

Straining A Gnat But Swallowing A Camel: Policing First Nation Fishers In Northern Saskatchewan

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THE HEADLINE, “Sask. government launches 16-month undercover sting to catch First Nations man illegally selling \$90 worth of fish. Seriously,”¹ caught my attention. It was one of those things that sounded so preposterous, you just had to shake your head. What a colossal waste of time and money! Flying, even driving, in and out of the North for over a year like a pretend James Bond on some secret mission cannot be cheap. And to what end? To charge a First Nation fisherman in northern Saskatchewan for selling less than a hundred dollars worth of fish without a license.

The old proverb of straining a gnat but swallowing a camel came immediately to mind. The proverb illustrates the hypocrisy of authorities proudly choosing to enforce the smallest of rules, and making it look like a major crime while overlooking much bigger issues. The over-investment in the surveillance of a single First Nations man is obvious here.

First Nation fishers know their lakes and their people. They know how to protect its resources. It is their home and way of life.

How did this disempowerment of northern First Nations over their own livelihood happen? One place to look is the federal 1930 Natural Resources Transfer Agreement. The federal government used the NRTA legislation to unilaterally transfer jurisdiction over the Crown lands and resources they acquired in 1870 from the Hudson Bay Company to the prairie provinces, including Saskatchewan. This law provided a means for the provinces to regulate the traditional economic industries of fishers and trappers, sometimes leading to unnecessary harassment and criminalization by conservation officers. As a northerner, I can remember stories passed down in my community about the conservation officers in the 1940s and 1950s, flying to the traplines in their planes in an attempt to catch people trapping without provincial licenses. If and when they did, the officers confiscated Indigenous peoples’ furs, traps, guns and whatever else they could find.

There was even a story where one officer raided a trapline cabin, looking everywhere for fur pelts. Finding none, he zoomed away in his plane. But lo and behold, an elderly lady had outwitted that particular guy by hiding the few pelts she was using for moccasins. In short, the NRTA had terrible effects on northern Indigenous people. It was literally economic colonization. First Nations still believe this 1930 unilateral transfer was illegitimate and still resent outsiders making decisions in Regina and Ottawa without them.

Many governance questions continue surrounding the “David and Goliath” power relations between government agents and Indigenous people and growing Indigenous concerns over government and judicial accountability.

Who polices the state authorities and their conservation officers? What is occurring with stakeholder engagement? Are there not bigger conservation issues to monitor with as much scrutiny as they did in this fishing case, like protecting the lakes, rivers, and animals from industrial and mining activities?

Political authorities, civil servants, including conservation officers and the courts, need to learn to engage with and work respectfully with northern First Nations and Métis.

The increasing militarization of enforcement areas in Saskatchewan is disturbing. As of 2017, even conservation officers in northern Saskatchewan can now do police work and carry assault guns.² Northern Saskatchewan First Nations and Métis now face a higher risk of injustice immersed as they are in their land-based cultures of hunting, trapping and commercial fishing. This increasing government culture of over-enforcement has taken place against the backdrop of the fatal shooting of Colten Boushie, a 22-year old First Nation man in the Biggar area who was killed by a white farmer who was later acquitted of second-degree murder.³ The trial of Gerald Stanley in this case brought out pro-gun and pro-property protection citizen groups from rural Saskatchewan.⁴ The cost of fishing may get even higher.

It is no wonder First Nations people do not truly trust the governments and courts. Studies have shown that the Indigenous political culture is already highly suspicious of governments and anger over their unilateral decisions about the north. Feelings of northern alienation have been growing over the years.⁵

The civil service can do better. Where co-management is strong, particularly in the territorial North, there are abundant signs of real and meaningful collaboration and environmental partnership. First Nations and Métis can once again manage and co-manage the natural resources in their areas. But to fully respect this, conservation officers need enhanced training in working with northern First Nations and Métis people. The Saskatchewan Ministry of Environment and even the Saskatchewan justice system also need to better understand First Nations’ way of life in the north and find more respectful ways to work with them. Ignoring their Treaty and Aboriginal rights will not work.

ENDNOTES

¹Faris Nick. (2019, January 24) “Saskatchewan Launches 16-month undercover sting to catch First Nations man illegally selling \$90 worth of fish. Seriously.” National Post. Toronto, ON.

²CBC News. Saskatchewan. (2019, January 23). Sask. seals deals to equip conservation officers with carbines. Ministry of Environment spends more than \$645K on ammunition, rifles. TO, Ontario

³Latimer Kendall. (Mar 18,2018). “Reconciliation amid racism: Is it Possible on the Prairies?” CBC News. SK.

⁴Joe Friesen. (January 28, 2018). “Trial begins for death of Colten Boushie, a killing that exposed racial divide in Saskatchewan.” The Globe and Mail. <https://www.theglobeandmail.com/news/national/trial-begins-for-death-of-colten-boushie-a-killing-that-exposed-racial-divide-in-saskatchewan/article37763962/>

⁵Beatty Bonita, Kelton Doraty (RA), Merritt Kocdag (RA), Sara Waldbillig (RA), Dana Carriere (RA), Loleen Berdahl, Greg Poelzer. 2013. Northern Voices: A Look Inside Political Attitudes and Behaviours in Northern Saskatchewan: Northern Aboriginal Political Culture Study. SSHRC, UofS/ICNGD. 2013