

---

**INFORMATION  
PACKAGE**

**FOR THE**

**METIS ELDERS  
SELF GOVERNMENT  
WORKSHOPS**

**JUNE, 1995 - MARCH, 1996**

**Prepared by: Debbie Coulter  
National Metis Elders Conference Co-ordinator  
Metis Nation Tripartite Office**

## WHAT DO WE MEAN BY THE WORDS 'METIS' AND 'HALFBREED'?

These words have been used in different ways in the past but today we use them both to describe persons born of a mixed Indian/European background but who are NOT registered as Indians under the Indian Act. In the western provinces, the word METIS is used rather than HALFBREED because the idea of a NATIONHOOD of Metis was developed on the prairies. This idea began in the Red River area of Manitoba and moved westward with the Metis into Alberta and Saskatchewan.

## HOW DID THE RED RIVER METIS COME TO CALL THEMSELVES A NATION?

The Metis were a very important power in the west, both economically and politically. As a distinctive and united cultural group, they considered themselves a NATION.

The Metis played a vital economic role in the fur trade. They were both fur-traders and trappers. They were the guides and interpreters for other fur traders and explorers. They were the freighters, carrying goods from Winnipeg throughout the Northwest. They were the hunters, provisioning the trading posts, the boat brigades, and the farmers of Red River with the meat from the Great Buffalo Hunt. Good leaders were needed to organize the Hunt. Everyone had to work together. Those qualities of leadership and co-operation also made the Metis strong politically. The political strength of the Metis was tested a number of times in the Red River of the early 1800's. The governors of the Selkirk Colony at Red River tried to forbid the Metis to run buffalo or to sell pemmican to far away trading posts. The Hudson's Bay Company tried to stop the Metis from dealing in furs as free traders. However, the Metis **SUCCESSFULLY ASSERTED THEIR RIGHT TO MAKE THEIR OWN DECISIONS AS TO HOW THEY WOULD LIVE.**

Definitions used by the Canadian Government to segregate and separate the Aboriginal Peoples are as follows;

### **METIS OR HALFBREED**

The words 'Metis' or 'Halfbreed' (a slang reference to people who are partially Indian) are commonly accepted by society as persons who are one half/ one quarter/ one eighth and in some areas, one sixteenth or less of Native blood. Originally 'Metis' referred specifically to those people who were of French and Indian descent. Today we use the word 'Metis' when referring to people who are of any mixed Indian and European descent.

### **NON-STATUS**

Native people who fall into this category are Indians who do not have treaty rights but who are considered to be full-blood. Many of us know people who are 'Non-Status' and are familiar with stories of how they came to be classified as such. A common story is that when the government came around to issue treaty numbers to Indians then living on reservation land, the head of the household was away tending to his traplines or hunting, and therefore no treaty number was issued to either he or his descendants. Or, as in the case of British Columbia's First Nations who have never signed any treaty agreements with the Government of Canada and consequently do not have special rights. Although full-blood, they are NOT considered Treaty or Status.

## TREATY OR STATUS

'Treaty' or 'Status' Indians are those Native people who signed treaties with the Dominion of Canada and thereby have special rights or status. In order to gain special rights these people had to relinquish their lands to the government in return for promises of education, medical care, portions of their land set aside for themselves (reservations), and freedom from taxation, among others. There remains some confusion today as to what rights were guaranteed to who under which Treaty.

## WHO ARE THE METIS?

The first Metis were the children of European fur traders and Indian mothers. In time, they became the major trading force in the fur trade, acting as middlemen between the Indians and the fur traders. As they increased in numbers, and as the labor needs of the fur trade changed, they began to form permanent settlements. By the 1830's, there were substantial communities of Metis in the Red River area as well as other locations throughout the west such as, Cumberland House, The Pas, Prince Albert, Battleford, St. Albert, and other key locations in the North West Territories. **THEY DEVELOPED A DISTINCTIVE CULTURE AND IDENTIFIED THEMSELVES AS A NEW NATIONAL GROUP SEPARATE FROM THE INDIANS AND EUROPEANS.**

## HISTORICAL DEALINGS WITH CANADA

It was British policy to treat Aborigines of mixed ancestry as Indians if they lived with or like the Indians, and as White if they lived in or became assimilated into settler colonies. No separate group of persons were recognized as Metis in the Atlantic provinces or in Upper and Lower Canada. In western Canada, where the Metis had permanent communities, they insisted on being dealt with as an Aboriginal group separate from the Indians. The first legal recognition of the Metis was by way of the Manitoba Act of 1870 which was a constitutional document. All persons of mixed ancestry living within the boundaries of Manitoba were dealt with as Metis unless they lived with an Indian band and chose to be dealt with as Indians. As a result of pressure from the Metis and others, the Federal government legally recognized the Metis of the Northwest in an 1879 Amendment to the Dominion Lands Act. The government formally implemented the provisions of the Act beginning in 1885. Under this Act, all persons of mixed Indian/European ancestry could qualify for lands unless they chose to live with an Indian band and were registered on the Band List.

## METIS RECOGNIZED AS INDIANS.

In addition to those Metis who opted to join an Indian band, the government formally recognized certain other Metis as Indians, including the following:


- in 1872, 'Halfbreeds' in the Treaty 3 area were recognized and registered as a separate Indian band.
- in 1886, 'Caughnawaga Halfbreeds' living on the Reservation were accepted into the band by an Amendment to the Indian Act.
- in 1898, 'Halfbreeds' at Lac La Biche formed an Indian band and became registered.

### THE BRITISH NORTH AMERICA (B.N.A.) ACT

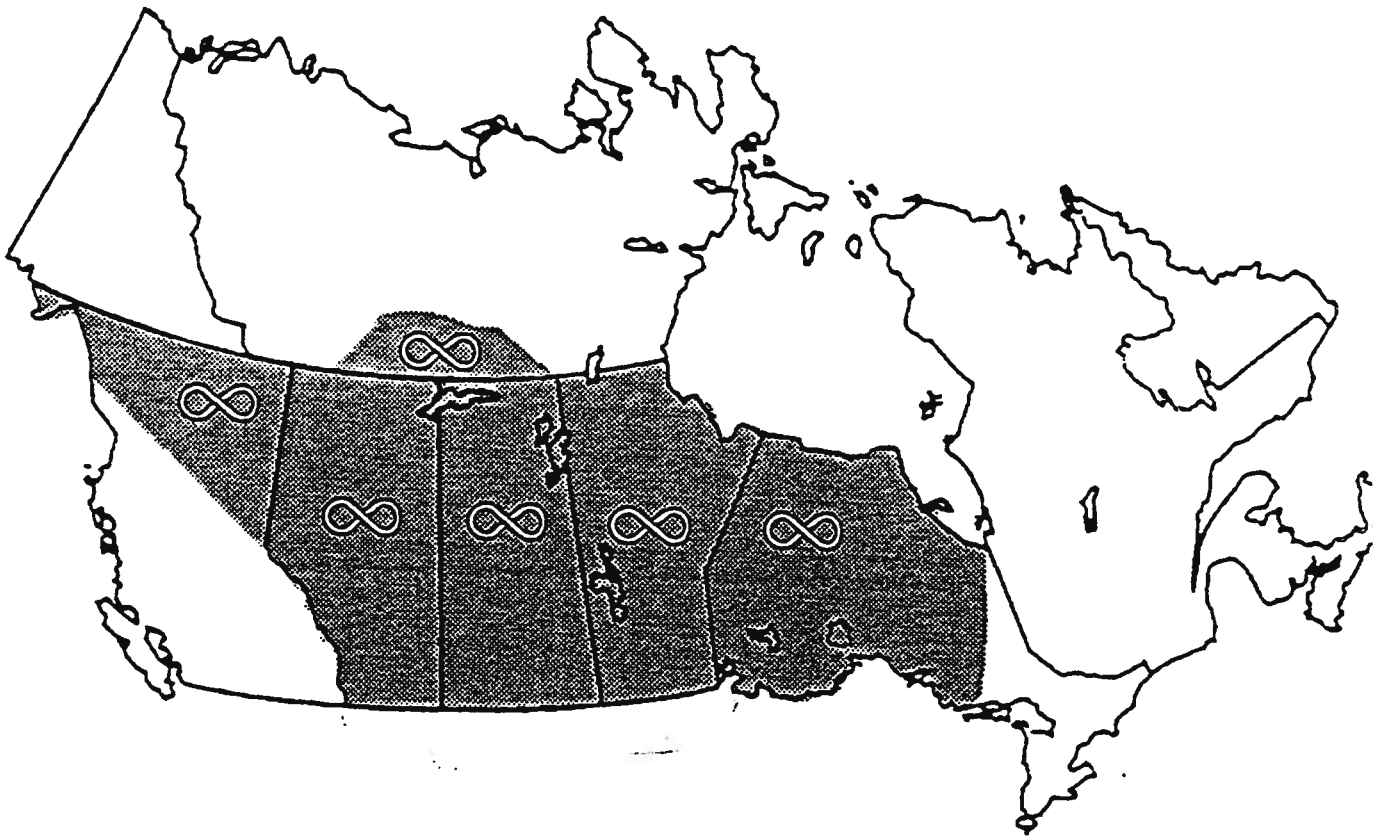
Under subsection 91(24) of the B.N.A. Act, the government of Canada accepted responsibility for Indians. It is claimed by most legal authorities that the term 'Indian' in the Act means 'Aboriginal' and includes ALL ABORIGINAL PEOPLES. Canada, by way of the Indian Act, accepted responsibility for Indians, including 'Halfbreeds' who identified themselves as Indians. The Supreme Court of Canada has ruled the Inuit are 'Indians' within the meaning of the Act. It is the position of the Metis National Council that Metis are also 'Indians' within the meaning of subsection 91(24) and, as such, come within Federal jurisdiction.

### WHERE IS THE METIS HOMELAND?

The Metis homeland encompasses " The current Canadian boundaries of Manitoba, Northwestern Ontario, Saskatchewan, Alberta, parts of British Columbia, the North West Territories, and the current United States boundaries of Montana, the Dakotas, and Minnesota..." \*

Metis Homeland 

Canada 



\*excerpted from "Oral History of the Metis/Michif People" by Audrene Houry

## WHO ARE THE METIS TODAY?

It is the position of the Metis National Council that the Metis referred to in Section 35 (2) of the Canada Act of 1982, are:

- all those persons who can produce proof that they are descendants of persons dealt with as Metis under provisions of the Manitoba Act of 1870.
- all those persons who can produce proof that they are descendants of persons dealt with as Metis under the Amendments to the Dominion Lands Act of 1879.
- all other persons who can produce proof of Aboriginal ancestry who have been accepted or who are accepted as Metis by the Metis community.

There ARE other persons of mixed ancestry who identify themselves as Metis who, in the opinion of the Metis National Council, may be included as Aboriginal Persons under subsection 91(24) of the B.N.A. Act but who are NOT Metis within the meaning of Section 35(2) of the Canada Act of 1982.

## WHY A METIS REGISTER?

If the Metis are to be recognized as a separate Aboriginal group with Self Government Rights (Metis Nation), THEY MUST BE ABLE TO IDENTIFY THEIR MEMBERS. Only the members will have a right to participate in the decisions of Metis governing organizations and to vote in elections for their leaders and directors. To determine who will receive benefits which result from the recognition of Metis Rights it is necessary to have a Metis Register.

## WHOSE NAME WILL BE ENTERED INTO THE REGISTER?

Initially, the Register will consist of the Charter Members of the Metis Nation. The Registry will consist of all applicants who can trace their ancestry:

- to Metis recognized and given land grants under the provisions of the Manitoba Act of 1870
- to Metis recognized and given land grants under the provisions of the Dominion Lands Act of 1879
- other persons of Aboriginal ancestry who have been or are accepted as Metis by the Metis community.

Once the Charter Register has been established, only descendants of the Charter Members will be entered into the Registry other than the provision for persons who meet the above criteria but who did not or could not register because of extenuating circumstances.

## HOW WILL THE REGISTER BE ESTABLISHED AND MAINTAINED?

All persons who are certified as Metis by the National Enumeration Process will have their names entered into a National Register. From this National Register, based on the province of residence at the time of enumeration, a Provincial Register will be established. The Register could be maintained in the Provincial Vital Statistics Agency by a branch established for this purpose. All Metis could have a prefix (M?) to their Health Insurance Number which could also be used as their registration number. As births and deaths are registered with the provincial agency, the names would automatically be added to, or deleted from the Register. Each province would provide the government of Canada with a printout of their Register as of December 31 of each year.

## HOW WILL THE REGISTER BE USED?

The Register would be used to identify those persons eligible for any individual benefits which are available to all Metis. Metis organizations would use the Register to determine who is eligible to vote in local, regional, provincial, or national elections held for the purpose of electing Metis political leaders and those persons responsible to direct the work of Self Governing Metis institutions. They could also use the Register to determine who is eligible to share in specific collective rights such as; access to Metis lands and resources, hunting and fishing rights, or special tax exemptions, among others. Additionally, the Register would assist in the decisions of who can live on the lands or who can benefit from any education or economic assistance. When Metis persons move from one province to another, their names would automatically be transferred from the Register of the province which they are moving from, to the Register of the province they are moving to. A change of provincial residence would not affect general rights available to all Metis. When a Metis person moved out of province, they would no longer be eligible to the collective benefits available in the province they are leaving, but would automatically be eligible for any collective benefits within the province they have moved to. Once the Charter Memberships are established, the local membership will decide who qualifies to live on land and receive benefits. Collective benefits will only be available to Registered Metis.

## METIS ENUMERATION

Governments have taken the position that before they can seriously deal with Metis Rights, the need to know:

- Who are the Metis?
- Where are the Metis?
- How many Metis are there?

To answer these questions, there must be a census of the Metis. Since the Metis, as defined by the Metis National Council, have become dispersed nation wide, a national census of Metis is necessary. The position of AMNSIS and the Metis National Council is that when such a census takes place, it will be important to take a census of all Non-Status Indians and other persons of Aboriginal ancestry who are NOT registered as Indians or who are not Inuit.

## WHO WOULD CARRY OUT SUCH A CENSUS?

A Census Task Force appointed under the terms of a Constitutional Accord or non-Constitutional agreement signed by the government of Canada, at least seven provincial governments, including either Ontario or Quebec, and the concerned Aboriginal peoples. Much of the technical work would be contracted to Statistics Canada, who already does the census for the government of Canada, and who has the jurisdiction and legal authority to conduct a census under the Canada Census Act. Metis organizations would be involved in the Task Force and any other structures established to carry out the census.

### WHAT STRUCTURES ARE NEEDED TO CONDUCT A CENSUS?

A five person National Task Force with a federal, provincial, Metis, and Non-Status Indian nominee and a Chairperson acceptable to all four groups. A five person Screening Committee in the western provinces, one Regional Committee for the North, and one for Quebec and the Atlantic provinces. The committees would be made up as described above. A five person Appeals Committee for the above areas, and composed in the same way, as well as a National Appeals Committee. Staff Secretariat for the Task Force and a small complement of research/facilitators employed by each provincial and territorial Association to assist local people to complete the questionnaires and establish proof of ancestry.

### HOW WILL THE CENSUS TAKE PLACE?

In a general census, the enumerators traditionally visit every household and take the census. In the most recent census, the forms were mailed to every household, completed by the registered occupant and returned by mail. Since we do not know who the Metis are individually or where they reside, these methods are of no use to us. Instead, it is proposed that the forms would be available at every Post Office in Canada. Persons wanting to be included could pick up the forms there. Some forms would have to be sent to special groups such as children in foster or adoptive homes and persons confined to institutions. An extensive advertising campaign would be required so every Metis would be aware of the enumeration. When forms were completed, they would be sent to the Provincial Screening Committee. Assistance would also be available from the provincial organizations. Staff would review the forms and prepare recommendations for the Screening Committee. Applications recommended for registration would be sent to the National Task Force who would also act as the Certification Board. Any applicant who is rejected for registration would be so informed along with information on the Appeals process available. Any applicant not satisfied with the first level of Appeal, will be informed of their Right to Appeal to the National Tribunal as well as given any assistance which may be available to them. Persons so wishing may make a further Appeal to the Federal Court of Canada. All applicants who are certified will have their names placed into the National Register. A period of grace will be provided for potential applicants who, because of extenuating circumstances, did not or could not apply when the census took place.

### METIS- A FEDERAL OR PROVINCIAL RESPONSIBILITY?

How could this question of jurisdiction be resolved? The Metis National Council has identified a number of possibilities including:

- the federal government agreeing that Metis are Constitutional 'Indians' under subsection 91(24) of the B.N.A. Act.
- the Metis seeking to have the matter decided by the Supreme Court of Canada.
- the Metis, federal, and provincial governments agreeing that the Metis have all the Rights that generally pertain to Aboriginal Peoples.
- all parties agreeing not to pursue the subsection 91(24) of the B.N.A. Act argument, but instead, spell out Metis Rights and government responsibility under the provisions of Section 35(2) of the Canada Act of 1982, and thereby creating a third order of government entrenched in the Constitution.

## METIS SELF DETERMINATION

Under International Law, the right of Indigenous People to Self Determination has been recognized. Canada has a responsibility to work with its Aboriginal Peoples to find ways of granting them self-governing rights. One hundred years of colonial domination of Aboriginal Peoples in Canada has relegated them to second class citizenship, preventing them from participating, except in marginal ways, in the social and economic development of Canada. Decisions made by non-natives, along with programs and services administered by non-natives on behalf of Aboriginal Peoples, have been a disaster. They have resulted in problems such as poverty, alcoholism, crime, family breakdown, cultural disintegration, as well as inferior education and training opportunities. The Aboriginal Peoples can overcome these problems if they are allowed to exercise more responsibility over themselves and those institutions, programs, and services which are the key to economic and social progress.

## WHAT KIND OF SELF-GOVERNMENT RIGHTS DO THE METIS SEEK?

The Metis have never sought separation from Canada. The purpose of the Red River Resistance and the Northwest Uprising was to gain better conditions and more rights for Metis within Canada. This continues to be our goal. We do not seek sovereignty or separation from Canada. We seek the right to greater control over our lives and request that this be accommodated within the Canadian Federation. We seek control over those aspects of our lives which are key to the preservation of our unique culture and which are important to our social and economic development. These include the right to institutions which are responsible for the education and training of our people, cultural institutions, economic institutions, family and childrens services, and rehabilitation and corrections services. We seek control over those aspects of our lifestyle, plus other appropriate lifestyle areas where reasonable and where numbers warrant.

## WHAT SPECIFIC INSTITUTIONS DO THE METIS SEEK TO ESTABLISH?

We would like to see local government structures on Metis lands, schools for our children on Metis lands and special schools to upgrade our people in urban areas. Institutions to promote and teach our language and other historical cultural concerns. Training centres affiliated with existing professional and technical institutions to train our people for certain key professions and technical and trade opportunities. Economic Development Institutions to promote, develop, and finance ventures by Metis entrepreneurs, communities, and organizations either alone or as joint venture operations with other economic institutions and business entities. Counselling and rehabilitation agencies to assist our people in their struggle with alcohol, family and child behavior problems, and services aimed at the rehabilitation of those involved in delinquent and criminal behaviors. Leisure and preventative health services to enable our people to make constructive use of their leisure time, to improve personal health and hygiene, and to promote healthful lifestyles. Cultural institutions to teach Aboriginal history and to promote and assist in the development of Aboriginal culture and lifestyle.



## HOW SHOULD SUCH SELF-GOVERNMENT RIGHTS BE PROVIDED?

Metis Self-governing Rights could be provided either by entrenching them in the Constitution, by providing for them in legislation, or by some combination of the two. Because of past and present experiences with the political leaders of the dominant non-Aboriginal population, we believe that Constitutional recognition of, and the guarantee of Aboriginal Self-Governing Rights MUST be included in the Canadian Constitution. If such recognition, in principle, with guarantees are entrenched, the Metis are prepared to discuss how the details of institutions, programs, and services could be provided for in legislation and/or agreements. The minimum we seek is Local Self-government on Metis lands and the right to political autonomy outside Metis lands where reasonable and practical.

## WHAT IS A METIS 'LOCAL GOVERNMENT'?

This is a government body established on a Metis land base which has control over that land. The areas of jurisdiction would include all matters relating to the land and resources and their development. As well, local services would come under the control of the 'Local Government'. This 'Local Government' could make laws concerning these matters, implement programs and services, and assess taxes on the land, resources, and the people living there. The Metis seek guarantees in the Canadian Constitution to protect the following 'Local Government' Rights:

- the Right to establish their own government structures
- jurisdiction and Rights entrenched as a third order of government
- jurisdiction over such matters as local Public Works, Economic Development, Education, Health and Leisure services, Family and Childrens' services, Law Enforcement, Judicial services, Rehabilitation services, Language and Culture, Lands and Resources, and Local Taxation, among others
- the jurisdiction could be a) greater than those granted to Municipal government, b) the same as those granted to Municipal government, or c) less than those granted to Municipal government
- self-government Rights entrenched in principle in the Canadian Constitution, with jurisdiction and other details spelled out in a) Federal legislation alone, b) Federal AND Provincial legislation, or c) Provincial legislation alone
- no Constitutional entrenchment, but an agreement on the Right of Aboriginal Peoples to Self-government by means of a Constitutional Accord. The provisions for such Rights could be spelled out as in a) to c) above
- the Right to control membership of land based settlements
- the Right to adequate financing

The Metis could then establish an 'Association of Local Governments' responsible to negotiate with the federal and provincial governments on all matters under 'Local Government' jurisdiction. They could then co-operate with local 'Councils' to establish 'Regional Councils' and could then co-operate with other 'Regional Councils' to establish certain institutions and programs which are only practical on a regional basis, such as forestry projects, fish plants, or hospitals. The opportunity to develop programs which would operate on a province wide basis, such as cultural institutions, housing programs,

and the like, would be more readily available. Or, with local autonomous 'Councils' and 'Regional Councils', participate in establishing a 'Provincial Council' representing all Metis people within the province. This 'Provincial Council' could then co-operate with other 'Provincial Councils' to:

- establish a 'National Council'
- negotiate at the national level with the Federal government
- establish national institutions and programs
- represent the Metis at International Indigenous Councils and Forums

### **METIS SELF GOVERNING INSTITUTIONS**

A Self-governing institution could either be a political or a program/service institution. The local land based settlements and Local, Regional, and Provincial Councils are examples of political institutions. The Gabriel Dumont Institute, Native Alcohol Council, and Metis Housing Corporations are examples of provincial program/service institutions. Self-governing institutions could have their own Boards elected by the membership at large, or they could have Boards of Governors appointed by the political organizations. Boards of self-governing institutions might be granted areas of responsibility in which they could pass By-laws. Such institutions would be subject to laws of general application. The Boards could develop programs, establish specific program policies and procedures, hire staff, deliver services, set budgets, and administer the programs. Such Boards would be responsible to their own members, or to the body or bodies appointing them, but would also be subject to policies and regulations of general application.

### **HOW WOULD THE RIGHT TO SELF-GOVERNING INSTITUTIONS BE GRANTED?**

They could be entrenched in the Canadian Constitution in principle, or, the right to specific institutions could be identified and entrenched in the Canadian Constitution. They could be provided for by way of a modern land claims agreement which would be entrenched in the Canadian Constitution or by way of new federal or provincial legislation. Another alternative is to incorporate them into existing federal or provincial legislations.

### **TO WHOM COULD SELF-GOVERNMENT INSTITUTIONAL RIGHTS BE GRANTED?**

To the Metis government. They could be granted the right to establish local institutions such as schools, family and childrens agencies or economic development corporations, to name a few. These would be under the direct control of the Local Government or could have Boards elected by the membership at large (school) or appointed Boards (development corporation). Non land based Metis Councils could also be granted rights at the local, regional, or provincial level. These could include cultural and training institutions, family and childrens services, recreation services, and other similar Metis programs.

## EXAMPLES OF SELF-GOVERNING INSTITUTIONAL RIGHTS

These institutions could be local, regional, or provincial in scope depending upon the nature of the institutional programs and services they deliver. Public schools would be local institutions. There could also be local recreational programs and family and childrens services among others. Trades and technical training with some general professional course preparation could best be delivered in regional training centres. There could be regional Boards responsible for the administration of the training centres and the delivery of the training. Program development, curriculum content, and the negotiation of agreements would need to be the function of the central institution to ensure uniformity of program content and standards and to arrange for certification. A cultural/historical institute would be a provincial institution operated by a Provincial Board. However, program delivery would need to be arranged through regional training centres or at the local level. A Credit Union or bank could have local branches. A Metis economic development institution might have regional or local corporations to undertake specific projects or businesses.

## HOW WOULD SELF-GOVERNING INSTITUTIONS BE FUNDED?

Funding arrangements could take a number of forms and would likely vary with the institution and/or program. For example,

- political institutions could be funded with earmarked tax points or general grants
- recreation services could be funded through lotteries and/or grant programs.
- a school could be funded by tax assessment and the general grant system.
- an economic development program could be funded through capital grants, operating grants, bank leverage, and corporate surpluses.
- family and childrens' services, adult education and training, and similar programs could be funded by the use of grants or service agreements.
- equalization grants or 'catch up' grants could also be negotiated.

Compiled, researched, and edited by  
Deborah Coulter  
Senior Partner  
T.J. Chalifoux and Associates  
Metis Consultants

May, 1995

## *A Creed for Those Who Have Suffered*

*I asked God for strength, that I might achieve.  
I was made weak, that I might learn humbly to obey.....*

*I asked for health, that I might do great things.  
I was given infirmity, that I might do better things.....*

*I asked for riches, that I might be happy.  
I was given poverty, that I might be wise.....*

*I asked for power, that I might have the praise of men.  
I was given weakness, that I might feel the need of God.....*

*I asked for all things, that I might enjoy life.  
I was given life, that I might enjoy all things.....*

*I got nothing I asked for -- but everything I had hoped for.*

*Almost despite myself, my unspoken prayers were answered.*

*I am, among men, most richly blessed!*

*Roy Campanella*