

Session Summary

Reconciling Aboriginal Fisheries with Conservation: Themes, Concepts, and Examples

NIGEL HAGGAN

*UBC Fisheries Centre
Vancouver, British Columbia, Canada*

KLAH-KIST-KI_IS, CHIEF SIMON LUCAS

*Hesquiaht Nation Council
British Columbia, Canada*

Aboriginal people do not generally see themselves as a threat to conservation. Myths and teachings about the dire consequences of greed, waste, and disrespect are universal in the Pacific Northwest and are found all over the world. Aboriginal cultures stress the unity of life and the spiritual world (Lucas 2004). Australia's "saltwater people" make no separation between land and "Sea Country" (Sheppard et al. 2004). Hawaiian concepts of territory extend from the mountaintops to the ocean (Smith and Pai 1992).

First Nations fishing technology was certainly powerful enough to wipe out salmon runs. Strict rules were developed to ensure that enough fish got through the fishery to spawn (Jones and Williams-Davidson 2000; Jones 2004). The prevalence of warnings about taking more than are needed suggests that hard lessons were learned over thousands of years of interdependence. This ecosystem consciousness rooted in the ancient past, enabled the chiefs and elders to avoid actions that would foreclose future options. This is what is meant by "7th generational thinking." Langdon and

Kompkoff (2004) provide a grim example of how the *Exxon Valdez* oil spill cut their tribe off from resources vital to their cultural, spiritual and economic survival and the steps they have taken to raise awareness, rebuild their resource economy, and incorporate the lessons in curriculum for future generations.

The oral and poster presentations from this session addressed conservation in the context of cultures, belief systems and worldviews based on interdependence and respect for natural resources. They have, in common, the concept that traditional ownership and ecological knowledge have been superseded by "modern" scientific and management frameworks. The customary marine tenure of Indigenous people in Oaxaca, Mexico, incorporates culture and practice shaped by interaction between the community and the environment. If governments are serious about ecosystem management they need to strengthen such systems, not overlook them (Robles 2004). The presentations represented points on a continuum between the dawn of recognition of rights and responsibilities, comanagement

arrangements (Charles 2004), and treaty settlement.

In Canada, Aboriginal and treaty rights are entrenched in the Constitution of 1982, but, in spite of several favorable Supreme Court decisions, little has changed in how resources are distributed. Harris (2004) described how Canadian courts are turning to Indigenous laws, traditions and customs, as well as the common law, to resolve access conflicts.

Pacific salmon are an ecological and cultural keystone species (*sensu* Garibaldi and Turner 2004). Jones (2004) identified local stewardship and return to more terminal harvest as essential conservation elements. Steward (2004) described litigation between U.S. tribes and the owners and operators of hydroelectric dams in Washington State that impede salmon and proposed a new, nonconfrontational approach to relicensing of these facilities. Wright and Machin (2004) describe how the Okanagan Nation took the lead role in ecosystem planning for the reintroduction of sockeye salmon to Skaha Lake as the first step in restoring populations.

On Canada's other coast, Davis et al. (2004) describe how oral history of the relationship between people, land, and water rights is beginning to define treaty entitlements. "Kat," the American eel *Anguilla rostrata*, is a key resource for the Paq'tnkek Mi'kmaq Nation, as salmon are in the Pacific Northwest. Documentation of this relationship is at the heart of an "ecosystem stewardship" approach to governance and sustainable livelihoods.

In Australia, marine tenure in the Torres Strait Islands was superseded by industrial fisheries leading to depletion and exclusion. A 1985 treaty acknowledged cultural importance, needs and rights, but participation in management is limited. Islanders are developing

innovative monitoring and multisector harvest management models based on traditional stewardship (Prichard et al. 2004).

In Queensland, Sheppard et al. (2004) describe the tension between government and public recognition of Indigenous spiritual and cultural rights and responsibilities and existing fisheries management and marine protected areas (MPA) initiatives. Indigenous relationships to the sea, biological and management systems are critical elements for successful ecosystem management that includes the knowledge of commercial and sports fishers.

Australia has no treaties, but the 1992 Mabo decision recognizing nonexclusive title to lands and waters, provided a context for participation in integrated management. As in Torres Strait, entitlement to economic opportunities is limited. A 2003 conference in Perth set forth principles for participation in management, benefit sharing in fisheries and aquaculture, and capacity building (Wright et al. 2004).

New Zealand achieved full and final settlement of commercial and customary fishing claims in 1992. The Crown and Maori have developed customary fishing regulations to ensure adequate resources for traditional access. The traditional trustees appoint guardians to manage noncommercial fishing. Data collected aids local management and is included in the overall total allowable catch (TAC) processes. Regulations evolve over time (Arney et al. 2004).

Licensing and individual transferable quota (ITQ) systems lead to corporate concentration, control of science and setting access rules to the detriment of Indigenous and small scale fishers in Alaska. Alaskan First Nations have gained economic power and

protected subsistence and culture through TAC rights to all fisheries. Subsistence and commercial fisheries require separate management. Science should be at arm's length from both. Economic stability can be assured through access rights to all fisheries with a 20-year nontransferability provision (Jensen 2004).

Global resource depletion and the resurgence of Aboriginal rights and title are driving a reexamination, reaffirmation and application of Indigenous knowledge, management and value systems to ecosystem management.

References

- Garibaldi, A., and Turner, N. 2004. Cultural keystone species: implications for ecological conservation and restoration. *Ecology and Society* 9(3):1.
- Jones, R. R. and T. Williams-Davidson. 2000. Applying Haida ethics in today's fishery. Pages 100–117 in H. Coward, R. Ommer, and T. J. Pitcher, editors. Just fish: ethics and Canadian marine fisheries. ISER Books, St. Johns, Newfoundland.
- Lucas, Chief S. 2004a Aboriginal Values. Pages 114–115 in T. J. Pitcher, editor. Back to the future: advances in methodology for modeling and evaluating past ecosystems. *Fisheries Centre Research Reports* 12(1).
- Smith, M. K., and M. Pai. 1992. The Ahupua'a concept: relearning coastal resource management from Ancient Hawaiians. *NAGA* April 1992:11–13.