ACCESS PROTOCOLS AND SOCIAL IDENTITY IN KWAKWAKA'WAKW CLAM MANAGEMENT: FROM COLONIALISM TO CULTURAL REVITALIZATION

by

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ABSTRACT

Recent decisions in Aboriginal law and the treaty negotiation process in British Columbia create avenues for First Nations and Canadian governments to co-manage natural resources. Common property theory, cultural and political ecology, and the co-management theory derived from them, suggest co-management is more successful where indigenous institutions are articulated and incorporated. This study describes an indigenous system of clam management in the North Vancouver Island Straits of British Columbia, and considers the challenges of integrating this system for future co-management, including incorporating indigenous concepts of social identity.

Kwakwaka'wakw clam management is centred around a system of access protocols designed for stewardship of clams, and respecting indigenous authority. Historical forces of colonialism and current government poli(o)4.94842(l)1.58 Td (o)ie

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Forth, this research could not have been possible without the guidance of my supervisors, Evelyn Pinkerton and Marty Weinstein. Evelyn supported my engagement with common property and co-management theory, and added richness to this theoretical background through sharing her extensive experience with fishing communities and with First Nations here in BC. Evelyn never failed to be encouraging and her constant enthusiasm was a great source of motivation. Marty, with great patience, helped me to understand a very complex local historical and present day context in Alert Bay. Marty's curiosity, inquisitiveness and constant reflection challenged me at many stages in this research to think more deeply about issues, to go beneath the surface layers, and to embrace the big questions and challenges. Marty's comments and questions throughout

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LIST OF ACRONYMS

ACL	Aboriginal Commercial License
AFS	Aboriginal Fisheries Strategy
BC Packers	Anglo-British Columbia Packing Company, Limited
DFO	Department of Fisheries and Oceans
DIA	Department of Indian Affairs
FSC	
INAC	
KTFC	
MAFF	
MTTC	
PRCMC	
PSP	
RCAP	
UCS	

GLOSSARY

BC Treaty Process — A process to negotiate modern treaties between First

Clam Management Area

Clam Terrace

Co-management

Common Pool Resource

Common Property Regime

Cultural Ecology

Depuration

Exclusion

Grounded

Theory	from data systematically gathered and analyzed.
Institutional Economics	A subfield of political economy, which focuses on how institutions shape the patterns of human interactions and the results that individuals achieve.
Namima	One or more extended family groups whose members claim descent from a common ancestor (Galois 1994).
Potlatch	A ceremony given by a chief and his group, as hosts, to guests composed of another chief or chiefs with their respective groups, at which the guests are given wealth goods (Drucker 1965). Some functions of the potlatch include validating the assumption of hereditary rights to titles and property, contributing to social solidarity of the basic social unit, and redistribution of wealth (Drucker 1965).
Subtractablility	One person's use of a resource substracts from another person's ability to use the same resource. Common pool resources are defined by their subtractability.
Traditional Ecological Knowledge	A cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment (Berkes 1999: 8). Also called Indigenous Ecological Knowledge.

CHAPTER 1: INTRODUCTION

1.1 First Nations, Fisheries Management & Colonialism

Before European contact, most aboriginal groups in what is now British Columbia (BC) practised some form of self-management in their use of resources (Pinkerton and Weinstein 1995). A common mechanism on the coast was the practice of exclusion of outsiders and the regulation of transfer of rights through inheritance rules (Pinkerton and Weinstein 1995). Since contact, local patterns of resource use and systems of self-management have been severely impacted by colonization. The loss of people due to the introduction of European disease, to which aboriginal people had no immunity, devastated communities. An estimated one-third of BC's aboriginal population died from European diseases (McMillan 1988). Except for the Douglas Treaties on Vancouver Island, land and resource appropriation in BC took place without signing treaties (Harris 2002). The removal from indigenous[1] territories to reserves alienated aboriginal people

contributed to further degradation of community knowledge regarding locally adapted stewardship practices. More recently, the i

has governed the behaviour of aboriginal groups since long before European arrival. In addition, there are new laws, laws implemented by Canadian government departments such as Department of Fisheries and Oceans (DFO) and Indian and Northern Affairs Canada (INAC). This research is in part an attempt to bring to the surface the indigenous system of law as it relates to fisheries management, using a case study of Kwakwaka'wakw clam fisheries. In other words, it is an attempt to understand what rules were set up to govern peoples' behaviour in the past and how those rules and their implementation have changed and evolved through the period of colonial administration up until today. Finally, this study seeks to highlight some of the dilemmas and opportunities facing Kwakwaka'wakw communities in a time of negotiating the future direction for self-governance, including re-conceptualizing the role of indigenous management practices.

1.2 Towards Co-management

Co-management is the formal or informal agreement to share power and share the right to manage resources (Pinkerton and Weinstein 1995). This research assumes that through various policy changes[3] or through the BC Treaty Process, First Nations in BC will establish fisheries co-management arrangements with Canadian governments. This has been true in the case of the Nisga'a Final Agreement in which a Joint Fisheries

been developed for managing the Nass Watershed, and it is also true of the many northern communities in Canada that have now established co-management boards to jointly govern resources. In the case of clam fisheries in the Kwakwaka'wakw Sea, local First Nations are currently pursuing two avenues for establishing co-management. First, the Musgamagw Tsawataineuk Tribal Council (MTTC) has proposed to set up a regional clam management committee

that looks beyond institutional factors to consider the interaction between different conditions within the categories of resource, community, institution, governments and markets (Agrawal 2001, 2002; Dietz et al. 2003; Spaeder and Feit 2005). More specifically, I attempt to consider how the nature and sources of social identity (as aspects of community) relate to management institutions through the implementation of access protocols. I approach this relationship in the historical context of colonialism and the current context of treaty negotiations.

CHAPTER 2: BACKGROUND & CASE STUDY DESCRIPTION

2.1 Introduction to the Community & Territory

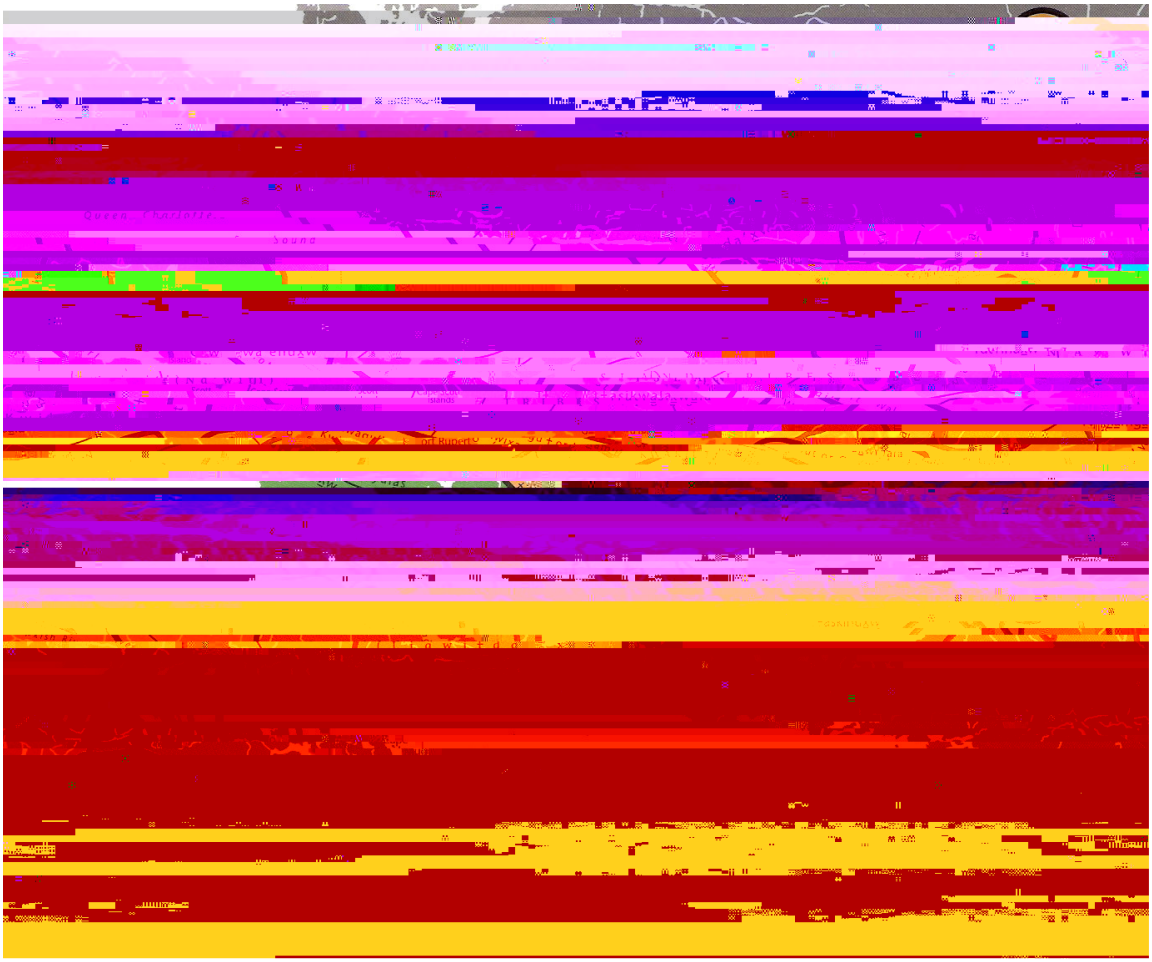
According to the U'mista Cultural Society (UCS)[5], the Kwakwaka'wakw[6] are people who speak Kwak'wala but who live in different places and have different names for their separate groups[7]. Kwak'wala is part of the Wakashan language family. For generations, the Kwakwaka'wakw Sea has provided for the physical and spiritual foundations of Kwakwaka'wakw culture (UCS 1998). The following map shows the indigenous territories of the different Kwakwaka'wakw tribes:

5 An organization dedicated to the survival of all aspects of the cultural heritage of the Kwakwaka'wakw. U'mista Cultural Society is based in Alert Bay, BC.

6 Early officials and ethnographers referred to all speakers of Kwak'wala as Kwakiutl (Powell 1994). However, Kwakiutl refers to only one of the Kwak'wala-speaking groups (Fort Rupert tribe).

7 U'mista Cultural Society, Alert Bay, British Columbia. Accessed September 7, 2007 from http://www.umista.ca/kwakwakawakw/index.php

Figure 1. Map of Kwakwaka'wakw Territories



Only some of the Kwakwaka'wakw tribes in this area also have designation as Indian Bands[9] under the ***Indian Act*** [1951]. The largest of these, with 1498 members, 800 of which live on reserve, is the 'Namgis First Nation, a member of the MTTC[10]. While today the 'Namgis First Nation is based in the village of Yalis (Alert Bay) on Cormorant Island, the 'Namgis indigenous territory encompasses the Nimpkish river valley on the northern part of Vancouver Island. The second largest First Nation in the MTTC is the Kwicksutaineuk/Ah-Kwaw-Ah-Mish First Nation. This Nation has 250 members of which 35 live on reserve at the village of Gwa'yasdams on Gilford Island in the Broughton Archipelago[11]. The historical importance of clams to the local people here is evident from the village's situation on an ancient clam midden of indeterminate age and depth that is approximately 310 yards long and 100 yards wide (Rohner 1967).

Band members from these two First Nations participated in semi-structured interviews as part of this research project. However, some of the interviewees consider themselves to hold dual memberships or identities, one as a band member and one as a member of a Kwakwaka'wakw tribe. Therefore, within this group of 'Namgis and Kwicksutaineuk-ah-kwa-mish band members I interviewed there were individuals who also consider themselves members of the

Ma'amtagila (Estekin), Dzawada'enuxw (Kingcome Inlet), and Kwikwasutinux (Gilford Island)[12]. The distinction between these two sources of social identity, band membership and tribal affiliation, their evolving and changing relative importance, and their integration into local management institutions, is a key topic of consideration in this study.

According to early anthropologists, kinship and rank are the major principles underlying Kwakwaka'wakw culture and society (Galois 1994). The two organizing structures of key importance are the namima[13] and the tribe. The namima, defined as one or more extended family groups whose members claim descent from a common ancestor, is considered the fundamental unit of Kwakwaka'wakw society (Galois 1994). The potlatch, while essentially a means of putting events on public record before paid witnesses, was also a demonstration and validation of status (Powell and Cranmer-Webster 1994). As Cranmer-Webster and Powell (1994: 7) describe: "lands and places are associated with tribes and numayms [namima], which are always thought of as rank-ordered on the basis of status – a rank which receives full expression in the potlatch". I explore the role of social groupings such as the namima and tribe, and their connection with resource management in this study.

12 Names and spelling of Kwakwaka'wakw tribes follows those used by the U'mista Cultural Society. (www.umista.ca)

13 The "namima" spelling chosen here follows that used by the 'Namgis First Nation. Other spellings include "numaym" or " nEme'm" or "numimot". "Namima" is used as both the singular and the plural.

Regional councils[14] of Kwakwaka'wakw First Nations have been in discussions with DFO about establishing a clam and/or shellfish management board since at least 2001[15]. In 2005, the MTTC drafted a Terms of Reference for a Shellfish Management Board with the following objectives:

- Maximizing the long-term social, cultural, and economic benefits from the comprehensive management and harvesting of these resources; and
- Exploring local management options to improve the management of these resources and increase the involvement of First Nations in management decision making.

Interest in a more locally based clam management system certainly derives from the long-standing importance of clams for food, social, ceremonial and economic purposes. However, local interest in clam management in the area has been further stimulated for several reasons. First, the discovery of over 350 culturally modified clam beaches or "clam terraces" in the area has revived interest in indigenous clam management practices. Clam terraces are boulder/cobble ridges with highly productive clam beds on the intertidal flats (Harper 1995). Second, First Nations knowledge and some scientific evidence have drawn attention to the possibility of impacts of salmon farming waste on clam beaches in the area (Heaslip 2008). Third, continued decline of salmon stocks in the area has led to increased pressure on other resources, including clams. Clams represent the last remaining marine resource to which

(Harbo 2002). The species forms abundant populations in the lower intertidal burying to 30cm in gravel-sand-mud of protected bays at mid to lower intertidal up to 40m. It grows to a minimum commercial harvest size of 63mm in approximately 8-9 years in northern areas (Harbo 2002). Butter clams are good for chowders but they were also dried and smoked (called Ku'matsi in Kwak'wala) and used as bait (UCS1999).

The clam beaches in Area G are unique from other areas, since they are mostly small, remote area "pocket beaches". There are a large number of these beaches in the area, many of which were culturally modified through the building of rock walls or terraces (Harper 1995). On-going rock moving during clam digging raised and levelled a larger portion of the naturally sloping beach (Williams 2006). Since butter clams grow only at the very lowest levels to which the tide drops, a larger area was then available mo

80s, partly due to limited alternative employment opportunities (Mitchell 1997). In 1988, DFO reduced opening times due to increased numbers of harvesters, and staggered openings throughout the year in an attempt to maintain a continuous market supply (Mitchell 1997). In 1989, DFO introduced clam licenses (category Z2) and area management[16]. However, entry to the fishery was still open and anyone could apply for a clam license.

From 1992 to 1998, the intertidal clam fishery went through a consultative and rationalization process called "Clam Reform" (DFO 2004). DFO initiated a broad review and consultations in 1992 in conjunction with the BC Ministry of Agriculture, Fisheries and Food (MAFF). This resulted in several new policies including a licence limitation program, increased First Nations access through Aboriginal Commercial Licenses (ACLs), and opportunities for the development of clam management boards[17] (DFO and MAFF 1993). Several more collaborative management processes have been established since including co-management of beaches fronting some existing Reserves (part of the depuration fishery), and co-management agreements for the Haida razor clam fishery, and the Heiltsuk clam fishery.

16 Area management divided the coast into six areas at this time: Area A (North Coast Areas 1 to 10), Area B (Areas 11, 12, & 13), Area C (Sunshine Coast Areas 15, 16), Area D (Areas 14, 16-19 and 16-20), Area E (Areas 17, 18 &19) and Area F (West Coast Vancouver Island Areas 21 to 26). Later, in 1992, Area G was created by removing Areas 11 and 12 from licence Area B, partly due to increasing conflicts in the area between local fishers and those living outside of the area.

17 When this strategy was initiated boards developed in two of the seven clam management areas, Area F and Area C, in 1994. According to DFO, "these initiatives have made the fishery more manageable and have increased individual economic benefits to the eligible harvesters" (DFO 2004). DFO has contributed between $5000 and $20000 annually to the operation of the Community Management Boards in Area F and the advisory committee in Area C (DFO 2004). This funding is temporary and may be removed in future years (DFO 2004). Today, Area F receives funding through the West Coast Vancouver Island Aquatic Management Board (ABM).

2.4 Market Aspects

In the overall pacific intertidal clam fishery, the commercial target species was initially butter clams. However, since 1971 littleneck and manila clams have dominated due to strong markets and higher prices, with manila clams the most widely sought after species (DFO 2004). However, in Area G only littleneck and butter clams are harvested. According to DFO, landings of butter clams have been low in recent years because of the high cost of processing and a shift in demand toward fresh steamer clams. There is increased interest in reactivating the butter clam fishery (DFO 2004). For instance, at the 2001 Pacific Regional

However, today DFO, in an effort to implement the ***Sparrow*** decision[22] assuring the right of aboriginal people to fish for FSC purposes, has established communal licenses for what is now called the FSC fishery. The FSC fishery for intertidal clams is open 12 months per year subject to PSP or sanitary closures. Communal licences provide for a maximum daily quota of 75-100 pounds per day per person and there is no size limit for the FSC clam fishery. The chief and council can authorize additional catch if harvesting is for a special event. In Area G, closing commercial beaches for the purposes of protecting FSC access started in 1991 (DFO 2004). The level of harvest for FSC intertidal clam fishery is unknown and catch reporting structures for these fisheries are limited.

2.6 Management Issues

While loss of intertidal clam beaches due to the continued growth of the shellfish aquaculture industry[23] is perhaps the key issue in the wild clam fishery in most areas, the First Nations in Area G have successfully refused all proposals to move towards tenuring clam beaches in their indigenous territories. One of the concerns expressed by Area G representatives is the potential for ownership of local tenures to end up in non-local hands, a pattern that they witnessed with salmon farming tenures in the area. Area G representatives are also concerned that Aboriginal rights are being threatened by shellfish aquaculture development, particularly with the possibility that expansion could affect culturally modified

22 R. v. Sparrow, [1990] 1 S.C.R. 1075, 1990 CanLII 104 (S.C.C.).
[23] Under the mandate of the BC government's Shellfish Development Initiative.

beaches. Area G representatives have pointed out the need for a feasibility study around the issues of the wild commercial clam fishery versus aquaculture[24].

Other management issues identified by DFO in their most recent management plan include loss of clam beds due to pollution, control of illegal harvesting, fishery monitoring and landing reports, uncertain stock levels, and market considerations (DFO 2004). Local clam diggers and elders from the north island straits area echoed all of these issues. In addition, the primary concern emphasized by locals and not mentioned in the DFO 2004 – 2006 management plan, is the potential impacts of fish farm wastes on clams and clam beaches. In a separate research paper, I explore the potential for integrating Kwakwaka'wakw values, knowledge and stewardship practices into collaborative monitoring of fish farm wastes (Heaslip 2008).

CHAPTER 3: RESEARCH METHODS

Qualitative studies are effective for research that attempts to uncover complexities and processes and seeks to explore where and why policy and local knowledge and practice are at odds (Marshall and Rossman 2006). For research that is exploratory or descriptive and stresses the importance of context, setting and the participants' frames of reference, a case study is an effective research strategy (Marshall and Rossman 2006; Yin 2003). I chose qualitative approaches for this research, and the case study as an appropriate overall research strategy.

3.1 Qualitative Methods

3.1.1 Semi-structured Interviews

McAvoy et al. (2000) suggest that the personal semi-structured interview is the social research method used most successfully in aboriginal communities because it reflects the epistemology of aboriginal people. Semi-structured interviews are also useful where the participants may not be comfortable with direct questions, or when the researcher cannot be sure how participants may interpret questions (Huntington 2000). A semi-structured interview is open-ended but follows an interview guide, which covers a list of topics. The interview guide helps to ensure reliable, comparable data, while retaining flexibility to follow leads (Bernard 2006). Charmaz (2006) argues that novices need more structure, and having an interview guide with well-planned questions and ready probes can increase your confidence and permit you to concentrate on what the person is saying.

The interview guide used for this study (Appendix 1) was organized around the "categories of fisheries management" outlined by Pinkerton and Weinstein in their book, ***Fisheries that Work*** (1995). While initially interviews followed closely the format and sequence in the interview guide, I learned with experience that a sequence organized through historical timeline and not topic area was a more natural format for discussion (see Section 3.2 ***Reflections on Researcher Bias***). It was my initial intention to explore pre-contact periods to the present. However, the interviews ended up focusing mostly on the period from

1930s to present, with a few interviewees feeling comfortable recalling or speculating on an earlier system of management.

Island, and 1 in Vancouver. The majority of those interviewed were older clam diggers and elders who had not been out digging for sometime; several were hereditary chiefs from different Kwakwaka'wakw tribes. I recorded interviews with participant's permission and transcribed where possible[25]. For the most part, I conducted interviews in peoples' homes or at local restaurants. As a small token

considered is the amount of peer recommendations made for a local knowledge expert (Davis and Wagner 2003). Another criterion is the level of detailed examples interviewees provided to support their statements. For example,

I am in the early stages of gathering research experience, and am an outsider in the research context. I see through the eyes of a young, white, university educated, middle-class woman working in a culture and geographic area that is unfamiliar. In addition, I have grown up and am currently a resident of a large urban centre. I developed my perspective on the world through very different experiences than many of the people I interviewed, possibly making it more difficult to establish a rapport and making my interpretations less reliable (Dowling 2000).

In addition to my biases influencing how interviews are organized and questions categorized, my biases may also present themselves through information selection (e.g. deciding what is important), and information interpretation (e.g. potential for loss or distortion of meaning) (Karjala et al. 2004). Since the process of data analysis, by necessity, involves creativity and interpretation, I imposed my values, perspectives and personal epistemology on the data (Marshall and Rossman 2006). For example, I have undertaken a process of ranking or valuing the knowledge from di

However, these data sources only enable triangulation of local perspectives on

3.3.3 Lack of Repeat Interviewing

Ideally, researchers using grounded theory look for ideas by studying data and then return to the field to gather additional more focused data to answer analytic questions and to fill conceptual gaps (Charmaz 2006). However, given

CHAPTER 4: LITERATURE REVIEW

4.1 Clams as a Common Pool Resource

Most natural resource systems used by multiple individuals can be classified as common pool resources (Ostrom 2001). Common pool resources are characterized by the difficulty of exclusion and the subtractability of one person's use from the quantity of resource units available to others (Ostrom et al. 1994). Both of these conditions, difficulty of exclusion and subtractability, apply to clams. Where common pool resources are concerned, in the absence of appropriate institutions, there is a tension between individual gain and the collective good that may lead to resource degradation (Burger et al. 2001). Hardin's classic article, "the Tragedy of the Commons" (1968) asserted that the solution to managing the commons was to impose some form of government or private ownership. However, commons scholars argue that Hardin confused common property regimes, where a community of individuals have enforceable ways of limiting access and create harvesting strategies, with "open access" situations, where no one can be excluded and no limits exist on harvesting strategies (Burger et al. 2001). A discussion paper written by DFO and MAFF (1993: 8) about problems in the intertidal clam fishery highlights the influence of the tragedy of the commons theory:

> The wild clam fishery has been treated as common property shared by an unlimited number of licensed harvesters. The tragedy of this commons is that the harvesters are not willing or able to husband

> the resource because they must compete with other harvesters for part of the harvest. The pressing issues in clam management are classic symptoms of common property management.

This quote confuses “classic symptoms of common property management” with classic symptoms of an open access situation, highlighting the often misused and misunderstood nature of common property regimes, and an ignorance to how they might contribute to solving open access problems that may lead to resource degradation.

There is much evidence to support the idea that pri

established institutional arrangements and private property provide solutions to the “tragedy of the commons”. Through case studies, scholars have described these management regimes and considered the question: under what conditions are self-organized resource management institutions successful? Success is generally defined as lasting over time, constraining users to safeguard the resource, and producing fair outcomes (Agrawal 2001).

At the same time, research in Traditional Ecological Knowledge (TEK) has also contributed to the understanding of local systems of management. According to Kalland (2000) there are three levels of TEK: empirical or practical knowledge; “paradigmatic knowledge”, or the interpretation of empirical observations to put them into a context; and “institutional knowledge”, or knowledge embedded in social institutions. It is this third level of TEK, “institutional knowledge”, that is the subject of this study. Research in TEK has contributed a great deal to understanding how local resource management systems function, and how they are adapted to local environments (Berkes 1999).

Frameworks for describing institutions, and identifying conditions for successful institution-building, have become increasingly relevant in the world of policy making and resource management. Governments are more regularly pursuing initiatives that devolve some control over resources to local users (Ribot 2004; Ribot et al. 2006) leading to various forms of decentralized environmental governance including co-management arrangements between local communities and the state (Carmen-Lemos and Agrawal 2006). Carmen-Lemos and Agrawal

(2006) suggest there are three distinct justifications for decentralization of environmental governance: it can produce greater efficiencies because of competition among sub-national units; it can bring decision-making closer to those affected by governance, thereby promoting higher participation and accountability; and finally, it can help decision makers take advantage of more precise time- and place-specific knowledge about natural resources. While these justifications are relevant to the current case study, in Canada, federal and provincial governments are also facing legal challenges to state controlled top-down resource management in the context of aboriginal rights. The push towards cooperating to share power in managing resources with First Nations is not just a question of effective environmental governance, but also one of legal obligations and of human rights.

While there are some diverging ideas about what conditions are needed for the successful devolution of management rights leading to co-management between state and local users, many scholars agree that institutional arrangements must include locally devised access and management rules (Baland and Platteau 1996; Pinkerton and Weinstein 1995; Ostrom 1990; Wade 1988). Co-management theory predicts directly that co-management will be more successful where pre-existing self-organized resource management institutions are articulated and incorporated (Pinkerton 1989). A key objective of this study is to describe the clam management system of the Kwakwaka'wakw peoples in the North Island straits area. Given this objective, a review of several of the more influential frameworks for characterizing local fisheries management institutions

is a useful place to start. Following this, I will consider recent critiques of commons research that suggest past approaches focus too much on institutional characteristics and not on other key factors, such as the nature of community, nature of the resource and nature of external factors such as the market and government policies (Agrawal 2001, 2002). These critiques also advocate for moving beyond listing conditions for success to considering how conditions interact with each other, and are inter-related with local historical impacts and present day political-economic strategies.

4.2.1 Institutional Economics & Common Property Regimes

Schlager and Ostrom (1993) emphasize the need for differentiation between “rights” and “rules” in describing common property regimes for managing resources. The use of these terms may create confusion since they have different meanings in common language, and are frequently used interchangeably in the context of natural resource management. Therefore, it is important to explain here how I distinguish between them.

“Rights” are the product of rules and refer to particular actions that are authorized, whereas “rules” refer to the prescriptions that create authorization (Schlager and Ostrom 1993). Rules are generally agreed-upon and enforced prescriptions that require, forbid, or permit specific action. Rules define how fishers within a group can exercise their rights in relation to each other and in relation to non-group members. In other words, rights are granted or recognized when certain rules are met, and therefore understanding and articulating the rules is a key part of understanding the management system. Without rule

definition, even given a more complete set of property rights, a group of fishers can utilize the resource inefficiently (Schlager and Ostrom 1993).

Schlager and Ostrom (1993: 14-16) use the following classification scheme to describe property rights related to fisheries. This classification scheme was derived from literature on property rights regimes and was evaluated using 30 in-depth coastal fishery case studies.

- **Access**: the right to enter a defined physical property
- **Withdrawal**: the right to obtain the "products" of a resource (e.g. catch fish, appropriate water, dig clams, etc)
- **Management**: the right to regulate internal use patterns and transform the resource by making improvements[27].
- **Exclusion**: the right to determine who will have an access rights, and how that right may be transferred[28].
- **Alienation**: the right to sell or lease either or both of the above rights (management & exclusion).

Schlager and Ostrom (1993) describe access and withdrawal rights as operational-level, whereas management, exclusion and alienation rights are considered collective-choice level. The difference between rights at an operational-level and rights at a collective-choice level is the difference between exercising a right and participating in the definition of future rights to be exercised (Schlager and Ostrom 1993). The rights of access, withdrawal, management, exclusion and alienation can also be characterized as either ***de jure*** or ***de facto*** rights. ***De jure*** rights are given lawful recognition by formal, legal

[27] I.e. the right to determine how, when and where harvesting from a resource may occur and whether and how the structure of a resource may be changed.

[28] I.e. the right to define the qualifications that individuals must meet in order to access a resource.

instrumentalities; whereas ***de facto*** rights originate among resource users. The characterization of rights as ***de jure*** or ***de facto*** provides important information about the origin of resource management systems and their relationship with the state. Schlager and Ostrom (1993) argue that the key condition necessary for successful local resource management is having a formal right to exclude others, therefore ensuring that those inside the community benefit from the efforts to manage the resource.

4.2.2 Cultural Ecology & Community-Based Management

While the new institutionalists approach to understanding property rights in the context of resource management has had a huge influence on theory, other researchers suggest that a further level of understanding is missing. Pinkerton and Weinstein (1995) use a cultural ecology approach to describe local resource management systems. Along with the new institutionalists approach, the cultural ecology approach argues that either formal or informal rights can lead to successful and sustainable community based management systems if certain conditions are met.

However, the cultural ecology approach goes beyond rights and rules to suggest that the "spirit of stewardship" element is also central to understanding local management systems. For example, Pinkerton and Weinstein (1995: 182) argue that "management systems based on stewardship focus as much on the ***duty*** of fishing communities to manage resources for future generations as they focus on the ***right*** of communities to manage." The difference between rights and duties is the time-period of concern: a right is oriented towards the benefit of

factors (Agrawal 2001, 2002; Dietz et al. 2003). In other words, there is a need to move towards a more complex study of precisely how, “environmental factors, political regimes, cultural traditions and power generate multi-scalar practices and institutions for resource governance” (Spaeder and Feit 2005: 148). While some recent literature on African and Asian cases has contributed to these gaps, there is generally little scholarship addressing these calls, especially in North

environment as part of changing relationships of po

CHAPTER 5: HISTORICAL OVERVIEW OF COLONIAL IMPACT ON CLAM MANAGEMENT

The impacts of colonialism on First Nations culture, communities, livelihoods, and well-being are immense, and include impacts to local systems of governance. I attempt to provide a brief timeline of this history as it relates to clam management and from the perspective of those I interviewed. The inttt to

changes as follows: “from the time of the first European contacts to about 1890… a large part of the Indian population of BC was decimated; gradual population attrition continued from 1890 to about 1929 at which time a resurgence occurred among the Kwakiutl [Kwakwaka’wakw]”.

…after the prohibition of potlatches we weren't allowed to hold

combination with the residential school policy, Can

program, reflecting changes in DFO policy such as the introduction of the AFS. The AFS in turn reflects an attempt by DFO to meet the recent legal decisions coming out of the Supreme Court of Canada on aboriginal rights and title. Further changes in this period include the start of treaty negotiations or land claims, the formation of regional tribal councils such as KTFC and later MTTC, and a continued diminishing of economic opportunities, especially in the fishery with further fleet rationalization policies and declining resources.

The most recent impacts on the clam fishery include the declining populations and quality of clams and clam beaches, attributed by many local people to the intensification of fish farms and the far field and cumulative effects of fish farm waste on beaches. Many of those interviewed suggested significant negative changes have occurred to clam and beach quality in recent years. Impacts from fish farms were the most frequently suggested cause of thes3658(h)-5.07072(e)4

forces of change in clam management identified from pre-contact to present. The purpose of this diagram is to facilitate an understanding of the context surrounding changes in the Kwakwaka'wakw clam management system, and the factors underlying some of these changes.

Figure 2. A chronological overview of the major colonial forces of change in relation to Kwakwaka'wakw clam management

CHAPTER 6: DESCRIBING ACCESS PROTOCOLS

Following Schlager and Ostrom (1993), “rights” are the product of rules and refer to particular actions that are authorized, whereas “rules” refer to the

grounds and the types of technology. The boundary rule most commonly used is the residency rule that require fishers to reside in a particular village to gain access to particular grounds (Schlager and Ostrom 1993).

Interviewees often initially described access protocols in vague or very broad terms. This may reflect the unspoken nature of many protocols used in the past. For example, interviewees often referred to these sets of rules as an "unspoken mutual understanding" or a "gentleman's agreement". However, underlying the generalized statements are much more complex sets of rules as well as the many factors that influence when, where, and to what extent they are applied. Some of the details of these protocols were revealed through descriptions of "how to behave properly" when digging in different places, giving the sense that following protocols was both part of establishing rights and fulfilling duties (Pinkerton and Weinstein 1995).

I have attempted to follow a grounded theory approach and derive categories for protocols from the data itself. I have called protocols related to acting as a steward of the resource when out digging "stewardship protocols" and those related to communicating with and showing respect for those who hold rights of management and exclusion, "indigenous authority protocols". Finally, interviewees also described two "order protocols" that dictate the order in which different users can access clams. The stewardship and order protocols loosely match Schlager and Ostrom's (1993) authority and scope rules, while the indigenous authority protocols are similar to boundary rules.

6.1 Stewardship Protocols

These protocols or sets of rules describe how to take care of the beaches and clams themselves in order to ensure healthy populations for future use. As

Table 1. Clam stewardship protocols described by Kwakwaka'wakw elders and clam diggers.

Stewardship Protocol	Example Direct Quote	% Interviewees Who Mentioned Protocol*
Leave some behind	We always ensure that there are enough left for them to reproduce. Like I said, take care of it, don't go and clean it out and leave some behind for the next who need some. That was always the number one rule in any tribe at the time.	67%
Cultivate or "turn over" beaches through regular digging	Well the digging part is, it is like a farm, you got to keep digging them and the beaches seem to stay soft and clams come back all the time when it is, they look for soft spots and burry themselves… like I say, it is like a farm, so you got to work at them.	61%
Alternate beaches	What we did is we always alternated beaches right, we would dig here one or two nights, then we'd see it slowly disappearing, slowly getting scarce, so we would leave it alone and go to another beach, so we won't kill the beaches. If you over-dig them, you wipe them out, so we used to alternate beaches.	56%
Leave clams alone when spawning	Leave them alone when they were spawning, let them multiply because in the winter time that is all we did, we practically lived on them.	39%
Leave time for regeneration between digging	And we figured out that, every two tides, you can go back to the beach again, that gave us an indicator of how long we could be at one beach, when we could go back, that was part of management.	39%
Leave small ones behind	Most of us did that. We only took the medium size and the large and left the little ones.	39%

* Only transcribed interviews were included as data to determine percentage of interviewees who mentioned protocol.

The percentage of interviewees who mentioned each protocol listed in Table 1 could act as a proxy for community consensus and understanding of the rule. However, I am cautious in making this claim since I did not specifically ask about each of these protocols in each interview, but rather identification of a protocol arose from the overall discussions about past and present clam management. Furthermore, these results represent the knowledge of mostly older clam diggers and elders whom community members recommended as participants due to their knowledge of the topic. One possibility for further

attributed to the loss of opportunities to learn the appropriate protocols according to indigenous educational practices, and the principles such as ***Miakula*** upon which the protocols are based. While it is likely many factors have impacted littleneck declines[33], I have chosen to consider further the idea of loss of educational opportunities (explored in Section 6.5 ***Teaching Protocols to New Generations***) since this explanation was repeatedly emphasized by interviewees and reflecting on its role in maintaining a viable management system fits the goals of this study.

Intertwined with the loss of educational opportunities, is the reality of the different nature of digging for food compared to digging for commercial purposes. It must be acknowledged that these two practices have inherently different limits. Digging for food is self-limiting whereas commercial digging is limited by the ability of the digger and the available markets to sell clams. This change in limits underlies the changing attitudes and behaviours of clam diggers, in addition to the loss of opportunities to learn about indigenous clam management.

6.2 Indigenous Authority Protocols

Two indigenous authority protocols emerged from the data: indicate or communicate your presence and intention, and reciprocate for privileges to use the resource. The following story from a Kwakwaka'wakw hereditary chief provides an excellent example of following these protocols in order to gain access rights to clam beaches:

[33] Such as cumulative impacts from fish farm wastes, other sources of pollution and potential impacts from climate change. Rates of recruitment in clam populations vary widely from year to year as a result of environmental, as well as harvesting factors (Mitchell 1997).

Table 2. Indigenous authority protocols described b

relationship. Two factors seem to affect application of indigenous authority protocols in different contexts:

- Strength of family connections
- Scale of use

An increase in the strength of family connections decreases the need for formal requests for permission to dig, as well as the need for an explicit trade or barter:

> The protocol would be to come to the village and tell the people and go and find out if they did have something to trade with us. It was all done with trade, or good will, or if one of my family, say I had an aunt that married up there. If she had a family tie to that beach, then all they'd have to do is say, okay that is my nephew over there and he's coming to dig clams on my beach.

Another example suggests that with increased family connections indigenous authority protocols were less formal. However, diggers are still expected to follow stewardship protocols:

> You always had relatives in every one of them [villages] so you

access, the greater the need for an agreement between namima or tribes. Adaptations to protocol for larger scale access in some cases involved a seasonal exchange of access rights for available resources:

> …like in the past when you look over at the Nimpkish valley there you see the mouth of the river and that is where the 'Namgis had control over the salmon, so in order for the mainland (inlets) natives to get their sockeye from the Nimpkish river they used to trade and barter. The 'Namgis were allowed to go into their territory to collect, that was a barter system and a protocol agreement that they had…. They would come here when there were loads of fish in the Nimpkish and then during the winter the 'Namgis would go into the mainland inlets and dig. It was just the system that through protocol was so great.

In this example, the communication of intention and formal exchange took place at the tribe level as opposed to via individual diggers approaching the appropriate chief. This arrangement allowed for the tribes to access resources which they were lacking in their own territories. Today, this

accept or refuse an offer of trade or exchange, they are also subject to some order protocols, which order the access rights of those in the user group.

6.3 Order Protocols

Interviewees suggested two order protocols, or rules that dictate the order in which different users can access clams. First, those who are immediate members of a tribe or namima have preference over those who may claim family

winter months, and clam populations have been in decline. As a result, the elected chief and council are attempting to enforce stricter boundaries about who can access their territory to dig clams. Interviewees suggested the following:

> Well, basically Gilford Island as you know, they are kind of tightening up on who can go in there.
>
> Just because there are less and less every year, they are trying to make people stay in their own area.

While this resembles the idea of prioritizing access for those with a ***dominant affiliation*** to the group, in this case ***dominant affiliation*** may be defined by band membership, and the decision-making authority seems to sit with the elected chief and council, not hereditary chiefs. These changes in community boundaries and legitimate decision- making authority are consi

One hereditary chief explains the strict refusal of those who are not from the community and fail to properly look after the beaches:

> As long as you were maintaining the beach and not doing anything to harm the beach… but they were very strict about it. If you did something wrong, you couldn't go back there if you weren't from the community.

The second order protocol is a recent adaptation to the introduction of the commercial clam fishery. When commercial clam digging began in the late 1930s, the chiefs and elders of each village came together to discuss the need to protect the home clam beaches, those beaches in front of the villages accessed regularly by elders for food. The chiefs communicated this decision to all of the commercial diggers, as a new adaptation to the access protocols. An elder recounts this adaptation:

> But right in front of our houses where we lived it was all beaches, clam beaches, and we sort of kept that, we wouldn't let them sell that. We kept it for our own use. So you could just walk out of your door and walk down to the beach and take a bucket. We had

example, identifying yourself and indicating your intention not only allows chiefs and elders in a community the opportunity to trace your family connection with the beach, it also allows them to keep track of who is going where and taking what:

> They were to come to the chief and ask directly and where they were gonna go and they would let them know if it was alright to dig there. Because they knew if it was, if there was enough clams there to dig, abundance wise.

This type of monitoring and control of resource use by designated individuals,

with the chiefs of every village about the start of a commercial fishery, and his role as the buyer. He was in charge of knowing where clams came from, and who dug how many. As described by a commercial digger from this early period:

> He was a chief and he managed the openings and closures…and how he managed it was, he used to be the clam buyer. So he would buy the clams, and he'd say okay, we've taken enough from here and we've taken enough from there.

The role of clam buyer was a natural adaptation from the hereditary chief role in which coordinating and communicating were major functions.

6.5 Teaching Protocols to New Generations

Many of the ol36( )-2.53536(t)-2.53536(.53536(o)-5.07194(l)744(n)11.5676(e)-0.nN.84 T

> The younger generation seem to have a free hand to do what they want to do and there is nobody taking a stand and saying you know you are not supposed to do it.

This experience of the loss of knowledge among younger generations is not unique. Traditional knowledge in most indigenous groups has inevitably diminished as assimilation and environmental change have escalated (Turner et al. 2000). In earlier times, educational opportunities for learning about protocols were part of early experiences as a child, digging with family members on a beach just in front of their home village:

> …Take care of it, don't go and clean it out and leave some behind for the next who need some. That was always the number one rule in any tribe at the time. I hear about it, but I wa

More recently, some explicit attempts to teach protocols and share ecological knowledge have taken place. An elder describes his experience when hired to educate youth about clam digging:

> I got hired by Kingcome last February to take the youth out to harvest seafood and they were all hyped up about it and they got aboard and we went to this beach and we all got off on this beach and these three young guys were just standing there not moving. Well… they didn't know what the clam fork was for. And so they dragged them along and showed them all the digging and that, but he forgot to tell them how big you can take. They dug, the size didn't matter to them. They didn't know. Everything that squirted and looked alive they threw in the bucket. And that's the way the youth are now today.

He suggested that more activities or events such as this should take place to educate younger generations via direct experience. Furthermore, others suggest that new ways of transmitting knowledge between generations are necessary such as conferences and meetings with chiefs and elders.

The following chapter seeks to build upon this description of access protocols, and the opportunities and challenges faced by Kwakwaka'wakw communities in re-conceptualizing these institutions for management today. Chapter 7 focuses specifically on how the complexities of social identity in Kwakwaka'wakw communities today relate to local institution-building.

CHAPTER 7: SOCIAL IDENTITY & LOCAL INSTITUTIONS

7.1 Social Identity

Social identity can be described as, “that part of an individual’s self-concept which derives from one’s knowledge of one’s membership in a social group (or groups), together with the value and emotional significance attached to that membership” (Tajfel 1982: 2). In a direct way, it is the response one gives to the question, “who are you?” When individuals experience intercultural contact, the issue of who they are comes to the fore, and is part of the process of acculturation or culture change resulting from contact between two autonomous cultural groups (Berry 1999). A process of acculturation has massively influenced lives of contemporary First Nations, and one of the most important changes has been the disruption of social identity (Berry 1999).

This chapter attempts to consider how the complexities of social identity in Kwakwaka’wakw communities today relate to local resource management, and to the challenges and opportunities of revitalizing and implementing indigenous management institutions. I begin by considering Kwakwaka’wakw social organizations as sources of indigenous social identity, and then co[illegible]

I suggest there are two major aspects of how social identity interacts with local institutions. First, negotiating social identity affects the process of defining

legitimacy of these expressions of lineage, heritage, and identity, including passing on of names and positions and marriages linking families. A key

groups comprised several namima united under one tribe's name (Lando 1988). The initial forum for the expression of the identity of these new units (tribes) was the potlatch (Lando 1988). Later, in the second half of the 19th century, as the pressures of under-population of village groups increased further, co-residence of under populated tribes took place (Lando 1988). While namima joined to form tribes, and later tribes joined to form confederacies, these amalgamations were likely strategies adopted to ensure the continuity of the namima legacies. However, they also led to confusion and the weakening of the namima as a cohesive unit of social organization (Lando 1988).

In the 20th century, when the DIA created administrative units (Indian Bands), which combined autonomous tribes, the Kwakwaka'wakw tribes lost much of their distinctiveness (Lando 1988). Membership in DIA bands acquired added significance as trust funds were established. Proceeds from trust fund accounts were administered on behalf of the DIA band rather than the indigenous property-holding units. The indigenous units of social organization (both namima and tribes) also lost their distinctiveness through the ban on potlatching, which acted as the means for celebrating the structure of the participating groups. Lando (1988) suggests that many tribes may have retained their corporate independence had they not been regarded as a single unit by the DIA and been deprived of the opportunity to potlatch in their respective names. He states, "As

072(J 254.646 2 m 5the DIA administrative units apply(-2.53658(1)-5.07071365.6460.48 47.76(i)1.58017(n)4.9484

and in a variety of legal decisions in the past few decades[37]. Lando (1988: 127) summarizes the disconnection between indigenous social organization and DIA imposed units,

> The settlement of the Northwest coast under a British colonial administration required that the indigenous inhabitants be accorded title or compensation for their indigenous territories. In order to administer this undertaking the colonial authority (followed by the Federal authority) designated certain population groups as tenured units. These units were not necessarily the residential groups created in response to the 19th century population crisis. They were certainly not the native property holding units. They were tribes, or groups of tribes, living within close proximity to each other.

While the above description relates to past conceptualizations of indigenous social identity, and the impact of the imposition of alternate forms of social organization, how do local people describe indigenous social identity today? There appears to be many ways in which those I interviewed describe a social identity outside of band membership. One way to describe an indigenous social identity may be through affiliation with a “home village” tribe. For example of the 13 ‘Namgis First Nation members I interviewed, 3 identified their home village as Turnour Island (Lawitsis), 7 identified their home village as Village Island (Mamalilikala), 1 identified as Ma’amtagila uifiaw0775(e)4.6,-0.(r)2(y)9.06272( )]TJ 272.4

village as Alert Bay[38] (‘Namgis). Even this small sample suggest the heterogeneity of ‘Namgis First Nation band membership, and perhaps indicates that the diversity of tribal affiliations within the ‘Namgis First Nation is greater in those who dig clams. In other words, more of the ‘Namgis First Nation members who dig clams also derive an indigenous social identity from the island villages of the Broughton Archipelago:

> Now to understand the ‘Namgis, a lot of people from the other tribes moved there and took membership there. Like people from Mamalilikala, Village Island, Turnour Island, I’m not sure if Gilford took membership in the ‘Namgis tribe, and those are the people that are coming back [to dig clams].

While indigenous social identity may be constructed as membership in a tribe and connected with a home village, there are also more complex aspects of indigenous social identity. For example, membership in a tribe does not reflect the family relations forged throughout a long history of inter-marriage between tribes and families, which act as further sources of social identity. For example, a father describes the multiple social identities of his son, traced through his marriage:

> And you know, if you look at the dowry that came over when I

Figure 3. A representation of the indigenous social identity of one ‘Namgis band member.

writes that most people in Gilford in the 1960s did not remember either the names of the namima or to which ones they belonged. Lando (1988) suggests the namima may have become a specialized concept shared by a few Kwakwaka'wakw elders, anthropologists and individuals involved in cultural revitalization.

However, today efforts towards cultural revitalization have broadened. For example, the 'Namgis First Nation is undertaking a research project to record the origin stories of the five namima of the 'Namgis tribe. The goal is to create a manual that will be provided free of charge to each 'Namgis household. These initiatives suggest an attempt to revive the knowledge base for namima structure and composition. As one interviewee states:

> I mean, as a child I'd never even heard about clans. I mean, I never heard about that: that is just a recent thing. I mean our culture has boomed in this last 20 or so years.[40]

While this suggests a renewed interest in indigenous social identities, the current 'Namgis First Nation project to record the origin stories of the five namima of the 'Namgis tribe does not consider the other Kwakwaka'wakw tribes that took membership in the 'Namgis First Nation and have their own unique namima history.

The cultural revitalization of indigenous social identities is playing out in many contexts, but especially in the renewal of potlatching traditions. Potlatching

40 Several people use the word 'clan' to refer to namima, in that they are both subunits of a tribal grouping.

today and in the past is a way of communicating social identities. One man suggests the time has come for his family to hold a potlatch:

> It is time to let the people know just who and what we are, that it

> names because sometimes they didn't know each other. So they would walk up to the other person and say "who are you" … and if you were in their territory they should know your name because that is the name you used in their territory, because that will get you rights.

The names indicate the nature and status of your membership in a particular group. By revealing your social identity, essentially who you are, the holder of management and exclusion rights can determine what, if any, access you should have based on the strength of your affiliation, the amount you intend to harvest and what you may have to offer as a trade or reciprocation. While names tie you to different social identities which in turn provide access rights to resources in different territories, the management and exclusion rights remain with the chiefs of the tribe or namima in that territory. This system fits with the description of namima property tenures in that the power to admit outsiders remains with the hereditary founders (Lando 1988). So, while an individual might

confusion, especially in a case where an individual or group has been granted long-standing access rights. While the following story describes access rights to use songs and dances in the potlatch, it illustrates this challenge:

> These young so-called hereditary chiefs, somebody else does their dance and uses their song, and he's standing there blood red saying e

> Like, okay, when a family comes out of Kingcome, so I'm a Johnson say the Willie family comes out, well they got the Willie family down there and they go out with them to the beaches they want to go, they talk to the family, the household itself here tells them this is where we're gonna go and take so much out. That is what my dad told me anyway.

Elements of the past system of management, including family familiarity with

another (Lando 1988). The compiling of several ranked positions by individual nobles was a source of confusion in a period of rapid change. This situation compounded when an individual held ranked positions in more than one namima or tribe (Lando 1988).

It is a great challenge to negotiate the legitimacy of different claims to indigenous authority and to discuss and articulate the role of hereditary chiefs in relation to elected chiefs and council. Both these challenges are under further strain as the treaty process moves forward, as an external force creating power dynamics that directly affect the negotiation of social identities and legitimate authority.

7.4 Negotiating Social Identities in the Context of Treaty

The relevance of understanding the complexity of social identity and its' relationship to local resource management institutions is heightened when placed in the context of First Nations self-government, and treaty negotiations as a means for achieving self-government. Asante (2005: 2) writes, "Aboriginal self-government has become the political context within which a group of Canadians are being invited to negotiate their identities and regain access to social, economic and political resources of a society in which they have been marginalized". The obligation placed on Canadian governments by the Supreme Court of Canada is to negotiate with band councils (Asante 2005). Band Councils have become the legal identity or empowered unit that is recognized under Canadian law. Therefore, the social identity that is most salient, in the eyes of power and politics, both within communities and in Canadian society at large, is

that of band membership. As a result, the complex i

power that the indigenous system does not have equal access to – the power to be heard at a negotiation table with provincial and federal governments or with third party investors, and the power to be seen and heard as a legal entity within Canada. These powers have a huge source of influence on the way in which authorities are recognized and social identities negotiated.

In the same way, as the Treaty process has defined the social-political group as those who share band membership and as power and resources are directed through these community boundaries, it is increasingly difficult to negotiate the salience of different social identities without feeling this influence. As Michel Foucault (1980) has suggested, power turns people into subjects – it tells people who they are in rel5.07072(r)2.3678(e) [illegible]

rights becomes ever more crucial. While negotiators at the tri-partite treaty table describe local First Nations as sharing overlapping resource use areas, the use of “sharing” masques the key distinction between ownership of resources and holding granted access rights to use resources. While some argue for the revitalization of indigenous social identities as a source of property rights, others suggest there has been so much overlap and inter-marriage, a more appropriate community boundary might be based on social identity as Kwakwaka’wakw. While the treaty process, as a source of “identity politics” and as an external force of influence, creates challenges to negotiating social identity in a time of cultural revitalization, some suggest the opportunity lies in the treaty process to re-establish management authority of hereditary chiefs on a regional scale:

> All of the Namgis chiefs right now are working on, and what we’re trying to do, as you know, we are going through treaty, what we’re doing now is we have to recognize the chiefs and give them the standing that they need and give them back the control that they had in the past and bringing back that management portion from their side. From there we are going to expand out and do a protocol agreement with Kingcome and Gilford, the Kwakwaka’wakaw chiefs, we are going to call a big meeting and say hey it is time to take over the management again. In the past before this invisible line came in front of us saying this is yours, this is yours, we owned it all, but you know, we fell into that trap, we are fighting over it now. All we need to do is sit down and say hey we are going to protect the Kwakwakawakw sea, from the top end of Vancouver Island right down to Comox… that is what we are going to manage through protocol agreements.

Key in this process of establishing regional management through protocol agreements, and perhaps within the negotiated tri-partite treaties, may be to bring to the forefront of discussion the complexity of social identities and the roles derived from these identities. For example, hereditary chiefs who are members of

the ‘Namgis First Nation, are not necessarily hereditary chiefs from the ‘Namgis tribe, but instead may hold cheifmanships in a number of other tribes. Some of these tribes have no ***Indian Act*** mandated source of social identity with which to

hereditary chiefs that indigenously governed this region through access protocols and in accordance with indigenous social identities.

While it is difficult to assess how the lessons from any one case study may apply more broadly, literature in other social science disciplines suggest that in a post-colonial world of globalization of resources and cultures, the question of social identity has come to the forefront. For instance, a recent review of anthropological literature in North America suggests that sovereignty, the politics of identity, and the federal recognition and acknowledgement processes have emerged as central themes for study (Strong 2005). Theory and research on the commons may benefit from drawing on this broader literature on changing communities and specifically on the topic of identity.

government and treaty negotiations. The aim of this chapter is to summarize recommendations, challenges and opportunities in hopes that this may provide a useful basis for discussion in the context of future co-management of clams in the Kwakwaka'wakw Sea.

8.1 Recommendations

Build community consensus about stewardship protocols

The stewardship protocols described in this research are articulated rules about how to behave properly while digging clams following the underlying principle of ***Miakula.***

Today, however, there is significant concern about

this cooperation took place during a time of significant change. An opportunity exists to:

- ***Draw upon past experience of leadership and coordination of early commercial clam fishery***

Key to establishing the commercial clam fishery was resolving the conflict between commercial and home use. Several elders suggested that when the commercial clam fishery was first initiated, all of the chiefs and elders from each village got together and discussed this issue until it was resolved. No one was allowed to leave until a decision had been made. This form of conflict resolution and consensus-building could serve as a model and source of inspiration for dealing with conflict in today's context. At the centre of the approach is the need for dialogue between all those who have a stake in the issue.

Work towards creating a map of the Kwak'wala names for clam beaches

Given the importance of knowing where diggers are harvesting in order to allow for effective coordination of the harvest, a method for communicating specific beach locations is necessary. A map of Kwak'wala names for clam beaches with English translations could provide a tool for coordinating resource use and at the same time for exchanging ecological knowledge about beaches in Kwakwaka'wakw territory, such as the height of tides at different beaches, the condition of beaches, and the abundance levels of clams and other species.

Collaborative research on the role of “cultivation” in maintaining healthy clam populations and beaches

The importance of cultivating or “turning over” beaches in order to maintain healthy clam populations was a key aspect

realities of cultural change, processes of de-colonization, and negotiating social identities at the community level.

Recent critiques in the commons literature argue for a more complex analysis of the interactions between different conditions within the categories of resource, community, institution, governments and markets (Agrawal 2001, 2002; Dietz et al. 2001; Spaeder and Feit 2005). This case study has highlighted social identity as important to underst 072(i)1.58072(i)153.53576 arc 48378(t)-2.53536(h)-5.07194(r)2.3

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APPENDIX 1: INTERVIEW GUIDE

Section 1: Significance of Resource

- Are clams considered an important cultural resource? If so, why?
- Rate the importance of clams on a scale of 1 to 10 (in winter vs. in summer)
- Do you use clams? If so, for what purposes – food, commercial exchange, trade, social and ceremonial?
- What do other members of the community use clams for?
- Has the value or importance of clams changed over time?

Section 2: Ensuring productive capacity of the resource (monitoring habitat, enhancing/restoring habitat, enhancing stocks)

- How does this system compare to how access decisions were made in the past?
- If someone has access rights to harvest clams, can they share or transfer their access rights?
- Once clams are harvested, how is the catch distributed? Who do clam-diggers share the catch with or sell the catch to?
- Indigenously, how were decisions about distribution made?

Section 4: Regulating fishery harvest (stock assessment, harvest planning, harvest monitoring)

- When clam-diggers have rights to harvest on clam beaches, how many clams are they allowed to harvest? How is this determined?
- What size of clams are harvested? Under what conditions would you choose not to harvest a clam(s)?
- Are these DFO rules or community rules?
- Is there any monitoring of their catch? Is there any other way of knowing if clam-diggers are harvesting too many clams?
- How does this system compare to clam harvesting in the past?

Section 5: Enforcing or implementing rules

- How are rules enforced (for example, when a clam-digger harvests too many clams, or when someone harvests on a beach they do not have access rights to)?
- What are the consequences for breaking the rules regarding clam harvesting and allocation?
- How does the present-day enforcement compare to a more indigenous enforcement system?

Section 6: Coordinating potentially conflicting res

- Can you recall any instances where conflict occurred over clams (use, access rights, harvesting levels, monitoring, etc)? How were these conflicts dealt with?
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APPENDIX 2: LETTER OF INTRODUCTION

Letter of Introduction – Interview

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To Whom It May Concern:

Any concerns can be addressed to the chair of the School of Resource and Environmental Management, William de la Mare (delamare@sfu.ca), or my supervisor Evelyn Pinkerton (epinkert@sfu.ca). Should you require any further information, please contact me.

Sincerely,

Robyn Heaslip.