



SUBMISSION TO THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS.

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STATEMENT ON REVIEW OF DEVELOPMENTS SINCE THE FOURTH SESSION.

MEETIS NATIONAL COUNCIL

Madame Chairman, members of the Working Group.

Since the last session of the Working Group, the Metis National Council, the sole representative of the Metis Nation of what is now Western Canada, has continued to be actively involved in the Canadian government and Aboriginal Peoples' constitutional process which was entered into in 1983, with the first Constitutional Conference.

Unfortunately, as you witnessed Madame Chairman, the fourth and last legally guaranteed First Ministers Conference on Aboriginal Constitutional Issues ended in the failure to arrive at an agreement by virtue of the government's refusal to recognize the inherent right of the Aboriginal Peoples to be self-governing, albeit within the sovereignty and territorial integrity of the Canadian State. On a more positive note, the Aboriginal delegates to the FMC came out with their dignity intact and a form of solidarity, required to continue the struggle.

Coupled with this form of continued rejection of the right of self-government, the federal government continues to deny the existence of the Metis Peoples' Aboriginal right to land. The government continues to falsely maintain that the unilateral action of the federal parliament in the late 1860s and early 1900s has, by a legal concept they call the Supremacy of Parliament, extinguished the Aboriginal title of the Metis. This federal government action witnessed the division of Metis lands through the allotment of a specified number of acres in fee simple, outright ownership to individual members of the Metis People. There was no negotiation. There was no consent obtained, informed or otherwise and we maintain that our land rights are still intact, and in any event, that such a right is inalienable.

Through wide-spread speculation and fraud, the whiteman that colonized western Canada benefited from that governmental scheme. It is now time that our people benefited. However, we continue to be excluded from the Federal governments Comprehensive Claims Policy.

In the province of Alberta, in the 1930s, the Metis people and their organization were able to secure about one million acres of land. Since then, some of it has been retaken by the province when oil was discovered. Today the Metis of that province are seeking additional land, along with the constitutional protection of their existing land base.

In the province of Manitoba, the Manitoba Metis Federation has initiated court action against both the federal and provincial governments for violating the land rights of the Metis of that province and those descendants of the Metis of 1870 who now live outside the province. The land rights of those Metis had been constitutionally protected by the Manitoba Act of 1870. Although the MMF has initiated this court action, they remain willing to arrive at an out of court negotiated settlement.

Coupled with this continued refusal to recognize our right to a land base and self-government, is the continuing denial by both levels of government, federal and provincial, as to which government has the constitutional jurisdiction to deal with us. We maintain that it is the Federal government which has the constitutional jurisdiction and responsibility to interact with our Nation.

As well, one would have thought that the involvement of the provincial governments, along with the open and televised talks would have made a

significant change in the attitude of non-Aboriginal peoples. That this is not so can be seen from remarks made by the Premier of Saskatchewan in May of this year that "if AIDS got into the Aboriginal community, it would be hell on wheels". His office later stated that the Premier saw no need to apologize to the Aboriginal community. The general public also did not make an issue of such a racist attack on the integrity of the Aboriginal community.

Since the April talks, the member organizations of the Metis National Council have actively continued pursuing the re-opening of the constitutional talks, along with a process of tri-partite negotiations with the federal government and the respective provincial governments. From a pragmatic perspective, the Metis must continue seeking a dialogue with the governments of Canada. While pursuing political/constitutional rights, we must continue negotiating services and developing policies which may help address the serious socio-economic problems encountered on a daily basis by our people.

We took note yesterday of the Canadian delegations remarks with respect to the Metis. While it is true that we are seeking the continuation of tri-partite discussions, it may be premature to state that they have been formally re-established, although the potential for resumption has been looking favourable.

Reference was also made to discussions geared towards obtaining a constitutional accommodation for the concerns of the province of Quebec. Here is a case where the same governments who refused to recognize Aboriginal Peoples' rights for constitutional entrenchment because they

didn't know what it meant, several weeks later were prepared to accept conditions for Quebec's inclusion, although they didn't know what the consequences would be. For Quebec, it is sign, then define; for the Aboriginal Peoples it is define, then sign.

Perhaps this recent experience will be an example for First Ministers when next we meet. Where once they have found the political will, they may be able to find it again. In the meantime, we are continuing our efforts to convince the federal government through their hearings on the Meech Lake Accord vis-a-vis Quebec, and with similar hearings in the province of Manitoba that any new amendments to the Canadian Constitution, must as a minimum, constitutionally guarantee a process of negotiations leading to the recognition and protection of our rights.

Madame Chairman, we call upon the members of the United Nations and representatives of Indigenous Peoples and Nations to support our efforts.