(Re)Landscaping Sovereignty in British Columbia, Canada

Transgression is an action which involves the limit, that narrow zone of a line where it displays the flash of its passage, but perhaps also its entire trajectory even its origin; it is likely that transgression has its entire space in the line it crosses.

[Foucault 1977:33–34]

Many forms of sovereignty are still, albeit not exclusively, anchored in claims on territory and are asserted through the productive exercise of control over people, resources, and habitats located within the spaces of territory. In British Columbia, Canada, First Nations’ assertions of sovereign control over their territories and resources are reconfiguring resource planning, development, and management, even as the provincial and federal governments seek to maintain their own control over the same territory. While the courts have been the primary avenue for protecting Aboriginal Title and rights, First Nations are also turning to the use of mass media and other public forums. This essay examines the assertions of sovereignty made by coastal First Nations through the venues of public forums. [sovereignty; mass media; performative; First Nations; environmental management]

In British Columbia, contentious performatives of sovereignty by agents of provincial, federal, and First Nations governments seek to fix a precarious tie between territory and jurisdictional control over habitats, species, and resources. First Nations reject Canada’s claims of sovereignty as more foundational than their own. First Nations people often refer to their “ownership” of their territories. For them, Aboriginal ownership signifies a form of ownership that transcends fee simple ownership installed and protected by Canada’s legal juridical order. At the same time, First Nations also recognize that they must work through the bureaucratic, juridical, legal systems, and hegemonic moral orders of the Canadian nation-state because they are enmeshed in ongoing processes of colonialism. Aboriginal Title and rights remain salient issues in the nation-state of Canada because of relentless efforts by First Nations, Inuit, and Métis peoples. This essay examines the efforts of people from First Nations in coastal British Columbia as they work to assert their ownership and jurisdictional control and to manage the direction
that conservation and development take in their territories. People from eight different First Nations in British Columbia spoke with me about how they are keenly aware of the contingency of the Canadian nation-state’s claims on their territories. I also attended public workshops, a flotilla, and news conferences.

My analytical point of departure and my position may differ from those of members of First Nations, as well as from those of members of the nation-state of Canada. In my analysis, I approach sovereignty as an end-effect of exercises of power, for example, an end-effect of exercises of power found in activities of jurisdictional control and boundary maintenance, and as a performative. Assertions of sovereignty, including those made through exercises of jurisdictional control, are never finished; they are mutable and contingent, and they depend on the constant renewal of exercises of power (force and resistance). Writing within the constructivist vein of international relations theory, Krasner (2001) argues that it is not what is given or gained in negotiations between states but rather the act of negotiating and the act of being able to negotiate that determines sovereignty. Sovereignty seen from this perspective is a performative. Many notions of performativity, including Judith Butler’s ideas, which I draw heavily upon in this essay, have been built from J. L. Austin’s discussion of “illocutionary” speech acts. Austin argues that illocutionary speech acts, in contrast to locutionary and perlocutionary speech acts, bring into being that which they enunciate. Using Foucault’s ideas about the operation of power and subject-making, Butler pushes Austin’s insight, arguing that transgressive performatives illuminate the ways in which hegemonic boundaries are socially rather than naturally fixed.

Law, the court system, and treaty processes serve as vehicles for exercises of state sovereignty, as do resource management policies and regulations—including controls over licenses, permits, sea tenures, and enforcement. At the same time, struggles through and over these technologies of power provide key avenues for First Nations’ efforts to protect their Aboriginal Title and rights in British Columbia. Turning to other venues where First Nations are also asserting their sovereignty, I explore performatives of sovereignty in the mediated flotillas mounted by some First Nations against the presence of industrialized salmon farming in their territories, in the joint business ventures formed between other First Nations and salmon farming corporations, and during the provincial government’s public land planning processes. These exercises of sovereignty stretch beyond and overspill purely juridical and legal frameworks and contexts. While extralegal and extrajuridical performatives of sovereignty depend on the empowering effects of court decisions and treaty negotiations, in their own turn, these other performatives of sovereignty enhance more formal legal exercises undertaken by First Nations peoples, as the events discussed in this essay demonstrate.

While operations of power create avenues for deepening oppression, they can also open spaces for more socially just and equitable relationships. Each iterative exercise of power raises anew the question of whether a socially constituted
boundary will be deepened or disrupted. I include here boundaries that are established between jurisdictions and boundaries of control that are established within a social body. I suggest through my analysis that focusing on the ways in which sovereignty is constituted in practice might serve to dampen or diffuse some of the technologies of power that create subordinated subject positions and then repeatedly force the same people into the position of the subaltern.

Background

Between 1881 and 1899, Canadian Indian Reserve Commissioner Peter O’Reilly expanded the Canadian government’s system in British Columbia in a ruthlessly bureaucratic manner (Brealey 1997/98). With few exceptions, the governments of Britain and Canada did not install their reserves through treaties in British Columbia. Most First Nations people in British Columbia currently argue that they have never signed away their Aboriginal Title and rights, nor have they been conquered, nor has their ownership been extinguished. In 1982, the Constitution of Canada was amended to include Part II, Paragraph 35, which explicitly recognizes Aboriginal Title and rights. Several landmark cases have tested and upheld Aboriginal rights and Title, including Regina v. Sparrow [1990] I S.C.R. 1075 and Delgamuukw v. British Columbia [1997] S.C.R. 1010.7

In the late 1800s, using the Indian Act, the Canadian government began working to undermine Hereditary Chief systems of governance by encouraging the installation of elected Band Councils within the First Nations. However, Hereditary Chief systems have been maintained through a number of political, social, and ritual systems, which have persisted in spite of the outlawing of Potlatch between 1884 and 1951, and in spite of the cultural and linguistic destruction wrought on individuals and communities by the residential school system in British Columbia. It is not unusual for Hereditary Chiefs to hold elected positions in the Band Councils in coastal British Columbia.

During the last several decades, the federal government has worked to settle comprehensive land claims and secure treaties in British Columbia. These processes have met with numerous objections from Settler society members, many of whom express anxiety over the eventual price tag. On the other hand, many First Nations people express deep ambivalence about the outcomes of the few treaties that have reached completion because of what they see as ever-accumulating evidence of the Canadian government’s aim to roll over Aboriginal rights and Title, and because their own notion of self-governance includes the notion of sovereign self-determination, as Valaskakis (1993:7) points out. The view of First Nations on the issue of self-governance is generally at odds with the Canadian nation-state’s narrower vision of First Nation self-governance. First Nations people repeatedly emphasize that consultation means First Nations will be informed about activities in their territories and that objections from First Nations will bear significant weight in the direction that development and governance take in First Nations’ territories.
Amidst this complex history of oppressive legal, social, and racialized relations of power, coastal First Nations found themselves confronting the emergence of industrialized salmon farming in the 1970s. Industrialized salmon farming has since grown into an expansive global commodity chain. The province hosts industrialized hatcheries, industrialized grow-out farms, and processing plants where millions of fish are reared and killed each year for markets in Japan, Europe, and especially the United States. In 2002, the farmgate value of British Columbian farmed salmon was approximately CAN$288 million, in 2003 it was approximately CAN$255.8 million,9 and the industry’s values for 2004 are closer to those of 2002. In 2000, there were 121 sea tenures for commercial salmon farms in British Columbia, and approximately 95 of those had operating farms. Since then, the provincial government has lifted its moratorium on new farm tenures, making way for expanded production.

Industrialized salmon farming reconfigures marine seascapes. It converts areas where many users conducted multiple kinds of activities into exclusive single-user tenures. Farmed salmon are bred and initially reared in freshwater hatcheries. Then the fish are transferred to saltwater cages for grow-out. Each saltwater cage is a large open mesh bag through which currents ebb and flow. Cages are strung together through a shared system of railings and catwalks that float on the surface of the ocean. Four hundred thousand fish can be in the feedlot installations at a time. Intense political and social conflicts have arisen over pollution from fecal materials, dead fish, unused food, and production chemicals, over increased fish parasite populations near the farms, over disease transfers between farm and wild fish, and over escapes of farmed salmon into the wild habitat. Farmed and wild salmon also compete for market shares. Wild salmon are important to the commercial fishing industry in which many First Nations people participate. Wild salmon are a key species in the First Nations’ subsistence, social, and ceremonial fisheries and an important social symbol throughout the region.

The provincial and federal governments openly support the growth of the salmon farming industry in British Columbia. Many coastal First Nations adamantly do not want fish farms located in their territories, while other First Nations are entertaining the idea, and a few are forming joint ventures with the multinational corporations.

**Sovereignty, Flotillas, and Media**

On June 21, 2000, National Aboriginal Day,10 Musgamagw Tsawataineuk Tribal Council (MTTC) launched a peaceful flotilla and served an eviction notice to the salmon farms in its territories in the Broughton Archipelago. Provincial government had approved the sea farm tenures over strong objections from First Nations people, environmental groups, and commercial fishers. Although this was the first flotilla held in the Broughton Archipelago, it was the fourth of its kind in British Columbia. Two earlier flotillas had been mounted by the Ahousaht Nation in 1997, on the western side of Vancouver Island. A third flotilla targeted an installation...
in Sooke Basin near Victoria in the territory of the T’Sou-ke Nation in May 1998. Since 2000, a steadily growing number of First Nations’ flotillas have been organized.

I attended the MTTC flotilla in 2000. I am an ethnographer from the United States, and in April 1999 I began researching the mediated conflicts engendered by industrialized salmon farming in the Pacific Northwest and in Chile. I learned of these flotillas from several people from different First Nations and from environmental activists in British Columbia. I collected other people’s videos of the three earlier flotillas. I spoke with the organizers of the MTTC flotilla on a number of occasions during the planning phases. In the month afterward, I returned to Alert Bay on Cormorant Island to learn how the MTTC organizers assessed their event and what changes the flotilla had engendered.

Flotilla activities include formal speeches, rituals, mutual recognition of sovereignty among First Nations, and formal notices of eviction. Several coastal First Nations and First Nations organizations have lent support through their participation in the different flotillas. For the First Nations participants, these actions are *performatives* of sovereignty as well as protests. As protests, these actions seek to focus public attention on salmon farming and to pressure the provincial and federal governments and salmon farming corporations to change their practices. As First Nations’ performatives of sovereignty, these actions instantiate sovereign territorial claims and (re)define who can exercise jurisdic- tional control over a given territory.

First Nations have been supported in their flotillas by their allies from Greenpeace, David Suzuki Foundation, Georgia Strait Alliance, Sierra Legal Defense, and Living Oceans Society, by commercial fishermen and fisherwomen, and by neighbors from Settler society communities. Settler society allies are also demonstrating their objections to open net–cage salmon farming and working to pressure government and the corporations. However, while they support First Nations’ territorial claims, these allies are not exercising territorial sovereignty through their participation and protests.

Many flotilla participants and reporters gathered at the dock in Alert Bay that sunny June morning in 2000. A local newspaper reporter and a film crew for the *Nature of Things*, a television program hosted by popular environmentalist David Suzuki, rode in a media boat provided by the MTTC flotilla organizers. I joined the two CBC (public television and radio) reporters in their water taxi as a graduate student researcher. After leaving Alert Bay, the flotilla stopped at Gilford Village on Gilford Island, where most people disembarked and mingled with Gilford Village residents. The MTTC organizers had arranged for the reporters to interview various Hereditary Chiefs, Band Councilors, and officers from the British Columbia Aboriginal Fisheries Commission and the Native Brotherhood of British Columbia.
At Gilford, many of the reporters also showed keen interest in interrogating and photographing the ten to twelve young First Nations warriors dressed in contemporary military camouflage, with faces hidden behind scarves. These young people did not disembark, they refused to give their names, and they barely spoke when the reporters addressed them. A flotilla organizer later explained to me that these young people, whom she called warriors, came willing to act as peacekeepers, willing to place their bodies on the front line in the event of a clash with police authorities. The organizer told me that they were appreciative of the warriors’ intentions and support, and the organizers were also intent on keeping the protest peaceful and focused on the unwanted fish farms that day.

The MTTC flotilla organizer also explained to me that they had selected a rocky outcrop near the farm installation as the location for their official speeches and eviction notice, rather than a building located on the salmon farm installation as was done in T’Sou-ke and Ahousaht territories. One reason given for their choice was that an MTTC Chief, who is a vocal opponent of fish farming, was under a court restraining order threatening his arrest if he boarded the floating fish farm installations. According to the MTTC organizer, the eviction notice was aimed at all salmon farms in Musgamagw Tsawataineuk Tribal Council territories, and thus the MTTC leaders reasoned that the adjacent rocky outcrop was an appropriate location for the eviction notice. Their decision also protected their leadership from arrest and avoided any potentially violent confrontation. The MTTC flotilla organizers also instructed their members to remain peaceful.

I estimate that the MTTC flotilla consisted of more than twenty-five boats of various sizes and more than 200 people by the time we left Gilford Island and headed to the fish farm. As we neared the salmon farm, three war canoes were lowered into the water, and young people wearing Button blankets, jeans, and T-shirts paddled to the fish farm installation, where they continued to paddle in wide circles. Members of the MTTC and their allies from other coastal First Nations sang in their respective languages and danced on the decks of the larger commercial fishing boats. After a while the Hereditary Chiefs, Band Councilors, flotilla organizers, and visiting officials from First Nations organizations moved to the rocky outcrop. Meanwhile, the Royal Canadian Mounted Police deployed a helicopter and two patrol boats at a watchful yet highly visible distance.

At 2 p.m., the television reporters raced off to their appointed rendezvous with the television satellite feed, some expressing dismay at the slow overall pace of the event. They missed the conclusion of the flotilla, which happened at about 4 p.m. The five, six, and ten o’clock news broadcast stories about the flotilla. CHEK-TV (Victoria) focused on the differences between farmed and wild salmon, and CBC framed its coverage around National Aboriginal Day.

As had happened at the previous flotillas, the MTTC flotilla unfolded peacefully, but the contrasting expectations at the flotilla were not an isolated occurrence. A
discernible and persistent undercurrent of Settler society imagination appeared to fuel many of the reporters’ motivation to spend June 21 in a rural marine seascape located approximately 400 kilometers from Victoria, and perhaps also fueled the attendant police escort. The undercurrent imagines that First Nations people threaten at any moment to break into unruly behavior and to disrupt the integrity of the social body.

When I studied the videos of the earlier flotillas, I noticed how at their first flotilla, the Ahousaht leaders politely asked and received permission to come onto the salmon farm before anyone disembarked. On the farm, although discussion points sometimes grew heated between First Nations leaders, the farm manager, and the RCMP officer, everyone remained calm and in control. A few spontaneous jokes were made during the course of the discussion, helping to break the tension. I also observed that at the T’Sou-ke Nation flotilla, where no camouflaged warriors were in attendance, Hereditary Chief and elected Chief Band Councilor James Cooper was asked by one of the reporters, just as the flotilla was launching, if the First Nation warriors planned to cut the chains and vandalize the salmon farm installation in Sooke Basin. Chief Cooper replied no, saying that they had planned nothing like that, but that they were seeking information on legal action against the company that owned the installation. Later in his public address at the farm-house, Chief Cooper explicitly stated, “We are not a violent people.” He also told the assembled group that T’Sou-ke insistence that the provincial and federal governments address the environmental impacts from the salmon farm were reasonable demands, especially in light of the observable declines in the marine health of the Sooke Basin. And he pointed out that the farm, which was held in place by a chain threaded through a hole drilled through rock, was desecrating a sacred T’Sou-ke burial island in spite of ongoing objections from the T’Sou-ke leaders and people.

Perhaps the undercurrent of Settler society imagination that appeared to fuel the reporters’ interest draws some of its currency from several other mass-mediated events where various First Nations across Canada have worked to protect their natural and cultural resources. These efforts include the seventy-eight-day stand-off between the Kanesatake Mohawk Nation and the provincial and federal governments in Quebec in 1990,12 the conflicts over Camp Ipperwash and Ipperwash Provincial Park, Ontario, and the blockades13 over agroforestry practices during the 1980s and 1990s in British Columbia.14

Taking the Oka crisis as their respective points of departure, Valaskakis (1993, 1994) and Kalant (2004) discuss the ways in which First Nations people are both integral to hegemonic representations of the Canadian nation and at the same time marginalized, especially through portrayals of First Nations people as violent, criminal, and militaristic. Kalant asserts that the media’s emphasis on “violence and theatricality may have helped create a mode of thinking (not a worked-out strategy) that produced Oka” (Kalant 2004:25). Kalant also describes
how government leaders and the mainstream press appropriated the category of “reasonableness” for the government’s actions and in turn defined Mohawk protestors as unreasonable and unwilling to engage rationally (2004:175–177). At the fish farm flotillas, First Nations leaders explicitly reject violence and embrace the categories of reason, environmental sustainability, and peace in their goals and by their actions, even when they are (potentially) positioned otherwise by the press.

How might we make sense of these desires, fears, and anxieties originating in Settler society over the actions taken by First Nations to instantiate their sovereignty? Butler suggests that we recast Mary Douglas’s structuralist notion about the culture–nature binary by resituating that categorical distinction to the boundary between hegemonic culture and subaltern culture. Butler also suggests that we reread Douglas’s boundary between culture and nature as a boundary established by hegemonic normative order and that we reread Douglas’s limits of the body as the edge between hegemonic normative order and practices, and alternative contestatory social orders and practices. Butler pushes her reappropriation of Douglas further, illustrating the energy that goes into establishing and fixing stable boundaries in the body politic (Butler 1999:166–171). It is worth noting that the undercurrent that imagines First Nations people as being on the verge of perpetrating violence on the hegemonic social order and landscape seldom, if ever, attends to the fact that First Nations people’s personal and social bodies are threatened and actually abused in the legal juridical course of most days in British Columbia.

Again, by way of sharp contrast to Settler society imaginings, I observed that there were many children and grandparents on the boats at the MTTC flotilla, which was permeated by a relaxed sense of family and friendship. This familial aspect to the flotilla underscores yet other goals for the organizers. The MTTC flotilla organizer, mentioned above, explained to me that one goal of the flotilla was to strengthen consensus for opposition to salmon farming among people from different First Nations, and another goal was to strengthen consensus on the issue within specific First Nations where consensus had not yet been reached. The intergenerational participation in the MTTC flotilla also underscores the way in which First Nation sovereignty is anchored in unbroken intergenerational occupation of their territories, an occupation that precedes Settler society’s colonial occupation. At the first Ahousaht flotilla, an Ahousaht Nation fisheries manager pointed out to the farm manager and the reporters that the many children who were present depended on the fisheries resources that the First Nation and its allies sought to protect by their actions to get the farm moved (Warren Rudd video 1997, received 2000).

The MTTC flotilla organizers sought to draw a wider audience into the conflicts over the environmental and economic impacts from salmon farming, over government support for the industry, and over provincial and federal efforts to exercise unilateral control over First Nations’ territories. When asked about the MTTC
flotilla’s impact in a post-flotilla interview, a Hereditary Chief who had helped to organize the event told me that Provincial Minister Corky Evans had requested a meeting with the MTTC Chairman shortly after the flotilla was on the news.

**Sovereignty and Eviction Notices**

The first eviction notice to a salmon farm was served during the second Ahousaht flotilla. At the farm and after discussion as to why the Ahousaht people were taking this action, the notice was handed to the farm manager, who nailed it to the doorframe in the presence of the Hereditary Chiefs, Band Councilors, flotilla participants, fish farm workers, and news reporters. The Ahousaht eviction notice stated:

**Notice of Eviction**

Operating without a license.  
Infringement on our Aboriginal Rights and Title, Section 35, Number 1 in the Constitution Act.  
Impacting the environment, which is displacing our food gathering area.  
We are hereby giving notice to evacuate immediately from our traditional territories. [Ahousaht Band Council, Warren Rudd video 1997, received 2000]

In 1998, T’Sou-ke Hereditary Chiefs and Band Councilors served an eviction notice to the salmon farm in their territory. This time there were no farm employees at the installation. After official speeches from representatives of the T’Sou-ke Nation, Ahousaht Nation, the Aboriginal Fisheries Commission, Greenpeace, and others, the notice was nailed to the locked farmhouse door. The T’Sou-ke eviction notice stated:

**Eviction Notice**

We declare our sovereignty over this land. We declare our sovereignty over the resources that this fish farm endangers.  
We therefore serve notice to cease and desist your activities and to leave this area forthwith.  
Signed  
The T’Sou-ke Nation [T’Sou-ke Nation, Fred and Gloria Graham video 1998, received 2000]

The eviction notice at the MTTC flotilla was written on a four-by-eight piece of plywood and carried prominently on the front of a fishing skiff during the flotilla until it was officially posted. The wording of the MTTC eviction notice reproduced and expanded on the wordings of the previous eviction notices. It read:

**Eviction Notice**

Be it resolved that all fishfarms in the Broughton Archipelago be hereby notified that this is your formal notice to vacate immediately.
The Musgamagw Tsawataineuk people can no longer tolerate the threat to the environment and to their individual and collective well-being due to the environmental degradation caused by open-net-cage fishfarms within our territories. We have voiced our concerns about the impact to the food chain but no one has listened. To destroy our food chain is to destroy our way of life. To destroy a way of life is to destroy a people. Genocide is the ultimate result. [Musgamagw Tsawataineuk Tribal Council Chiefs, publicly posted eviction notice, June 21, 2000]

Each notice has echoed the technology of eviction notices forged under the aegis of the Canadian nation-state’s legal system. Served by Band Councilors, Tribal Council leaders, and Hereditary Chiefs (depending on the flotilla), the eviction notices form part of the rituals of state during the flotillas. Leaders of the hosting First Nation make official welcoming speeches and guests make official thanking speeches, all of which acknowledge the sovereignty of First Nations and their territorial claims. A public speaker at the T’Sou-ke flotilla congratulated Chief Cooper and the T’Sou-ke people “for having the moral fortitude to take this stance, to say that the jurisdiction of this land belongs to the T’Sou-ke people” (public speech in English by British Columbia Aboriginal Fisheries Commission official, Gloria and Fred Graham video 1998, received 2000). Although everyone present speaks English, some speeches at flotillas are made in the languages of the First Nations and then translated, further underscoring assertions of sovereignty, especially in light of the history of the federal government’s repeated attempts to eradicate the languages, cultural practices, and political systems of First Nations. First Nations’ songs are also an integral part of the official activities, and performances are sometimes brought as gifts between First Nations. These assertions of control over territory, including the use of First Nations’ languages and songs, are expressions and, more importantly, performatives of First Nation sovereignty. Westphalian sovereignty is contingent on mutually recognized sovereignty, while internal sovereignty is contingent of control of territory, resources, and people.

Judith Butler suggests that performatives are vehicles for exercises and counter-exercises of power that allow room for recognizing the role of agency, while also taking into account the ways that subjects and subject positions are constituted through disciplinary and regulatory technologies of power. Performatives anticipate, in the Althusserian sense of interpellation, their subject. Performatives contain elements of performance, theater, and ritual, but they are not simply expressive. Each performative instantiates what it enunciates, in part through careful adherence to rituals that confirm the authority of the assertions and the asserting parties. Butler argues that the chain of citationality is critical to the effectivity of both hegemonic and transgressive performatives, as for example the way that the string of eviction notices (re)defines who can evict (or permit) whom in First Nations’ territories. Performatives are productive and transformative, as
each new iteration either deepens the next exercise of power or reclaims, subverts, and even subversively parodies the current exercise of power through acts of transgression. Transgressive performatives rework the categories and meanings of hegemonic performatives (Butler 1997:2–7, 12, 14–16, 24–26, 44–52, 1999:171–190). The First Nations’ performatives of sovereignty challenge the authority of the provincial government to grant tenures and license salmon farming operations in First Nation territories, and they expose the contingency of the nations-state’s jurisdictional boundary-making projects.

At the same time and because of overarching and persistent processes of colonialism, First Nations leaders must sometimes work to enhance their own performatives of sovereignty by working through Canadian nation-state performatives of sovereignty, in particular through the legal system. For example, the Ahousaht First Nation forced the Blue Heron salmon farm, target of the Ahousaht First Nation’s first flotilla, to be moved by using mediated protests and the threat of legal action to discourage provincial government from renewing the farm’s operating license. In this instance, one performative of sovereignty did not countermand the other; rather, the two different performatives reinforced each other. The situation then drove the salmon farm company to pressure provincial government to grant the company a different tenure site, which it eventually got. The new tenure site was also located in Ahousaht territory, which was still objectionable from the Ahousaht Nation’s standpoint. Transgressive performatives of sovereignty require ceaseless engagement.

The Broughton Archipelago is a wellspring of vehement opposition to salmon farming from both First Nations and Settler society, as is Clayoquot Sound where Ahousaht Nation territory is located. One salmon farming corporation employee told me that First Nations’ objections, in conjunction with the other communities’ opposition, have been instrumental in bringing about the company’s decision to curtail plans to add tenures in the Broughton Archipelago.

**Sovereignty and Joint Ventures**

Further north up the coast, the Kitasoo/Xai’Xais and the Kitkatla Nations are engaged in joint ventures with salmon farming corporations. The Kitasoo/Xai’Xais joint venture with the Dutch multinational Nutreco, started in 1998, is touted as exemplary by industry and as being held to extremely high environmental standards (Greba 1999). The venture is exceptional in a number of ways, not least of all because the Kitasoo/Xai’Xais Nation retains substantial ownership and managerial control over the facilities. Officially announced in 2004, the Kitkatla Nation is joint venturing with the Norwegian company Pan Fish (Associated Press 2004; Carmichael 2004). These joint ventures also constitute First Nations’ performatives of sovereignty. In both cases, the Band Councils have negotiated the development of these businesses in their territories. Joint venturing with a First Nation is increasingly becoming necessary for corporations wanting to relocate or acquire new sea farm tenures in British Columbia because of relentless
public opposition to salmon farming and because of the growing strength of First Nations’ assertions of sovereignty.

Some individuals from First Nations have created fish farm vendor services, including businesses that construct, clean and repair nets, and/or haul fish. Other people have been hired as manual workers by the corporations. Some First Nations are using their fish plants to process salmon for the companies as subcontractors. More commonly, where there is some support within a First Nation for salmon farming, there is also dissent. Band Council leadership casts about for avenues for economic development in a climate of more than 85 percent unemployment in First Nations’ villages, and their people disagree about the potential impacts and risks that industrialized salmon farming might have on their ceremonial, subsistence, social, and commercial wild fisheries, clam beds, marine and coastal habitats, and their own human health.

In 2000, provincial government began quietly encouraging the corporations to convince a First Nation to let them locate new and relocated tenures in that First Nation’s territory. Industry representatives and environmental groups scrambled to convince First Nations people to act in one way or another, staging seminars and offering alliances. First Nations people may disagree among themselves over the short-term and long-term impacts and benefits of industrialized salmon farming, but all First Nations and their people assert their sovereign Title to their territories and their sovereign right to utilize, develop, and manage those habitats and resources in ways that they see fit.

**Sovereignty, Conservation, and Stewardship**

Representatives of provincial, federal, and First Nations governments and representatives from environmental groups and industries, including commercial fishing, agroforestry, salmon farming, and tourism, struggle with each other over what kinds of economic development and what kinds of governmental policies and regulations best define and advance “conservation” and “stewardship.” “Conservation” and “stewardship” also serve as condensation points for conflicting exercises of sovereign control over territory.

Increasing numbers of First Nations are developing their own resource management plans. For example, the Kitasoo/Xai’Xais Nation has a formal land management plan (Kitasoo/Xai’Xais Nation 2000), and they are working on a marine resource plan (http://www.kitasoo.org/fisheries/index-fisheries.html, accessed 4-3-05). The Heiltsuk Nation has a fisheries management plan (Heiltsuk Nation n.d.a) and its own fisheries research program (Cranmer 1995), as does the Kwakwaka’wakw Nation through its Kwakiutl Territorial Fisheries Commission (http://www.ktfc.net, accessed 4-3-05). The people from First Nations with whom I spoke indicated that they see their own planning and management exercises as useful on a number of fronts. The exercises generate valuable information about resources and habitats for First Nations leadership and people, and the findings
are the product of the particular First Nation, rather than the product of provincial and federal governments (see, for example, Heiltsuk Nation n.d.b). It is unlikely that First Nations’ resource assessment and management will entirely replace provincial and federal management regimes, given the historic and current configuration of political relationships in Canada.

Federal and provincial bureaucrats and representatives of First Nations also struggle over the application of technologies of power in which First Nations people are usually forced to inhabit the subaltern subject position. For example, one First Nations person explained to me how he and other individuals from First Nations often find themselves in court fighting to use their ceremonial and subsistence fishing stations, because they have been given citations for fisheries violations. He explained that they usually win these non-precedent-setting cases but they repeatedly get cited for violations.15 Another broader example concerns the contrast between the way in which First Nations have had to prove the legality of their Aboriginal Title and rights claims through a demonstration of uninterrupted habitation in their territories since pre-Contact, with the way in which First Nations people often find that their knowledge of fisheries resources, gathered through the practices of multiple generations as well as personal experience, is discounted as unscientific by provincial and federal bureaucrats. However, recent resource management efforts originating in the First Nations are challenging the nation-state’s bureaucrats to take better account of First Nations’ needs and wishes, particularly as First Nations’ data gathering and analytics become increasingly scientific.

From 1996 through mid-2001, the provincial government convened the Central Coast Land and Coastal Resource Management Plan (CCLCRMP)16 for the purpose of creating a strategic management plan for habitats and resources in the designated 4.8 million hectares of topographic area (http://srmwww.gov.bc.ca/cr/resource_mgmt/lrmp/cencoast/, accessed 4-3-05). The CCLCRMP planning process was built around the use of GIS (Geographical Information Systems) models, Excel spreadsheets, and participatory public workshops. Representatives of user groups, industries, and provincial, federal, and several First Nation governments participated.

The NDP government of the time intended that the entire province eventually be subjected to long-term planning through “stakeholder” (provincial government’s appellation) exercises. In conjunction with other surveillance mechanisms in the province, planning exercises draw upon and expand a growing computerized database for biological, economic, and cultural resources and resource use patterns. The history of these public planning exercises provides a record of the power relations that have caused resources to be developed and utilized in specific ways and not others. More importantly, the public planning exercises significantly add to the growing repertoire of surveillance technologies that are constitutive of social relations in the political, economic, and environmental conflicts over who can access, utilize, and manage resources and habitats in British Columbia.
Not all of the First Nations with territories located within the CCLCRMP area chose to participate in the public workshops. A person from one such First Nation explained to me that her First Nation was rejecting the CCLCRMP on the grounds that their participation would satisfy the provincial and federal governments’ mandate to consult her First Nation, while creating a vehicle for the bureaucrats to ignore her First Nation’s actual concerns and objections. During the public CCLCRMP, exclusive parallel planning processes were also held between various First Nations and the provincial and federal governments. However, several First Nations did elect to participate in the public planning workshops, which I observed for a number months beginning in late 1999.

During the CCLCRMP workshops, a point of conflict periodically arose between representatives of several First Nations and the provincial bureaucrats who were running the forum. First Nations representatives repeatedly asserted that regardless of the provincial government organizers’ assertions and actions to the contrary, First Nations were not participating in the workshops as “stakeholders” of the provincial government; they were participating as sovereign governments. First Nations representatives asserted that the First Nations held Aboriginal Title, a form of Title that precedes the Title claims staked by the Canadian nation-state. First Nations representatives pointed out that the Canadian nation-state has acknowledged Aboriginal Title through its Constitution and its Supreme Court decisions. First Nations representatives asserted that their participation in the CCLCRMP was government-to-government, pointing to the Memorandums of Understanding and Agreement between their Band Councils and the nation-state government as supporting evidence. First Nations representatives treat these memorandums as instantiating a Westphalian form of sovereignty, as well as legal sovereignty. While perhaps not everyone representing the provincial and federal governments sees these memorandums through the lens of Westphalian sovereignty, the memorandums did effectively serve as fulcrums for negotiating quotidian interactions during the CCLCRMP and for negotiating the contents of the accruing pile of habitat and resource planning decisions. The memorandums are made more potent because both provincial and federal bureaucrats are increasingly required to work with, rather than over the top of, First Nations.

First Nations representatives and provincial bureaucrats alike clearly understood how the category of “stakeholder” hierarchically subordinates stakeholders in “participatory” processes to the organizer (in this case the provincial government). The convener is positioned to act as the expert facilitator situated apart and over the other participants in the forum. Stakeholder processes are not entirely top-down in that the organizer has to convince a critical mass of participants to stay the course, but neither are these kinds of participatory exercises an entirely level playing field.

Some First Nations representatives openly objected to being forced to either participate in the CCLCRMP or forgo any say in the ways in which resources and
habitats in their territories would be zoned for future development and consumption. They also refused to acquiesce to a subject positioning (stakeholder) that compromised their sovereignty, a refusal that both expresses and enacts First Nation sovereignty. The Heiltsuk Nation website states this very succinctly:

The Heiltsuk Tribal council is participating in the Central Coast Land and Coastal Resource Management Plan, known as the LCRMP .... The process is not what the Heiltsuk Tribal council wants. When we objected to this process we were told it would happen with or without our participation. The Council decided to participate in this process to safeguard Heiltsuk interests in Heiltsuk lands. We feel that we are in this process under duress (we have been forced to participate to look after our land).

The LCRMP process is proceeding as if there were no Land Question in British Columbia. We are told that matters related to aboriginal title and rights will be dealt with in the Treaty Process. The trouble with this is that while the Treaty process is going on, the LCRMP process will begin and end .... It is thought that we can influence the planning and learn what the government and industry is planning in our lands while at the table. We are also receiving information and have a chance to do some research regarding our lands .... The Heiltsuk have never surrendered their aboriginal title to anyone. We maintain title to all of our lands. [Heiltsuk Nation n.d.b]

Among other specific developments in their territory, the Heiltsuk Nation objects to the presence of all industrialized fish farming installations, including a hatchery facility in Laiq (Ocean Falls), an old Heiltsuk village, and a state park about which they were not consulted.

While the federal, provincial, and First Nations representatives came to CCLCRMP as representatives of governments, the “stakeholders” were also an important component of the planning exercise. First Nations representatives at the CCLCRMP not only had to remind the bureaucrats that the habitats and resources being sorted and repackaged for future consumption belonged to specific First Nations but also regularly found themselves (very politely) pointing out the same thing to participants from recreational user groups, industries, and environmental groups. Representing one’s group’s interests as an “industry” was the way in which many “stakeholders” could and did most effectively press their claims during the CCLCRMP. Environmentalists, although arguably a vocational calling for many people who follow this career path, are in the business of speaking for the “stake” of the nonhuman species. Stakeholders made a conscious effort to respect First Nations’ sovereignty, but the exercise of power is not solely about or simply reducible to individuals’ intentions, as the following examples illustrate.

At CCLCRMP, the environmentalists worked to achieve their goals of protecting and conserving resources and habitats in part through the establishment of
forestry practice codes, parks, marine reserves, and other landscaping vehicles. At one CCLCRMP workshop, one First Nation representative publicly speaking for his First Nation stated that he could agree with the environmentalists’ assertions, but only up to a point. He could agree on the philosophical point that conservation and sustainable activities are desirable, but his First Nation could not necessarily agree with all of the ways that environmentalists and outdoor recreationists were seeking to materialize their philosophical points. He asserted that his First Nation disagreed with the creation and expansion of public parks in the territory of his First Nation, as an example of his point. At another workshop, another First Nation representative was direct about the fact that if money was going to be made in his First Nation’s territory, they wanted a first cut rather than a leftover share as has generally been the way in which money in the province comes to First Nations.

The case of the development of the sport fishing industry also illuminates the lattice of economic and political relations that bind “tactics that are often quite explicit at the restricted level where they are inscribed (the local cynicisms of power)” (Foucault 1990:95) to encompassing strategies of power. Like all of the other industries represented at CCLCRMP workshops, sport fishing’s future was on the chopping block. Sport fishing guides take visitors on US$250- to US$350-a-day instructional fly-fishing excursions or on less expensive party boat fishing excursions. Excepting some of the lodges, many fishing guide services are not huge moneymaking enterprises like agroforestry or industrialized salmon farming operations, but they can support a family. A sport fishing guide from Settler society made a formal presentation about his industry at one CCLCRMP workshop, and representatives from outdoor recreation and tour service industries attended the workshops as stakeholders in order to argue for their stake in the resource pie. The sport fishing industry in British Columbia is dominated by businesses owned by members of Settler society. All of the lands, rivers, and coastal margins and much of the seascape in British Columbia are claimed as territory by at least one First Nation, and most treaty negotiations and the lands question remain unresolved, as the Heiltsuk web page above so eloquently argues. Thus, almost all sport fishing excursions are in the territory of a First Nation, even if that First Nation cannot control other people’s access and use of its territory.

Even when an individual from a First Nation sets up sport fishing guide service, tourists, including foreign tourists (Americans are an important segment of the customers), generally gravitate toward the guide services owned by members of Settler society. American tourists have on occasion described to me their discomfort when they witness racist behavior that their Settler society guides sometimes direct toward First Nations people, especially when a First Nation person attempts to collect a fee for river access or a boat anchorage. I noticed that while Americans may subsequently gravitate to another provider, they continue to patronize services owned by members of Settler society rather than seek out operations owned by First Nations people. In addition to rejecting some kinds of
businesses entirely, First Nations representatives at the CCLCRMP and in interviews objected to the further development of the kinds of businesses that First Nations people are excluded from creating, when they wish to do so.

Intertwined performatives of sovereignty by representatives of First Nations and representatives of the nation-state are reconfiguring the overarching strategies of power that permeate and structure quotidian life for people from First Nations in British Columbia. First Nations’ engagement in treaty negotiations and the success of the precedent-setting cases, including the Sparrow and Delgamuukw decisions, have enhanced First Nations’ extrajuridical and extralegal assertions of sovereignty. In turn, the flotillas, evictions, the language of “sovereign” versus “stakeholder,” and assertions of control over development projects and resource management regimes are shaping the ways in which the representatives of provincial and federal government can conduct their performatives of nation-state sovereignty. But transgressive performatives of sovereignty remain a constant engagement for First Nations people. Ceaseless engagement is not an easy task. The numerous inscriptions of the “local cynicism of power” (Foucault 1990:95) are reinforced by and resonate with overarching strategies of racist and colonial relations, further perpetuating many small and grand violences in the daily lives of most First Nations people in British Columbia.

Notes

1. The Canadian government deploys the category Aboriginal Peoples to designate Inuit, Métis, and First Nations peoples, who are also called Indians and Natives, terms which can be controversial. First Nations is not a legal term (http://www.fnmr.gov.sk.ca/glossary.htm, accessed April 4, 2005). However, First Nations is the term that the people with whom I spoke requested that I use. My analysis focuses on federally recognized or “status” reserve communities.

2. Field research was supported by the University of California Pacific Rim Research Program. I thank Annelise Riles and the anonymous PoLAR reviewers for their suggestions. Rosemary Coombe read an early version of this article in which I had developed my analytical framework calling these “performances that instantiated sovereignty.” Coombe suggested that I call them performatives and directed me to the collection edited by Parker and Sedgwick (1995).

3. Following Maurer (1998), my position is that sovereignty is not a right or an attribute; rather sovereignty is a social and historically constituted end-effect of exercises of power, in the sense that Foucault uses the notion of an effect to describe juridical order and the state. These end-effects are the result of tactical exercises of force by people positioned as dominant subjects and counter-exercises of resistance by people positioned as subaltern subjects, and the result of nonsubjective exercises of power wherein discourses and technologies
of power position people as either dominant or subaltern subjects. Foucault argues that end-effects, rather than being a source of power, are the result of multitudes of tactical and nonsubjective operations of power occurring throughout the social landscape (Foucault 1990:94, 98–99, 1991, 1995).


5. Lee summarizes Austin’s three forms of speech acts as (1) constative or locomotionary speech acts, which are descriptive statements or the “act of saying something,” (2) illocutionary speech acts, which are “what we do in the act of saying something,” and (3) perlocutionary speech acts, which are “what we do by saying something, the effect the performance of the speech act has upon the speaker, hearer, audience, or other persons” (Lee 1997:21, his emphasis).


8. I use the term Settler society to encompass the many waves of immigrants flowing into North America since the late 1400s, many of whom have contributed to the colonial domination of First Nations people, resources, and territories. First Nations people assert that they have lived in their lands since time immemorial, whereas the Settlers’ arrivals are historically documented.


10. Instigated in 1996, National Aboriginal Day, June 21, is part of the national multicultural “Celebrate Canada!” holidays, but it is not a legal holiday (http://www.pch.gc.ca/special/canada/index_e.cfm, site accessed April 3, 2005).

11. Valaskakis (1994) observes that in mainstream media representations since Oka, the notion of “warriors” has become a reductive, militarized category that fails to capture the historically specific and varied meanings of “warrior” within and among different First Nations.


13. Blomley (1996) traces the history of First Nations’ blockades in British Columbia between 1984 and 1995. Most of these blockades were stationed
either at the borders or inside of reserves. Blomley stresses the linkages between the blockades, First Nations’ territorial claims, expropriation of lands and resources by the Canadian government and corporations, and the complex issue of determining who exactly is trespassing. He also points out that the category “blockade” homogenizes a complex field of different kinds of political actions.

14. I thank the anonymous PoLAR reviewer for suggesting that I situate the flotillas in the context of these other events.

15. Nesper (2002) discusses the difficulties faced by Ojibwe Nation persons utilizing their treaty-protected rights to spearfish off-reservation in Wisconsin, and the political conflicts over how “traditional” usages are defined and by whom. See also Valaskakis (1993, 1994) and Obomsawin (2002).

16. The provincial (Land Use Coordination Office) and the Canadian (Department of Fisheries and Oceans) governments were responsible for coordinating the coastal component of the plan.

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