



GABRIEL DUMONT INSTITUTE OF NATIVE STUDIES AND APPLIED RESEARCH

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Executive Summary Report of the Metis Society of Saskatchewan (MSS), Metis Commission on the Canadian Constitution, December, 1991

(This Executive Summary was prepared by Albert Robillard of the Gabriel Dumont Institute for the Institute's 12th Annual Cultural Conference workshops. The full text of the 77-page Report has been made available by the MSS, and a limited number of copies will be available at the Conference.)

The Commission was appointed and given its terms of reference in June, 1991, by the Provincial Metis Council.

The Commission members appointed were Clem Chartier, Chairman, and Leonard Pambrun of Duck Lake, and Lorna LaPlante of Saskatoon.

The terms of reference of the Commission included the following:

- (1) to prepare and distribute information to the Metis Locals on the objectives of the Commission along with relevant discussion papers; also to brief the membership on Canadian Constitutional documents and the unity debate, such as the work of the Spicer Commission.
- (2) to hold hearings in the MSS Regions and to solicit views of the Metis with respect to the Metis Nation, Metis Rights, Canada's Constitution, current and future models of Metis self-government at the local, provincial, and national levels, and the Metis Nation's place within Canada. The Commission was also mandated to solicit views on issues of importance to Metis women, and to receive written briefs and other forms of communication from the Metis people within Saskatchewan.
- (3) to present an interim report to the MSS in 1991, and to present a final report by mid-February, 1992.

The body of the report provides an analysis of the Metis in Saskatchewan today under the headings:

- A. Current Conditions
- B. Metis Run Programs and Institutions
- C. What the Metis in Saskatchewan Told Us
- D. What is Required Based on What We Heard?

Recommendations of the Commission based on the hearings are given below (p. 63-66):

RECOMMENDATIONS BASED ON THE COMMISSION HEARINGS

A. Recommendations requiring constitutional amendment.

1. LAND

Recognition of the Metis right to land and resources.

2. SELF-GOVERNMENT

Recognition of the inherent right of Metis self-government, both on and off a landbase.

3. MEMBERSHIP

The Metis Nation's right to determine its own citizens.

4. JURISDICTION

Clarification that the Metis fall within federal jurisdiction and that the federal government will exercise its fiduciary responsibility for all Aboriginal peoples, including the Metis.

5. TRADITIONAL RESOURCE USE RIGHTS

Recognition of the Metis right to hunt, trap, fish and gather, with corresponding power to regulate those rights.

6. WOMEN AND CHILDREN

That the rights of the Metis be clearly guaranteed and enjoyed equally by Metis women and children.

7. CULTURE AND LANGUAGE

The right of the Metis to exercise our traditional heritage, including the use of our languages and the practice of all forms of our culture.

8. EDUCATION

The right of the Metis to full educational benefits, without discrimination towards the Metis (as opposed to Indian or Inuit).

9. REPRESENTATION IN FEDERAL AND PROVINCIAL INSTITUTIONS

Coupled with the right of self-government, the Metis must fully participate in the institutions of the other two orders of government so as not to become isolated and marginalized.

10. FIRST MINISTERS' CONFERENCES

The Constitution must guarantee a permanent place at the constitutional table for the Metis, along with First Ministers Conferences(FMC) where the agenda item may have an impact on the rights of the Aboriginal peoples.

11. AMENDING THE CONSTITUTION

a) That no amendments can proceed from agreements at FMCs until the proposed amendments have been ratified by the Annual Assemblies of the member organizations of the Metis National Council.

b) That no one Aboriginal people have the de facto right to veto constitutional amendments which are agreed to by other Aboriginal people. (However, such amendments would not refer to all Aboriginal peoples, but would be specific to the Aboriginal people or peoples which desire such an amendment or amendments).

12. AMENDING FORMULA

That Metis rights be entrenched through the existing formula (requiring the approval of the federal government and seven provinces which make up over 50% of the Canadian population). However, failing that, section 43 remains an option, as it only requires one or more provinces and the federal government where the amendment does not affect all provinces. In this case the Metis Nation could make changes by province, or by the preferred approach which would involve all the provinces and Northwest Territories, which now cover the Metis homeland.

13. UNFINISHED BUSINESS

- a) That an entrenched constitutional process must continue to address the unfinished business contained in the 1983 constitutional accord, along with other agenda items which may be identified. (See Appendix 7)
- b) This unfinished business must include international issues which were formerly side-tracked to a separate process and which never came to life.

B. Recommendations not requiring constitutional amendment.

I. EXTERNAL CHANGES REQUIRED.

1. Enumeration

That a comprehensive census of the Metis be undertaken through a joint effort of the Metis National Council and the federal government.

2. Programs and services

As an interim measure on the road to the exercise of self-government, Metis people should be eligible for programs and services available to the other Aboriginal peoples.

3. Traditional resource use

Governments should encourage and support the Metis people's traditional livelihoods, including harvesting resources for domestic use and subsidies for commercial purposes.

4. Organizational capacity

As currently constituted, the Metis Society is severely restricted in its capacity to grow, due to the narrowness of the Non-Profit Corporations Act under which the Society is registered. In order to enjoy a greater degree of flexibility and recognition, as an interim measure, specific legislation providing the legal basis for the Metis Society of Saskatchewan should be enacted.

II. INTERNAL DEVELOPMENTS REQUIRED

1. Self-determination

- a) That the Metis within Saskatchewan continue rebuilding their place within the Metis Nation by strengthening their Metis-only organizational capacity, upon the principle that only the Metis can represent themselves and with the objective of establishing a democratic political Metis government structure which will promote Metis rights at the provincial level, while respecting the autonomy of the Metis at the community and regional levels. This could include the establishment of a Metis legislative assembly - as currently being advocated by some members of the Metis Society. Such a body could be provided for on an interim basis by specific legislation, rather than remaining under the Non-Profit Corporations Act.

- b) That the Metis within Saskatchewan continue building its self-government institutions, by strengthening existing affiliates, establishing new ones, and by making such institutions accountable to the Metis within Saskatchewan through their sole representative organization, the Metis Society of Saskatchewan.
- c) That the Metis Society of Saskatchewan and the Metis National Council conduct more political and community awareness programs at the community level, particularly with respect to issues related to the Canadian Constitution.

2. Metis Nation

- a) That the national organization of the Metis Nation be restructured.
- b) That a democratically elected national leader, serving on a full time basis be an immediate objective of the Metis National Council. As an interim measure, this election could be achieved through a special assembly composed of the regular MNC Assembly delegates, and the Local Presidents of the member organizations. Eventually, the national leader could be elected by the ballot box system of one person - one vote.
- c) That the restructuring eventually establish a Metis Parliament that would meet several times a year.

3. Metis Elders

There must be a prominent and meaningful role for the Metis Elders within the Metis Nation, and its various institutions.

4. Metis women and youth

- a) That Metis women and youth must be enabled and encouraged to play a larger role within the Metis political organizations, at both the provincial and national levels. This includes supporting and assisting the Metis women with their organizing efforts, and through the creation of a Metis youth council.
- b) That a Metis youth development fund be established.

5. Programs and services

That real efforts be made by the Metis Society and its Affiliates to decentralize its programs and services.

6. Affirmative action

As an interim measure on the road to self-government, that affirmative action be pursued as a means to secure training, education and employment in both the private and public sectors.

