

# The Dominion of Canada: Recent Literature on Indigenous Peoples and Resource Management

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## REVIEW ESSAYS/NOTES CRITIQUES

### The Dominion of Canada: Recent Literature on Indigenous Peoples and Resource Management

JOHN A. WAS A DISAPPOINTED MAN. The Colonial Office refused to designate the country he had helped create a “Kingdom” – as officials regarded it as somewhat pretentious – and instead made Canada a dominion. Macdonald’s dreams of nation aside, time has proved the aptness of Whitehall’s choice. Within the space of a year, three books have appeared from UBC Press exploring how the Canadian state established “dominion over the fish of the sea, the birds of the sky, . . . and over every creeping thing that creeps on the earth.”<sup>1</sup>

John Sandlos’s *Hunters at the Margins* (Vancouver, BC: UBC Press, 2007) and Peter Kulchyski and Frank James Tester’s *Kiujamut (Talking Back)* (Vancouver, BC: UBC Press, 2007) both examine the rationales, strategies, and impacts of game management in northern and arctic Canada to 1970, when Ottawa ceded control over wildlife to the government of the Northwest Territories. Rejecting the idea that “the pioneers of wildlife management were laudatory individuals,” both books make the case that conservation amounted to little more than “institutionalized social control over indigenous peoples” (Kulchyski and Tester, 24, and Sandlos, 192). Douglas C. Harris’s *Landing Native Fisheries* (Vancouver, BC: UBC Press, 2008) takes readers to the far west, analyzing how fish, or more precisely access to fisheries, was central to British Columbia’s reserve system, established between 1849 and 1925. Even as reserves were being laid out, however, the Department of Fisheries worked to sever the connection between land and fish, insisting the resource be managed to open access for newcomers and thus marginalizing Indigenous peoples further. Grounded in a close reading of the archival and published record, these books make important empirical and analytical contributions to the literature in Aboriginal, legal, and environmental history. Of course, like every book, each has its virtues and shortcomings. I leave those to other reviewers to detail. Instead, what interests me is the arguments they make when read together.

Despite their differing subject matter – bison, musk-ox, caribou, and polar bears versus salmon; hunting versus fishing; the Northwest Territories versus British Columbia; and “Eskimos” versus “Indians” – as well as the divergent disciplinary backgrounds of the authors, the books make complementary and reinforcing arguments about the contradictory character of resource conservation and the multiple purposes it served, its role in colonizing Canada, and the nature of state power.<sup>2</sup>

Two contradictory impulses animated conservation policy in the Northwest Territories and British Columbia: the desire to protect species by limiting human predation and the desire to increase species’ productivity through a regime of

1 Genesis 1:26

2 None were trained as historians, but come from environmental studies (Sandlos), political science and Native studies (Kulchyski), social work (Tester), and law (Harris).

regulation and management that commercialized their reproductive potential. Nowhere was this more evident than in the case of bison. Sandlos details how the creatures were saved from extinction and established in national parks dedicated to their protection, only to be rounded up and slaughtered in abattoirs when their numbers grew – all for the purposes of supplying protein to northern tables short on fresh meat and cashing in on the market in the south for “exotic” food. Ottawa envisaged a similar fate for the shaggy musk-ox. Rebranding it as the “polar-ox,” federal bureaucrats hoped to appeal to sensitive southern tastes that might have recoiled at anything as earthy as a *musk-ox*. The 1919 Royal Commission investigated the possibilities of turning the north into a new old west, making the “arctic prairies” Ernest Thompson Seton wrote about a reality.

Striking the right balance between preservation and production was the key to maintaining the “wild” in wildlife. But it was not the only one that northern bureaucrats and field officers had to strike. As Sandlos and Kulchyski and Tester argue, protection had to be weighed against pauperization, particularly in environments as harsh as the north: game management policy had to give Aboriginal peoples enough access to game animals so they would not resort to welfare, but not so much that they depleted the resource. Amendments to the Northwest Game Act during the 20th century regarding the legality of killing animals in cases of human starvation reflected the calibrations that were made in response to shifting perceptions of Indigenous privation and animal populations that circulated both within the northern service and among the public (thanks to *The Beaver* magazine and Farley Mowat).

In British Columbia the “Indian food fishery” was Ottawa’s way of meeting its obligations to both fish and people. As Harris shows, after BC joined Confederation in 1871 and an industrial fishery established itself, Native peoples’ right to fish was rapidly eroded. By 1925, what was an unencumbered right had become a severely limited opportunity: they could fish for their own tables, but not sale, and only for certain species at certain times using certain gear and holding certain permits. In both the north and far west, the Aboriginal right to hunt and fish was transformed into a gift of the Crown, bestowed at the pleasure of its officers to the “deserving.”

While northern Natives sometimes complained that Ottawa cared more about bison and beaver than people, resource management was not always about protecting the finned, the feathered, and the furred from being exterminated. When it came to British Columbia’s fisheries, conservation was not motivated out of fears of scarcity as it was in the north. Instead, fisheries policy in the late-19th and the early-20th centuries was aimed at reallocating the resource to users who would capitalize on it: namely, the cannery owners, whose operations would create jobs, attract white settlement, and contribute to the economic growth of the province. In other words, fisheries policy was a matter of conserving fish for a particular sub-species of two-leggeds – Anglo-Canadians (preferably those with deep pockets).

Fisheries regulation in British Columbia is the clearest example of how resource management colonized Indigenous peoples, depriving them of an important food source and the economic basis on which to survive and compete in the new, settler-dominated province. This loss takes on even greater significance, however, when it is placed in the context of British Columbia’s unique reserve geography. Harris argues that the province’s reserve system, characterized as it is by thousands of postage

stamp-sized plots of land, was premised on giving Native peoples access to the fishery. Successive reserve commissions set aside places where Aboriginal peoples set drift nets or weirs, dried fish, or camped to carry out the fishery. Of the 1500 reserves laid out between 1849 and 1925, almost half were linked to fisheries (Harris, 187). As Aboriginal peoples' right to fish was eroded in response to pressure from cannery operators and white settlers in the first decades of the 20th century, the purpose of the postage stamp-sized reserve plots was undercut, leaving Aboriginal peoples with little means of subsistence – much less a place from which to participate in the commercial fishery.

While game management in the Northwest Territories did not go hand-in-hand with containing Indigenous peoples on reserves in the Northwest Territories, it nonetheless did the work of colonization. Instead of creating reserves for people, the federal government set aside ones for animals. By establishing a series of national parks and preserves, as well as laws limiting hunting, Ottawa denied Natives access to wildlife, diminishing their ability to live independently on the land. In addition to protecting species like the bison, musk-ox, and caribou, places like Wood Buffalo National Park and the Arctic Islands Game Preserve were meant to force Indigenous peoples to forge a new relationship with nature: they and their dogs were to eat different food (fish and marine mammals rather than caribou) and earn a living in the wage economy, perhaps working on the DEW line or in mining, or by commercializing their environmental knowledge and taking jobs as hunting guides for wealthy Americans who wanted to bag a trophy musk-ox. Ultimately, game management in the Northwest Territories was part of the process of “rehabilitating” Indigenous peoples – getting them off the land and into permanent settlements by eroding their subsistence.<sup>3</sup>

Getting the Inuit off the land had unintended consequences. As Kulchyski and Tester demonstrate, living together allowed the Inuit to organize politically, as communities rather than family groups, and to forge a pan-Inuit identity that would eventually lead to the creation of Nunavut. Baker Lake's Eskimo Council of the late 1950s is the best-documented instance of Inuit peoples taking the state to task about issues ranging from game regulations to family allowance payments, child welfare, naming practices, and small business development. In the process, they revealed themselves to be “clearly engaged in and enthusiastic about forms of democratic decision making” as they adapted it to traditional forms of governance (236). The experiment at Baker Lake and the concurrent practice of petitioning for their rights were “generative moments in the construction of a broader movement for Inuit governance of Inuit affairs” – moments brought about in part, and ironically, by their colonization (239).

The unintended consequences of resource management in the Northwest Territories are just some of the lessons imparted by these authors about the nature of state power and the authority with which it was exercised. All three books make the case that state power was neither monolithic nor consistent: the Department of Northern Affairs was often at odds with the RCMP and their colleagues at Indian

3 See Tester and Kulchyski for a discussion of some of the “rehabilitation” projects the federal government designed and implemented for the Inuit.

Affairs. In British Columbia, Indian Affairs and Fisheries – two arms of the federal government – found themselves at loggerheads over the Aboriginal right to fish, a situation that was further complicated by the province's refusal to settle the land question through the treaty process. There are good guys and bad guys, whose hats did not necessarily match their race. Judge John Sissons looms large as an important advocate for Inuit rights as does northern service Officer Doug Wilkinson, who helped establish Baker Lake's Eskimo Council. In British Columbia, reserve commissioners Gilbert Malcolm Sproat and Peter O'Reilly come across as "colonizers who eventually listened."<sup>4</sup> Conversely, the blackest hats are reserved for John Kelsall, the Canadian Wildlife Service (CWS) scientist whose work on caribou populations justified an assault on Inuit hunting practices, and W.F. Whitcher, the head of the federal Department of Fisheries, who used the common law doctrine of the public right to fish to deny Aboriginal peoples special access to the fishery while allowing just that for cannery operators.

Despite the blatant disregard for Aboriginal rights or even, occasionally, consistency, "the state" (if we can still refer to it as a single entity) was concerned enough about the exercise of its power to cloak it with the authoritative mantle of science or, if possible, with the consent of those it sought to govern. Numbers and the scientific surveys that generated them were central to the development and justification of the severe limits the state placed, for instance, on hunting caribou. Dissecting both the techniques the CWS used to determine population size as well as the assumptions underlying its explanations for the severe decline, Kulchyski and Tester conclude the restrictions imposed on Inuit hunting were based on bad science. Indeed they go further, arguing that "racist and ethnocentric assumptions drove much of the science of game management and the development of state policy" (18). The work of biologists A.W.F. Banfield and especially John Kelsall perpetuated the longstanding prejudice against Indigenous hunting as "wanton slaughter" and entrenched the notion of caribou scarcity. Even in the face of studies carried out by its own scientists suggesting that caribou populations might be growing, not crashing, the CWS continued to believe there was a demographic emergency in the north. It seems that the "caribou crisis" was too valuable as a tool of colonization to give up.

In British Columbia, the state also sought to legitimize its exercise of power – not with science, but by securing the consent of their "wards." As Harris indicates, even though the federal government had managed to circumvent the provisions of the Indian Act requiring the agreement of Aboriginal peoples to make any changes to reserve size, it nevertheless sought to legitimize its actions by consulting with prominent Native people. In 1920, it named three prominent Aboriginal leaders and activists, all committed to the recognition of Native title and fishing rights, as advisors to the royal commission charged with implementing the McKenna-McBride report, an investigation into British Columbia's reserve system. When British Columbia balked at the suggestions of this advisory committee, the federal government persisted in trying to secure Aboriginal consent, calling meetings with Native leaders in 1923. In the end their attempts failed, and the reserve cut-offs were implemented anyway.

4 Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver, BC: UBC Press, 2002), v.

Nonetheless, the gesture is significant for it speaks to a degree of self-consciousness on the part of a liberal democratic state about the limits of its power, even when dealing with individuals who had no vote and little other political influence.

As was the case in so many places around the world, managing Canada's natural resources was also a means of managing its peoples and shaping patterns of settlement. While Natives and newcomers alike were targeted, Indigenous peoples bore the brunt of the progressive concern for fish and wildlife that developed in North America during the 19th and 20th centuries. As both an ideology and a concrete set of laws and policies, conservation did the work of dominion, recapitulating one of the oldest and broadest patterns of human history – the marginalization of hunter-gatherers at the hands of farmers.<sup>5</sup>

Despite the first prime minister's insistence, Canada was not a kingdom: it was a nation-state established in part by its dominion over nature and, through it, over the country's original inhabitants. The Canadian state used a variety of tools to establish control from sea to sea, simultaneously coercing and cajoling Indigenous peoples with everything from statute books to comic books. The contradictory nature of its policies, the contrary positions of its agents, and the resistance of Indigenous peoples themselves meant that dominion was never absolute. In those spaces of uncertainty lay the possibility for other futures: possibilities that were only manifested, as Nunavut was, by speaking truth to power – by talking back.

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5 See Hugh Brody, *The Other Side of Eden* (London: Faber and Faber, 2001) and Jared Diamond, *Guns, Germs, and Steel* (New York: W.W. Norton, 1997).