

## What laws recognize the collective rights of the Métis?

### WHAT'S IN THIS SECTION

This section describes the history of Métis rights in Canada. It presents:

- An annotated timeline of events and legislation affecting Métis rights.
- An interview with a Métis leader, presenting a Métis perspective on this people's collective rights.

### What are you looking for?

The Métis are one of Canada's Aboriginal peoples under section 35 of Canada's constitution. Unlike First Nations, the Métis do not have any historic treaties with Canada's government.

As an Aboriginal people of Canada, the Métis consider rights to land, and rights to use the land in traditional ways, as **inherent rights** — rights they have because they are First Peoples. The coming section presents a timeline of events related to the recognition of these rights for the Métis in Canada.

In Canada today, the Métis are represented by several organizations. This chapter presents the perspectives of two organizations in Alberta: the Métis Nation of Alberta and the Métis Settlements General Council. It also presents other views and perspectives related to the events in the timeline — in particular, the views of Canada's government.

As you investigate the timeline, look for:

- Examples of views and perspectives that had an impact on the recognition of Métis rights over time.
- Ways the Métis have used section 35 of the constitution in exercising their rights over time.

### 1869–1870

The Métis-led Red River Resistance resulted in the Manitoba Act, passed by Canada's parliament. The act established Manitoba as a bilingual province, with education rights for Catholics and Protestants, and Métis land rights. The act specified the Métis would receive more than 500 000 hectares of land in addition to the farms they had established along the Red River.

**scrip:** in Métis history, a document that could be exchanged for land and that was offered to the Métis at the time the Numbered Treaties were negotiated



This photo shows the provisional government established by the Métis at the Red River Settlement in 1869, with Louis Riel as its president. As a Métis and a Francophone with Catholic roots, Riel championed the cause of both Métis and Francophone rights in what became western Canada. The creation of the provisional government reflected the perspective of Francophones and the Métis in Red River: that Canada's government needed to negotiate with them about their entry into Canada. Until the Red River Resistance, Canada's government held the view that negotiations were not necessary.

### 1875–1879

Canada's government issued **scrip** to the Métis, instead of establishing Métis lands in Manitoba. In some cases, it offered the Métis a choice: to accept scrip or to become "Treaty Indians" under a Numbered Treaty. In the view of Canada's government, the Métis did not have the same rights to land as First Nations — and did not require reserves. The Métis perspective was — and is — that the Métis have rights to land as an Aboriginal people.



This photo shows land scrip issued to Baptiste Forcier, June 23, 1894.

Scrip could be exchanged for land, but the Métis found it difficult to use scrip to establish a large tract of land where they could live together. Many Métis sold their scrip and left Manitoba. They moved west, into what would become Saskatchewan and Alberta.

## 1885



The Northwest Resistance sought to protect Métis lands in what is today Saskatchewan, as the railway and settlers moved into western Canada. Canadians had — and have — different interpretations of this event in Canadian history. For many Métis, it was a way to assert their rights, like the Red River Resistance. For others — including Canada’s government at the time — it was an attempt to overthrow Canada’s authority.

Louis Riel led the Northwest Resistance, which ended in a military conflict between the Métis and Canada’s government. The Métis had

sent petitions to Canada’s government about their land rights, but the government did not respond.

Historians continue to analyze why Canada’s government did not respond: did the government neglect, or did it dismiss, the petitions?

Louis Riel was tried and hung for treason in Regina on November 16, 1885. At the time, Canada’s government, and many Anglophones, agreed with Riel’s sentence. Most Francophones opposed it, and saw it as a betrayal of the Francophone-Anglophone agreement at the foundation of Confederation. Today, many Canadians — including Francophones, Anglophones and the Métis — consider Louis Riel a “Father of Confederation” who upheld the rights of Aboriginal peoples and Francophones in western Canada.



These graves at Batoche mark where most of the fighting occurred in 1885. The graves represent values and attitudes in history: the people who died here — both Métis and government soldiers — felt so strongly about their different positions on the issue of Métis rights that they gave their lives.

## 1896–1910

Métis settlers established farms at St. Paul des Métis — near what is today St. Paul, Alberta — on land provided by the Catholic Church. The Métis did not have title to this land, however, and had to leave when the settlement was closed.



**CRITICAL THINKING CHALLENGE** How does understanding the complexity of views and perspectives about Louis Riel connect to citizenship in Canada today?

**1938**

*L'Association des Métis de l'Alberta et des Territoires du Nord-Ouest* lobbied Alberta's government to set aside land for the Métis. Alberta's government passed the Métis Population Betterment Act in 1938, which established twelve temporary Métis settlements. This was the first time in Canada's history that a government had provided the Métis with land.

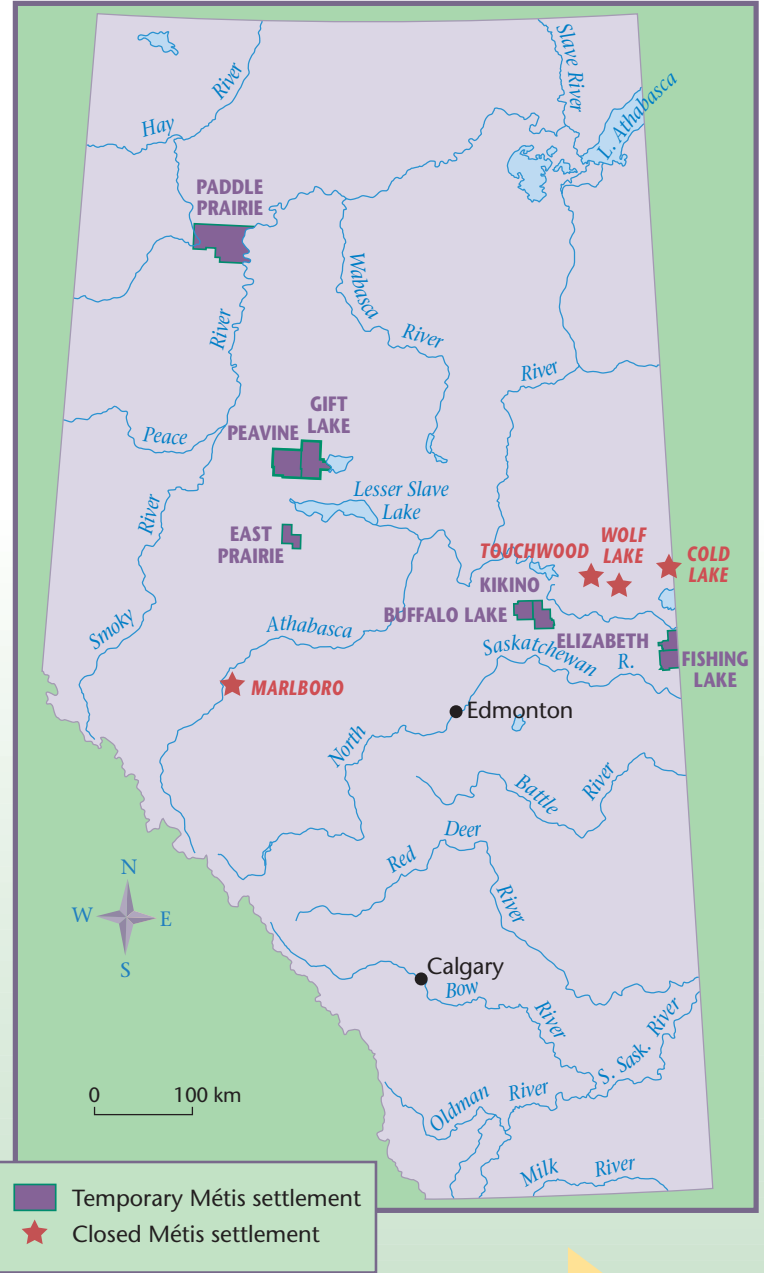
**1940–1960**

The temporary settlements did not give the Métis control of the land. When four of the settlements proved unsuitable for farming, hunting or fishing, the settlements were closed and the land went back to the government of Alberta.



James Brady, Malcolm Norris, Felix Calihoo, Peter Tomkins and Joseph Dion founded *L'Association des Métis de l'Alberta* (now the Métis Nation of Alberta) in 1932, during the Great Depression. The association took action to improve the lives of the Métis, because many Métis were hit hard by the Depression. It lobbied for Métis settlements, but not everyone agreed on the role land should play in the Métis' future. James Brady, for example, saw the settlements as something temporary that the Métis would not always need.

**Métis Settlements in Alberta, 1938–1960**



**How does the information on this page demonstrate that the Métis have diverse perspectives? What other examples of differences in views and perspectives can you find in this section?**

**1982**

The Métis lobbied for recognition of Métis rights in Canada’s constitution. When the constitution was patriated, it included section 35, which recognizes the Métis as one of Canada’s Aboriginal peoples with rights.

Harry Daniels (standing, centre) worked to ensure that Canada’s constitution recognized Métis rights. This photo shows him during constitutional negotiations in February 1981. He is listening as Peter Ittinuar (right), MP for the eastern Arctic, makes a point to Jean Chrétien, then Canada’s justice minister.



Elmer Ghostkeeper, president of the Federation of Métis Settlements of Alberta from 1980 to 1984, describes a meeting with Alberta’s premier Peter Lougheed on November 20, 1981. At the meeting, Ghostkeeper and Lougheed crafted the wording that established Métis rights in Canada’s constitution.



**Section 35**

**Constitution Act, 1982**

The existing Aboriginal and Treaty rights of the Aboriginal peoples of Canada are recognized and affirmed. Aboriginal peoples include the Indian, Inuit, and Métis peoples of Canada.



**How do these events reflect the Métis struggle to gain collective rights? How do they reflect changes in the view of Canada’s government regarding Métis collective rights?**

## 1990

Alberta's government enacted legislation under which the Métis received the Métis settlements as a permanent land base with the right to manage their own affairs. The legislation included:

- Constitution of Alberta Amendment Act.
- Métis Settlements Accord Implementation Act.
- Métis Settlements Act.
- Métis Settlements Land Protection Act.

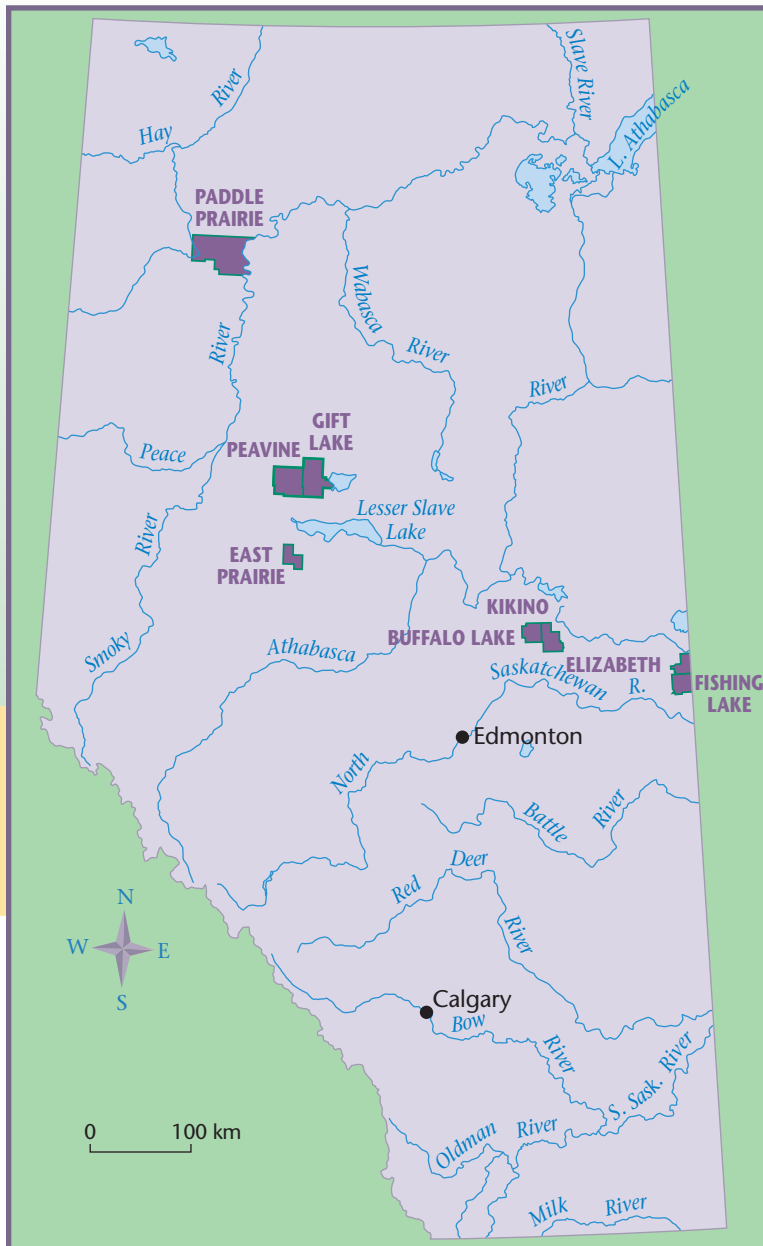
In addition, an agreement with Alberta's government established the right of the Métis to participate in the development of oil and gas resources on settlement lands.



How does the recognition of the right to land affirm the collective identity of the Métis?

**autonomy:** authority to make decisions

## Métis Settlements in Alberta, 2007



The creation of permanent, self-governing settlements for the Métis came from negotiations between the Métis of the settlements and the government of Alberta. In 1982, a joint government-Métis committee was struck. In 1984, it called for new legislation to give the Métis Settlements more **autonomy**.

In 1990, we finally had a place we could call home.

Susan Cardinal Lamouche is the elected secretary of the Métis Settlements General Council in Alberta.



The Métis Settlements General Council (MSGC) holds the collective rights of the Métis to the settlement lands. Taken together, the settlements cover more than 200 000 hectares, an area roughly the size of P.E.I. This makes the MSGC the single largest landholder in Alberta.



Steve Powley, a Métis from Ontario, was charged with hunting without a licence in 1993. He fought the charge for ten years, based on his rights as an Aboriginal person under Canada's constitution. He eventually won in a Supreme Court decision.

### 2003

The Supreme Court ruled that the Métis have the right to hunt and fish, as one of Canada's Aboriginal peoples under the constitution. These rights recognize the unique relationship to the land of the Métis, based in history and their inherent rights as an Aboriginal people.

### 2004

In two separate negotiations, the Métis Settlements General Council and the Métis Nation of Alberta struck agreements with Alberta's government recognizing Métis hunting and fishing rights. The agreements ensured that the Métis could hunt and fish for food, and that they did not need licences. In 2007, the Alberta government put rules in place that restricted these rights without agreement from the Métis organizations. Albertans have different views and perspectives about Métis harvesting rights. Some endorse the rights and see them as part of the Métis' heritage as an Aboriginal people. Others believe everyone in Alberta should have the same rights to hunt and fish, under laws and licencing regulations set by the provincial government.



**CRITICAL THINKING CHALLENGE** What view of Métis collective rights does the Alberta government's 2007 decision about harvesting rights reflect?

Winnipeg today stands on land the Métis would have claimed under the guarantees of the Manitoba Act.

### 2006

In April, the Métis in Manitoba launched a court case seeking compensation for land promised, but not delivered, in the Manitoba Act.



## connect to the big ideas

1. Based on information in this section, what would you say is the most important legislation that recognizes Métis collective rights in Canada? Why?
2. Consider an example from today of diverse perspectives and views on Métis collective rights. Describe some factors, based on the history in this section, that might explain the different views and perspectives.