

# **MÉTIS PERSPECTIVE ON SELF- GOVERNMENT**

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I would like to take this opportunity to explain my belief of myself, of my people and of our history. I hope that in doing so, over the next few days when people talk about justice and the Métis people, there will be some understanding of what we're talking about and where we are coming from.

I have been engaged in the constitutional process since the formation of the Métis National Council in 1983. To speak for ourselves as Métis people at the constitutional talks, we had to fight our way through the courts; eventually we got an out-of-court settlement. People often ask who are the Métis, where are you, how many are you? Neither the public nor the government has the answers to these questions. People often feel they don't really have to deal with Métis issues the same way they deal with the Indian Nations or with the Inuit people. There is a denial of the Métis as a First Nation. At the outset of the constitutional process, Prime Minister Trudeau stated the government would deal with the Métis in terms of socio-economic programs and services but that self-government was something that might not be necessary.

The reason the Métis are constantly denied recognition as a nation is that our people have been misunderstood for the past hundred years. We have lived under a regime that has suppressed, and often oppressed, us and that has curtailed our development of our communities and ourselves as a people. The Métis are a nation of Aboriginal people. We have a rich history that I'm proud of, and that most Métis people are now proud of. In the past, because of repression, some have tried to avoid being identified as Métis. That's going away now and people are coming forward. We have a language, we have a culture and we definitely have a political consciousness that has been expressed over time. Contrary to the beliefs of many people, being Métis is more than being of mixed blood: there is language, heritage and a way of life.

While Indian Nations and the Inuit have been here for a very long time, the Métis are a young nation. We have grown from the Indian Nations, particularly the Cree and the Ojibwa. Initially we were of "mixed blood," but since those beginnings, we have evolved and developed into a

specific nation of our own. It's not correct, and we object, when people say the Métis are mixed-blood people. Accordingly, if you don't fit under the *Indian Act* and you are of mixed blood, you are automatically Métis. We reject that notion outright. To be a Métis is something more. You have to belong to our historic nation. This definition causes problems for some people and agencies. I was speaking to somebody in government, where there are opportunities for Aboriginal people to get employment. A lot of people, he says, are coming forward claiming, "I have a grandmother who is one-eighth or one-sixteenth Indian, therefore I am Métis, so give me a job." We feel that's an abuse. Somehow we have to arrive at a clear understanding of the Métis and the Métis Nation.

The Métis have an historic homeland: the prairie provinces, north-western Ontario, northeastern British Columbia, parts of the Northwest Territories and parts of the northern United States. This homeland covers a specific geographic area and the notion of being Métis is specific to this area. The Métis notion of nationhood has not developed elsewhere, even though there are people of mixed ancestry in other parts of the Americas. Of course, it is their choice if they don't want to associate with an Indian First Nation and call themselves Métis. It is up to them to create their own sense of community. We can't tell them what to do or what not to do, but when we speak of the Métis Nation, the Métis homeland, we are very specific. Equally important is the fact that we live in co-existence with the Indian peoples.

The Métis are not a lawless people, and when we talk about justice this has roots in our past. We had the laws of the buffalo hunt and the laws of St. Laurent. The Métis had a way of life, they had a system to deal with each other and to interrelate. Early Métis laws were highly progressive. They contained elements of restitution and reparation. They didn't have much in the way of corporal punishment, and they didn't have such things as penitentiaries.

Métis social organization was communal and democratic. During the buffalo hunt, for example, they would get together and, for that specific purpose, would organize a provisional government with a president, captains and soldiers. In 1840 a massive hunt was recorded where there were 1,630 people using 1,210 Red River carts. A hunt of that size had to be highly organized and very disciplined. Everything had to be very precise. There were penalties if someone hunted before the signal was given. For a first offence, the person's bridle or saddle would be cut up. For a second offence, the offender's coat would be taken off his back and be cut up. For a third offence there would be a flogging, but it's rare that that would happen.

As a people, the Métis entered into treaties with other Indian Na-

tions. For example, there was a treaty with the Sioux after the Métis won a battle at Grand Coteau over the hunting of the buffalo. Our history lays the foundation for our drive for self-government, and our aspiration to be involved in the justice system today has a historical basis.

The Métis view themselves as a free people. This political consciousness has exhibited itself in such actions as the Battle at Seven Oaks in 1816 with the Selkirk Settlers and the Sayer Trial in 1849, where the Métis pushed for free trade in furs against the Hudson's Bay monopoly. Again in 1869 and 1870, when Canada was acquiring the West from the Hudson's Bay Company, the Métis formed a provisional government, participated in the negotiations and entered Confederation as the province of Manitoba. The 1885 war of resistance at Batoche was another expression of Métis nationalism and a cry against oppression.

Injustices arose because of our political and military expression of autonomy, and these injustices need to be addressed. Because the Métis split from the Canadian state in 1869-70, repression began in the Red River with an occupying force from Canada. That was followed by the formation of the North-West Mounted Police, which the Métis still view as an occupying force formed to control our people. We were dispossessed of land set aside for the Métis in Manitoba; the Métis in Manitoba are currently in court to try to address that situation. For the rest of the Métis outside of Manitoba, the *Dominion Lands Act*, and its amendment in 1879, spoke to the issue of land for the Métis; however, no action was taken until the first shots were fired at Duck Lake in March of 1885. Then the government said, "We better deal with these people." But all along in saying, "We will deal with the Métis," the government's real intention was to dispossess us of our land. They knew that by taking the scrip scheme of land disposition the Métis would lose their land rights. With the Métis out of the way, settlement could proceed. That's an injustice Canada has yet to address.

Coupled with this dispossession of land is what we call the outlawing of the Métis way of life. The government—particularly the federal government in 1981—has told us that whatever Aboriginal rights or title we had to land and resources have been extinguished because of the scrip distribution system. This system was a means of defrauding the Métis of their land and dispossessing them of their rights. Now our people cannot hunt, trap or fish for food to feed their families. We are charged and convicted for exercising our Aboriginal rights. In the late 1960s, the provincial government cut off employable Métis people throughout the province from social assistance. Particularly severely affected was the community of La Loche, where at least forty families were cut off welfare. Lots of them moved out of town onto the road allowance to live off the land. Even though it was illegal to hunt, they were forced to do so by government. Of course, no

charges were laid and there were no convictions because the government didn't want to fill the void by feeding families. Today, some families are still living there, even though in the 1980s their homes were converted to a game preserve.

What does all this mean today? The federal government takes the view that it has dealt with the Métis people in the scrip process, and it takes the view that it no longer has to deal with the Métis people. The federal government's position is that it has the jurisdiction and responsibility under the Constitution to deal with Indian and Inuit people but not with the Métis. Its view is that the Métis are under provincial jurisdiction. Of course the provinces (and we agree) say no, the federal government has the necessary jurisdiction and responsibility to deal with the Métis. So we're in a jurisdictional limbo that we have not been able to resolve. We almost resolved it with the Charlottetown Accord, but that opportunity slipped by and the problem remains.

Another problem arises from the 1983 letter from the then-Liberal government's Minister of Justice Jean Chretien. It states that whatever Aboriginal rights or title the Métis had have been extinguished because of the legal concept of the supremacy of Parliament: if Parliament passes an act, then your rights as an Aboriginal people are done away with—they're extinguished. This means, the Métis cannot access the comprehensive claims process, nor can we access the specific claims process, because it is only available for Indian bands and Indian people, nor can we access the Indian Claims Commission.

The Indian Claims Commission was set up after the Oka crisis to deal with claims that were rejected under the specific claims process. Because we cannot get into the specific claims process, we can't go to the Indian Claims Commission. This is very hard on our people, particularly with respect to the hearings on the Primrose Air Weapons Range on the Alberta/Saskatchewan border. A lot of our people in northwestern Saskatchewan were displaced from their traplines and cabins in the area that the Department of National Defence leased from the province for their air weapons bombing test range. Some compensation was given, that's true, but when the Indian Claims Commission had its hearings at Canoe Lake Reserve, our people could only look and wonder, "Why are we excluded once again?" It does not feel good to be on the outside looking in. The Indian Claims Commission is saying, "We would like to hear you but we can't because our mandate does not allow us to do so." At the moment, they're blocked from even hearing our case. I work for the Métis Society and there's really not much we can do other than try to exert political pressure on the federal government to make its system more just and inclusive.

Can we learn anything from our history, and can we learn from cur-

rent national and international developments? Most of you are aware of the 1990 Oka crisis. Because of that the federal government is willing to negotiate with the Mohawk peoples of Kanesatake under specific claims or under their new policy. This is despite the fact that in that same policy they state that they do not have a legal obligation to negotiate because the Supreme Court of Canada has said the Mohawks don't have a legal right to the land they're claiming. The government is now saying this is unfair to the Mohawks, therefore, we will negotiate with them. So that's good. It's good for the Mohawk people that the government is doing that. This week we've witnessed a historic breakthrough between the State of Israel and the PLO. They're entering into a dialogue that may lead to a Palestinian state co-existing with the State of Israel. Then there are the democratic developments in South Africa, from the release of Nelson Mandela to the current potential of constitutional change that will lead to black majority rule.

These are three instances where people didn't go to the table smiling. These are instances where a lot of grief took place. What does that mean for us? Does it mean anything? Do our people have to resort to such desperate actions or can understandings develop from conferences such as this to point out the right path to take in terms of achieving our goals? Is this the right path to take to self-determination and to acquiring a Métis land base to take up our rightful place within Canada and the international community of nations?