



SUBMISSION TO THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

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PRESENTATION TO THE WORKING GROUP

METIS NATIONAL COUNCIL

Larry Desmeules

Ron Rivard

Good afternoon madame chairperson and members of the working group. we want to thank you for allowing us this opportunity to address you today.

Although our Association has been here before, we would just like to remind you that the Metis National Council is the National voice of Canada's Metis People and the custodian of a long tradition of Metis Nationalism. Formed in 1983, the Metis National Council is an alliance of five Provincial Metis Associations from the historical Metis Homeland in Western Canada.

We are the vehicle through which our member Associations pursue common constitutional and political objectives, the most important of which have been the establishment of a Metis landbase and self-government. We are the Metis, distinct from Indians and Inuit. We are the Metis, a distinct Indigenous Nation with a proud history, culture and Homeland in Western Canada.

Since the last time the working group met, we have continued to be actively involved in pursuing our Indigenous Rights in our own country.

Since the failure of the First Ministers Conferences with the Federal and Provincial Governments, and the National Indigenous Organizations, in March of 1987, virtually nothing has been done to rekindle any constitutional process in Canada, regarding the Indigenous Populations. Governments would rather concentrate on short term programs and delivery of services to the Metis, than on substantive rights such as self-government. Governments tend to hide behind the legal system to justify the lack of political will in negotiations.

For example, the Federal Government argues that our Metis land rights were extinguished by their 19th century legislation. The Federal Government of the late 1800's and early 1900's decided to divest the Metis of their land and money scrip. Basically,

this method allocated a specified amount, generally 240 acres, per person in outright ownership. This freed the land for development and facilitated widespread speculation and fraud by unscrupulous government officials, lawyers, bankers, and others. The Metis were quickly defrauded of their lands and resources and currently are informed by governments that this action on the part of the Government, whatever Indigenous rights or title possessed by the Metis, has been extinguished.

In addition, the Federal and Provincial Governments have not yet sorted out their respective responsibilities vis-a-vis the Metis People and Metis Self-Government. The Federal Government claims that the Provinces have jurisdictional responsibility for the Metis, while most of the Provinces claim that the Federal Government does.

Our experiences in negotiating our constitutional positions with the Canadian Governments have been frustrating to say the least. They have taken the attitude that they must know in exact detail what Aboriginal Self-Government means - they first want to define, then sign. This surely is a formula for failure. On the other hand these same Governments who have been involved in the Constitutional negotiations with the Indigenous Peoples are prepared to entrench the rights of the Province of Quebec, including recognition as being a "distinct society", without knowing what that means. In this case they are willing to sign, then define. They are willing to let the courts determine what that means, while at the same time stating that they did not want the courts to interpret what Aboriginal Self-Government means, if it goes into the constitution in a general statement.

With National and Provincial debts growing at alarming rates, Governments are starting to cut back their financial assistance to Indigenous People. After the last First Ministers Conference, the Federal Government terminated its funding contribution to the Metis National Council for constitutional development. Also, after

the last First Ministers Conference, the Province of Saskatchewan terminated its funding contribution to the Association of Metis and Non-Status Indians of Saskatchewan, an Affiliate of the Metis National Council.

With respect to all Indigenous Peoples of Canada, the Governments and other agencies, some perhaps well-meaning, have taken an active role in promoting affirmative action within certain sectors. While these measures may be useful in meeting some of the short term goals of achieving better access to a number of social, economic and educational programs, it does not address the issue of the real Political and legal rights and aspirations of the Indigenous Peoples. In many cases, these provisions have been adopted with the view of integrating the Indigenous Peoples into the so-called mainstream society, with the hope that this will eventually lead to Assimilation. If this were not the case, if affirmative action was adopted as an interim measure, working in tandem with the implementation of meaningful Self-Government, then it would be of significant benefit. However, at the current time, these measures can be, and have been used as examples of how sincere the Governments are with respect to the rights of Canada's Indigenous Peoples.

Last year, we reported that one of the Metis National Council's affiliates, the Manitoba Metis Federation, had won a decision in court against the Federal and Provincial Governments for having the right to take the Governments of Canada and Manitoba to court for Metis Land claims. We also reported to this Assembly that this decision was appealed. Just recently, this appeal was allowed and now the Manitoba Metis Federation is taking that decision to the Supreme Court of Canada. The land Rights of the Manitoba Metis has been constitutionally protected by the Manitoba Act, of 1870. Even though the Manitoba Metis Federation started this court action, they remain willing to negotiate an out of court settlement that is equitable and dignified.

The Metis in Canada are in a worse position than other Aboriginal Peoples. With the exception of a few Metis settlements in Alberta, the Metis have no land base.

Both the Inuit People and certain Indian Groups are actively negotiating land claims with the Federal Government. In spite of the obstacles, if the models of the James Bay Agreement, and the 1984 Western Arctic Agreement are followed, future land claims agreements will likely include at least some measure of Self-Government for the Indigenous People affected.

The Metis, on the other hand, have little cause to be excited about the future of Self-Government. While some talks have been started in Saskatchewan, Manitoba, and Ontario on transfer of land and control to Metis Communities, they are still at a preliminary stage, and in some cases, they have come to a standstill. This is a serious situation for us because we are not shielded from outside influences as some Indigenous groups are. Without a land base where we can exercise some measure of control, our survival is threatened.

In conclusion, although some movement has been made over the past 20 years, and in particular over the past ten, the International Community through the United Nations still has a long way to go in respecting the rights of Indigenous Peoples. This is also true in various countries, such as Canada. Although the Government of Canada projects itself as a champion of human rights, Canada's Indigenous relations have not been very positive. Canada's reluctance, or perhaps more correctly, its refusal to recognize the legitimate rights of the Indigenous Peoples to land, Self-Government and treaty rights has been well established over the past five years. Although, for political expediency, Canada entered into Constitutional negotiations with some representatives of the Indigenous Peoples, Canada has called off the talks without recognizing any substantive rights. They continue to hide behind narrow interpretations emanating from courts established under their rules and carrying out their laws, which are negative to the real rights of Indigenous Peoples.

THANK YOU MADAME CHAIRPERSON.

