

METIS NATION OF SASKATCHEWAN

GENERAL ASSEMBLY

PRESIDENT'S REPORT

**Prince Albert, Saskatchewan
November 18, 2000**

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As President of the Métis Nation of Saskatchewan, I welcome all of our citizens to this General Assembly. I also welcome members of the Senate who have been able to join us today.

Since our last Assembly the PMC has continued working on a number of initiatives which are of importance and benefit to our people and communities. Many of these initiatives have been undertaken by our Affiliates and respective Ministers. I will only highlight some of the initiatives which we have undertaken.

PROVINCIAL INITIATIVES:

Communications: We have continued to try to keep our members informed of developments through the issuing of the New Breed magazine every two months. While relatively successful, there is still a lot of room for improvement. We require more news from our communities and regions. As well the Affiliates can use this vehicle to keep our members informed of developments. We also require ads to be taken out so that we can afford to keep putting out the magazine. We are hopeful that we will be able to expand the capacity of the New Breed magazine this year.

Métis Rights: During the first four months of the year 2000 we were able to put on regional workshops dealing with rights issues, giving an update on recent developments and getting feedback from our members on issues of importance to them. The workshops addressed hunting and fishing rights, and the position which SERM has currently taken with respect to Métis hunting and fishing rights. Essentially, because of the Morin and Daigneault fishing case in northwest

Saskatchewan, SERM is not charging Métis from northern Saskatchewan if they are hunting and fishing for food, and if they do not have a job. This I believe is an incorrect reading of the case. For all Métis south of the Northern Administration District (NAD) line (which runs below Green Lake and Cumberland House) SERM states that Métis will be charged if they are caught hunting or fishing without a license. Part of the workshop dialogue centered upon the pros and cons of getting a test case in southern Saskatchewan in order to secure Métis hunting and fishing rights across the whole of the Province.

The workshops also dealt with the issue of land. A desire was expressed to continue pursuing the return of the Métis farms or lands in replacement of the farms that were lost. As well, an update was given on the north west land claim litigation test case. In follow-up to the Métis farms issue, a four-month research project was undertaken through a joint cooperative effort between CCDF and the MNS Tripartite and Bilateral Process Unit. This project examined the history and current status of the Métis farms in southern Saskatchewan and will form the basis of our lobbying with the provincial government in our efforts to secure a return of those farms or other lands in replacement of lands lost.

With respect to the north west land claim litigation test case, as reported previously, a research team from the University of Alberta is currently finishing year two of a two year research project jointly funded by the federal and provincial governments. In order to keep that research going, a further grant has been applied for. We have not yet heard whether that application is successful. This test case will determine whether the scrip process under the Dominion Lands Act was valid in extinguishing the Aboriginal title to the land possessed by the Métis. If we are successful in getting a ruling that it was not a valid extinguishment, it will be a precedent for all Métis in western Canada.

During the workshops we also discussed the MNS/SERM Task Force which is looking at the potential for some form of accommodation for Métis with respect to

harvesting resources, including hunting and fishing. Dale McAuley will be addressing you on this matter. However, one point made during the workshops was that, while dialogue and negotiations were welcomed, many felt that there should be a timeframe within which they should be carried out, and if no resolution or agreement is arrived at, that the Métis must begin taking further steps internally to promote those rights. It was suggested that one way would be through the implementation of our *Métis Wildlife and Conservation Act* passed by the MNLA in 1994.

Political Leaders Forum under the Tripartite Process: For the first time under the Tripartite Process a meeting was held in March 2000 at the leaders level, involving Minister Goodale from the federal government, Ministers Hillson and Belanger from the province and Clem Chartier, President and Allan Morin, Minister of Intergovernmental Affairs from the MNS. The discussions were generally positive centering around the work which has been taking place since the last five-year agreement was signed in July 1998. While no concrete decisions were made, there was a political commitment to continue working jointly to try and achieve results under the current agenda.

Tier One Meetings under the Bilateral Process: Two meetings at the provincial governmental Ministers level and MNS leadership took place in January and November 2000. While the January meeting addressed a number of issues, including increased funding for CCDF from the gaming revenues, a commitment was made by the provincial government to take another look at implementing a Métis Act. While the 1997 attempt did not succeed, there is now a willingness on the part of the provincial government to put a process clause into the Act which would address land, harvesting (hunting and fishing), self-government and capacity building. Negotiations on a draft Act containing a process clause and a companion Memorandum of Understanding were undertaken through the leadership of Allan Morin with the provincial government. At the November 9th Tier I meeting, an agreement was achieved from the provincial government that

the Act would be introduced into the legislature in the Spring of 2001 if our people support the Act.

Métis Nation Agenda and MNS consultations: In conjunction with the rights workshops mentioned earlier, consultations on the Métis Nation Agenda which the MNC is currently attempting to negotiate with the federal government, also took place. The results of the first year of consultations, *Final Report of the Community Consultation Process for a Métis Nation Agenda July 1999* and *Moving Forward: The Métis Nation Agenda 1999/00* dated July 23, 1999 were presented to our members for information and feedback. Also distributed for consultation was an *Options Paper* dealing with a national definition of Métis which the MNC is hoping will result in the adoption of one definition which will be adopted by all the member organizations/governments making up the Métis National Council.

The consultations were successful and the results have been captured in *In Best Interests of All: The Métis Nation Agenda* submitted by the MNS to the MNC in March 2000. Pending the outcome of the federal election on November 27th, the MNC leadership is committed to continue pursuing a Métis Nation Agenda to be agreed to by the federal cabinet.

Framework for Cooperation Consultations: The provincial government (Cabinet) is working on a new policy initiative for off-reserve Aboriginal peoples, including the Métis. Their draft document was the result of 10 departments working together in response to the recommendations of the Royal Commission on Aboriginal Peoples. The province consulted the MNS in 1999 and in January/February 2000 conducted public consultations throughout the province, with the involvement of the MNS. We also undertook our own consultations as part of the rights workshops and Métis Nation Agenda consultations. A clear distinction was reached to distinguish between the federal and provincial initiatives.

At the federal level, the MNC is attempting to have a Métis Nation Agenda agreed to by the federal Cabinet which will address Métis rights as recommended by the Royal Commission on Aboriginal Peoples. These rights include Aboriginal rights and title to land, self-government and hunting and fishing, amongst others. The province on the other hand is dealing with programs and services and not rights, which they feel is the responsibility and mandate of the federal government. Hence the Framework for Cooperation is solely dealing with programs and services. Further, the proposed Métis Act would also only be dealing with non-Aboriginal rights based accommodations of Métis aspirations. For example, land may be provided on the basis of economic or cultural development, not on the basis of Aboriginal title. Hunting and fishing could also be arranged on a co-management basis, not on a section 35 Aboriginal right. This position by the provincial government accords with their position that the federal government has primary jurisdiction for all Aboriginal peoples, including the Métis, under s.91(24) of the Constitution Act, 1867. This also accords with the position of the Métis that we are included in s.91(24). In this context, while both the province and the MNS/MNC maintains that position on s.91(24), this should not prevent us from pursuing non-Aboriginal rights based accommodations with respect to land and resources, harvesting rights and self-government. Hopefully we can accomplish this through a provincial Métis Act.

Through these consultations, it was also made clear that our people in the urban centers do not support the movement by the federal and provincial governments to develop status blind initiatives dealing with programs and services in the urban centers. This, it was stated, goes against the MNS Constitution and the current urban governance process under the tripartite agreement, where we are striving to develop Métis Urban Governance that will eventually handle all services to Métis within their respective cities.

At the November 9, 2000 Tier I meeting we were informed that a number of government departments are currently examining the results of the consultations by Ministers Hillson and Belanger, with a view towards implementation at a department by department level through next fiscal year's budget.

Veterans: At the November 1999 MNC a commitment was made to address the issues of veterans more vigorously. Through the MNC, veterans Frank Tompkins and Senator Edward King in December 1999 attended a meeting of the MNC Board of Governors and then a meeting with the Minister of Veteran's Affairs, the Hon. Mr. Baker. At that meeting, which I attended, the Minister made a commitment that he would give serious consideration to Métis veteran's issues.

In February 2000 I had a follow-up meeting with the Minister Baker's Assistant, Mr. Terry Tobin. At that time I was informed that a dialogue table was being set up with the AFN to discuss Indian veteran's issue. This process was set up in response to a court action started by FSIN in order to reach an out of court settlement. The Department of Veteran's Affairs was going to approach the AFN to see if the Métis could be included in that process. It was indicated to Mr. Tobin that if there was no common table that the Métis would nevertheless want a table to be set up to deal with the Métis veterans. At that meeting Mr. Tobin also stated that it would be helpful if the MNC was able to supply a contact list of all Métis veterans so that it could be determined if they are missing out on any benefits which they are currently entitled to. With respect to past entitlements at time of discharge, Mr. Tobin suggested that the Métis veteran's may be barred by the passage of time, that is, that they lost their rights/benefits by not coming forward sooner. This is a legal matter that may have to be decided by the courts. Regardless, the Indian veterans would be in the same position.

In the meantime, through the process dealing with the Métis Nation Agenda, which is my portfolio at the national level, in collaboration with the Métis veterans we were been able to bring veteran's issues to the attention of the federal

government. This activity has identified the possibility of securing some funding to finish a video tape on the veterans which was started in 1997 but never finished. It is also possible that resources may be acquired to build a Métis Veterans Wall of Honour which could be located at Batoche. All Métis veterans would have their name inscribed on the Wall. The veterans made this request to the MNS Executive in 1998.

I am also pleased to inform you that the Métis veterans in Saskatchewan organized their own meeting in May and have formed an organization to promote their rights. As of April 2000, I have taken the responsibility as Acting Minister of Veteran's Affairs and in so being, I was able to cooperate in all matters with the Métis veterans and assist in their initiatives.

On behalf of the fine and dedicated work of the Veterans, I am pleased to inform you that the federal government has provided some funding to their new organization to assist them in organizing the Métis Veterans nationally. I wish them every success and will assist where I can.

Senate: The role of the Senate as mandated by the MNS Constitution has been more clearly defined by legislation passed in November 1999 by the Métis Nation Legislative Assembly. Various committees were struck by the Senate and ratified by the MNLA at the November 1999 sitting. The Senate has continued to play a very key, vital and dedicated role within our Métis governance.

In order to assist in this work, and the newly defined mandate of the Senate, a governance proposal has been submitted to both the federal and provincial governments in an attempt to secure financing for the work of the Senate. In the meantime, the MNS Treasury Board has made a financial contribution and the Senate has opened its own bank account. The Senate, as an institution of Métis governance, continues to be financially accountable to the Treasury Board, but

nevertheless, have their independent role as set out in the Constitution and legislation.

Métis Women of Saskatchewan: The Métis Women of Saskatchewan had elections one year ago, and have a new Board which has continued the dedicated services of the prior leadership. The Métis Women continue to play an active role in the tripartite process, as well as in various affiliates. They have been making substantial progress in reorganizing and cultivating positive relations with Métis government, as well as the federal and provincial government.

Their involvement within Métis government has been very helpful, and we expect that their capacity to participate will become more enhanced over the next several years.

Youth: At the November 1999 MNLA constitutional amendments were passed which would provide four seats to the youth in the MNLA and one seat on the PMC. These amendments in order to be effective have to be adopted by the General Assembly. In the meantime the Provincial Métis Youth Council members have continued to organize and have invited me to attend their Council meetings. The youth have also been actively involved with our Affiliates and committees. Their involvement certainly has been welcomed.

Registry Office: With the passing of the Citizenship Act in November 1999, efforts at its implementation have been undertaken. The Citizenship Application Form has been adopted, as well as a Citizenship Card. Resources are also being sought to make the registry office fully functional. At this point renovations have been made to house the registry office, and through a project, there are two persons working in the registry office.

Michif and culture: Work has continued in these areas as well. The federal government, as part of its response to the recommendations from the Royal Commission on Aboriginal Peoples developed the Aboriginal Languages initiative, which is a four-year program. Hopefully it will be renewed. Through the lobbying of the MNC Board of Governors of which I am a member, we were able to convince the federal government (Heritage Canada) to make a specific percentage allocation available to the Métis through the MNC. Heritage Canada agreed to allocate 10% of the fund annually to the MNC for preserving the Michif language. The Board of Governors then makes a funding allocation for the five provincial members and the MNC. We are now into year three of the initiative.

Under Minister's Goodale's ministry, besides the consultation resources, there is a category dealing with governance. GDI, for the last two years, through the MNS, was able to secure \$125,000 for activities to promote Métis culture and language, as well as work towards establishing a Language and Culture Institute. The new institute is a necessary addition to our MNS infrastructure and will serve as a stepping stone to further development in this area.

Economic Development: This is an area of critical importance to our people and communities. It has been quite some time since we have had the capacity to organize an initiative that has been able to tackle economic development opportunities. Today we have SNEDCO and CCDF that are primarily funding/loans agencies. They are not equipped to handle the broader economic development requirements. Minister Guy Bouvier has been active in broadening the MNS' capacity to engage in economic development activities. A number of economic development initiatives in areas such as tourism and forestry have been undertaken. These however are not enough and Minister Bouvier is in the process of expanding the economic development capacity of the MNS, which could result in a new economic development affiliate or infrastructure.

Justice: When it comes to justice, our people do not feel that we are being adequately served by the federal and provincial justice systems, nor accessing our fair share of available fiscal resources to undertake our justice initiatives. Several months ago, Helen Johnson was appointed as the MNS Minister of Justice. Since then, several meetings have been held with the federal and provincial governments. Several funding proposals have also been submitted to the federal and provincial governments.

Through Métis Family Community Justice Services (MFCJS) and Minister Johnson, the federal and provincial governments have been approached to establish with the MNS (MFCJS) a three party Task Force which will deal with the Métis and justice issues. We are hopeful that this Task Force will be agreed to and work begin in the next fiscal year at the latest.

Employment and Training: Métis Employment & Training (METSI) is now in the second of the five year Aboriginal Human Resource Development Agreement with Human Resource Development Canada. Through the work of the twelve regional Local Métis Management Boards and METSI, we have seen some excellent training opportunities. A number of joint initiatives have been undertaken and it is now common practice to work together with other funding agencies to partner on training initiatives. Canadian Heritage, Can-Sask Employment Services, Cumberland College, Northlands College, Dumont Technical Institute, Department of Health are but a few of the partners we have worked with. It is my hope that the graduates of these programs find their way to the employ of the Nation to advance the agendas that made their training opportunity a reality.

In addition to the work of the twelve regional boards, there are now urban councils that have taken over the decision-making on the urban funds. METSI has employed four staff who work specifically on urban initiatives under the guidance and direction of the Métis Urban Steering Committees. The work that is

being done around the province under this Agreement has impacted positively on thousands of people and helped our Nation to grow stronger, one person at a time.

I was also pleased with the very successful First Annual MET Awards held last December at Fort Qu'Appelle. This portrays the success of our program and the appreciation that our people have for the dedicated work of our METSI and LMMB Regional staff. This year the Second Annual MET Awards will be held in Saskatoon on December 1, to coincide with the Employment and Training Conference taking place November 30 – December 2, 2000.

Urban initiatives: Urban governance structures are continually developing under the direction of the Métis Urban Council of Saskatchewan and the Urban Ministry. There have been Memorandum of Understanding between the Urban President Councils and their respective urban centers through roundtable discussions with Federal, Provincial and Municipal levels of government to deal collectively with the situation of Aboriginal people in the urban centers. As part of a move toward increasing the involvement of urban perspectives on program and service matters, METSI is developing a Terms of Reference with the Métis Urban Council of Saskatchewan. We are confident that the urban funding will continue into the future and allow us to meet the needs of our people in these urban centers. The need for housing is another key area of concern. As our urban governance structures grow, there will be ample opportunity for Métis citizens to find a voice on these and other important issues and to envision and enliven the future to meet the interests of all.

Internal Governance Committee: Through the work of the Internal Governance Committee (Allan Morin, Peter Rudyck & Clem Chartier) and the MNLA four major pieces of legislation were passed by the MNLA. These are the Senate Act, the Métis Nation Legislative Assembly Act, the Elections Act and the Citizenship Act. The work of the Committee has continued since the mandate at the last

Legislative Assembly. A Taxation Act is ready for presentation at the next sitting of the MNLA. A presentation has also been drawn up in an effort present the major innovations of a proposed Affiliates Act. This was the most complex of all of the legislation because of the diverse situations of our Affiliates and the need to make the legislation a progressive and realistic step toward self-governance. We hope to have consultation on this piece of legislation in order to ensure a common vision on these important matters. The Education and Family Services Acts are yet incomplete and will require additional attention by the respective Affiliates before presentation to the MNLA.

As well, the Committee will be bringing forward a new flag and logo for the consideration of the Métis Nation Legislative Assembly. The flag has been designed as the official Flag of the Métis Nation of Saskatchewan. It depicts the Infinity sign, the White Buffalo and the Tiger Lily. The new Métis Nation of Saskatchewan Logo is similar, without the flower and in opposite color contrast. The two symbols are complimentary and yet unique. The Métis Nation flag has served as our guide and we have impressed upon it our unique situation as Métis in Saskatchewan.

NATIONAL INTITIATIVES:

The major focus of the MNC has centered around Métis rights and pursuing the federal government to adopt a Métis Nation Agenda as their official response to the recommendations of the Royal Commission on Aboriginal Peoples. We are now in the final stages of year 3 of a 3-year process whereby the Federal Interlocutor, the Hon. Ralph Goodale was able to secure nine million dollars from the federal cabinet to address Métis and non-Status Indian issues. Of that amount, one million a year was set aside for consultations. The MNC received \$600,000 per year for the consultation process that has been undertaken for two years. This third year will be concentrating on developing a Métis Nation Agenda

to hopefully be adopted by the federal government. In order to arrive at a Métis Nation Agenda, the MNC will endeavor to negotiate a "Métis Nation Framework Agreement" with the federal government which would contain a Métis Nation Agenda for implementation beginning in April 2001.

This Agreement will be the outcome of the two years of consultations, and would reflect the federal government's response to the Royal Commission on Aboriginal Peoples' recommendation vis-à-vis the Métis. Work on the framework agreement is currently taking place. However, as mentioned earlier, with the federal election campaign taking place at this time, a lot will depend on which political party forms the next government.

The MNC also held a Métis Rights Workshop this spring in order to develop a strategy to achieve rights, particularly with respect to litigation dealing with hunting and fishing and land rights. The issue of definition was also dealt with at that time. For a report of that workshop please refer to the May/June 2000 issue of *New Breed*.

In terms of litigation, the MNC has received intervener status in the Blais case in Manitoba which is currently being heard in the Manitoba Court of Appeal. Arguments were heard on October 18th and adjourned until December 1st, at which time the court will reserve its decision, and likely make its decision known sometime in the spring of 2001. Ms. Jean Teillet and myself are representing the MNC. This case is important, as it will set a precedent for the Métis of Saskatchewan and Alberta, not only for the Métis of Manitoba.

The MNC has also successfully secured intervener status in the Powley case in the Ontario Court of Appeal. I will be representing the MNC on that appeal which will be heard in Toronto, January 10 – 12, 2001. It should be noted that no fees will be provided for my participation in either of those appeals. This case is also important, as deals with the definition of Métis. Further, it is also important as it

will likely be the first Métis test case to reach the Supreme Court of Canada, and the Supreme Court will set out the tests which the Métis must meet in order to prove an Aboriginal right to hunt or fish.

CONCLUSION:

I would like to take this opportunity to thank the many community members who have worked along with us, to make whatever progress we have made, possible. If it was not for your dedication and determination we would not be able to make the changes necessary to move our nation forward. Any success we achieve is because we have found the wisdom and courage to work together, and to face the challenges that sometimes drive us apart. At the end of the day, when the benefits of our work are finally known, it will be the children that will have just one more option from which to choose. It is my hope that they will choose to work together and look forward to the future, as we have done here. I hope they will look proudly upon their culture and their heritage. I hope they will proudly say – I am Métis. Thank you.