

## The Métis in the 21<sup>st</sup> Century Conference

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Saskatoon

Day 2 – Tape 6

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**Lisa Weber:** So the settlement communities would evolve, say, from 1938 is when the legislation was first established, or enacted, sorry. They basically operated for, well, they're still operating, but I'm making the point, the period of time I'm talking to you about right now is till about 1969. They, they grew to be more capable, more confident. We're dealing with industry, better jobs, better education, just basically improving their well-being. But as this happened, and not surprisingly of course, the, the leadership and the community members became more aware of their, their capabilities and more confident in taking those issues forward.

And in addition to that, they're becoming more aware of their legal relationship with the province, and in particular—I've got a slide up here, it's the Métis Population Betterment Trust. Now that trust fund would, was established pursuant to ministerial order under the *Métis Population Betterment Act* and that trust fund provided that any resource development that occurred on settlement lands, that money would be put into a special trust fund for the betterment of the settlement Métis. There was litigation following a few years later in regards to that, because what the settlements alleged was happening is that that funding was actually going directly to the general revenue of the province. So that action was *Poitras*. Before they brought this action, settlement councils would, there's history that they were all along, they had always been consulting with and were involved with the Métis Association of Alberta. But in particular, it's important that at this stage they consulted very closely with the MAA, who were also involved as a political voice for the general Métis in the province. They consulted with them and said, "Okay, what do we do to address this?" So, with their assistance, with the, the Association's assistance, an action was brought in the name of

one of the individual members of the settlement. So it was Richard Poitras, on behalf of all the members, they were suing the province for mismanagement of the trust monies.

That matter, this, this judgement that I've cited here is actually a, or this case, rather, is,—okay, I'll hurry. Five minutes, I'm not even there yet. This action, just some procedural points. The Crown argued as part of its, its decision, but this was not the, the ultimate. This, this wasn't the deciding factor, but one of the arguments that had been raised by the Crown, was that the MAA did not represent the settlements, so the settlement councils were aware that that was going to be an argument at some point. (I'm gonna skip ahead here.)

They brought the action again in 1977, this time in the name of one of the settlement's associations. This is a very significant point that that action originally, when it was first started, it was started on basis of just claiming mismanagement. It was subsequently amended to include a claim to unextinguished Métis Aboriginal title and breach of fiduciary obligation. So, during this time, the Federation, which was the Federation of all the eight Métis settlements, they were through this period, building, if you will, their or, yeah, building, building their efforts. I suppose, seeking the empowerment of the settlements, really, is what it was all about. 1977, they had the new claim. In the 1980s, they were advocating with the province to recognize their capacity to govern themselves.

So during this whole process there are sort of two parallels going on. You have the statement of claim, and you also have, at this time, legislative reform going on with the province. On the federal level, at this time, we've heard talk about the First Minister's conferences that were going on. The settle, the Federation, rather, published *Métisism*, which was its position on Métis Aboriginal rights. In regards to this, the court case in 1990, the Accord was settled. It included 310 million dollars to be paid out to the settlement's general council over a period of seventeen years, which concludes in 2007. Fee simple title was transferred to the general council of 1.24 million acre-, hectares; involved the commitment to provincial legislation, which would

facilitate local self-government; invoked the stay of the legal action and the, the, the whole deal was passed by referendum vote.

In my experience, that has all the characteristics of a modern claim. All of them. This is one of the acts that was passed as part of the Accord. And I wanted to point this particular act out because it was proposed that the settlement's lands would be constitutionally protected in the, in the Constitution of Canada, and that, that sounds very good, and it is very good because that would mean it has protection, ultimate protection. It could never be revoked by the province.

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