



THE MÉTIS NATIONAL COUNCIL

The MÉTIS Nation

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May 1994

ELECTIONS, CONSTITUENT ASSEMBLY SET FOR JULY

The Métis National Council announced plans to hold a constituent assembly of Métis people in St. Albert, Alberta, on July 15, 16 and 17, 1994. The assembly will adopt a new constitution and hold an election for the new president of the Métis Nation. Delegates to the meeting will be composed of the boards of the MNC member and affiliated associations.

The meeting will combine a leadership convention with inherent right constitutional consultations. The executive of the Métis National Council has adopted a working draft of a constitution and has invited the Métis people to review and comment on it. Written comments will be brought forward at the constituent assembly.

Gerald Morin, current MNC President, said, "The people of the Métis Nation have been asking for a new constitution and an election for the leadership for the Métis Nation and this new Executive is committed to responding to the people. We want to unite the Métis Nation by developing a new constitution that will lay the foundation for the Métis Nation. We believe these measures will help us achieve our goals."

The adoption of a new constitution will mark the first steps towards the implementation of the inherent right of the Métis Nation to self-government. Delegates to the July meeting will examine options for the implementation of the inherent right negotiations, and ultimately, for the future relationship between the governments of Canada and the Métis Nation.

If you are interested in reviewing and commenting upon the draft Constitution, please contact the national office.

EDITORIAL

Good news — the voice has risen among the Métis. It is unfortunate that the speakers have not felt it necessary to stand behind the voice.

This spring, anonymous newsletters were distributed in Saskatchewan and in Manitoba. "Crosshairs" alleges financial mismanagement, political intimidation and abuse of authority. "The Métis Messenger" takes issue with the administration of the Métis Nation of Saskatchewan and alleges election irregularities, financial misappropriation, and threats of violence.

These are serious allegations which have been aired. Provincial audits will deal with some of these accusations. As for the others, a mechanism should be set in place to deal with these allegations, but within the community.

However, the fact that these newsletters are published anonymously harms their credibility. It also makes it very difficult for those involved to answer

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the allegations, since their accusers are not "on the record".

Daily newspapers refuse to run unsigned letters, or articles written under a pseudonym. Ottawa Citizen editor Bob Reade says this is because "it's too easy to say things without giving an individual the right to face his or her accusers." Only if someone was facing grave personal danger from being publicly identified, and if the material was of immediate public interest, would the Citizen consider running material under a pseudonym.

The earliest newspapers appeared with unsigned editorials and anonymous sources; this was to protect the writer and publisher from imprisonment or execution. Today freedom of speech is protected under the Charter of Rights, and only the most extreme accusations risk court actions.

Reade says unpopularity is not enough of a reason to refuse to sign one's name. "Certain sacrifices are necessary for democracy to work. You have to be prepared to have the courage of your convictions."

Developing the structure for self-government is an arduous task. Co-operation from all is essential. "Crosshairs" and "The Métis Messenger" are right: there is a danger that at this delicate time, the public image of the Métis could be associated with infighting and "incompetence".

Concerned citizens need not fear retribution for expressing their opinions openly and publicly. The existence of these newsletters is part of the need to express Métis opinions in public. Let us not demean this positive development or the search for truth by unattributed and therefore unaccountable information.

Let the evidence be brought forth; let the allegations be answered; and let the proud Métis tradition of democracy carry the Métis forward in the difficult work of claiming their long-denied rights in contemporary Canadian society.

This issue of the MNC newsletter is devoted to the implementation of the inherent right of the Métis to govern themselves. Some of the news articles deal with policy development, the upcoming MNC election, the draft constitution, and the Métis Nation land claim filed in Saskatchewan.

Research reports on housing, justice and health conditions facing the Métis are also profiled. Recommendations on how the Métis can gain control over these jurisdictions — and examples of how they are already doing so — help to move the concept of self-government from an ideal to a reality. Please send us your comments on this issue of the newsletter, as well as your ideas and contributions for upcoming issues. We welcome articles on Métis issues.

Marc LeClair, Acting Editor

DRAFT CONSTITUTION TO BE RATIFIED AT JULY CONSTITUENT ASSEMBLY



The executive of the Métis National Council announced the first steps towards implementation of the inherent right of the Métis Nation to self-government. Gerald Morin, President of the Métis Nation, announced that the Métis National Council had adopted a working draft of a constitution for the people and the government of the Métis Nation. This constitution

will be put forward for ratification at a special meeting of members to be held July 15, 16 and 17 at St. Albert, Alberta.

Delegates will also examine process and options for the implementation of the inherent right to self-government, and ultimately, the future relationship between the Métis Nation and the governments of Canada.

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Constitutional Highlights

The draft constitution outlines the foundation of the Métis Nation, central goals and aspirations, operating principles and governing structure.

The constitution asserts the common cultural identity, political will and desire to protect and strengthen Métis identity. It proclaims the inherent right for the Métis to govern themselves, to have control over their destiny, and to reclaim their rights to land and control over Métis citizenship.

The constitution divides the Nation into six jurisdictions, comprising Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and the Northwest Territories. Each jurisdiction will have a representative body, as is the case now. The proposed capital will be Batoche, and a flag, anthem and emblem are to be adopted. The Métis will have dual citizenship within the Métis Nation and also within Canada. Canadian and provincial laws will continue to apply to the Métis Nation, subject to displacement by laws enacted by the governing bodies of the Métis Nation. Enumeration and registration of the Métis people will be legislated by the new Métis government.

Mutual respect, co-operation, sharing and tolerance will be the basis for interaction. Discrimination on the basis of sex, language, nationality, age, profession, disability, education and other aspects shall be forbidden. The Nation will respect religious freedoms and freedom of expression. The family will be a cornerstone of the community, and Métis laws will promote and safeguard

it. Education and training, employment and work will form the basis for growth and prosperity of the people. Culture and language will be promoted and enhanced. The principle of direct elections, one person one vote, will be respected. In the transitional phase, an assembly election will be held.

A proposed governing structure is laid out in the document. It shall consist of a national Legislative Assembly (in the transitional phase, comprising existing elected members of provincial/territorial boards) and a Senate (members to be appointed). An elected President and an executive council, to be called the Métis National Council, composed of the leaders of the provincial and territorial bodies within the Métis Homeland, will form the cabinet or executive branch. The selection and responsibilities of legislative representatives, senators and the cabinet are described. Procedures are detailed for voting on motions and laws, and their enactment. Establishment of a Secretariat to carry out the public service of the Métis Nation is recommended. And procedures to amend the Constitution are outlined.

Members' comments on this draft are welcomed. For more information, or a copy of the document, contact the Métis National Council.

The People of the Métis Nation

Métis Nation Legislative Assembly

BC	Alta.	Sask.	Man.	Ont.	NWT	Métis Senate (appointed by province)
8	16	16 Representatives	16	8	8	

THE MÉTIS NATIONAL COUNCIL

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MÉTIS NATION SENATE COMMISSION

Representation of Métis in British Columbia Clarified

In October the Métis Nation Senate Constitutional Commission convened a hearing in British Columbia on granting recognition to one province-wide Métis political organization.

The commission was chaired by Senator Thelma Chalifoux. Other members included Senator Ed Head, Senator John Boucher, Senator Peter Fraser and Senator Edith McLeod.

Delegates from the community of Kelly Lake, the Louis Riel Métis Association, the Pacific Métis Association, and the Vancouver Island Métis Association made presentations to the Commission.



Senator Chalifoux said, "Our nation is realizing the advantage of establishing quasi-judicial groups to address concerns and disputes within the nation. This process, and this hearing, are important in establishing quasi-judicial systems within a self-governing model. Courts in Alberta have recognized the authority of the Senate." The commission has made a number of recommendations. The Métis National Council has endorsed the recommendations and has now recognized the chairperson of the BC Transition Committee.

1. The first and foremost recommendation of the Commission is to call upon the Métis leadership within the province of British Columbia to set aside their differences and work towards developing a single Métis federation within the province.
2. The Métis representative bodies in British Columbia should establish a Transition Committee to develop a new constitution and electoral law.

3. Representation on the Committee should include a representative from the Pacific Métis Federation, the Louis Riel Métis Association, the Vancouver Island Métis Association and the community of Kelly Lake.
4. The Senate recommends a constitutional structure that recognizes the regional strength and character of the various groups that are involved in the existing associations. In this regard, the Senate recommends that the community of Kelly Lake be given guaranteed representation within the overall structure and that it take the lead in all matters of a local nature in the community including the negotiation of land claims.
5. As the recommended structure of the new constitution is to establish a federation of Métis organizations that recognizes the regional strength of each association, the Senate recommends the establishment of a provincial Métis Senate composed of equal representation from all associations.
6. The Senate recommends that the MNC work closely with the Transition Committee to seek resources for a province-wide ballot box election open only to Métis citizens who meet the Métis National Council's definition of Métis.
7. The Senate recommends that each of the associations submit their list of members to an independent electoral commission and for this composite list to form the basis for an election of the officers of the federation. The parties should give serious consideration to involving the elders and/or Senators to carry out this nonpartisan and independent task.
8. The Senate recommends that until an election of officers can be held in the new federation, the MNC allow a representative chosen by the Transition Committee to sit as observers on the Métis National Council.
9. The Senate recommends that if a new structure is not up and running prior to the annual MNC assembly, that representation from British Columbia be composed of Métis observer representatives from the four associations set out above.

PROFILE OF MÉTIS INTERLOCUTOR

The Honourable Anne McLellan, Minister of Natural Resources Canada

Prime Minister Jean Chrétien announced that the Honourable Anne McLellan will act as Interlocutor for the Métis Nation. Anne McLellan was elected M.P. for Edmonton Northwest in Oc-



tober 1993, and appointed Minister of Natural Resources. She is a well-known local and national legal commentator on the Canadian Charter of Rights and Freedoms. She has written on human rights issues and contributed to a number of publications and research projects on subjects including constitutional reform, pay equity, employment equity, and affirmative action.

A native of Nova Scotia, Ms. McLellan was admitted to the Bar of Nova Scotia in January 1976. She was an Assistant Professor of Law at the University of New Brunswick from 1976 to 1980.

In 1980 she moved to Edmonton to assume the position of Associate Professor of Law at the University of Alberta. She became a professor in 1989, and served as Associate Dean between 1985 and 1987, and Acting Dean between July 1991 and June 1992.

The Minister is a past member of the Board of Directors of the Canadian Civil Liberties Association and Alberta Legal Aid, and she served as Vice-President of the University of Alberta's Faculty Association.

The role of Interlocutor within the federal cabinet is to address items that affect Aboriginal peoples who are not represented by the Minister of Indian Affairs and Northern Development. The Interlocutor also oversees the federal government's participation in tripartite self-government negotiations.

MÉTIS NATION LAUNCHES LAND CLAIM

The issue: land claim in northwestern Saskatchewan filed in Court of Queen's Bench in Saskatoon against the Saskatchewan and Federal governments.

On March 1, the Métis National Council, the Métis Nation of Saskatchewan and thirty-four Saskatchewan Métis launched a land and rights claim against the governments of Canada and Saskatchewan. MNC President Gerald Morin was one of those initiating the legal action to recover Métis territory lost to land speculators and the federal and provincial Crowns at the turn of the century.

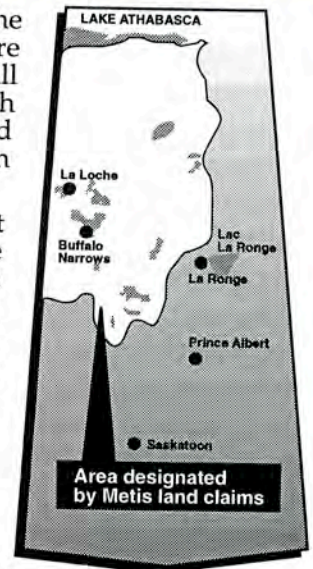
The Statement of Claim filed with the Court of Queen's bench in Saskatchewan will set a precedent for within the traditional Métis Homeland. Métis leaders are seeking territory and resources located in the northwestern area of the province of Saskatchewan. The territory under dispute covers about 145,000 square kilometres, an area twice the size of New Brunswick.

"This is an important day for the Métis people. Today we are taking a concrete step toward reasserting our right to our Homeland and our right to live with dignity," said

Mr. Morin shortly after filing the statement of claim. "If we are successful in this effort, we will finally get a chance to finish building the Nation envisaged by the Métis people more than 125 years ago."

"While going to court is not our preferred option, we have to pursue the interests of the Métis Nation whenever and wherever possible," said Mr. Morin. "The government set up a land scrip system that resulted in the dispossession of the Métis people. The time has come for the Court to recognize how our people lost their territory and to order the governments responsible to make amends."

The claim will not affect Aboriginal and Treaty rights and titles of the other Aboriginal peoples in the area.



MÉTIS LAND RIGHTS — EXCERPTS FROM THE STATEMENT OF CLAIM

Métis individuals are suing on behalf of themselves and all other members of the Métis nation who make or consider their homeland to be that part of northern Saskatchewan. The Defendants are the governments of Canada, represented by the Attorney-General, and of Saskatchewan, represented by the Minister of Justice.

The Métis argue that prior to 1870, they were living in Rupert's Land and the North West Territory as a distinct Aboriginal people, comprising their own cultural and political community, collectively in possession of lands and resources throughout the area known as western Canada. These Métis people and their descendants are referred to in the statement of claim as "the Métis Nation", and the land they inhabited and claimed as "the Homeland". The Métis claim Aboriginal rights and title to this Homeland, arising out of their possession, occupation, use and benefit of this Homeland.

The claim traces the development of the political and social consciousness of the Métis Nation. This occurred through political and military actions in defence of Métis rights including the 1816 Battle of Seven Oaks, where the Métis flag was first unfurled; the establishment of the provisional government in the Red River settlement in 1869-70, which led to the negotiated entry of Manitoba into Confederation, along with the rest of Rupert's Land and the North West Territory; and the subsequent armed resistance at Batoche in 1885.

By 1872 the Saskatchewan Métis had already petitioned for a colony of 1,800,000 acres of land. The govern-

ment was pushed to act in the spring of 1885 by the discontented Métis population who demanded their rights be recognized. By an order-in-council of March 30, 1885, the federal government provided that the land grant scheme to extinguish Métis title would be based on scrip. The same system the Government knew or ought to have known, that saw the widespread defrauding of Métis people in Manitoba.

The Dominion Lands Act in 1879 had extended land grants to Métis living outside of Manitoba in the Northwest Territories (comprising today's northern Manitoba, Saskatchewan, Alberta and Northwest Territories). Under Schedule A of the Rupert's Land and Northwestern Territory Order, the Métis throughout Manitoba and the Territory were guaranteed a right to be dealt with, consistent with past Crown practices. But the government's aim was to extinguish Métis rights unilaterally.

After 1883, the Dominion Lands Act applied only to those areas where Indian title had been extinguished. The federal government delayed dealing with the Métis until negotiations with the Indians were completed. Then the Canadian government appointed Half-breed commissioners to grant scrip in extinguishment of any Half-breed claims in the area covered by the Indian treaty.

The Métis argue Canada was required by the Rupert's Land and North-Western Territory Order of 1870 to equitably settle the claims of Aboriginal peoples to compensation for lands required for purposes of settlement. The Métis say that equitable policies, rather than the scrip system, should have been applied to the members of the Métis Nation.

The Métis further argue that Canada was required to obtain the collective consent of the Métis people within

their Homeland and to negotiate agreements to secure the rights of the Métis people within their Homeland. This failure to do so was and is a breach of the federal government's fiduciary duty owed to the Métis. The claim argues that the scrip system did not extinguish Métis rights and titles within the Homeland.

The Métis argue that Canada knew, or should have known, that the scrip system was designed to destroy the base of land and resources to which the Métis were entitled. The scrip was offered as only one of two options, the other being for the Métis to give up their identity and to take Treaty as Indians, and the Commissioners refused to negotiate with the Métis collectively.

The Métis argue that Canada knew that scrip would not be redeemed for land in the Homeland, and would in fact be sold to speculators for a fraction of its worth. As evidence of this knowledge and collusion the Métis point out that Canada established accounts for speculators travelling with the Scrip Commission and established other procedures to promote and assist the transfer of scrip to speculators.

Government knowledge of the failings of the scrip system were well known. The federal government knew that the scrip system was ineffective at transferring a land base to the Métis. An 1873 provincial law in Manitoba protected Métis land claims from speculators, and the problem of speculators was noted in House of Commons debates.

The Métis argue that scrip could not provide a means for the Métis or their ancestors to secure the land and resource base which they needed and to which they were entitled in order to secure a collective future within their Homeland, because scrip could not be redeemed within the Métis Homeland. As a result of the scrip system, the Métis have been reduced to marginal economic and social positions. This marginalization has occurred in spite of the Métis' persistence in continuing their distinct culture, collective aspirations and political organizations, including a continued reliance on traditional use of resources, such as hunting, trapping, fishing and gathering.

What is scrip?

The name scrip comes from the Latin "to write". It was a government certificate that entitled the holder to receive goods or land. The Métis were offered scrip for money and for land, in denominations of \$80, \$160 and \$240. Land was originally valued at \$1/acre, so \$240 in scrip represented 240 acres of land. (The value of scrip did not change to reflect rising land values.)

The government expected the Métis to become independent farmers, but for the Métis, the concept of owning land, rather than having use of it for hunting or fishing, was difficult. Those Métis who did not speak English, or who were illiterate, found this bureaucratic scheme intimidating and confusing, and often declined to appear at Scrip Commissions to receive their entitlement.

ADMINISTRATIVE HISTORY OF THE LAND GRANT SCHEME IN THE NORTHWEST

The issue: how the Métis were dispossessed of their lands.

Summary: Federal plans to settle the west and construct a railway caused delays in settlement of Métis land rights granted under the Manitoba Act in 1870. By 1876 direct land grants were abandoned in favour of scrip grants for money and land. These were redeemable only by individuals, for land open to homesteaders — not the land the Métis had traditionally occupied.

Some Métis abandoned their claims in frustration within the delays. Others lost their land to squatters. The biggest loss, however, was to speculators. From 1876 to 1924, nearly 85% of money scrip notes were bought by speculators at less than their face value. Nearly 96% of land scrip notes fell into the hands of non-Métis. The federal government was aware that the Métis were vulnerable to speculators. Instead of protecting the rights of the Métis, the government commissions allowed defrauding to occur.

Although Métis land rights were legally and constitutionally recognized in 1870 and prior to any extensive white settlement in the west, a land grant system to fulfill the terms of the *Manitoba Act* was not fully developed until 1876—long after immigration had commenced. The Métis grants, therefore, took place within the context of the famous National Policy, which was intended to stimulate economic development on a national scale. Two of the vehicles for this development were to be extensive western settlement and the construction of a national railroad. Dominion Lands policy involved the disposal of Crown lands on the prairies in such a manner as to achieve these two goals.

The numerous difficulties the government encountered in dealing with these obligations had decisive repercussions on the manner in which subsequent Métis land grant legislation in 1874 and 1879 was implemented. Section 31 of the *Manitoba Act* clearly stated the amount of land to be divided among Manitoba Métis. However, it was vague as to the eligible class of claimants and mute as to the method of allotment. These two uncertainties required six full years of bureaucratic unravelling.

Settlers Resent Reserved Land

The delay in implementing Section 31 of the *Manitoba Act* was particularly serious due to the fact that the Métis land reserve took up one-seventh of the area of the original Province of Manitoba until 1881. Aside from railway, Hudson's Bay Company and school land reserves, the government began in 1874-75 to reserve large

blocks of land for groups of immigrants. Individual settlers and speculators who were eagerly seeking land, instead discovered a so-called "land lock", about which they bitterly complained to all levels of government. The Métis reserve appears to have been a particular source of aggravation: while the government continued its policy of reserving tracts of land for group immigration in the 1880s, it prepared to drop this practice in regard to Métis claims as early as 1874. It was in that year that federal legislation was passed first permitting the use of scrip in satisfying any claims to Dominion Lands. With this authority, *An Act respecting the appropriation of certain Dominion Lands in Manitoba* set forth scrip grants as a possible alternative to land grants for the satisfaction of the Aboriginal title claims of the Métis heads of family who had been inadvertently excluded from the *Manitoba Act*.

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Scrip Replaced Land Grants

Objections to the Métis reserve finally induced the federal Cabinet to pass an Order-in-Council in March of 1876 whereby the practice of directly granting land to Métis was abandoned forever in favour of issuing scrip coupons redeemable in Dominion land.

The Métis no doubt were ready to try an alternative to the lengthy, complicated procedure in which the 1.4 million acre grant had become enmeshed. The Order-in-Council, passed six years after the *Manitoba Act*, had only just determined the procedure for issuing patents for the Métis land reserve. A more noteworthy item is the reason given for the future use of scrip rather than land. It was not the delay in effecting the grant and the consequent difficulties for the Métis, but rather the obstruction to settlement and the dissatisfaction to be caused by any further Métis land reserves. The Order is a clear statement of the government's belief that land held in Métis hands would impede the progress of Macdonald's national policy. The attraction a system of scrip grants had over the old method of reserving large areas of land for subsequent allotment to individual grantees, was that scrip grantees gained no particular advantage over other land seekers (e.g. prospective homesteaders). Indeed, half-breed scrip could be redeemed only in those Dominion lands open to homestead entry. In this way, the Métis were thrown into competition with homesteaders and the many speculators in homestead lands.

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Many Métis Abandon Their Claims

The success of speculation in Métis grants may be attributed to a number of factors. First, during the five years following the 1870 conflict, many Métis moved away from Manitoba, doubting that they would ever receive land as a result of federal legislation. Many already had lost to European squatters the lands they had

occupied before the transfer of Rupert's Land. Hoping to make a new life in the North West Territories, out of the way of European settlement, a good number of these people disposed of their land and scrip grants. Others became discouraged with the problems they encountered in obtaining patents to their allotments. Scrip grantees similarly met with a good deal of red tape in trying to convert their scrip coupons into land.

After a commercial depression in 1874-75, Manitoba experienced a revival of business activity in all manner of land dealings. The entry of Métis land and scrip grants onto the market coincided with this economic uplift and became a vital part of the province's commerce in the years leading up to the short-lived boom of 1881. It was estimated that between 1874 and 1878, eighty percent of all business transactions in Manitoba were affected by scrip and that ninety-nine percent of those involved in any kind of commerce, participated in scrip transactions.

Speculation peaked in 1881 when the CPR reached Winnipeg. Soaring land prices caused a further movement of settlers to the North West Territories whose population rose from a few hundred in 1871 to 50,000 in 1891. Syndicates were formed to provide easy credit and almost anyone who could find the money to do so, indulged in speculation, particularly in the lands of the CPR and the Métis lands in the vicinity of Winnipeg. At least until 1885-86, the free homestead system, like the Métis grants, was largely a speculator's tool and as a result, failed to achieve its purported aim of settling *bona fide* farmers on the land. Another similarity between the free homestead, in its early days and the Métis grants is that both systems were exploited by a great number of small operators whose primary occupation lay in some field other than real estate.

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Métis Land Rights Ignored

By 1885, the CPR was completed and immigration had slowed drastically. A world depression lowered grain prices and affected trade throughout North America. Discontent with federal policies was widespread among all classes of people but was most serious among the Métis and Indians who had the additional problem of European settlement threatening their lands and ways of life. Prior to the 1885 rebellion federal policy in regards to the Indians did not go much further than the desire to conclude treaties as land was required for settlement. The Métis of the North West discovered once more that their land holdings were threatened by settlers and surveyors who seemed to ignore their presence. Many Métis lost their land when the government allocated it to railway companies. In 1879, the *Dominion Lands Act* contained a provision that allowed for grants of land to North West Métis, "towards the extinguishment of their Indian title". No steps were taken however, to implement this legislation, despite persistent petitioning by the Métis throughout the 1870's and early 1880's. Not



until the 1885 Rebellion began at Duck Lake was the "North West Half-breed Commission" created and given the authority to investigate Métis claims under the *Dominion Lands Act, 1879*. The use of scrip to 'satisfy' Métis land claims was by now a firmly established federal policy, despite the obvious failure of this system in Manitoba. With few variations, the methods of investigating, deciding on and dealing with Métis claims that were utilized by the 1875 Manitoba Half-breed Commission were adopted by the Commissions that operated in the North West Territories.

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The Half-Breed Scrip Commission

The Half-breed Scrip Commissions either operated simultaneously with the Indian Treaty Commissions or followed them because the federal government had a policy of only issuing scrip in regions where the Indians had already ceded their territorial rights. The assumption underlying this policy was that the Métis would use their influence with the Indians in getting a treaty signed if their scrip grants were made contingent on such an event.



Beginning with the 1899 Half-breed Scrip Commission, Métis heads of family received the same amount of scrip as did their children. Land scrip certificates and land scrip notes carried distinct rights. With a land scrip certificate, the grantee could select a certain area of surveyed, unoccupied homestead land. The government therefore considered the scrip certificate to give the grantee an inchoate interest to land. Once the land had been located by the grantee, he was entitled under the land scrip

note to a credit towards the purchase of the land. The latter right was thought to be a personal one, coming into existence only after the right to locate had been exercised. Consequently, the assignment of scrip notes when the right to locate had not been exercised, conveyed no right to land to the assignee. The scrip certificate could be exchanged for the scrip note once Departmental or Cabinet approval had been given to the claim. In Manitoba, this exchange took place in the Dominion Lands Offices with the result of a considerable amount of abusive and fraudulent practices on the part of government agents. For the North West Territories grants, the government held all scrip notes in Ottawa until they were applied for by the Métis grantee himself or until powers of attorney had been received if the notes were to be sent to someone other than the person named in the certificate.

In contrast, Money scrip was redeemable at its face value by the bearer in the purchase of Dominion lands,

specifically unoccupied Dominion lands open for homestead entry in the Province of Manitoba and the North West Territories (the even-numbered township sections). Since money scrip notes were accepted from the bearer, not just the Métis grantee and since the Department generally delivered the notes to the institution or person who had forwarded the certificates, alienation of this form of Métis grant appears to have been both anticipated and expected. Half-breed land scrip appeared to be much more restrictive in that it could be 'located' or applied to land only by the Métis grantee himself.

A survey of Justice Rulings indicates that money scrip was considered to be personal property and land scrip to be real property.

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Métis Grants in the Territories—From Scrip to Cash

Following the Northwest Rebellion, the government not only commenced an issue of scrip to the Métis in the Territories, but also initiated a program to restrain excessive speculation in Dominion lands open for homestead entry. In 1886, the *Dominion Lands Act* was amended by discontinuing pre-emption entries in connection with homesteads as of January 1890. Although pre-emptions had been intended as incentives for the average farmer to increase his holding, resourceful speculators had so manipulated government regulations that less than 170,000 of the 2,215,000 acres entered for in Manitoba (7.65 percent) and less than 31,000 of the 1,210,000 acres entered for in the Territories (2.5 percent) were actually patented.

Land scrip notes were redeemable for the stated number of acres while money scrip was redeemable in land only to the extent of the stated monetary value. The interplay of these factors resulted in the gradual loosening up of restrictions on the alienation and transferability of half-breed scrip.

The distribution of "North West Half-breed Scrip" took place from 1885-1887. Money and land scrip certificates were delivered to the Métis grantee personally who signed a receipt for the certificate. Money scrip certificates then could be disposed of and the bearer of the certificate became entitled to the scrip note. Most money scrip passed into the hands of speculators who followed the Commission from place to place and paid on the average 68-3/4 percent of the scrip's face value.

The degree to which the government was willing to collaborate in the alienation of Half-breed scrip is indicated by its instructions to the Half-breed Scrip Commissioners to be guided by the market value, that is the price set by scrip speculators, in their examination of sale agreements. The government's decision to recognize powers of attorney for delivering Half-breed land scrip was professed to be based on the belief that land scrip notes were useless without the cooperation of the grantee in locating them. However, there is evidence that a considerable amount of land scrip was located by imper-

sonation and fraud. In May 1900, the Department of the Interior agreed to forward land scrip notes to the grantee in care of a firm or individual who had accepted land scrip certificates as collateral.

The application of Half-breed land scrip to canceled homestead entries by non-Natives is a good example of how homestead and scrip regulations were manipulated jointly to avoid settlement duties. In April 1888, the Department decided that half-breed scrip could be applied by the grantee upon canceled lands (due to non-performance of settlement duties) in the same way as Military Bounty Warrants, namely: upon the locator paying any extra fees or price imposed by the Land Board upon the land affected and also the value of any existing improvements. This decision was inconsistent with the government's claim of concern about speculation in homestead lands and half-breed scrip.

In 1900, special permission was granted to a homesteader to abandon his preemption and allow a half-breed to personally locate his land scrip upon the pre-empted land. After the location of the scrip, the half-breed was to assign the land to the homesteader and a patent was to be issued in the name of the assignee.

The application of half-breed scrip on a pre-emption exhausted the homesteader's preemption right. From 1909 to 1912, several more regulations were passed in regard to this particular use of half-breed scrip.

In 1921, it was decided that the same regulations governing the abandonment of homestead entries in order to apply half-breed scrip were to be extended to the holders of grazing leases, namely, the holder of a grazing lease in good standing could relinquish a quarter section or more from his lease for the purpose of applying half-breed scrip, but all such cases had to have the special approval of the Department and after the land described had been withdrawn from the lease, the scrip could be located and the land assigned in the usual manner.

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Extent of Alienation

The policy of opening scrip accounts for the convenience of large dealers in half-breed scrip appears to have been instituted at the turn of the century. From that time, any large holder of scrip issued by the Department redeemable in purchase of Dominion Lands, upon obtaining the permission of the Minister, could deposit at Ottawa any scrip to be drawn upon by the depositor from time to time and applied to the purchase of lands purchased from the Department. At the depositor's request, he could have an amount taken from his account in Ottawa and placed to his credit in any of the local Dominion Lands Agencies against which scrip could be drawn to meet payments for lands within the particular agency in which the land purchased was situated. No Agent of Dominion Lands was authorized however to accept any scrip order where there was only a credit established at the Head Office in Ottawa without special instructions from the Department.

Twenty scrip accounts held in the ledgers of the Public Archives record the purchase of 3,000 half-breed money scrips which were worth a total of \$337,984.19. Assuming that the Department of the Interiors' figure of \$2,095,817.00 is correct as the total money scrip issued in this category, then 16.1 percent of this scrip found its way into the scrip accounts. Out of 14,849 half-breed money scrips which were issued, 3,000 or 20.2 percent of the total were alienated into the scrip accounts. It is likely that these figures do not represent the actual amount of scrip purchased by these large speculators, since much of their scrip was probably resold to buyers of individual scrips and was not recorded in the ledger books.

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Half-Breed Land Scrip

According to the Half-Breed Location Registers found in the Public Archives, out of 9,866 land scrip notes which were issued, 9,463 of them were assigned to another party. *This represents an over-all assignment rate of 95.9 percent.* It is clearly evident that the bulk of the scrip was bought by individuals who purchased only one or two scrip notes. Anyone with an entrepreneurial instinct was quick to note that half-breed land scrip was the best bargain available to those of limited financial means desiring to acquire land.

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Half-breed Money Scrip

According to the Registers of Delivery of Manitoba and North West Territories Scrip, out of 14,849 money scrip notes which were issued, 12,560 of them appear to have been procured by speculators. *This represents an overall alienation rate of 84.6 percent.*

The final phase of federal Métis grants took place between 1921 and 1924, when the whole period of Dominion Lands policy was coming to an end. Ottawa had achieved its goals of settling the west and of building its railroad. Although the Métis grants failed to have any lasting or even significant benefit for the Métis, they had succeeded in satisfying most people that Métis claims had been dealt with. By 1930, the Métis themselves had largely given up protesting about scrip fraud and the scrip system in general and were no longer in the position to force the government's attention upon their claims.

The federal government's position on Métis Aboriginal title is that such title has been extinguished throughout Manitoba, Saskatchewan, Alberta and the Northwest Territories by the issue of land, scrip and cash grants to Métis from 1875 to 1924. The Métis contend that their share of the Aboriginal title to land is yet extant because scrip and cash grants do not constitute a proper or legal means of extinguishing the property rights recognized by the *Manitoba Act, 1870, An Act respecting the appropriation of certain Dominion Lands in Manitoba (1874)* and the *Dominion Lands Act, 1879*. Unlike Indian treaty rights, the compensation required for Métis land rights is legislatively and constitutionally stated in clear terms.



HEALTH

Report on Métis health tabled with health ministers

On February 8, at a meeting of Canada's health ministers, Gary Bohnet tabled a comprehensive report on the health of the people of the Métis Nation. He warned the Ministers that the Métis population is in a health crisis, as dire as any other Aboriginal group, and called for the development of a Aboriginal Health Policy.

While Aboriginal health is recognized to be poorer than that of the general population, the study suggests that the Métis population is in even greater distress than are other Aboriginal peoples. This is primarily because of jurisdictional wrangling between the federal and provincial governments over responsibility for Métis concerns.

The report, the only study of its kind to address the health of the Métis nation as distinct from other Aboriginals, gives a grim picture of the living and health conditions of the Métis.

Among the statistics:

- 33% of Métis reported chronic health problems, including diabetes, emphysema, tuberculosis, heart problems and epilepsy.
- incidence of arthritis, bronchitis, and asthma among Métis exceeds that of other aboriginal peoples
- one in five Métis reported they have special medical needs not covered by Medicare
- nearly 10% of Métis report that availability of food is a problem

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Jurisdiction a smoke screen for inaction

"What is so disturbing about these figures and conditions is the reality that neither level of government seems willing to tackle the problems head-on", Mr. Bohnet told the Ministers. "Instead of dealing with the problems, federal and provincial governments have been trying to pin responsibility on each other."

He charged that "the jurisdiction issue is a smoke screen for inaction.

"When a family simply does not have the money to purchase eyeglasses for their children or medicines for the grandparents, or is unable to have their condition treated because they can't get to a hospital, it's not a jurisdiction issue, it's a human rights issue and goes to the root of our health care system."

Mr. Bohnet pointed out that since Métis families tend

to be large with incomes among the lowest in the country, the cost of drugs, both prescription and over-the-counter, are beyond the reach of many Métis. Treatable ailments like infections and respiratory illnesses become more serious before being treated. Communicable diseases spread, leading ultimately to higher health care costs.

The lack of dental services is also acute. According to the report, 71% of Métis elders in northern Saskatchewan and 52% in the south cannot afford dental care. An astonishing 34% of northern elderly and 12% of those in the south are without teeth or dentures. Being unable to chew properly leads to greater health problems.

Inaccessibility to hospital care also causes hardship. Mr. Bohnet told the Ministers the story of Ted Trindle, a Métis elder from the Northwest Territories. "Rather than sacrifice his integrity and go on welfare to receive assistance to travel south to an Edmonton hospital for a much-needed operation, he placed his family in the care of others, sold his trapline and bought an airline ticket to Edmonton to undergo his operation.

"His story, and those of many Métis who have made enormous sacrifices to scrape up resources to obtain health care, not only illustrate extreme hardship, but also a willingness among Métis to survive and to determine their own destiny, each in his or her own way."

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MNC willing to work in partnership to improve health

"If the new government is really serious when it suggests that our health care system is a defining element of Canadian society, then you should know that we want to work with you to make it work for all Canadians," Mr. Bohnet told the Ministers.

"We are not looking for special privileges. We want equality, and equity demands that you take a contextual approach to our plight . . . We know that increasing our participation in the health care area is occurring against a backdrop of declining fiscal resources. We believe that the two are not incompatible.

"We know that an overall reduction in health care costs is necessary. But we also know that the only way to achieve this is through improving the health of our society as a whole. Dealing with the problem in the emergency room is not the answer."

Mr. Bohnet also warned the Ministers that the decrease in cigarette prices will compound the health crisis among the Métis. Aboriginal people are recognized as the greatest consumers of cigarettes, and Mr. Bohnet expected a surge in consumption as a result of cut-rate prices.



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The Enduring Effects of Poverty and Racism

Respondents to the Aboriginal Peoples Survey believed the most serious social problems facing their communities were unemployment, alcohol and drug abuse, and family violence. These form barriers to health, and must be addressed if health is to improve overall.

The long-term effects of racism and dis-enfranchisement linger. Service providers see shame as the root of much of the imbalance seen in Métis communities, and the root of a wide range of unhealthy behaviours.

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Suggested Improvements

Once again, the consequences of government non-recognition of the Métis Nation are evident. As Earl Pelletier, Métis Health Co-ordinator of the Métis Society of Saskatchewan wrote:

"There is often a lack of clarity among various federal, provincial, territorial and regional health and social services departments with respect to the responsibility for programs directed toward Aboriginal people. While the issues in dispute are frequently linked to broader legal and jurisdictional questions, the bottom line often centres on one point, who will fund specific health and social service programs? Many of the gaps and inequities long experienced by the Métis occur because of these ongoing disputes."

It is clear that the Métis people must design their own solutions to health and social problems. These solutions can draw on the experience of other Aboriginal experiences and on the health sector in general. Fragmented approaches are not the answer. Investing in solutions that have the power to promote real well-being and sharing these solutions will benefit all of Canadian society.

For overall health improvement, the following conditions are felt to be necessary:

- a decent standard of living
- a sense of identity and self-determination for the Métis nation
- a safer, cleaner environment
- adequate, appropriate health services: community based addictions programs, well-baby clinics, home support programs for elders
- better nutrition and treatment for substance abuse among children and youth
- addressing the high risk behaviour that leads to injury and death
- addressing sexual, emotional and spiritual abuse
- supportive birth experiences in hospitals and community midwifery services
- support programs for single parents
- counselling services for survivors of abuse and support in the criminal justice system.

HEALTH OF MÉTIS CHILDREN AND YOUTH

TO BE DISCUSSED AT SUMMER SEMINAR

MNC plans to hold a seminar to review a Health and Welfare Canada discussion paper on the health of Métis children and youth. Delegates from Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and the Northwest Territories will discuss specific recommendations and goals for improving child health. Delegates will also discuss issues specific to the health of Métis children, drawn from data provided to the workshop. Reports from the sessions will be collected and compiled in a final report to Health and Welfare Canada.

Health and Welfare estimates that more than one million Canadian children and adolescents live in conditions at risk to their health. Métis children, like other Aboriginal children, face the most extreme deprivation.

Fifty-six percent of the Métis population is younger than 20, according to Health and Welfare statistics. And the Kinnon report to the Royal Commission on Aboriginal Peoples revealed that diseases, poor living conditions, and high rates of suicide and accidental injuries are common throughout the Métis Homeland.

One remedy is the Brighter Futures Initiative. Following the adoption of the United Nations Convention on the Rights of the Child in December 1991, the Minister for Health and Welfare announced the Brighter Futures/Child Development Initiative. One of its functions is to set goals for child and youth health in Canada. The discussion paper, "A Vision of Health for Children and Youth in Canada" is now being circulated.

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Definitions of health

The Brighter Futures Initiative takes a wide view of how health is defined and promoted. The Department recognizes that health is influenced by culture, beliefs, living conditions, lifestyle choices, and the social, spiritual, economic and physical environment.

The World Health Organization defines health as a state of complete physical, mental and social well-being. In achieving this, individuals and groups must be able to identify and realize aspirations, to satisfy needs and to change or cope with their environment.

The implications for Métis children and youth are profound. Because their culture is denigrated, their lifestyle choices limited, their economic and physical environment disadvantaged, their health is jeopardized. Health care is a long-term investment in the potential of all Canadians. How the Métis Nation can participate in this program to equalize access to conditions that improve health, will be one of the major questions at the workshop.

Goals of the Brighter Futures Initiative are:



- to enhance the involvement of children and youth in creating and improving their own health;
- to ensure that all children and youth in Canada have access to the necessary living conditions for optimal health and growth;
- to promote healthy behaviours and reduce the incidence of preventable death, disability, injury and illness;
- to foster strong and supportive families, caregivers and communities;
- to ensure a safe, high-quality physical environment for children and youth; and
- to provide a comprehensive network of policies, services and programs that stresses health promotion, protection, prevention and care for all children, youth and families

The special situation of the Métis must be addressed for these goals to be realized. Recognition of the vital importance of empowerment of Métis society, of extending services that are available to other Canadians, of working with families, and of involving children and youth in solving their health problems are necessary. Issues such as housing, economic security, education, appropriate health care services and training of resident community personnel must also be addressed.

Possible Programs

A Community Action Program for Indian and Inuit communities is already in place. This five-year program concentrates on community mental health and child development, and solvent abuse.

The goal of the mental health initiative is to develop healthy families and communities through community-based mental health programs and specialized training for community workers, based on individual needs and traditions. Training for child and family workers to learn how to promote healthy families will also be provided.

The solvent abuse program will develop treatment and early intervention programs, as well as training for coping with this addiction.

Project funding is available for:

- Childhood Injury Prevention: to establish injury prevention programs, to compile information on its incidence, to develop educational materials for schools and to train health workers in prevention;
- Healthy Babies Program: to improve maternal and infant health, promoting prenatal care and post-natal follow-up, and involving the community in these programs; and
- Parenting Skills Program: to provide skills training and ongoing support to parents.

For more information about the workshop, contact the MNC office.

WELFARE SURVEY

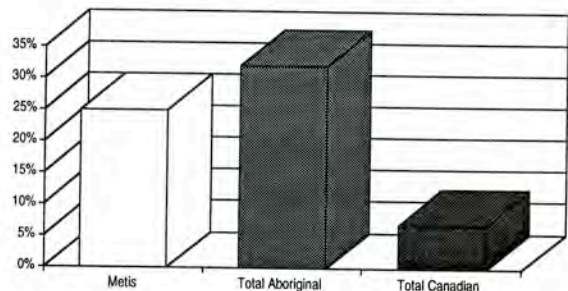
A recent report prepared by the MNC shows that the Métis are over-represented in the welfare population in all provinces and territories except the Northwest Territories. On the prairies, where the Métis population is concentrated, the incidence of Métis people on welfare was 3 to 5 times greater than the incidence for Canadians in general.

Between 22% and 25% of the Métis population received welfare in 1990. This was 3 1/2 times higher than the rate for Canadians as a whole, which was 7%. And the effects of the recession could mean that 4 out of 10 Métis households are now relying on social assistance.

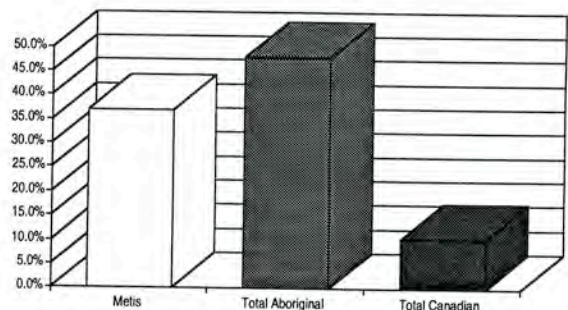
Since 1990, the proportion of Canadians receiving social assistance has increased dramatically. In 1993 10.4% of the population drew benefits, a 54.1% increase in three years.

How this trend has affected the Métis population is difficult to determine. Perhaps the increases in the number

Percentage of Population on Welfare, Canada, 1990



Estimated Percentage of Population on Welfare, Canada, 1993



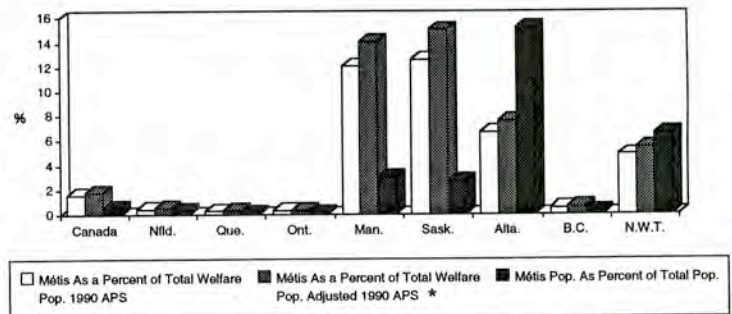


of Métis persons receiving welfare since 1990 have been small compared to the general population, if the number of persons on welfare had already reached a "saturation point".

But the recession and changes to the Unemployment Insurance program could also have had an impact on the Métis equal to or larger than that pushing the general population onto welfare. Therefore, the incidence of welfare among Métis nationally could now be as high as 37%, nearly 4 in 10.

The figures for this report were based on Statistics Canada's Aboriginal Peoples Survey (APS). They did not include children and adults who reported having no income, who were likely dependents in households receiving welfare. This data probably underestimates the total number and percentage of Métis on welfare in 1990.

PERCENT OF WELFARE RECIPIENTS WHO ARE MÉTIS By Province and Territory 1990



* adjusted to include children and those over 15 who reported no income (probably spouses of welfare recipients).

HOUSING

The issue: Métis housing needs are expected to increase but the government cut CMHC programs for Aboriginal urban and rural housing. MNC calls for an Aboriginal Housing Action Plan, including housing targets, more flexible financing, and transfer of ownership to Métis Housing Authorities.

Alarmed by proposed cutbacks in housing programs for off-reserve Aboriginals by the previous government in its 1993 budget, MNC commissioned a report on Native urban and rural housing. The paper will be used in consultations with government agencies, Ministers, financial institutions and other stakeholders.

The former government had announced a funding cap of \$2 billion for social housing through CMHC and elimination of subsidy commitments for social housing. While funding for on-reserve housing will continue, this will not extend to meet the housing needs of Métis and other Aboriginals who live off-reserve.

The report indicates a critical need for off-reserve Aboriginal housing, both current and continuing into the future. Housing needs are likely to increase, given the high population growth among the Métis. Therefore the report recommends that the spending cap should be reconsidered. It further suggests examining alternative options to meet this need, while promoting the goal of self-sufficient Aboriginal housing in the future.

An Aboriginal Housing Action Plan recommends nine methods to address the housing crisis while forging a new partnership between governments and the Métis.

The programs in question were designed to assist households in core need to obtain affordable, adequate and suitable housing. They included the Rural and Na-

tive Housing Program (RNH), the Urban Native Housing Program, the Residential Rehabilitation Assistance Program and the Emergency Repair Program (ERP).

What are the Métis Housing needs?

CMHC divides Core Need households into three groups:

- demand need: low income households paying 30% or more of their income for shelter;
- renovation need: low income households occupying a unit in need of major repairs; and
- supply need: low income households with a combination of problems related to affordability or adequacy of housing.

The most recent data available on core housing need (1981) revealed that 35.2% of all off-reserve Aboriginal households were in core financial need, compared to only 14.9% of all Canadian households. This represents a total of 24,070 Aboriginal households living off-reserve.

The incidence of Aboriginal core need ranged from a high of 63.2% in the Northwest Territories to a low of 26.8% in Quebec (not including PEI), while the range for all Canadian households was 18.8% to 14%. (These estimates are believed to be low, given that the figures are based on the 1981 Census which understated Aboriginal off-reserve population. However, they are a starting point in estimating program participation and future needs. Even with crude estimates, the current number of off-reserve Aboriginal people in core housing need is likely to be higher than in 1981.)

Urban and rural Aboriginal households face different difficulties. While the greatest need for rural native households is for renovation (69%), only 7% of urban native

households required repairs. Instead, for urban natives, demand represented the greatest need, with 66% paying more than one-third of their income for shelter, and 27% having supply needs related to availability of housing.

Regarding incidence of core need by type of household, the situation for rural Aboriginal households is alarming. Nearly half of rural Aboriginal families, non-families and seniors were in core need — 43% of families, 44% of non-families, and 53% of seniors. This compares to the Canadian average of 10% of the family population, 22% of non-families and 22% of seniors. In the case of Urban natives, 29% of families, 32% of non-families and 39% of seniors were also in core need.

The report recognizes that housing needs of the Métis people vary considerably. In some cases, the need is defined by the norms of the broader society, based on values and desires not shared by the Métis. In other cases, need is dictated by the minimum standards set by regulation. However, the above figures suggest that CMHC's programs have not yet met the outstanding shelter requirements of rural and native Aboriginals.

The report also notes that housing to serve the needs of those in rural areas is not necessarily provided by buildings constructed to southern urban values and practices. This is especially so, if the housing needs could be met with facilities and materials suitable and appropriate to the local conditions. An Aboriginal Housing Plan, as proposed by MNC, would be sensitive to the varied needs and possibilities for Métis housing.

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Rural program participation

The Emergency Repair Program and Rural Residential and Rehabilitation Assistance Program (RRAP) provided repairs for low income households. For these and the Rural Native Housing program, targets of 50% off-reserve Aboriginal participation were set.

Yet aboriginal units comprised just 3.5% of the total urban and rural stock repaired under the RRAP program from 1986 to August 1993, although renovations represent 33% of core need among Aboriginals. While Rural RRAP is targeted to off-reserve Aboriginal households and is available to Aboriginals living on reserve, only 3,793 native houses have been repaired compared to 66,316 non-native units in the period from 1986 to August 1993.

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Urban program participation

The Urban Native Housing Program was to assist low-income households in urban areas to obtain suitable, adequate and affordable rental housing by providing assistance to aboriginal non-profit housing corporations to supply housing. These corporations were to be sponsored by Aboriginal organizations.

The report provided case studies of three initiatives which can serve as successful examples.

Canative Housing Corporation is a self-sustaining non-profit corporation offering 163 rental accommodations for Aboriginal families in Edmonton. The Métis Urban Housing Corporation of Alberta is the single largest Aboriginal residential landlord in Canada, with 845 houses in urban areas throughout Alberta, 3/4 in Edmonton and Calgary, and rent geared to income. The Manitoba Métis Federation is currently the only group involved in rural property management, as a result of an agreement with CMHC to administer all Rural and Native Housing rental units in the province. The take-over of these units is being implemented progressively since the April 1992 signing.

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Economic impact

Aboriginal housing brings a wide range of economic benefits to the community, including employment in construction, property management and program administration. It can also provide opportunities for the establishment of Aboriginal-run businesses and planned community development. While this was not an objective of CMHC's off-reserve programs, this could be an aspect of future programs.

The impact of these CMHC program cuts will fall hard on Métis communities. Currently Métis delivery agents handle 60% of the Rural and Native portfolio and in some areas Métis Housing Associations are responsible for delivering almost the entire new RNH stock or other programs. To offset the loss of Métis employment, increased Aboriginal involvement in the delivery and administration of the off-reserve programs and greater emphasis on management by local housing groups in such areas as property management, program planning and implementation, and client counselling, would help to alleviate anticipated losses.

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Housing Action Plan

To meet the urgent housing needs of Métis, MNC calls for an Aboriginal Housing Action Plan to establish a new partnership between Aboriginal peoples and the government. This would reflect aboriginal aspirations for a greater say in management of their own lives and in the development of communities.

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The recommendations include:

- Targets for Aboriginal Housing Units: the MNC believes 25,000 units over five years, or 5,000 units per year, would be reasonable. This represents 3,000 units in urban areas and 2,000 in



rural areas.

- Ownership transfer of existing CMHC Aboriginal units to Métis Nation Housing Authorities: this includes provincially-owned units financed by CMHC as well as CMHC-owned units. This would build on the skill and expertise already gained by Métis housing authorities in the delivery and administration of federal and provincial off-reserve housing programs.
- Financing Flexibility: MNC calls for relaxation of restrictions on operations of Aboriginal Housing Authorities, to allow them to refinance to raise the equity to finance new units and meet critical and growing housing needs.
- Establishment of a Métis Housing Trust: this would act as a funding vehicle for the housing program, administered by the Métis.
- High ratio guaranteed mortgages: this proven method of financing offers another option to increase the housing supply. The incremental cost of such financing could be covered by slight rent increases by aboriginal housing authorities.
- More flexible and innovative approaches for off-reserve housing: interpretation of National Housing standards often results in needlessly costly housing units that use up available resources and restrict expansion of the supply of houses.
- Reinstatement of Rural and Native Housing and Urban native programs: the MNC concludes that there is a critical and increasing need for off-reserve Aboriginal housing.
- Modifications to RRAP to ensure fair access: the MNC considers it unacceptable that renovations represent 70% of the core need for housing for rural Aboriginals, and only 5.4% of rural RRAP funding goes to Aboriginal peoples.
- Reinstatement of the Emergency Repair Program: more than half of dwellings repaired with an ERP grant and 12% of all regular RNH units are still in need of major repair, at the time of this evaluation.

JUSTICE SECRETARIAT RECOMMENDED

The issue: The Métis face disadvantages in the adversarial Canadian justice system. MNC recommends a Métis Nation Justice Secretariat, to provide student assistance, develop cross-cultural education programs, and to increase Métis liaison officials, justices of the peace and judges.

Recent justice studies have traced the Métis experience in the Canadian justice system. Such panels as the Aboriginal Justice Inquiry of Manitoba, and the Saskatchewan Métis Justice Review Committee conclude that the Métis people are over-represented in the police stations, on court dockets, and in prisons and penitentiaries.

Researchers note that Aboriginal offenders are less likely to be released on parole; they are more likely to be held in medium or maximum security; they are charged with more crimes against the person than property offenses; and they are more likely to plead guilty to charges, because of ignorance of their legal rights, plea bargaining, or not wanting to spend time on remand.

Métis women comprise 25% of the aboriginal population in prisons, and are less likely to complete fine option or community service work, possibly because of child care difficulties, transportation problems and low incomes.

While community assessment is a normal part of the parole process, to see if there is support for the released inmate among family, friends and community leaders, in practice, Métis community leaders are seldom contacted. This provision seems under-used in the case of Métis offenders.

The legal system must become more responsive to the needs of the Métis. This includes more legal education and greater community input; more Métis police, lawyers, judges and legal professionals; greater cultural sensitivity; and attention to the socio-economic climate that puts Métis people in conflict with the law.

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Social and cultural disadvantages

The historic assimilation policies toward the Métis have led to dependency. Marginalized from the dominant society, the Métis endure pervasive poverty and unemployment; low education levels; family breakdown and social disorganization; high levels of violence, substance abuse and illness; and high levels of conflict with the law.

The values of the Canadian legal system place the Métis at a cultural disadvantage. The Manitoba Métis Federation report, *The Struggle for Recognition: Canadian Justice and the Métis Nation*, pointed out the contrast between aboriginal and legal values.

"The concepts of adversarialism, accusation, confrontation, guilt, argument, criticism and retribution are alien to the Aboriginal value system . . . (and) antagonistic to the high value placed on harmony, and the peaceful co-existence of all living beings . . . Criticism of others is at odds with the principles of non-interference and individual autonomy and freedom. The idea that guilt and innocence can be decided on the basis of argument is incompatible with a firmly rooted belief in honesty and integrity that does not permit lying. Retribution as an end in itself, and as an aim of society, becomes a meaningless notion in a value system which requires the reconciliation of an offender with the community and restitution for victims."

Jurisdictional haggling between the provinces and the federal government allows governments to neglect their obligations to the Métis. At a Métis policing conference, a Government of Saskatchewan representative noted that the federal bias towards Status Indians does not help to address legal issues within urban centres, where many Métis reside. The federal government dedicates its total fiscal commitment to Indian reserves, which account for less than 15% of offenders, while 85% of Aboriginal people in conflict with the law come out of urban areas.

Community alternatives

Studies have confirmed that meaningful changes will only come about when the Métis community is fully involved in deciding what changes are to be made, how they are to happen, and how the community will share responsibility. Further, the unique and special circumstances of each community must be recognized, and their different stages of readiness for change must be respected.

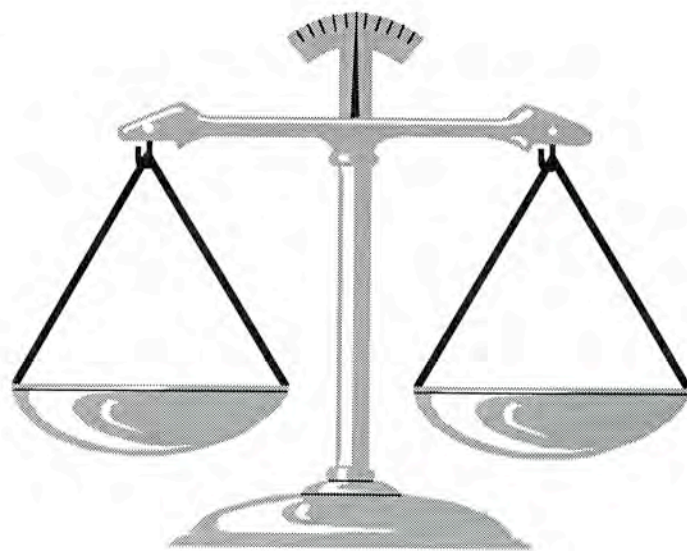
Community-based alternatives that allow for re-integration of the offender should be explored. Sentencing circles, alternatives to fines (which many Métis cannot afford to pay, resulting in automatic incarceration) and education and training programs that include drug and alcohol counselling, should be considered. Community-focused policing that recognizes all three distinct Aboriginal peoples is necessary.

Recommendations

MNC recommends increasing the number of Métis officers in police forces that operate in the Métis Homeland and on police tribunals and the National Parole Board. More meaningful sentences and diversion programs are required.

MNC recommends the establishment of a Métis Nation Justice Secretariat to oversee legal studies grants, legal education, development of alternative justice mechanisms, and to maintain a registry of Métis in the legal professions. This would involve transfer of control over the Department of Justice's Native Legal Studies Program to a Métis Legal Education Secretariat. The number of student placements in law school, bar studies, criminology, and graduate studies in Métis legal rights should be substantially increased. The Legal Education Secretariat would also promote awareness of the law within the Métis Nation and develop cross-cultural education programs for members of the legal profession.

MNC recommends repatriation of the judiciary to the Métis community, through liaison officers to assist circuit courts in remote and northern communities. MNC also recommends increasing the number of Métis judges and justices of the peace, based on merit and a register of potential candidates.



APS REPORTS MICHIF ON VERGE OF EXTINCTION

The recent Aboriginal Peoples Survey that gathered data on the use of aboriginal languages clearly shows Michif, the Métis' unique ancestral language, on the critical list. Of the 160,000 Aboriginal people who continue to use an aboriginal language, only 820 Michif speakers were identified. In contrast over 11,000 Métis spoke Cree, while over 2,300 spoke Ojibway, and 1,285 Métis spoke Athapascan.

What is not surprising is that the percentages of Métis and off-reserve Indians that still speak an aboriginal language are similar. Only 17.5% of adult Métis and 23% of adult off-reserve Indians speak an aboriginal language. This compares with 65% of on-reserve Indians and 75% of Inuit who still claim to speak their language. As has often been the case in the past, assimilation, this time linguistic, is threatening the retention of yet another aspect of Métis culture.

The news gets worse. Aboriginal language usage by youth shows a substantial drop-off rate when compared to adults. Only 5% of Métis children under 15 speak an aboriginal language, a gap of over 12 percentage points in relation to adult usage.

The survey shows that of all aboriginal peoples, the Métis have the lowest proportion who speak an aboriginal language. It shows that 71% of Métis who speak an aboriginal language speak Cree. Approximately 14% of Métis speakers speak Ojibwa. Michif is only spoken by 5% of Métis who speak an aboriginal language.

In an effort to reverse the pattern of assimilation, the Métis National Council is undertaking a Michif Language Study. Further determination of how many people speak, read and write Michif in Métis communities will occur along with the location and documentation of Michif resources, both human and material, in the Métis Homeland. A Michif Language Coordinating Committee will also be established once basic background research is completed. Its task will be to bring together people from across the Métis Homeland to analyze the current state of the Michif language and to develop an action plan for its survival.

For more information on the Michif Language Study, or if you are interested in participating, please contact the MNC office.

Major Aboriginal Languages Spoken By Different Groups of Aboriginal People, CANADA, 1991

	Métis	Off- Reserve Indian	On Reserve Indian	Inuit	Total
Cree Speakers	11395	21505	32270	175	65345
	71.44%	32.91%	49.38%	0.27%	100%
Ojibwa Speakers	2395	10010	12830	0%	14475
	9.49%	39.67%	50.84%	0%	100%
Athapascan Speakers	1285	8695	4495	0	14475
	8.88%	60.07%	31.05%	0.00%	100.00%
Montagnais-Naskapi	0	1285	4785	105	6175
	0%	20.81%	77.49%	1.70%	100%
West Coast Speakers	0	3685	6460	0	10145
	0%	36.32%	63.68%	0%	100%
Other Indian Languages	0	3975	10285	0	14260
	0%	27.88%	72.12%	0%	100%
Mitchif	820	0	0	0	820
	100%	0%	0%	0%	100%
Inuktitut	105	0	0	20775	20880
	0.50%	0%	0%	0%	100%
Total	16000	49155	71125	21055	157335
	10.17%	31.24%	45.21%	13.38%	100%

Source: Calculated from catalogue 89-533, various tables

FEASIBILITY STUDY FOR MÉTIS MUSEUM UNDERWAY

"The past and present are one, intertwined, one cannot be isolated from the other." (Francois Falcon)

In October 1993, MNC commissioned museum planners and specialist architects Sears and Russell Consultants Limited to conduct a feasibility study into the development of a Métis museum.

A Museum of the Métis is an important project for the recognition and preservation of the past, the expression and celebration of the present, and the continuation and development of the future of Métis culture. A Museum of the Métis could become a cultural focus for the Métis Nation, presenting the culture and history of the Métis from their perspective, becoming a part of the empowerment process.

The study is supported by a grant from the Museums Assistance Program of Heritage Canada. It will involve three phases: Needs Assessment, Master Plan, and Implementation and Implications. The consultants will report back to MNC with their findings at the end of each phase.

Sears and Russell circulated a written questionnaire to the Métis community, and met with many individuals and groups over the last four months. Meetings with museums, other institutions, and government agencies concerned with Métis culture, archives and artifact collections were also held.

The central questions asked: is there a need for a museum of the Métis, to preserve and communicate the heritage of the Métis people? and if so, what form should it take?

The project team travelled to Manitoba, Saskatchewan and Alberta. They met with the Manitoba Lieutenant-Governor, Yvon Dumont, delegates to the Manitoba Métis Federation annual assembly, and officials with the Manitoba Museum of Man and Nature. The team attended the annual assembly of the Métis Society of Saskatchewan, and visited Batoche and Duck Lake. They also met with representatives from the Métis Nation of Alberta, as well as administrators of existing historical and cultural institutions.



The MNC welcomes your views on the museum project. Should there be a Museum of the Métis? what kind of museum do you suggest? Where should it be? How should it be run? Contact Catharine Tanner with your ideas at:

Sears and Russell Consultants Limited
111 Avenue Road, Suite 700
Toronto, ON M5R 2J8
(416) 926-8242

MÉTIS NATION OF ONTARIO INCORPORATED AND ACTIVE

The Métis Nation of Ontario represents the Métis in Ontario. In only four months, and without core funding, MNO has established a toll-free information line and basic communications system.

The Métis Nation of Ontario will provide administrative support to the Métis Nation in Ontario, as it moves to establish democratic institutions of self-government. The Métis Nation does not ask for "recognition", but to formally establish the process to complete self-government negotiations.

Tony Belcourt sees major changes in the relationship between the Métis and the province. "Negotiations with the Ontario government have been a slow struggle. The government has been reluctant to negotiate with us, using the lack of enumeration of members as an excuse."

But meetings have recently been set with the deputy minister of Housing and the Ministry of Natural Resources on hunting and fishing rights, and lobbying efforts continue. The Ontario Cabinet has approved a policy that MNO be consulted on all planning processes involving projects and services by the Ontario government that are intended for Aboriginal people.

Two project grants have been approved. A survey of the health care needs of elders will take place over the

summer, to determine the need for an Elders Health Care Centre. All Métis 55 and over who would like to take part in this project are invited to contact the MNO office. A Métis Elders Steering Committee has been appointed, co-chaired by George McGuire and Edith McLeod, to oversee the project.

In early May, a province-wide conference will take place, with federal/provincial funding. Representatives will meet to discuss self-government and the structure of the MNO.

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Ongoing projects

In the past four months, the MNO has worked on building a membership registry, issues relating to hunting and fishing rights, housing, employment and training, economic development, support for seniors, and land claims.

Membership registry: since the fall of 1993, the office has been flooded with requests for application forms and information.

"The phone is ringing off the hook... we have a huge backlog of applications, handled strictly by volunteers," Tony Belcourt says.

Hunting and fishing rights: in Ontario, the "Interim Enforcement Policy" provides guidelines for Status Indians while they are exempted from The Game and Fish Act, The Fisheries Act, The Migratory Bird Convention



Act and their regulations. These guidelines cover hunting or fishing on private lands, for commercial purposes, and in conservation areas.

Currently the Métis are not exempt from these acts. The Ontario government's policy states that the various acts apply to the Métis "unless or until agreements have been entered into with the Métis..."

As a result, the MNO has met with the Ministry of Natural Resources to expedite those agreements. A meeting on process for negotiation at the community level has just been set for early April.

Housing: Tony Belcourt and Ron Swain, have been lobbying the federal government to restore rural and urban native housing programs which were terminated by the last government. In February the federal government reinstated one program, the Residential Rehabilitation Assistance Program (RRAP), for which many Métis have not been able to qualify in the past. MNO is concerned about changing the criteria to meet the needs of Métis people.

The federal Minister for Housing, David Dingwall, supports a renewed partnership between CMHC and MNO to allow MNO to become a delivery agent for housing programs. Negotiations are expected to begin soon.

Provincially, Jobs Ontario has a Homes program with a target of 2,000 units for off-reserve Aboriginal communities. The planning committee for this program is made up of a coalition of urban native housing groups, the Ontario Federation of Indian Friendship Centres (OFIFC) and the Ontario Native Women's Association (ONWA). MNO has sought to participate in this committee but calls to the OFIFC have gone unanswered. MNO has protested to the Minister and demanded the opportunity to be involved. A meeting with the deputy Minister of Housing has just been scheduled. MNO wants to ensure that the Métis have equal access to the planned non-profit housing corporations and that, if appropriate, Métis non-profit housing corporations be created.

Land claims and self-government: the MNO takes the position that the claims of the Métis must be considered where aboriginal land claims are being negotiated. Further, no claims settlement should be made with other First Nations at the expense of Métis who may have rights in that settlement area.

The MNO will circulate information about all land claims negotiations which are now in progress or at the stage of an "agreement in principle", to the Métis who live in the areas under negotiation. In time, the MNO will become involved in claims negotiations.

On the issue of self-government, the federal government is undertaking a 6-month process to explore options for implementing self-government. The MNO is meeting with federal officials to secure funding so that the Métis people can be consulted. As part of this process, the federal and provincial governments have agreed to discuss with MNC a framework accord. The MNO has also met with Ontario Native Affairs Minister Bud Wildman.

Lobbying: members of MNO have been meeting with Members of Parliament and the Ontario Legislature for briefings and letters of support. Others have begun letter-writing campaigns to petition government ministers to recognize Métis rights.

Tony Belcourt advises, "The act of writing a letter to the MPPs and Members of Parliament for your constituency, telling them who you are and that you belong to the Métis nation, would help." For names and addresses of elected representatives, call the toll-free number and MNO will provide that information.



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Louis Riel honoured at Commemoration Ceremonies in Ontario

On November 16, the Métis Nation of Ontario marked the 108th anniversary of Louis Riel's death with a commemorative ceremony beside the Northwest Rebellion Monument at the entrance to Queen's Park, the Ontario Legislature, in Toronto.

About 70 people attended, and the event received wide media coverage. CITY-TV broadcast the ceremony live throughout southern Ontario, The Globe and Mail featured a front page photograph of MNO President Ron Swain laying a wreath, and Jean Teillet, great grand niece of Louis Riel, was interviewed on university radio.

Government representatives included the Speaker of the Legislature, the Hon. David Warren; Secretary to the Native Affairs Minister, David Winninger; Liberal Native Affairs Critic Dalton McGuinty, and Progressive Conservative Native Affairs Critic Charles Harnick. The Hon. Evelyn Gigantes, Minister of Housing, and the Hon. Richard Allen, Economic Development and Trade, also attended.

The Métis Nation of Ontario can be contacted at 193 Holland Ave, Ottawa, Ontario, or toll free at 1-800-263-4889.