

Paul L.A.H. Chartrand. (b. 1943): Teach. Cert. (Man. Teachers' College); B.A. (University of Winnipeg); LL.B. (Hons.) QUT, Australia; LL.M. (U of Sask).

Paul L.A.H. Chartrand is a retired professor of law and a historian who still has property in his home community of St. Laurent on Lake Manitoba on a part of the land that was originally allotted to his great-grandfather pursuant to the *Manitoba Act* 1870. Paul is a former Commissioner of the Manitoba Aboriginal Justice Implementation Commission (1999-2001) and for the Royal Commission on Aboriginal Peoples (1991-1996).

Paul is a proud Michif speaker from St. Laurent, Manitoba. As he has pointed out:

“Moins, ch’tin Michif—ipi—in Michif di St. Laurent apor di ca!”¹

Law Professor Paul Chartrand is a former athlete who competed at the national and international level, and has been inducted into the Manitoba Baseball Hall of Fame and the Saskatoon Sports Hall of Fame.



In 2004, Paul Chartrand was inducted into the Manitoba Baseball Hall of Fame. They give the following description of his achievements:

Chartrand was a right-handed pitcher who played for fifteen teams over thirty years (1961-91) in Canada and Australia, including three Prairie Provinces. He played on Team Manitoba in First Canada Summer Games at Halifax (1969) and again in 1972 when the Canadian championships were in Brandon. He played for St. Laurent Alouettes, Warren, Balmoral, Transcona Atomic, St. Lazare Athletics, Ste. Agathe Bisons, and McAuley Blazers from 1961-74. Chartrand played in Brisbane Major Baseball League on the Queensland State Team and Australian National Team (1974-82). Chartrand led Queensland with two wins in tri State series in 1974 at Sydney N.S.W. He pitched a 20 strikeout no hitter on October 21, 1979 against Ipswich Musketeers. Chartrand had a 15-3 record with 1.51 ERA in first year 1974-75. In 1983 he played for the Saskatoon Patrick Liners, who won bronze medals at the Canadians in Sudbury. From 1984-91 Chartrand played for the Teulon Cardinals and Elmwood Giants in Redboine Senior League, struck out sixteen batters in a five-inning tournament game at annual Kenora tournament game. Chartrand had a 6-2 record with the Calgary Giants in 1974. Paul Chartrand is now a teacher and law professor at the University of Saskatchewan in Saskatoon.

Paul Chartrand, I.P.C., was born and raised in the Métis community of St. Laurent, Manitoba. He is one of twelve children of J. Aimé Chartrand and Antoinette (Bouvier). Paul’s first language is French-Michif. His father was a trapper and fisherman, who quit trapping around 1955, after which he worked as a carpenter until retirement. He was a

¹“ Me, I am a Michif—and—a Michif from St. Laurent on top of that”

house builder and built a number of homes in what is now the St. Charles area of Winnipeg. Paul and his brothers helped him.

On his paternal side, Paul is the great-grandson of Jean-Baptiste Larence (born 1794, died January 20, 1854) who is buried in the Métis cemetery at Pembina, North Dakota. Jean-Baptiste's daughter Clarisse Larence married Paul's grandfather, Jean-Baptiste Chartrand (b. 1870). His great-grandfather, Pierre Chartrand was married to Marie Pangman, the daughter of Marguerite-Angélique (Wewe-gekabawik) and Pierre 'Bostonais' Pangman Jr. (b. 1794). Pierre Chartrand was the son of Baptiste Chartrand and Jenwah'bik'ahbik also a Saulteaux woman. Pierre Chartrand's brother Michel was married to Marie's sister, Marguerite Pangman. The Chartrand family is one of the four founding families of Fond du Lac, Manitoba (now St. Laurent) on the southeast shore of Lake Manitoba. The other founding families of this community were the Pangmans, Lavallée, and Sayers.



Lawrence Barkwell and Paul Chartrand at a Manitoba Métis Federation Annual General Assembly in the early 1990s.

Paul's early education was with the Franciscan Missionary Nuns at St. Laurent. He graduated from Manitoba Teachers College in 1964, and completed an Arts degree at the University of Winnipeg in 1972, while teaching school. He later graduated with honours from the law school at Queensland University of Technology in Australia (LL.B. Hons.) and obtained a Masters degree in Laws (LL.M.) at the University of Saskatchewan.

Paul has numerous publications in Aboriginal law and policy. One of his books, *Manitoba's Métis Settlement Scheme of 1870*, published by the Native Law Centre of the University of Saskatchewan in 1991, is the seminal piece of research on the basis for Métis land claims in Manitoba. He is noted for other written works such as *Who Are Canada's Aboriginal People? Recognition, Definition, and Jurisdiction* (Saskatoon: Purich

Publishing Ltd., 2002) and *Pierriche Falcon, the Michif Rhymester: Our Métis National Anthem: The Michif Version* (Saskatoon: Gabriel Dumont Institute, 2009). This latter CD and book are a commentary on Falcon's song (most commonly known as "The Battle of Seven Oaks"), the Michif language and Métis nationalism, with Michif translations of Falcon's other songs.

Paul Chartrand is the best known and pre-eminent Métis lawyer associated with the Métis National Council. He has served as its Ambassador at the United Nations, and was a senior advisor during the First Ministers Conferences on Aboriginal Constitutional Reform in the 1980s. He formerly taught public school at St. Laurent Manitoba, and has held teaching and other academic positions in universities in Canada, Australia, New Zealand, and the United States, including his current appointment as Professor of Law at the University of Saskatchewan. He is a renowned public speaker and is frequently invited to conferences in many countries.

He was head of the Department of Native Studies at the University of Manitoba from 1982 to 1991, and was the first President and CEO of the Institute of Indigenous Government in Vancouver (1995-96). He has been a consultant and advisor to many Aboriginal organizations and governments. His distinguished record of public service includes work on advisory committees to the National Judicial Institute and the Canadian Race Relations Foundation. He was appointed by the Prime Minister of Canada as a Commissioner on the Royal Commission on Aboriginal Peoples (1991-1996), was a founding director of the board of the Aboriginal Healing Foundation (1998-1999), and one of two commissioners on Manitoba's Aboriginal Justice Implementation Commission (1999-2001). Paul was awarded the Outstanding Alumni Award of QUT, School of Law, Brisbane, Australia in July, 2001. He was Visiting Scholar at the National Centre for Indigenous Studies, College of Law, Australian National University, Canberra, Australia (2007-08). Paul participated in the development of the United Nations Declaration of the Rights of Indigenous Peoples. He has been awarded an Eagle Feather by the Anishinabeg of Sagkeeng First Nation.

A noted baseball pitcher, Chartrand has competed and won at national championships in both Australia and Canada, and played on the Australian national baseball and ice hockey teams. He also participated nationally and internationally in ice hockey competitions.

Paul was married to Diane Plowman, a teacher and former Canadian track star, and has three children. Lisa (husband Dean, and grandchildren Holly and Jillian), a graduate of the University of Manitoba, is a social worker. Daniel, a graduate of the University of Memphis, and Leila, a graduate of the University of Southern California, are both professional golfers. In July of 2002, Leila Chartrand became the first female Métis professional golfer when she made her debut as a professional at the Whirlpool PGA Women's Championship at the St. Catharine's Country Club in St. Catharine's, Ontario.

Paul has been Professor of Law in the College of Law, University of Saskatchewan. On October 18, 2002, Paul was presented the prestigious Indigenous People's Counsel

(I.P.C.) award by the Indigenous Bar Association of Canada. This award recognizes Aboriginal lawyers for outstanding achievements in the practice of law. Paul is the third person (first Métis) to receive this award. Paul is now retired from his position as head of the Aboriginal Governance Program at the University of Winnipeg (2008-09). He lives in Saskatoon, Saskatchewan. His most recent written work is *Niw_Hk_M_Kanak* (“*All My Relation*”): *Métis-First Nations Relations*, a research paper prepared in 2007 for the National Centre for First Nations Governance.

Publications and Presentations:

Chartrand, Paul L.A.H. “Louis Riel – Symbol for Canadians.” *Indian Record*, Vol. 48, No. 3, 1985: 13-14.

In this two-part essay, in the Oblate published *Indian Record*, Chartrand discusses Louis Riel as a symbol for all those Canadians who would fight for a just cause. This brief history of Riel, the resistances and aftermath of 1885 is related from a Métis perspective. He asserts that although the Métis have been dispossessed and “forgotten” they intend to live on as a “people” and intend to increase their influence in their homeland in the Canadian West. He notes that under the constitutional process the Métis became more politically active with the formation of the Native Council of Canada and later the formation of the Métis National Council. International visibility is evidenced by Clem Chartier’s election as president of the World Council of Indigenous People.

Chartrand, Paul L.A.H. “Louis Riel’s People.” *Indian Record*, Vol. 48, No. 4, 1985: 7-8.

Chartrand, Paul L.A.H. “The Concept of Education as a ‘Right’ of the Métis People of Manitoba.” Winnipeg: Manitoba Métis Federation, 1985.

“Chartrand, Paul L.A.H. Propos sur la Jurisprudence Recente et des Métis aux Termes de la Loi sur le Manitoba” Presentation to the St. Boniface Historical Society. St. Boniface: Novembre 16, 1985.

Chartrand, Paul L.A.H. “The Rights of the Métis People.” Winnipeg: Manitoba Métis Federation, 1987.

Chartrand, Paul L.A.H. “An Absolutely Uncritical Look at What Has Been Written About the Métis.” Speech presented at the 1885 and After Conference banquet. Regina: 1985.

Chartrand, Paul L.A.H. “The Limits of Ethnicity: The Case of the Métis of Manitoba.” Presentation to the Canadian Sociology and Anthropology Association Annual Meeting. Winnipeg: 1986.

Chartrand, Paul L.A.H. “The Dispossession of the ‘Half-Breed’ Population of Manitoba for the Promotion and Purposes of the Dominion: The Interpretation of Section 31

of the Manitoba Act of 1870.” Presentation to the Manitoba History Conference, University of Manitoba. Winnipeg: 1988.

Chartrand, Paul L.A.H. “Métis People and the Justice System.” Research paper prepared for the Aboriginal Justice Inquiry of Manitoba, Winnipeg, October 1989.

Chartrand, Paul L.A.H. “Propos sur la jurisprudence récent et les droits des Métis aux termes de la loi sur Manitoba.” Dans Gilles Lesage (Editeur), *Riel et les Métis canadiens*. Saint-Boniface, Manitoba: La Société historique de Saint-Boniface, 1990: 67-78.

Paul Chartrand *soulevé les arguments constitutionnels de la revendications des droits des Métis*.

Chartrand, Paul L.A.H. “Manitoba’s Aboriginal Justice Inquiry. 1988-1990.” *Australian Law Bulletin*, Vol. 2 (42), February 1990.

Chartrand, Paul L.A.H. *Manitoba’s Métis Settlement Scheme of 1870*. Saskatoon: Native Law Centre, University of Saskatchewan, 1991.

This book is a re-edited version of Paul Chartrand’s LL.M. thesis. This work is a study of the constitutional provision of Section 31 of The Manitoba Act and is based upon the historical foundation provided by Douglas Sprague (*Canada and the Métis, 1869-1885*, 1988). Chartrand, a former commissioner for the Royal Commission on Aboriginal Peoples, provides readers with the most thorough legal analysis of the Manitoba Métis land question to date. In this treatise, the author uses legal precedents, statutes, and newspaper accounts of Manitoba's entry into Confederation and politicians' private papers to demonstrate how Section 31 of the *Manitoba Act* failed to preserve the Métis land base after 1870. His argument is structured on an analysis of who qualified for the Métis land grant in the *Manitoba Act* (Section 31), how the land was actually allocated to the Métis, whether or not Métis corporate (group) rights are guaranteed in the Constitution and how the federal government failed in its obligation to adequately and fairly distribute land to Manitoba's Métis population. In addition, this book contains many useful appendices, including various government acts and parliamentary speeches.

This work also reviews the evolving Canadian judicial principles that subtend from the court cases which clarify language rights and the Canadian Charter of Rights and uses these principles to analyze the application of the *Manitoba Act* to the Métis people. In his words:

As a matter of legal construction, the scheming designs of government policies to dispossess the Métis of their land base must be measured against the growing sensitivity to native rights. This approach requires avoiding the sanction of “sharp dealing” on the part of the Crown’s ministers and requires interpretations that will not bring dishonour to the Crown whose duty it is to uphold the law (p. xii).

Chartrand, Paul L.A.H. "Terms of Division: Problems of Outside Naming for Aboriginal Peoples in Canada." *Journal of Indigenous Studies* 2 (2), 1991: 1-22.

Chartrand, Paul L.A.H. "Aboriginal Rights and Aboriginal Justice Systems: A Canadian Perspective in 1991." Presentation to the Indigenous Bar Association and the Alberta Law Foundation. Edmonton: 1991.

Chartrand, Paul L.A.H. "The Ombudsman, The Administration of Justice and Aboriginal Peoples." Presentation to the Canadian Ombudsman Conference. Winnipeg: 1991.

Chartrand, Paul L.A.H. "Aboriginal Rights: The Dispossession of the Métis." *Osgoode Hall Law Journal*, 29, (3), 1991: 457-482.

Section 31 of the *Manitoba Act* of 1870 provided for a land settlement scheme for the benefit of the families of Métis residents and was to be the method of extinguishment of their Aboriginal title. Chartrand notes that there are now no Métis reserves in Manitoba because Section 31 was implemented in a way that ensured the quick dispossession of the Métis people. He argues that the mode of implementation was a breach of constitutional obligation. Reference is made to the subsequent history of the Western Métis and he makes comment on the current significance of Métis dispossession.

Chartrand, Paul L.A.H. "Aboriginal Self-Government: The Two Sides of Legitimacy." In Susan D. Phillips (Editor): *How Ottawa Spends: A More Democratic Canada...? 1993-1994*. Ottawa: Carleton University Press, 1993: 231-256.

In this essay, Chartrand examines the first principles upon which legitimate and enduring Aboriginal self-government must be built. He refutes what he views as two false assumptions. First, the erroneous assumption that Aboriginal peoples are a racial minority (a disadvantaged minority requiring state benevolence), and second, the liberal assumption that there should be equal treatment for all who live in Canada. This is the assumption that because Aboriginal people live in Canada, they are "Canadians." It is Chartrand's argument that only when Aboriginal people are viewed as political communities with recognizable claims for collective rights, rather than as "races," will there be meaningful responses to their claims for self-government.

Three forms of response to Aboriginal demands are explored: a) the new forms of constitutional politics such as Aboriginal participation at the Charlottetown negotiations; b) modifications, such as the establishment of Aboriginal Electoral Districts; and c) the process of negotiations of self-government at the administrative level.

Chartrand, Paul L.A.H. "Issues Facing the Royal Commission on Aboriginal Peoples." In Richard Gosse, J.Y. Henderson and Roger Carter (Editors): *Continuing Poundmaker and Riel's Quest: Presentations Made At a Conference on Aboriginal Peoples and Justice*. Saskatoon: Purich Publishing and College of Law, University of Saskatchewan, 1994: 357-362.

This speech discusses what Chartrand considered to be his role as a Commissioner for the Royal Commission on Aboriginal People, and of the difficulty in persuading non-Aboriginal Canadians of the necessity of Aboriginal self-determination.

Chartrand, Paul L.A.H. "Contemporary Métis Rights and Issues in Canada." *Aboriginal Law in Canada*, National Conference. Vancouver: May 5, 1995.

Chartrand, Paul L.A.H. "The Métis of Canada." *Hui Manawhenua*, Proceedings of a Conference sponsored by the Maori Land Council. New Zealand: 1995.

Chartrand, Paul L.A.H. "The Aboriginal Peoples in Canada and Renewal of the Federation." In Karen Knop, Sylvia Ostry and Richard Swinton (Editors): *Rethinking Federalism: Citizens, Markets and Governments in a Changing World*. Vancouver: University of British Columbia Press, 1995: Chapter 8.

Chartrand, Paul L.A.H. "Aboriginal Self-Government: Towards a Vision of Canada as a North American Multinational Country." In Jill Oakes and Rick Riewe (Editors): *Issues in the North, Volume II*. Occasional Publication # 41. Calgary: Canadian Circumpolar Institute and the Department of Native Studies, University of Manitoba, 1997: 81-86.

In this essay, Chartrand argues that instead of trying to copy Britain and Europe, Canada should build upon its Aboriginal foundations and create a vision of a country that is North American in its orientation. Aboriginal people must see themselves reflected in the national institutions of Canada. Chartrand contends that all Canadians will benefit from such a vision and from recognition of Aboriginal self-government. Canada can entertain a rights dialogue that could be an alternative example to replace the civil warfare, which often accompanies the claims of oppressed nations living as enclaves within other modern nation-states. Canadian federalism can accommodate Aboriginal self-government and Canada can be a North American multi-national country.

Chartrand, Paul L.A.H. "Aspirations for Distributive Justice as Distinct Peoples." Chapter 2 in Paul Havemann (Editor): *Indigenous Peoples' Rights in Australia, Canada and New Zealand*. Oxford: Oxford University Press, 1998.

Chartrand, Paul L.A.H. "On the Canadian Aboriginal Rights Dialogue." In Joseph F. Fletcher (Editor): *Ideas in Action: Essays on Politics and Law in Honour of Peter Russell*. Toronto: University of Toronto Press, 1999.

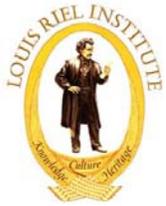
Chartrand, Paul L.A.H. "Building the Momentum: Opening Address." *Building the Momentum: A Conference on Implementing the Recommendations of the Royal Commission on Aboriginal Peoples*. Toronto: Indigenous Bar Association et al., April 22-24, 1999.

Chartrand, Paul L.A.H. "The Riel Issue: A Document for Community Consultations." Ottawa: Métis National Council, February 1999.

Chartrand, Paul L.A.H. "The Quebec Secession Reference: Towards the Political Emancipation of the Métis People." Ottawa: Métis National Council, 1999.

Chartrand, Paul L.A.H., Audreen Hourie and W. Yvon Dumont. The Michif Languages Project: Committee Report. Winnipeg: Manitoba Métis Federation, 1985.

This report contains the outline and activities of this major Michif conference held in Winnipeg in 1985.



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