitimized through *terra nullius*, a narrative that Day and Sadik (2002) argue constructed a fiction of "vacant land uninhabited by 'civilized' societies" (12).

However, like many places around the world, indigenous systems for resource harvest, management, and tenure in BC are intimately shaped by the intra-generational occupation, use, and management of land and sea (Atleo, 2004; Mulrennan & Scott, 2000; Turner, Berkes, Stephenson, & Dick, 2013). Collective history and cultural understanding stimulate a territoriality grounded in human-land-sea relations (Harris, 2001). Such fluid territoriality contrasts the colonial tendency – coined *mare nullius* by Mulrennan and Scott (2000) – to see "social space as being on and of the land" (682–683). Harris (2008) argues that with their focus on agriculture and settlement, early colonizers in BC paid very little attention to securing ocean spaces or developing commercial fisheries. His work demonstrates that officials actually initially planned, and often defended, the Province's network of small and remote land-based reserves with the logic "that Native Peoples on the Pacific coast were primarily fishing peoples who did not need a large land base" (Harris, 2008, 6).<sup>1</sup>

However, state interest in developing a west coast fishing economy did intensify in the decades after BC became a Canadian province (Harris, 2008). Skill and interest in fishing, and the proximal location of reserves to productive fishing grounds, meant that many First Nations people participated as fishers and laborers during the advent of the commercial salmon canning sector (Newell, 1993). Newell (1993) suggests that Euro-centric policies and capitalist pressures to accumulate wealth further led "the state and its administrative agencies and courts" to characterize "Pacific Coast Indian fishing traditions as destructive" (4). New logic and narratives about ocean space and marine resources spread: oceans were discussed as important shipping passages and resource sources, and ultimately, the common property of *all* Canadian citizens. First Nations' land-sea territoriality and fishing practices were positioned as a hindrance or even ecological danger to the modern marine economy poised to advance through the allocation of individual fishing rights (Harris, 2008; Newell, 1993). By the 1970s, "armed police raids on Indian fishing camps, confiscation of gear, cars, and fish, and imposition of fines and criminal charges for contraventions of the Fisheries Act became routine for many BC Indian communities" (Newell, 1993, 4).

In sum, Harris and Newell trace a wave of *marine* dispossession that entrenched subsequent to the designation of land-based reserves. Led by the salmon sector, licensing and quota allocation schemes rooted in capitalist imperatives, bioeconomic understandings of fish, and nationalist discourses followed in other major fisheries, including halibut and herring (Newell, 1993; Turner et al., 2013); in recent decades, individual quota-based licenses have tended to consolidate amongst non-First Nations fishers and firms (Turner et al., 2013). First Nations have sustained a resilient territoriality, however, as demonstrated by still-active culture and connections with (land and sea) home-spaces and ongoing political and legal efforts to have their sovereign governance authority recognized (Atleo, 2004; Harris, 2001; Turner et al., 2013).

The 1990s brought new hope to settlers and First Nations alike that unresolved territorial claims might be meaningfully addressed through the negotiation of contemporary treaties. The scope of and process for negotiations were formalized through the BC Treaty Commission, a move that geographer Nicholas Blomley recently noted as a "crucial moment in the long post-colonial struggle over sociospatial justice" (2014, 2). To date, however, only three contemporary treaties have been implemented; negotiations have been highly contentious and protracted (Blomley, 2014). One factor seems to be that treaties scarcely acknowledge, and offer limited potential to resolve, First Nations' claims to ocean space and marine resources (Harris & Millerd, 2010). Commercial fishing rights are usually dealt with in 'harvest agreements' that may seek to enhance First Nations participation in fisheries (e.g., secure commercial licenses), but fall outside of the constitutionally protected final treaty agreement (Harris & Millerd, 2010). Moreover, the possibility for collective ownership over and sovereign governance authority in tracts of territorial ocean space appears to remain altogether unaddressed (Harris, 2001; Schreiber, 2006).

Provincial and Federal Supreme Court rulings have simultaneously broadened legal characterizations of First Nations' fishing rights and the requirements for 'consultation and accommodation' on ocean conservation and development projects. Yet, even in cases where fishing rights have been affirmed, implementation has been extremely slow and conflict-ridden (e.g., R. v. Gladstone [1996] and Ahousah Indian Band v. Canada [2009]). Tensions are prone to flare in the interim, particularly if commercial exploitation by others is allowed or if the logic behind management decisions is perceived

<sup>1</sup> Harris identifies nearly 750 reserve sites throughout the Province singled-out "for their importance in the [Native] catching or processing of fish" (2008, 8). With regards to the WCVI specifically, he concludes that "most reserves were intended as fishing stations" (7).

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