the entire process haltingly began yet again search, new advisory committees, renewed and organizations. By the spring of 1985, the x had clearly come unstuck. The PTA abandon with the lack of action by the new minister eeen trollers and net gears in the commercial ts fishers in the chinook fishery of the Gulf of Letter, 2[1] 1985).

, likewise frustrated with the formal delibwhere, but as well because the government financing schemes to enable native fishers to the industry, apparently at the expense of tions were not part of the MAC deliberations, expressed their belief that they were not

, who had been extremely active throughout when asked to comment on the events of I gave up, I’m going fishing.” None of the but as well, there was a temporary sense that have to be solved; the salmon runs of 1985 he anticipated, and the scramble for the catch

11

Indians in the Fishing Industry
EVELYN PINKERTON

Indians have always played a central role in the British Columbia fishing industry and have pressed for an aboriginal claim. As such, they have constituted an important status group lobbying for its interests along ethnic lines. As well, Indians have allied with other vessel owners, crew, rental shippers, or shoreworkers in similar positions to themselves to press for common interests. This chapter focuses on the interplay between the way Indians have acted as a separate interest group and the way they have made common cause with other fishers or shoreworkers.

Early forts, trading posts, and industrial sites were strategically located near Indian communities because these enterprises depended on Indians and their resources for development. As suppliers of fish, furs, and other commodities to the Hudson’s Bay Company, Indians provided essential labour by which capital became established in British Columbia. When fish processing became fully industrialized via canning operations, the canning companies relied on Indian fishers and shoreworkers as a seasonally available workforce for plants in dispersed and geographically isolated sites along the coast.

Most B.C. Indian nations did not sign treaties with Canada, yet agreements made with Indians before canneries were built, subsequent negotiations with the Department of Fisheries, and the commission that set up Indian reserve lands all recognized Indian rights to capture and sell fish. But these rights are ambiguous in the legal and institutional framework of contemporary fisheries management, and so Indians lobby as a special interest or “status” group, claiming full recognition of their rights.

Indian commercial fishers often act as a status group for two additional reasons. Because they are legally wards of the state without the right to offer reserve land as collateral, Indian fishers have not had the same access to capital as many non-Indians, and have thus developed special relations of dependency with fish-processing companies. Programs to assist Indians in acquiring their own vessels have existed only in the last seventeen years and have helped mainly the most well established. In addition, the continuation of traditional cultural forms (often modified) has influenced the way many Indians act as commercial fishers, creating different patterns of capture, utilization of product and vessel, investment in vessels, and hiring of crew. These distinctive patterns, including the
cooperative sharing of benefits within Indian communities, may have been important in bringing about a situation in which Indian fishers destroyed fish and other property were distributed among the individual members as a result of a fishery's success rather than by the exercise of property rights. An individual's personal status was largely a function of the resources he or she could obtain for his or her group from the Indian fishery. The aboriginal system of property rights thus functioned as a mechanism for regulating access to the resource, and regulating the distribution of surplus.

During the early years of contact with Europeans, the aboriginal system remained intact, and fish purchased from Indians were an important food source for Hudson's Bay posts. The aboriginal system of fish exchange among groups was simply extended to include sales to Europeans. When commercial fishing first began, the canners tended to take the earlier salmon runs, leaving the later, less commercially valuable fish to the Indians, who prized these for drying (Sessional Papers, 1882). Originally, Indians were willing to accept Department of Fisheries schedules for opening weirs on small streams during poor runs, because this did not entail great sacrifice, and it resembled aboriginal management (Sessional Papers, 1870). Indians were quite conscious of the importance of fishing closures (Rogers, 1979). However, in their early participation in commercial fishing, Indians on the Nass carried guns on their fishing boats and could successfully resist being fined for failure to obtain fishing licences (Sessional Papers, 1890, 1892). The chief insisted that he had the right to manage the fishery and that this right had never been ceded to Europeans (Sessional Papers, 1889).

But as commercial canning operations expanded from nine canneries in 1880 to sixty-four in 1900, the canners increasingly sought the fish stocks on which the Indians depended, as well as the actual fishing sites (Fisher, 1977). Ironically, Indian fishing rights were officially recognized and confirmed during this period by both federal and provincial governments, largely because of disagreements over the size of Indian reserves. These were set out by joint Indian Reserve Commissions operating from 1876 to 1877, 1879 to 1880, 1880 to 1898 and by the joint Royal Commission operating from 1913 to 1916. The province persuaded federal officials that Indians in British Columbia did not require reserves as large as those set aside in other provinces, as long as Indian fisheries were protected. For their part, Indians agreed to the small reserves allocated them on the understanding that their rights in the fishery were guaranteed (Lane and Lane, 1978).

These rights were at least partially recognized by the first inspector of fisheries, Alex C. Anderson, also an Indian agent, appointed in 1876. Denying allegations that the Indians destroyed the salmon, he recom-
mended that “any interference with the natives, therefore, under hastily formed or frivolous pretext, would be imprudent as well as unjust” (Sessional Papers, 1878). In Anderson’s opinion, “the exercise of aboriginal fishing rights cannot be legally interfered with” (Sessional Papers, 1879). Under subsequent inspectors, however, the Fisheries Department appeared more sensitive to pressure from the canners, and insisted that Indians’ aboriginal rights did not exempt them from regulation under the Fisheries Act. Two examples serve to illustrate the direction of policy in later years.

The Barricade Agreements

In 1904, canners on the Skeena River in northern B.C. began to lobby Ottawa to apply the Fisheries Act to Indians in order to prohibit their use of weirs and their sale of fish. The principal targets were the Babine Indians who took sockeye at a weir or “barricade” on the Babine River, part of the upper Skeena system. The canners suggested that the Indians were destroying the resource and that salmon runs would be eliminated if the use of weirs continued. A series of charges, imprisonments, and negotiations resulted finally in a 1906 agreement between the Babine tribes and the Department of Fisheries. The Department of Fisheries agreed to let the Indians fish and sell salmon from nontidal waters as a legitimate exception to the Fisheries Act. In return, the Indians agreed to destroy their weirs and use only nets supplied by the department. Later the department unilaterally rescinded the agreement to allow the sale of fish. A similar agreement was reached with the bands at Fort Fraser and Fort St. James on the upper Fraser River in 1911 (Lane, 1978).

Continued Efforts to Curb Indian River Fishing

Following these agreements, fishery inspectors’ reports on the Indian fishery continued to demonstrate a sensitivity to pressure from the canners and even from sports fishers, but little appreciation of the Indians’ legal rights or the cultural importance of fishing. For instance:

There is, of course, another side to the question and the position of the Indians must be appreciated. Before the commercial fisheries assumed such large proportions there was no question as to the propriety of the Indians obtaining all the salmon they required in any manner they wished for the purpose of food for themselves and their dogs. In view of the intensive commercial fishing which has developed of recent years, and the greatly increased value of salmon, the operators feel that the catch of the Indians, on the spawning grounds particularly, should be curtailed if not discontinued entirely, but they realize that some adequate measures should be taken to the end that Indians may not suffer. Several suggestions have been made to meet the situation, such as the substitution of canned pilchards or salmon put up by other methods at the coast and shipped to the Indians. No concrete proposal, however, agreeable to the Indians has yet been forthcoming, but it is understood to be the intention of the salmon canners to suggest some form of cooperation with the fishery administration with a view to the substitution of some other suitable variety of food and the non-interference with the salmon. The numerous anglers who fish in Stuart Lake are also objecting to such large quantities of trout being taken by the Indians. (Department of Fisheries, Annual Department Report, 1929–30: 105 [emphasis added])

Although the Department of Fisheries and Oceans has persistently questioned the rights of Indians to exemption from Fisheries Act regulations, neither the Indians’ sense of proprietorship nor the legal standing of their claim has been effectively eroded. Instead, Indians as subsistence fishers have suffered de facto loss of fish to commercial fishing pressure. The Department of Fisheries and Oceans considers that the Fisheries Act supersedes any obligations incurred under treaties or commissions, while the Department of Indian Affairs upholds the rights of Indians to pass their own by-laws concerning the management of fish on reserves. The legal opinion of the federal Department of Justice and recent court cases suggest that Indian claims to fish are still in good legal standing (Pearse, 1982: 180; Harper, 1982; Mandel, 1983, personal communication). However, the power of the Department of Fisheries and Oceans to allocate fish to other users before they reach Indians underscores the practical importance of negotiating some kind of cooperative management status with the department, such as exists with some Washington tribes, with Micmac fishers in Restigouche, Quebec, and with native fishers in Ontario (Pibus, 1981; Harper, 1982; Restigouche Accords, 1982; Berkes and Pocock, 1983).

I have until now discussed the legal status of property rights in fish and the transformation of actual access to fish. It is also necessary to consider the transformation of the socio-economic system of aboriginal property rights. How has the practice of the aboriginal system persisted or been transformed in the twentieth century? There are two forms to be explored: first, the aboriginal system, usually called the “Indian fishery” or the “Indian fishery,” and second, traditional property rights in the Indian commercial high seas fishery. Both have persisted formally and informally as discussed below.

THE INDIAN FISHERY

One of the clearest examples of the maintenance of traditional property rights in a “food fishery” is provided by the Gitksan and Wet’suwet’en people of the upper Skeena and Bulkley Rivers in northern B.C. Here, families still own traditional fishing sites from which they project their
nets, often suspended from poles, into the river, or gaff fish at advantageous locations. In order to maintain ownership in good standing of these sites, the family must still feast the inheritance of the site and still distribute what is taken from the site in specified ways. These people take less fish per capita now than their estimated aboriginal harvest, partially because Department of Fisheries and Oceans regulations make it difficult to distribute fish to off-reserve family members or to sell to nonfamily.

Where the taking of fish by Gitksan and Wet’suwet’en Indians has put them in conflict with Canadian law in recent years, there have been few successful prosecutions by the Department of Fisheries and Oceans. With the exception of the reduced quantity of fish taken and the energy and funds required to conduct legal defences and prepare a coordinated management system, the aboriginal system operates within the traditional framework.

The persistence of the aboriginal system creates unique opportunities for regional economic development. For several years the Gitksan-Wet’suwet’en Tribal Council has been conducting a professional “Fish Management Study” in order to generate a data base and management expertise superior to that possessed by the Department of Fisheries and Oceans for their area. They expect to co-manage, with the department, the fish stocks of the rivers and in their territory and to take a greater proportion of these stocks in the “home territory” of the fish. They base their argument for the superiority of this form of management on the widespread view among fisheries biologists that stock by stock management of harvest is the most certain way to prevent the elimination of individual stocks. Only when fish are taken as they approach their own spawning grounds or wintering grounds is it possible to effectively differentiate stocks and avoid the “mixed stock” fishery problems of high seas fishing, in which weaker stocks are overfished when taken with stronger stocks (Submission to Pearse Commission, Gitksan-Carrier Tribal Council, 1981; Clark, 1982; Morrell, 1985).

The Gitksan-Wet’suwet’en propose to use the traditional system as the basis for local economic development, in which the Tribal Council may provide marketing services and assist in establishing processing facilities in this area where unemployment among Indians varies seasonally from 60 percent to 90 percent (Gitksan-Carrier Tribal Council, unpublished census, 1979). Ideally, the aboriginal system of property rights is to be the framework for the development of a commercial operation in which rights to harvest and obligations to share benefits from the fishery are structured along traditional lines.

For many coastal tribes, on the other hand, the “food fishery” has been reduced to several days of the year when Indians obtain special permits from the Department of Fisheries and Oceans to take fish with commercial gear for home consumption. Most of these groups have entered fully into the commercial fishery and their systems of property rights have been quite differently affected. These groups also tend to perceive the locus of struggle for recognition of aboriginal rights in terms of access to commercial high seas fishing licences and fishing areas (Nishga Tribal Council, Fishery Management Proposal, 1980). This also appears to be the perception of the Department of Fisheries and Oceans (DFO, James, 1984).

To understand how these systems were transformed, one must trace the development of early Indian participation in the industry.

INDIANS IN COMMERCIAL FISHING:
FISHERS AND SHOREWORKERS

In the traditional system both husband as captor and wife as processor have use rights over the fish. When the Indian family unit entered the commercial fishery, however, the husband and wife were incorporated into different specific relations of production with the cannery workers purchased the fish, although they continued in their traditional technical roles as fishers and processors.

Indian Commercial Fishers

Canneries, especially in the north, were, in the beginning, almost completely dependent on Indians as a source of labour in both fishing and shorework. Canneries would locate near Indian communities for the explicit purpose of using Indian labour if the communities were near a particularly large salmon run (Gillis and McKay, 1980). In 1887, for example, the Nass and Skeena Rivers salmon were caught almost exclusively by Indians, many fishing as contract wage workers for the cannery on canney-owned boats (Sessional Papers, 1888). During this time, out of one hundred fishing licences on the Skeena, only forty were held by fishers, the balance being held by canneries (Sessional Papers, 1882). However, “about one thousand Indians live by fishing alone in this district” (Sessional Papers, 1890), because many Indians without licences sold fish to those on licensed vessels.

Many of those who did fish with licences refused to pay for them, arguing that fishing was their right. The canners paid for the licences under the Indians’ names, and were thus apparently able to control the licences. On the Fraser three thousand to thirty-five hundred Indians fished, of whom forty owned their own licences in their own names. The remaining fishers made less money because they sold at wage rates and used company boats and/or used licences bought by the companies (Sessional Papers, 1892).

Thus both Indians’ aboriginal fishing rights and their immersion in a noncash economy contributed to the relations first established between
processors and Indian fishers. When fishing became a more expensive enterprise in the 1920s, requiring more investment in engines and vessels, the pattern of this relationship was further accentuated. Indians, forbidden to sell reserve land and therefore without borrowing power, could seldom afford to buy a fishing boat and not outright. However, canners at this time were becoming less interested in direct ownership of the more expensive boats and were willing to lend Indian fishers money toward boat purchases, in return for guaranteed delivery of all their fish. Compared to opportunities for Indians in other industries, fishing was unique, leading a Native Brotherhood spokesman to declare, with reference to the canners: “The fishing industry is the only one to help Indians by financing them and giving them a chance to make money. Any progress we have made is due to their help” (Vancouver Sun, April 9, 1952).

In practice, however, relatively few Indians actually benefited from the opportunity to become boat owners. There are several reasons for this. One relates to the contrast between a kin-based community life and an individually based competitive life. The other reason has more to do with the canners’ attempt to maintain the Indians in a dependent relationship in order to guarantee continuing supplies of fish.

As the first cannery owner at Alert Bay noted: “It is the hardest thing to induce those people to go fishing for me — they are a happy-go-lucky people” (Laurence, 1951). Work rhythms and work discipline in a pre-industrial society organized by kin obligations and authority of the chief differ of course from the rhythms of industrial production. At the establishment of this cannery in the early twentieth century, the authority of the chief was already weakened and had not been replaced by a similar authority in the industrializing province.

Moreover, the safety net offered by the Indian community and by the Indians’ ability to rely partially on traditional subsistence did not create the most favourable conditions for the development of a highly disciplined capitalist workforce, either as “company boat” operators or as independent fishers. As one of the Indian fishers who did become an independent boat owner notes: “Lots of guys lost their boats for not taking care of them, not fishing hard. You had to work very hard to make it. If you didn’t work, you never made anything” (Sparrow, 1976:41). Many Indian fishers simply continued indefinitely as partial boat owners and regular workers, but never attained a status whereby they could save money.

Even when a fisher did impose the most stringent commercial work discipline on himself, however, it was apparently still very difficult to become independent:

I don’t want to go work for the companies again because they hold you down for a certain length of time. Although you’re making money they don’t want to take your payments if they could help it. They try to keep you in debt, just to have control over you... when I paid off my boat... they didn’t want to take it. I offered them... one thousand one hundred dollars — the balance of my payments. I was only supposed to pay five hundred and fifty dollars a year, that’s all. That was the agreement we made when I got my boat... I said if you ain’t gonna take my money... you’ll never get no more. That boat is mine... Finally they decided... to take whatever money I had owing them and I got my ownership of the boat. Oh, they do that all the time to almost everybody. Try to keep you in debt so they have control over you. (Sparrow, 1976:225)

Although the relationship of indebted vessel owner was one which the canners seemed to prefer with all fishers, Indians had fewer possibilities than others for liquidating their debts because they tended to be in the weakest competitive position on other job markets. “You couldn’t find work if you didn’t go out, too much discrimination then, you know. Logging camps and mills was [sic] about the only places you could get on” (Sparrow, 1976:122). But even in these cases, being a fisher in summer could create a work disadvantage: “You can’t get no work here [Vancouver] hardly. As soon as they find out you’re a fisherman, they won’t look at you. They know you’re not going to go steady. I tried time and again around here in the mills” (Ibid.).

For most Indians living on reserves, competing in job markets outside the fishing industry involved protracted periods of time away from home in a world where one was usually defined as the worker of lowest status and dependability. Logging was the main exception to this state of affairs in earlier years, but when logging became unionized and organized into more semi-permanent, family-oriented communities and camps in the 1950s and 1960s, all but local resident Indians were again in weak competitive positions for these jobs (see Chapter 13). The canners were apparently able to exploit the ethnic position of Indians in a way similar to that documented for fish buyers and oppressed ethnic minorities in other parts of the world (Anderson, 1970).

The fishing industry thus became an enclave for Indians where they could acquire credit and job security largely unattainable elsewhere. Long-term relations of patronage developed between cannery managers and individual fishers. The reward for a long and dependable delivery record with the cannery included job opportunities for other family members. Such relationships probably inhibited questioning about the canners’ handling of licensing, boat ownership, and payment arrangements, as well as inhibiting the development of entrepreneurship. Many Indian fishers interviewed in our survey did not understand the details of their accounts with the companies and had never questioned the companies about them, although in this they were not alone (see Chapter 8).

Indian vessel ownership appears to have declined from over 50 per cent to about 12 per cent of all vessel owners between World War I and 1983. Records of vessel owners do not allow identification of Indians as a
separate group of licence-holders from the post-1962 period, and the records of the early periods fail to distinguish between owners and deckhands. The Department of Indian Affairs estimates there were 11,488 Indian fishers in 1929 (Department of Fisheries, Annual Departmental Report, 1929–30), but it is not clear how many were vessel owners.

The largest number of Indian fishers have always been gillnetters. In 1946, 1,653 Indians held salmon gillnet licences, comprising 20.5 per cent of all salmon gillnet licences (including deckhands, who were licensed at that time). This had declined to 805 or 14.4 per cent by 1962. Indian trollers remained constant at about 10 per cent of the troll fleet (628 to 690 licences) during this period. Indian ownership of salmon seine increased from 37 in 1946 to 51 in 1962, while skippers not owning vessels increased from 119 in 1946 to 122 in 1962. By 1983 Indians held 11.6 per cent of all the salmon gillnet, troll, and combination vessels and 12.5 per cent of all the salmon seine vessels. When the vessels acquired by three Indian tribal councils in 1982 are included, Indians owned 14 per cent of all salmon vessels, as well as 28 per cent of the roe herring personnel licences (Campbell, 1974; DFO, James, 1984).

This slight increase in Indian licences and vessels in 1982 resulted from the creation of the Northern Native Fishing Corporation (NNFC). Through this, and with government funding, three tribal councils purchased 252 gillnet and combination salmon licences with associated vessels.

The purchase, funded by the Department of Indian Affairs and arranged in cooperation with the Department of Fisheries and Oceans, possibly served to balance the effects of the Indian Fishermen's Assistance Program (1967 to 1979), which resulted in the retirement of vessels whose skippers could not afford to upgrade them to pass inspection and the recirculation of their licences into larger newer vessels, especially in the seine sector (McKay and Ouellette, 1978; McKay and Healey, 1981; DFO, James, 1984). Those who benefited tended to be the more successful and relatively wealthy fishers who could afford to make the 12 to 20 per cent qualifying downpayment, thus increasing the distance between the wealthy and the poor, and making it virtually impossible for a young person who had not inherited a boat to get into the industry.

Other forces also influenced the loss of Indian licences and participation in the small-boat sector. Poor salmon runs in 1969 and 1971 influenced processors who normally rented out vessels or had purchasing arrangements with indebted fishers to reduce these commitments. The number of gillnetters rented to Indian fishers declined from 482 in 1968 to 205 in 1971 (Friedlaender, 1975). Some of these fishers had accumulated debts and were considered poor prospects. Their opportunities were further restricted by the 1971 buy-back program that allowed companies to sell older vessels or recombine smaller licences into larger vessels (DFO, James, 1984). The closures of central-coast canneries with attached rental fleets at Klemtu, Namu, and Butedale during this period also contributed to the trend, stripping at least one Indian village of all its fishing opportunities (Friedlaender, 1975).

Altogether, programs to assist Indians accomplished one of two things in addition to their intended consequences. First, they reinforced Indians' perception of themselves as a special interest group that could expect their situation to become better primarily through lobbying as Indians. Second, some Indians came to perceive that status and wealth differences within the Indian fleet were being accentuated, with some Indians becoming owners of large vessels while others lost even basic employment. (The implications for the formation of Indian political institutions will be discussed in the final section.)

The aboriginal system can influence Indian commercial fishers in at least two yet unmentioned ways. First, a system of informal territorial property rights remains in some areas. Fishers who have traditionally fished an area, or who have kinship-based claims over the resources in an area may as a group exercise informal social control to regulate the access of other fishers to the area (Lando, personal communication). Second, the ownership of vessels has to some extent replaced the titular ownership of fishing sites, and vessel ownership carries with it similar obligations for those Indians who choose to be part of the local status system. Vessels are used as a common resource in many ways by community members, despite the formal definition of private ownership. For example, vessel owners transport other community members to food-gathering sites, on fishing expeditions, to feasts, and large community gatherings. Vessel owners may hire deckhands from the community, even if they do not require them, and distribute fish gathered with food fishing permits to the entire community. The fishing vessel is both an essential economic tool and a prestige symbol. Indian fishers resident in Indian communities direct their fishing activities not solely to competing with other fishers, but to fulfilling obligations as well. On one reserve, a chief and seine boat owner was said to spend $30,000 a year in maintaining his chiefly obligations.

Indian Shoreworkers

Unlike Indian fishers, Indian shoreworkers, in common with all shoreworkers, did not acquire the means of production and had few opportunities for upward mobility in the industry. The main question is whether they were dependent on the fishing industry for their livelihood and therefore required to operate at the convenience of capital. A second and related question is whether shoreworkers perceived themselves primarily in class or interest-group terms or in terms of their common bonds with other Indians. It is difficult to provide a general answer to these questions because of the historical and regional variation in the industry.
In the first few decades, the canneries already resembled factories, but Indians were in a different position than the many other workers who had been forced off the land into the wage labour force. Both the organization and the seasonal nature of the work permitted Indians to retain many aspects of their traditional social and economic arrangements, especially before particular stocks or particular areas were affected by increased commercial pressure. For many of the workers, processing jobs were available only during the six-week period at the height of the season. In certain cases, the timing of salmon runs in different areas permitted Indians to finish the canning season in an urban area and return home in time to process their own winter supply of salmon (Pritchard, 1977; Sparrow 1976:149). As long as the canners were dependent on Indian labour, they accommodated the Indians’ traditional social and economic arrangements. Indeed, many canneries allowed Indians to process their own fish at the work site on days off. Hiring patterns, work arrangements, and living accommodations at the early canneries were adapted to Indian labour (see Chapter 2). An Indian “cannery boss” or contractor with special language facility (usually one per company per tribal area) would organize the hiring and housing of entire kin units who moved to the canneries during the two- to three-month season. Whole villages are reported to have relocated during this time. In outlying areas, many of these arrangements continued into the 1960s. In later years, as language facility and personal acquaintance grew between canny managers and individuals, certain families would be hired regularly.

Indian shoreworkers of all ages expressed a preference for fish-plant work over other jobs, even though these jobs often involved the pain associated with tendonitis, carpal tunnel syndrome, and back problems. Their refusal to complain may be partly related to fear of losing high-seniority jobs. Other factors may also contribute to the desirability of shorework jobs for Indians: like fishers, Indian shoreworkers were often unable to obtain jobs in other industries and could exploit family connections in fishing and shorework. Both family structure and traditional year-round activities were less disturbed by this industry than by others. It appears that, even following the period when Indians provided much of the labour for fishing and canning, many of the canners continued to be relatively flexible and accommodating to Indian lifestyles.

From the beginning of the commercial fisheries, there were always a few Indian women, and even families, who worked in the canneries year-round (Sparrow, 1976-79): they made nets and repaired machinery at the cannery in the winter. Later, there was also year-round work in areas such as the west coast of Vancouver Island during booms in the herring and pilchard-reduction industry. For the majority of shoreworkers, however, year-round work was only achieved after one had attained high seniority and was feasible only if one lived in Vancouver or Prince Rupert.6

In the case of fish plants in the more isolated areas of the coast such as Uclulet, Tofino, Bella Bella, Port Hardy, Klemtu, Namu, and Butedale, shorework has never been year-round, but has provided critical employment for the regular workforce in the area. When the processing industry went through a period of centralization in the late 1960s, many Indian shoreworker jobs were eliminated with the closure of most of the remaining outlying fish plants. By 1970, Indians comprised only 1,500 of the 3,700 shoreworkers (Pearse, 1982). These jobs were irreplaceable for people living in isolated reserves, not only because they were traditionally held by Indians, but also because they permitted Indians to retain their relatively traditional lifestyles in the off-season.

The lack of other job opportunities near reserves and a desire to maintain the reserves as culturally distinct groups still make seasonal shorework preferable to urban nonshorework jobs in which Indians must compete at a disadvantage. This preference exists even when shoreworkers on reserves are limited to seasonal and temporary employment.

Virtually all Indian shoreworkers are in the United Fishermen and Allied Workers Union and appear, from our interviews, to maintain a more militant and consistent trade-union stance than do Indian fishers. As well, those interviewed said they had more in common with non-Indian shoreworkers than with Indian fishers in the Native Brotherhood. It was not uncommon to hear an Indian fisher express negative or neutral attitudes about the UFAWU and be interrupted by his shoreworker wife, who wished to express her support for the union.

UFAWU personnel stated in interviews that in 1975, when the formerly unionized Bella Bella plant was decertified so that it could be operated by the Indian-owned Central Native Fishermen’s Cooperative, a number of Bella Bella shoreworkers wrote to the UFAWU apologizing for the fact that they were obliged to withdraw from the UFAWU in order to hold a job in the cooperative. The structure of this cooperative required that all shoreworkers be members.

CREATING NEW INSTITUTIONS: COMPETING STRATEGIES AND IDEOLOGIES

In the traditional aboriginal system, concepts of ownership and methods of resolving competing claims over resources were highly developed. Elaborate feasts, ceremonies, naming procedures, and dances accompanied transfers of title to fishing spots. A major focus of political activity, indeed of all social activity from religious celebrations to war, was managing conflicts between owners, or between owners and nonowners, and forming coalitions of people with differing claims over resources. There were grounds for almost any individual to come into conflict with almost
any other individual. There were also grounds for coalition. The traditional chief, a hereditary owner of considerable property and title, was expected to be a master at forming coalitions and resolving or preventing conflicts.

The contemporary coastal and lower-river Indian groups of B.C. have lost none of their old concern for rights over resources. The coming of capitalism has made matters of ownership and control more problematic, because the authority of the chief has been eroded and because capitalism has specified property rights in a different way. Indians have responded by creating new institutions through which to manage conflicts between different categories of owners and workers and between commercial fishers and communities. These carry on traditions of mutual support, consciousness of ownership, equitable access, and the management of group interests by an authority, though in other respects they are new.

The most comprehensive ground for coalition is Indian status and ethnicity itself. However, an Indian might also be a seine boat owner, a small-vessel owner, a rental skipper, a crewman, a shorweworker or a subsistence fisher. As such, he or she may be drawn into groups including non-Indian workers in the fishery. Should a fisher join with other Indians of different categories in the Native Brotherhood or throw in his or her lot instead with all fishers of one category? Indians are just as subject as other fishers to the question of whether small-boat owners should stand with large-boat owners or join with crew. The UFAWU allows small-boat owners to join, thus forcing a division between vessel owners and between large- and small-boat owners and crew.

One of the main reasons the Native Brotherhood includes all classes of fishers is that it began as an organization concerned with the promotion of Indian health, education, and aboriginal claims, in addition to improving the Indian position in the fishing industry. (Gladstone, 1953; Drucker, 1958). In addition, government programs have tended to treat Indians as a group when devising programs to benefit Indian fishers or when addressing the question of aboriginal title. However, as previously noted, most programs have benefited the upwardly mobile segment of the Indian fleet. As one successful Indian boat owner ruefully observed: “Most Indians can’t even get into the economic system, because the bottom two rungs of the ladder are missing,” i.e., most Indians cannot raise the down payment required to participate in government programs.

Some Indian fishers who cannot make the leap to the third rung of the ladder and some who cannot go beyond it are attracted to the trade-union movement. Very strong union sentiments characterize at least the first half-century of Indian involvement in the fishery. (Gladstone, 1953). On the other hand, those who are making a transition up the ladder, and have successfully exploited access to capital, often prefer to ally themselves with others in the same situation, using their status and ethnic identity as a means of tapping special sources of capital and other government aids.

The Native Brotherhood continues to articulate the definition of Indians as a status group whose interests are not adequately represented by the UFAWU. Indian vessel owners who had borrowed large sums in the 1970s to purchase newer and larger vessels identified themselves principally as owners rather than as workers. They needed to keep their boats working to keep up payments. Strikes over minimum prices and shorework wages were perceived as most beneficial to fishers not owning vessels and to shoreworkers. But the rank and file of the Native Brotherhood, composed of small and less upwardly mobile vessel owners, rental skippers, and crew continue to feel at least some solidarity with the union or with union ideology, and to resist the tendency, often coming from their own leadership, to act only as a status group acting solely in native interests.

This division within the Native Brotherhood, which is submerged at times by an overriding rivalry with and even hostility toward the UFAWU, was particularly apparent at the 1982 annual convention when the brotherhood was formulating its position toward the Pearse Commission report. The leadership had invited Commissioner Pearse to attend the convention and evidently endorsed the majority of his recommendations, especially regarding the creation of Indian Development Corporations and other methods of assisting Indians in boat ownership. During debate of these recommendations, however, more support was shown for the UFAWU position. The UFAWU especially opposed the Pearse recommendation for removing 50 per cent of the fleet via a bidding system, which it felt would penalize the owners of smaller vessels. Indian and UFAWU small-vessel owners alike feared a repeat of the problems resulting from the Davis Plan.

The division among Native Brotherhood members was also apparent during interviews with two leaders in one Indian community that became split in its reaction to the formation of the Central Native Fishermen’s Cooperative in 1975. Many of the independent vessel owners who formed Central Native Fishermen’s Cooperative were also leaders in the Native Brotherhood, and a few had been leaders in this community as well. The cooperative had been in the planning stage for several years, and the leaders seized the opportunity to begin operations and buy a processing plant that was offered for sale because of the 1975 strike. By responding to this offer and setting up a cooperative at this moment, the cooperativists found themselves with a dilemma. They had supported calling a strike in their capacity as Native Brotherhood members, but could now fish during the strike as new cooperative members. They did fish, while most Native Brotherhood members were on strike, and their actions had a divisive impact on the community.

The rank and file of the Native Brotherhood in this community, who were not free to join the cooperative because of their indebtedness to processing companies, are reported by one community leader interviewed to have perceived the founders of the CNFC as a privileged class who were not helping other Indians. To them the co-op represented betrayal and
desertion by an elitist faction because it involved violating the most important expression of company-dependent fishers’ solidarity — the strike. Perhaps even more importantly, community leaders were seen as not representing the interests of the entire community. “We sink or swim together: we’re not going to be pulled up one at a time,” was the attitude of one rank and file NBC member. Clearly the cooperative would help some Indian shoreworkers in one community, but, they felt, at the expense of other Indian rental fishers, indebted boat owners, and crew on company seiners.

CNFC members, however, believed the creation of the cooperative would benefit the entire Indian community and provide more secure processing jobs in at least one community (which otherwise might have lost the plant altogether). Later they hoped to build plants in other Indian communities and hire more Indian shoreworkers. In addition, CNFC included shoreworkers and crew as members, thus defining itself along Native Brotherhood lines as the expression of a status group which overrode other interest-group categories.

In this community, where cooperativists had held leadership positions in both the community, the co-op, and the Native Brotherhood, they were subjected to disapproval from important segments of the community for several years and did not immediately seek re-election as community leaders. Northwest coast ethnography has richly documented the fact that to be wealthy and successful is acceptable and honoured in Indian communities as long as it is accompanied by at least some distribution of benefits and/or expression of solidarity with less fortunate fellows. The institutional expression of privilege in the CNFC seems to have strained the tolerance of some Indian fishers in this community, because it appeared to them to be based on the principle of exclusion of other status-group members. A healing of wounds in this situation is possible, however, because considerable wealth (in one case $20,000) is in fact distributed at potlatches by owners of large vessels from potlatching families, and the large vessels are used to transport community members to these communal affairs. Whereas such events may not include the entire community, the good name of the whole community is enhanced by extension. In another community where some of the large-vessel owners had moved to Vancouver a decade earlier, CNFC members continued to make efforts to hire reserve residents as crew, to potlatch in the community, and to provide services to community residents when they travelled to Vancouver (Susanne Hilton, pers. comm.). CNFC did not survive the difficult 1980s and was dissolved in 1984 for reasons that are incompletely understood. It is not clear whether stresses on CNFC, or within communities associated with it, contributed to its demise.

Another cooperative venture, though a different model, is the Northern Native Fishing Corporation, formed in 1982 when three Indian tribal councils purchased the rental fleet of B.C. Packers. Disciplining the rank and file members allows the corporation to prepare to join individual entrepreneurship with tribal interests.

The corporation has some precedent in the paternalism of the traditional rental fleet and the authority of the traditional northern tribal corporate unit. It was launched with an $11 million grant from the federal government to the three tribal councils for purchase of the B.C. Packers’ rental fleet. Fishers still deliver to B.C. Packers and borrow money from the company, but the leaders hope to make a leap beyond this dependence into much greater independence. They hope Indian fishers will become independent vessel owners with new attitudes, skills, and responsibilities consonant with ownership. The corporation works toward this goal by maintaining control of the fishing licences, while attempting to extract a commitment to the corporation from fishers by requiring them to purchase the vessel attached to the licence. Thus, in return for access to commercial fishing privileges, loans, training programs in accounting and vessel maintenance, current NNFC members subsidize the entry of more fishers into the corporation. The purchase of a vessel pays for the construction of newer vessels to replace the 50 (out of 250) inoperable by 1984.

In the eyes of the sponsors of the corporation, the transition to vessel ownership is the critical bridge that must be crossed in order to create a commitment to a self-sustaining institution instead of one that will be continually government funded, and that would replace a paternalistic company with a paternalistic government and leadership structure. Interviews revealed that the Indian tribal councils perceive this transition as necessary for economic as well as psychological reasons. According to managers and the corporation board, if the Indians perceive that they are in fact fully responsible for the success of the corporation, and that it must pay for itself, just as each vessel operator must pay for, repair, and keep accounts on his own vessel, they are likely to see the dovetailing of their personal interests with the interests of the corporation. In purely economic terms, the corporation must extract this commitment from its fishers if it wishes to keep the entire fleet in working condition.

The corporation tries to express the interests of the three tribal groups and their communities, not just the individual interests of fishers as businessmen. In this way, it attempts to meld the interests of the fishers to the group and communities at large, so that the issues of stratification and elite formation within native communities are less disruptive, and so they are perhaps less likely to repeat the history of the CNFC. The tribal councils, through the corporation, are the actual owners of the licences, and maintain control of access to the licences in a manner not unlike the aboriginal system. The tribal councils must therefore also balance the interests of individual fishers with what they perceive as the interests of the corporate group as a whole.

During fieldwork, I observed that commercial fishers were often
among the few people in Indian communities who were employed. From the community and tribal perspective, then, the fisher is a relatively privileged individual who has certain obligations toward the group as a whole. From their perspective, the vessel owner should see the vessel and licence obtained through the corporation not as something the government purchased for him or her as an individual, but as something the government purchased that was acquired by the tribal councils as a whole for the development of the larger tribal welfare. One of the goals of the larger group is to maximize employment, i.e., to keep all the licences operating to employ tribal members and to make the transition to individual entrepreneurship. Sale of vessels is used to generate funds to accomplish these other purposes.

The contract with fishers states that they may lose the privilege of access to a licence if they are found negligent in causing damage to a vessel or if they stop production for other than health reasons. In this case, the licence may be awarded, by a decision of elected board members, to another tribal member who is without employment. Fishers are thus encouraged by the corporation to develop entrepreneurial attitudes, but within a structure of responsibility to the larger group. Managers and board feel this is the only exit from the paternalistic trap that has allowed dependency to inhibit initiative and responsibility. It is an exit that affords certain kinds of support (loans against boat purchase, assistance with major mechanical replacements) but attempts to do so in a manner that fosters the rapid transition to greater independence, while at the same time probably weakens the potential for united action with non-Indian fishers.

The corporation does contain an important contradiction of its own, however, because it uses vessel ownership as the driving force of community development. With some groups, such as the Gitksan-Wet'suwet' en of the upper Skeena River (who also constitute part of the corporation), commercializing the food fishery is the major hope for economic development. This involves setting nets in the river some two hundred kilometres inland instead of using vessels at sea. Vessel owners and corporation members in this tribal council constitute only a small percentage of the workforce and fish commercially outside their traditional territories. In addition, the Native Brotherhood (1982) has supported the idea of Indians acquiring territorial fishing rights organized around terminal river fisheries, where salmon would be taken as they enter their "home" territories. Many Department of Fisheries and Oceans policy makers favour terminal salmon fisheries as a superior form of management, reducing some mixed stock problems and diminishing or eliminating overcapitalization of vessels. While some tribal groups or portions of tribal groups work toward terminal fisheries and/or commercializing food fisheries as a form of economic development that could benefit the entire community, the vessel-owning route of the corporation would benefit some Indian groups less, because in some groups far fewer people have access to vessels than to river nets. A potential conflict is thus created even within the same tribal group between members who are working toward vessel ownership and members working toward capturing the same fish by different methods many kilometres upstream.

Conclusion

The first purpose of this chapter was to describe the conditions that created the contemporary Indian fishery, focussing on two different sets of forces. First, there are forces that push Indians to act as a group solely in terms of their ethnicity. These include aboriginal, political, and socio-economic organization in its continuing features, the potential political gains from aboriginal title and Indian status, and a perceived common bond in the way Indians have developed special dependencies on processors and suffered similar losses of fishing privileges and position in the fleet. A second set of forces pushes Indians to find more in common with non-Indian shoreworkers or fishers than with all other Indians. These include solidarity with the UFAWU, which has developed among Indian shoreworkers and some Indian crew, rental skippers, and small-vessel owners. Another example is the identification some Indian large-vessel owners have shown with other large-vessel owners who wish to avoid strikes.

The second purpose of the chapter has been to show how Indians have used modern institutions congruent with traditional political forms to attempt to reconcile the conflicts created by these two sets of forces.

NOTES

1. In some cases, weirs or traps were built by the whole community, with no distinction in access. However, in these cases the houses standing at the weir sites, which were necessary for smoking the catch, were owned by individuals or extended families (Suttles, 1960). Thus these individuals indirectly regulated access. There is also variation in whether ownership of fishing sites is vested in the group as a collective or in the highest ranked member of the group (Riches, 1979). In either case, access of group members is regulated. Descriptions of California Indians' regulation of access to salmon weirs strongly suggests that the ritual specialists who directed the timing of fishing were practising conscious conservation (Sweezy and Heizer, 1977). Tlingits in southeast Alaska refused to continue fishing for a canny in 1907 "for conservation reasons" at a time when their system of property rights to the fish was still intact (Rogers, 1979).
2. The Supreme Court of Canada decision on aboriginal title in 1973 and the subsequent establishment of the Office of Native Claims in 1975 led Indians to expect that at last the government might be prepared to negotiate a settlement for the comprehensive land claims Indians made in the absence of treaties.


4. Indians adopted European technology for some of their own home processing and also continued many of their traditional smoking and drying techniques.

5. One fifty-year-old non-Indian shoreworker was in awe of the Indian shoreworkers’ stoical attitude toward pain, since it made her weep every night during the beginning of the season. Tendonitis and carpal tunnel syndrome result from the repetitive motions of filleting or butchering. Backache can be chronic for graders, who twist the torso and throw with the grading of each fish. One high-seniority grader reported having taken painkillers in order to work.

6. It has not been possible to obtain accurate statistics about where the lower-seniority Indian shoreworkers in these centres live the rest of the year. We do know, however, that many of them, especially in the north, live part of the year on outlying reserves and that shorework is their only employment.

7. The literature on British Columbia coastal Indian groups is so enormous that only a token citation is made here. A classic general overview is found in Drucker (1951). Chiefs’ accounts of their world as they see it are particularly revealing: see Ford (1941) and Spradley (1969). A graphic, popular account of Indian-white conflicts over ownership of fish resources in premodern times and destruction thereof in modern times is given by Raunet (1984). See also Cove (1982).

8. See note 7.

9. Drucker (1958) noted this in the earlier days of UFAWU—Native Brotherhood relations and cites as a typical example of rivalry between the two groups the fact that, after the brotherhood had received its formal charter in 1945 under the Societies Act, union leaders lodged an official protest to the Trades and Labour Congress of Canada against allowing any organization chartered under the Societies Act to sign labour contracts. Another source of conflict Drucker notes is that Indian fishers have been less able to tolerate losing the entire fishing season by a strike than have many non-Indian fishers, who had better job opportunities in the off-season. A source of conflict mentioned by Indians today is the welfare fund administered chiefly by the UFAWU because of historical agreements. The UFAWU does not recognize non-Indian members of the NNBC and will not grant them welfare benefits, insisting they must join the union to qualify. NNBC members complain that the UFAWU thus uses the welfare fund to recruit members and contend that if Indians can join the union, non-Indians should be entitled to join the brotherhood (see debate at 1981 NNBC convention).

10. See note 7.

11. Understanding the redistribution of benefits within Indian communities is beyond the scope of present research. The impression received by the author is that there is a range of situations from the Gitksan-Wet’suwet’en’s institutionalized policy of redistribution to one situation (not discussed here) in which no redistribution occurs. It appears, however, that in the majority of Indian communities, the wealthier members have chosen to stay and lend support to less fortunate members.

12. The following analysis is based on multiple interviews between 1982 and 1984 with the corporation managers, on interviews with twelve corporation fishers in three communities who were part of our survey sample, on interviews with and speeches by the tribal-council leaders involved, and on numerous conversations with Indian observers of the corporation.