

*Native Council of Canada (World Council of Indigenous Peoples)*

STATEMENT TO THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

Our Council represents the interests of the Metis and Non-Status Indians throughout Canada, numbering approximately 1 million.

Although we are currently undergoing constitutional change within Canada, and that the Metis have received constitutional recognition as being part of the Aboriginal Peoples within Canada, we welcome and encourage the creation and future initiatives of the Working Group.

At the outset it is important to note that our membership is composed of Indigenous Peoples throughout Canada who are organized into Provincial/Territorial Associations. The issues that face our people are diverse and may be viewed with differing degrees of significance. As such, we can only give examples of some of the general issues that confront us.

Historically, some of our people, especially in Eastern Canada, have been denied all rights which they justly feel belong to them by virtue of being the natural descendants of the signatories to their Treaties, as provided for by those Treaties.

In the West and West-Central areas of Canada, our people, between 1870 and 1921, witnessed arbitrary action on the part of the Federal Government. The government in its dealings with the Halfbreed Peoples (Metis) allowed some to join Treaty individually and allowed some Halfbreed communities to join an Indian Treaty by adhesion. However, for the majority of Halfbreeds, the Federal Government unilaterally moved to extinguish their Indian or aboriginal title by the issuing of land or money scrip. Both of these scrip notes entitled a Halfbreed person to 240 acres of land in outright ownership (fee simple). The money scrip entitled the bearer to \$240 redeemable only for land which at the time was worth one dollar per acre. Needless to say, these people were immediately divested of their entitlement to the land by unscrupulous and corrupt politicians, bankers, clergy and land speculators.

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The Halfbreed People themselves had requested that the land be issued communally and that it not be subject to alienation. The exact opposite took place. The last two dealings with the Halfbreeds took place in 1906 in Northern Saskatchewan and 1921 in the Northwest Territories.

In the Northern Saskatchewan Treaty 10 area, the people were given the choice of taking scrip or entering into Treaty. The majority of the Halfbreeds and many Indians were enticed into taking scrip. It should be noted that land or money scrip could only be used in surveyed areas and to this day, the land in Northern Saskatchewan is still not surveyed. As a consequence, the only ones to benefit were the speculators who accompanied the Treaty Commissioner. The Halfbreeds received about 20-30-cents per acre and often, less. Again, money was meaningless because they were still using furs as a medium of exchange.

In 1921, in the Northwest Territories, the Treaty Commission (Treaty 11) issued to the Halfbreeds \$240 cash. This can only be because 240 acres would be valued at about \$2,400. Fortunately, the Federal Government is willing to negotiate with the Halfbreeds in the Northwest Territories, who are now doing so in partnership with the Dene Nation.

Along with this loss of traditional lands, the government and now the courts, have ruled that our people have also lost their traditional rights to pursue a livelihood of hunting, trapping and fishing.

With respect to current legal relations, of significance to some of our people is the fact that the Federal Government denies that they have any legal responsibility to deal with us. They have abdicated this responsibility to the provinces, against the wishes of our people. By Section 12 of the Indian Act, the Federal Government has decreed that any person who has received Halfbreed land or money scrip, and their descendants, are not entitled to be registered as Indians. Going further, by Section 12(1)(B), the government

Basically, the Metis and Non-Status Indians within Canada are denied their aboriginal rights to land, resources and self-government. Although the Constitution Act, 1981, may provide for addressing this issue, it is still the position of the Federal Department of Justice that the majority of the Metis and Non-Status Indians have no valid land rights basing their opinions on the legal concepts of the Supremacy of Parliament and Supercession by Law. As pointed out above, in some areas of Canada, notably, the Yukon and Northwest Territories, our people are in the negotiation process, albeit a process which often is frustrated by the government negotiators.

Admittedly, we will be pursuing our rights within the Canadian constitutional framework, however, we also realize that the results will not be far-reaching and that the potential contribution of the United Nations, with respect to Indigenous peoples' rights, will be necessary for the eventual acquisition of our rights.