

THE METIS :
HISTORICAL AND CONTEMPORARY ISSUES

May 15, 1985

I. THE ORIGINS OF THE METIS

- The Metis were the children of the fur trade, the offspring of European traders and Indian women.

- In Central and Eastern Canada, these children were usually either absorbed into the Indian or into the White community.

- In the Northwest and in Rupertsland where the fur trade was a consistent economic mainstay for over 200 years, European traders and workers often established homes for their Indian wives and children separate from the Indian Tribes.

- The result was the gradual emergence of a new cultural group of people, the "Bois Brule", later known as "Metis" and "halfbreeds".

- By late 1790, these people were numerous and constituted a separate and distinct people from the Indians and Europeans.

- They became the middle class in the Northwest economy. They were the middlemen between the elite managers of the fur companies and the Indians who were the gatherers of furs.

- The Metis worked as traders, freighters, small merchants, tradesmen, para-military and some became professionals.

- By the early 1800's, they began to see themselves as a distinct Nation of people.

2. METIS NATIONAL RIGHTS

- The concept of Nationhood of necessity involves the idea of rights.

- The Metis were of the view that they shared certain rights with the Indians and that they had other rights which were theirs as national rights. These included:

° the right to share the land and all of its resources with the other inhabitants;

° the right to claim a plot of land for their own use provided that it had not been claimed by someone else;

° the right to freedom of movement;

° the right to govern themselves in their own communities;

° the right to carry on free trade without the interference of the fur companies;

° the right to their own language, customs and laws;

° the right to protect their land and life style against intruders.

- As a result of developments in the Northwest after 1800, many Metis migrated to the Red River. By 1870, there were approximately 12,000 Metis in the Red River.

- They comprised 80 to 85% of the population of the Red River.

- There were an equal number of Metis scattered throughout the Northwest in many smaller communities.

- They were active in government, established on river farms and key participants in the Buffalo Hunt, the fur trade and the freighting of supplies and furs.

3. LANDS IN MANITOBA

- In 1869, Britain decided to transfer its Colonies, Rupertsland and the Northwest Territories, to Canada.

- The local people had not been consulted about the proposed transfer.

- They feared for the loss of their lands, for their loss of influence in the government of the Red River and the loss of their culture and life style.

- The result was that they formed a popular resistance movement which acted to exclude the Canadian officials and prevent the transfer.

- They demanded that their right to land, self-government and to their cultural life style be guaranteed by Canada before the transfer took place.

- The result was the Bill of Rights, the negotiations in Ottawa and the Manitoba Act of 1870.

- The Metis believed that the rights provided for in the Manitoba Act, a constitutional Act, assured them of the rights they sought.

4. THE NORTHWEST SCRIP ISSUE

- The issue of land, self-government and cultural rights continued to be a concern of the Metis outside of Manitoba after 1870.

- Numerous petitions were forwarded to the Government of Canada between 1873 and 1885 requesting the guarantee of these rights.

- These petitions were supported by government officials, the Church and other prominent Northwest citizens.

- The government not only did not act on the petitions but failed to respond to them.

- The concerns of the Metis for their land rights, plus the uncertain economic circumstances in the Northwest, led directly to the Northwest Uprising.

- Following the 1885 Uprising, the government distributed money and land Scrip to Metis who qualified.

- Heads of families were entitled to 160 acres of land and children to 240 acres.

- The result was large-scale speculation by Banks, other financial institutions and private speculators in Scrip.

- Ninety (90) percent of the Scrip ended up in the hands of these speculators. The Metis gradually sold their entitlement or Scrip for a small fraction of its value.

- Reasons for selling Scrip varied from the need for funds, to the fact that Scrip could not be used in some of the areas where people lived.

- Also, much Scrip was obtained fraudulently by agents misrepresenting documents they had the Metis sign which appointed them as their agents.

- The result was that most Metis were left landless and poverty-stricken.

5. THE PERIOD AFTER 1885

- Following 1885 and the defeat of the Metis at Batoche, the people in the south lived in constant poverty.

- Some did some marginal farming, others worked at casual and seasonal jobs.

- These jobs included work as farm laborers, stone pickers, gathering buffalo bones, clearing brush, work on the new railway system, etc.

- Many lived on road allowances or squatted on Crown land. Welfare was in the form of rations such as pork belly, beans and flour.

- Others moved into the northern forests of the prairies to join the Metis already there. These persons fared better by continuing the old fur trade economy and by supplementing this income with fish, game, garden and domestic animal produce.

- In the south, the situation of the Metis became desperate during the Depression of the 1930's.

- Casual and seasonal work became scarce. Available Crown land was taken up by settlers and Metis squatters were forced to move.

- Municipalities could no longer afford to provide welfare. The situation of the Metis became desperate and starvation faced many.

6. THE NOONAN-HODGES STUDY ON METIS RIGHTS

- As a result of their desperate situation, the Metis began to organize with the assistance of the Saskatchewan Historical Society.

- The Saskatchewan Metis Society was formed and in 1939 they adopted a Resolution to petition the Provincial Government for assistance in pursuing their land rights.

- The Province made a grant of \$10,000 to the Society; \$8,000 to be used for the study and \$2,000 for follow-up lobbying with the Government of Canada.

- A Regina legal firm, Noonan and Hodges, was retained to undertake the legal-historical research. They received extensive help from Zach Hamilton, Secretary of the Historical Society.

- In 1944, the report was tabled in the Provincial Legislature. The process of negotiations began just prior to the 1944 election. The Provincial Government was defeated and the new government did not take up this matter on behalf of the Metis.

- Their attention was rather directed to Metis Farms, specific Metis rehabilitation programs, northern development initiatives and the Minority Concerns Committee.

- As a result of the war and other social-economic conditions of the time, the Saskatchewan Metis Society became inactive and the drive for Metis rights came to a standstill.

7. THE RE-EMERGENCE OF METIS NATIONALISM IN THE 1960's

- The Saskatchewan Metis Society reorganized in the 1960's and merged with a northern organization to form the Metis Society of Saskatchewan (M.S.S.).

- One of the goals of the organization was to advocate the recognition of the land rights of the Metis.

- However, due to a lack of funding and an unwillingness of governments to deal with Native rights issues, the attention of the organization was diverted into programs.

- At first, these were government programs. These programs were later supplemented by self-help programs run by the organization.

- These later programs were developed in the 1970's.

- Although all of the programming of governments during the 1960's and 70's was important to the re-emergence of Metis nationalism, it did nothing to deal with the basic right to land and self-government.

- The Provincial Government had promised financial aid for land claims research for Metis lands in 1971. No steps were taken to implement this promise until 1975-76.

- Late that year, the province allocated a small grant of \$10,000 for research on Metis land issues.

8. THE LAND CLAIMS RESEARCH OF 1976-79

- This grant enabled the Association (AMNSIS) to begin the research in January of 1976. This preliminary research enabled the Association to determine the frame of reference for that research and to estimate the time and cost involved in carrying out the research.

- AMNSIS, along with N.C.C. and other provincial associations, had been lobbying the Federal Government for several years for research funds.

- In 1976-77, the Federal Government began to fund provincial associations and the N.C.C. to carry out a process of land claims research as it related to the claims of the people in each province.

- This research funding continued until April 1, 1979. AMNSIS continued the research for several more years after this by allocating funding from other sources.

- The findings of the research identified the following:

° Metis and Halfbreeds were recognized as Aboriginal People with the same rights as Indians by the Government of Canada during the 1880's;

° that Metis rights recognized included the right to land, self-government and culture;

° that steps taken both in Manitoba and the Northwest had dealt with Metis rights as personal rights rather than collective rights;

° land grants were to extinguish the Indian Title of the Metis;

° that the government acted in a highly-irregular and possibly in a non-constitutional manner by the use of legislation and Orders-in-Council and without any prior consultation with the Metis or their leaders;

° that the government at both the political and official level conspired with land speculators and others to ensure that the Metis did not benefit from the land grants;

° that the government's objective (as it was in the case of Indians) was to dispossess the Metis of their lands and to get them out of the way of settlers;

° that the Metis have a strong moral and political claim to land, but it may be difficult to establish a legal argument based on strict application of Canadian law;

° that the self-government and cultural rights of the Metis have never been adequately recognized or dealt with.

- The comprehensive research report which was published in April, 1984, recommended that the Association pursue a legal-constitutional settlement of their rights as Aboriginal People.

9. THE METIS AND THE CONSTITUTION

- The B.N.A. Act did not specifically mention Metis. However, "halfbreeds" who did not take Scrip and who chose to join an Indian Band could register as Indians.

- In the Manitoba Act, the term "halfbreed" was used in reference to persons of mixed ancestry.

- When the Government of Canada took steps after the 1979 Federal Election to begin the process of patriating the Canadian Constitution, the Metis were concerned that this step might be used to deprive them of recognition as Aboriginal People and any rights that would flow from that recognition.

- The Government had in the Spring of 1979 taken the position that Metis were not Indians within the meaning of 91-24 of the B.N.A. Act and that the Federal Government recognized no responsibility for the Metis, nor did it recognize that the Metis had a claim as Aboriginal People.

- AMNSIS and the N.C.C. lobbied extensively with politicians in Canada and in Britain seeking recognition of the Metis as an Aboriginal People.

- After much negotiating, inclusion, then omission and finally inclusion of a section on the rights of Aboriginal Peoples, the Canada Act, 1982, by which the B.N.A. Act was patriated included a clause recognizing Indians, Inuit and Metis as the Aboriginal People of Canada.

10. THE METIS IN THE CONSTITUTION

- Although Metis are now recognized in the Constitution, there is no specific recognition that Metis have any satisfied Aboriginal Rights.

- The Canada Act, 1982, in Section 37, included provision for a First Ministers' Constitutional Conference to identify and define the rights of Aboriginal People.

- At the F.M.C., 1983, governments agreed that this included rights for the Metis and that these negotiations could consider recognizing new rights which had not been recognized previously.

- The Metis were invited to participate in these Conferences through the Native Council of Canada (N.C.C.).

- However, when problems arose over bringing a Metis position and Metis issues to the F.M.C., the Prairie Organizations left the N.C.C. and established a national Metis organization to represent their interests.

- The M.N.C. applied for recognition as the representative of the Metis at the Constitutional Table.

- When the government refused such recognition, a Court injunction was sought to prevent the F.M.C. from proceeding.

- The Federal Government agreed to settle out of Court and provided one seat for the M.N.C. at the 1983 F.M.C.

- Since that time, the Metis have been granted a full complement of two seats through the M.N.C.

11. THE CONSTITUTIONAL PROCESS

- Prior to the F.M.C., 1983, a series of meetings of senior bureaucrats began in October, 1982.

- The purpose of these meetings was to prepare an agenda and to prepare some recommended amendments for entrenchment in the Constitution.

- There were several Ministerial level meetings to finalize the agenda and to fine tune proposed constitutional amendments.

- The 1983 Conference adopted a Political Accord which set the agenda for future F.M.C.'s. Also, one additional F.M.C. in 1984 was provided for in the Accord.

- In addition, Section 37 of the Canada Act, 1982, was amended to provide for two additional F.M.C.'s in 1985 and 1987.

- Everyone recognized that the issues were complex and that more time was required to achieve the goals of the Aboriginal People.

- In addition, amendments to the Constitution were agreed to which dealt with Indian Women's rights and which recognized Indian Treaties as constitutional documents.

- A further series of meetings followed in 1983-84, but there was no agreement to entrench Self-Government rights at the 1984 F.M.C.

- Further meetings followed in 1984-85 and an amendment was put forward to entrench Self-Government, in principle, subject to the details being spelled out in tripartite agreements. To date, the required number of provinces have not yet indicated their support for the proposed amendment.

12. THE METIS ISSUES

- The rights sought by the Metis include:

1. a land base for the Metis,
2. the right to Metis Self-Government.

- Other matters to be negotiated and entrenched in the Constitution included:

1. the fiscal arrangements for financing Metis Government,
2. the schedule by which lands will be provided,
3. the plan for the implementation of Metis self-governing institutions and programs.

- All other specific rights sought by the Metis can be covered under the two broad rights sought by the Metis.

13. LAND ISSUES

- Land rights include:

1. a land base for the Metis;
2. ownership and use of natural resources;
3. resource-use agreements on Crown lands;
4. hunting, fishing, trapping and gathering rights.

14. SELF GOVERNMENT

- Self Government rights include the right to self-governing institutions including:

1. Metis government structures;
2. economic institutions;
3. education and training institutions;
4. health and social service institutions;
5. judicial institutions;
6. cultural, communications, leisure institutions;
7. such other institutions or programs as are necessary to the preservation and development of the Metis culture.

15. STATE OF NEGOTIATIONS

- Although the provisions introduced at the 1985 F.M.C. have not yet been approved, it has been agreed that this should not prevent negotiations on self government from proceeding.

- AMNSIS is currently involved in discussions with the Premier and the Prime Minister aimed at concluding a Political Accord which will provide the frame of reference for the negotiation of a self government agreement.

- Once that Accord is concluded, the plan is to set up a tripartite committee to negotiate the general details of a Master Agreement which covers all matters dealing with self government.

- The plan is to seek entrenchment of this Master Agreement.

- This would be followed by negotiations for sub-agreements which set out the specific details of institutions of self government, the specific arrangements to finance these institutions and the schedule for their implementation.

- Our goal is to have the negotiations on the Master Agreement completed in time for the 1987 F.M.C.

- Implementation would begin with existing institutions and programs. New institutions would be phased in as we are ready and able to take these steps.